



Guidelines for the Implementation Of Free, Prior, and Informed Consent (FPIC)

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Tribal and Indigenous Partnerships Enhancement Strategy (TIPES)

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Finally, and above all, we'd like to thank Indigenous communities globally who have advocated and educated on Free, Prior, and Informed Consent for decades, and whose environmental stewardship protects our earth and provides the hope that drives our work.

Introduction

In pursuit of our mission to save wildlife and ourselves, the National Wildlife Federation (NWF) formally adopted a [Tribal and Indigenous Partnerships Enhancement Strategy](#) in late 2022, to significantly strengthen relationships with individual Tribes, Indigenous communities, and regional and national Indigenous-led organizations across North America. In June 2024, the NWF [passed a resolution](#) to adopt and implement Free, Prior and Informed Consent (FPIC) practices in order to pursue a collaborative management approach to conservation.

These NWF FPIC Guidelines offer best practices, safeguards, and related considerations to protect sovereignty and self-determination for Native and Indigenous Communities (NIC's). NWF staff, board, and affiliates should consult the following guidelines to clarify the requirements of culturally appropriate engagement processes.

How and When to Consult These Guidelines

These guidelines are meant to instruct and inform staff, board members, and affiliates along their individual learning journeys for opportunities to reduce harm to Indigenous communities and form new and authentic relationships with Tribes and native groups. When you encounter these guidelines, three actions are expected:

1. **Conduct an audit of existing Tribal partnerships and engagement** to ensure self-determination is protected and respected in these relationships. If the Federation can take or influence action to ensure additional levels of respect and protection, we expect you to do so.

2. **Utilize these principles in new partnerships and projects** formed with Indigenous partners to the best of your ability.
3. For new and existing partnerships, **submit your FPIC [Engagement Plan](#)** to the FPIC Manager.

Not all Tribal and Indigenous people are the same, and engagement with different groups should not be uniform. The tactical steps outlined will vary across programs, policy advocacy, education, land stewardship, and departments. The TIPES implementation team and FPIC coordinators are available to address specific questions or concerns.

These Guidelines aim to follow current international law standards and FPIC guidance from NICs. Introducing FPIC practices into an 86-year-old conservation organization historically led by white environmentalists is ambitious. As we embrace change and continuous improvement, this document, along with the legal and principled concepts guiding FPIC, will evolve to meet the needs of its audience.

Grounding in Jemez Principles for Democratic Organizing

NWF is committed to obtaining free, prior, and informed consent (FPIC) from affected rights holders, whether or not they have a vested interest in partnering on conservation priorities. This commitment includes fostering just relationships and self-transformation, aligned with the [Jemez Principles](#) for Democratic Organizing and the 17 Principles of Environmental Justice. The following activities support effective engagement:

<p>Build Long-Term Relationships</p> <p>FPIC requires building just, mutually beneficial relationships through long-term engagement, honesty, integrity, and trust. Respect the rights holders' protocols and values.</p>	<p>Build Agreement on the Scope</p> <p>Flexibility in benchmarks and timelines is key. Start with a smaller scope and expand as research and dialogue progress, demonstrating good faith engagement.</p>	<p>Be Aware of Power Imbalances</p> <p>Acknowledge power and resource disparities between NWF and rights holders. Support capacity-building for rights holders, who are experts in their environment, culture, and institutions.</p>
<p>Design for a Continuous and Flexible Process</p> <p>FPIC is ongoing and iterative, not a one-time decision. Continuous engagement, flexibility, and capacity-building are essential. Integrate dialogue on impact mitigation.</p>	<p>Verify & Document the Process</p> <p>Consult the NWF FPIC Team to ensure FPIC principles are applied in your programs and policies. Documenting the FPIC process ensures effective implementation.</p>	<p>Strive for Mutual Agreement Across All Parties</p> <p>FPIC processes are developed with rights holders, often involving multiple groups. The process should be adaptable to specific cultural contexts and circumstances.</p>

Fundamentals of FPIC

What is FPIC?

The elements of FPIC are:

Free

'Free' refers to consent that is given free of coercion, manipulation, or externally imposed timelines. NWF should express its commitment to obtain consent before undertaking any program activity, as well as the rights holders' ability to grant, withhold or withdraw consent.

Prior

Prior means that a decision is sought at the initial stages of program planning, well before program activities have begun. Time is provided for the rights holder to understand, access, and analyze information on proposed management activities before any decisions are taken. In some regions, the use of the lands, territories, and resources may be in dispute, making this difficult to achieve in practice. In these cases, NWF should endeavor to design and implement an engagement process that enables the affected rights holder to protect their rights.

Informed

Informed means that affected rights holders have been given access to all relevant information about proposed program activities, in a format that can be shared widely among members of the affected group, and through a legitimate institution. Information provided by NWF to the affected rights holder may include:

- 1) information about NWF FPIC Guidelines;
- 2) a description of proposed program activities;
- 3) potential positive and negative social, economic, cultural, environmental, and human rights impacts of program activities; and
- 4) an indication of NWF's understanding of upholding the collectively held right to grant, modify, withhold, or withdraw consent affected by program activities.

Staff and Affiliates should ensure information is delivered in an accessible way, taking consideration of rights holders' primary language and methods of communication. As new information on a potential program activity arises, it should be shared promptly.

Consent

Consent refers to an authoritative and legitimate collective decision made by the affected rights holder, using its own customary decision-making processes.¹ Consent is not permanent and requires ongoing monitoring, especially with new information or changing conditions.

¹ The Nature Conservancy, Human Rights Guide, "Free, Prior & Informed Consent":
<https://www.tnchumanrightsguide.org/module-2-free-prior-informed-consent/>

Free, prior, and informed consent means the rights holder understands they can apply conditions. Practicing FPIC requires NWF to respect affected rights holders' ability to withhold consent at any time, and welcomes further conversation in the case of a dispute.

Consent can be given or withdrawn in phases, allowing for activity-specific withdrawal. If consent is withdrawn, parties should address issues together. Early discussions should establish a process for disputes and withdrawal procedures.

Why Does NWF Embrace FPIC?

All Peoples have the right to self-determination. This is a fundamental principle in international law. FPIC is a legal standard that protects Indigenous Peoples' right to self-determination, or their ability to self-govern, live on their lands, and maintain their culture.²

NWF embraces FPIC because this standard aligns with our mission to ensure "safe, equitable access to clean water, air, and land to ensure that all wildlife, people, and ecosystems thrive," as well as our commitment to "expanding our impact, built through authentic relationships with existing Affiliates and with partners and communities that have been traditionally excluded."³

Moreover, NWF embraces the belief that engaging Tribal and Indigenous partners in conservation is critical to creating sustainable, positive outcomes for people and for ecosystems. The Tribal and Indigenous Partnerships Enhancement Strategy (TIPES), adopted by NWF in 2023, emphasizes FPIC as a critical component of building mutually beneficial relationships with Tribal partners.⁴ In addition, in this critical time of climate crisis we all have to come together as one people under a Creator to protect and preserve a way of life to ensure and afford our future generations the same opportunity.

Key Elements for Implementing FPIC

These guidelines aim to implement FPIC when NWF and Affiliate activities intersect with affected rights holders or impacted communities. An affected rights holder is any group whose right to self-determination may be impacted by our activities. When NIC's right to self-determination is affected by an external entity, NWF should advocate for FPIC.

FPIC is practiced when NWF ensures affected rights holders consent to an action before it begins, with full understanding of its implications. This includes the right to grant, modify, withhold, or withdraw consent, guided by four key elements:

² FAO 2016. Free Prior and Informed Consent Manual Guidelines. Pg. 12. Available at: <http://www.fao.org/3/a-i6190e.pdf>

³ NWF, "Our Mission": <https://www.nwf.org/About-Us/Our-Mission>

⁴ NWF, "Tribal and Indigenous Partnership Enhancement Strategy": <https://www.nwf.org/en/Our-Work/People/TIPES>

Good Faith and Negotiations

Good faith involves genuine efforts to reach agreements, conduct constructive negotiations, avoid delays, respect agreements, and allow time to resolve disputes. FPIC starts with good faith and informed engagement, respecting human rights and ensuring meaningful participation in decision-making, access control to lands and resources, and equity and justice.

Iterative Proposals and Decision-making

Iterative Proposals and Decision-making: FPIC supports continuous proposal development with Indigenous partners' participation. It allows for changes, minimizing disruption, and ensures the right to grant, withhold, or withdraw consent at any stage. Withdrawals should follow culturally appropriate dispute resolution processes. The iterative process promotes ongoing dialogue, evaluation, and participatory monitoring.



Identifying Rights Holders

In order to practice FPIC, it is critical to identify which communities are impacted by proposed activities. NWF follows the United Nations' criteria for identifying Indigenous Peoples, which include self-identification, historical continuity, strong territorial ties, distinct systems, language, culture, and the desire to maintain their ancestral environments. It is encouraged to be inclusive when determining affected communities, to ensure we are operating with respect.

Assessing Impact

Once affected communities are identified, all parties can assess potential positive and negative impacts of proposed activities. Staff and affiliates are encouraged to conduct their own research as well as listen closely to Indigenous partners in this process. Co-developing impact indicators is helpful in monitoring progress. Consider how you will measure cultural impact and impact to both living and non-living relatives during this process.

Timeline Credit: Conservation International

FPIC Process

Below is a series of steps for implementing FPIC. Please note that these steps are not exhaustive and all NWF staff and affiliates are encouraged to listen and respond as needs arise amongst potential Indigenous partners.

Phase 1: Laying the Groundwork

Build internal capacity for FPIC process

- Ensure FPIC has been factored into budgeting and timeline for project scope
- Ensure familiarity with [TIPES Report](#) and internal NWF resources to support FPIC process, including this background learning from the [Indigenous ERG](#)
- Ensure team is aligned on importance of FPIC and committed to seeing the process through

Key Considerations:

- All team members must be aligned in the guiding principles of FPIC and hold a shared commitment to see the process through.
- Building internal capacity also takes time and work. With that said, investing in this step will set your team up for success for the remainder of the FPIC process.
- Recognize that as we engage Indigenous partners, NIC's will have their own timelines and priorities, and the FPIC process will necessarily require flexibility, humility, and openness.

Identify Impacted NIC's & their representatives

- Gather information on NIC's with ancestral or current ties to project land, ecosystem, or topic
- Understand legal and **customary rights** through individual research as well as consultation with community representatives
- Identify and respect each community's specific cultural decision-making model

Key Considerations:

- If NIC partners have not yet been involved, NWF Staff and Affiliates should reach out to communities to identify impacted groups collaboratively. NIC partners can guide who should be included in the next steps, but it's important to conduct baseline research first to avoid placing the burden of basic education on the communities.

- When gathering information on affected NICs, use diverse sources. Visit local tribe websites, review recent news, and consult academic research, government documents, blogs, video essays, and news articles.
- It can be challenging to identify who is authorized to speak for a community. Each NIC has its own governance and representation structures. Common contacts include Tribal chairpersons, presidents, elected representatives, and elders or spiritual leaders. More information may be available on the NIC partner's website. If you need guidance, seek input from the TIPES Team.
- When consulting community representatives, consider appropriate compensation for their time and knowledge. Indigenous peoples are often solicited for information, which requires time, emotional, and intellectual effort. Compensation should be part of the project budget and communicated upfront.

Phase 2: Assess Impact and Establish Process

Collaborate with affected community to assess impact and determine process for arriving at decision

- Work jointly with community to understand potential impact to their lands, livelihoods, and cultural wellbeing
- Establish timeline, budget, necessary parties, dispute resolution process, and any other necessary terms
- In partnership with community representatives, complete [Engagement Plan template](#)
- Submit completed plan to FPIC Team

Key Considerations:

- It is critical to give this process ample time. The Engagement Plan template is meant to spark conversations with potential partners and ensure all actions are taken in a culturally-responsive manner. Staff and Affiliates are encouraged to factor this time into project planning.
- While assessing potential impacts and benefits to an affected community, it's important to incorporate **Indigenous Knowledge (IK)**, or knowledge held by the community on culturally significant lands, practices, ecological patterns, and more. One way to listen for traditional knowledge during this phase is through **participatory mapping**. You can learn more about participatory mapping through the [FAO eLearning Academy](#).

Phase 3: Implementation & Monitoring

Negotiate and arrive at community decision

- Listen, engage, and adapt based on community's requests
- Identify and document community's determination about proposed project utilizing the agreed upon method of ascertaining consent in the Engagement Plan
- Respect community's decision and adjust accordingly
- Share outcome with FPIC Team

Key Considerations:

- If the community's decision is "no," regardless of the impact this has on programming or departmental actions, NWF Staff and Affiliates should document this, and respect this outcome.
- Relationship building takes time. Regardless of the outcome of the negotiation process, we encourage NWF to approach NIC's with the mindset of ongoing relationship.
- If an NIC does not grant consent, recognize that each NIC has its own priorities, and that they may not align with ours at the time. If the NIC is open to further conversation, this may be an opportunity to more deeply understand the NIC's priorities and how we can support them long-term.
- If your department or organization opposes a project that is being endorsed by a tribe, or vice versa, these guidelines recommend changing your position to support the goals and interests of the tribe, per the FPIC Resolution.
- There may be cases where multiple NIC's are involved in the FPIC process and there is disagreement between NIC's. These guidelines recommend addressing this possibility early on in the Engagement Plan, and involve NIC partners in establishing a dispute resolution process. In this case, approach with curiosity and try to understand the various interests and concerns at play. If there is still no resolution after this process, please reach out to the FPIC team for support.

Monitor alignment with FPIC Agreement and adapt as necessary

- Share relevant new information with community partner as soon as it becomes available
- If issues arise, utilize FPIC team as a resource for support

Phase 4: Learn & Improve

Summarize and share

- Reflect and summarize learnings from FPIC process
- Identify actions that contributed towards protecting affected communities' self-determination, or those that need improvement
- Share learnings back with TIPES team and identify opportunities for broader learning throughout the organization

Glossary of Terms

You can find additional guidance on culturally appropriate language and necessary background learning from this document drafted by [NWF's Indigenous Employee Resource Group](#).

Affected rights holder: Persons and groups, including Indigenous Peoples, traditional peoples and local communities with legal or customary rights whose free, prior, and informed consent is required to determine programmatic decisions.

Culturally appropriate: Means/approaches for outreach to target groups that are in harmony with the customs, values, sensitivities, and ways of life of the target audience.

Customary rights: Rights which result from a long series of habitual or customary actions, constantly repeated, which have, by such repetition and by uninterrupted acquiescence, acquired the force of a law within a geographical or sociological unit.

Dispute: This is an expression of dissatisfaction by any person or organization presented as a complaint to NWF, relating to its activities or its conformity with the Guidelines, where a response is expected.

Engagement Plan: A bond between NWF and an affected rights holder that affirms a mutually agreed approach for negotiating the terms and conditions of an FPIC Agreement.

Free, Prior and Informed Consent (FPIC):

A framework and a legal condition for ensuring that the rights of Indigenous peoples are guaranteed in any decision that may affect their lands, territories or livelihoods. Composed of four separate and interrelated components:

Free: Without coercion, intimidation, manipulation, threat or bribery.

Prior: Indicates that consent has been sought sufficiently in advance, before any project activities have been authorized or commenced, and that the time requirements of the Indigenous community's consultation/consensus processes have been respected.

Informed: Information is provided in a language and form that are easily understood by the community, covering the nature, scope, purpose, duration and locality of the project or activity as well as information about areas that will be affected; economic, social, cultural and environmental impacts, all involved actors, and the procedures that the project or activity may entail.

Consent: The right of Indigenous peoples to give or withhold their consent to any decision that will impact their lands, territories, resources, and livelihoods.

Free, prior and informed consent includes the right to grant, modify, withhold or withdraw approval.

FPIC Agreement: A bond between NWF and an affected rights holder that affirms a consent decision was reached based on all the necessary and accessible information on the potential impacts of management activities. The bond between the parties is documented in a culturally appropriate manner and is the result of a free, non-coercive dialogue between the parties prior to any program activity taking place that may affect the rights holder.

Good faith: A process of engagement where the parties make reasonable efforts to reach an agreement, conduct genuine and constructive negotiations, avoid delays in negotiations, respect agreements concluded and under development, and give sufficient time to discuss and settle disputes

Indigenous Knowledge: Indigenous Knowledge – also referred to as Traditional Knowledge or Traditional Ecological Knowledge – is a body of observations, oral and written knowledge, innovations, practices, and beliefs that promote sustainability and the responsible stewardship of cultural and natural resources through relationships between humans and their landscapes.⁵

Indigenous Peoples: People and groups of people that can be identified or characterized as follows:

- The key characteristic or criterion is self-identification as Indigenous Peoples at the individual level and acceptance by the community as their member;
- Historical continuity with pre-colonial and/or pre-settler societies;
- Strong link to territories and surrounding natural resources;
- Distinct social, economic or political systems;
- Distinct language, culture and beliefs;
- Form non-dominant groups of society;
- Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.

Program Activities: Any or all operations, processes or procedures associated with NWF in execution of its mission, including but not limited to:

- Policy Advocacy
- Species Protection
- Educational Programs
- Communications & Media
- Development
- Land Management, Acquisition, and Stewardship
- Partnership Development

⁵ Office of Science and Technology, Memorandum on Indigenous Knowledge, 2022

Sources and Further Learning

- Conservation International: [“Free, Prior and Informed Consent in Context.”](#)
- FSC International: [“FSC Guidelines for the Implementation of the Right to Free, Prior and Informed Consent \(FPIC\).”](#)
- SIRGE Coalition: [“Securing Indigenous People’s Right to Self-Determination: A Guide on Free, Prior, and Informed Consent.”](#)
- The Nature Conservancy (TNC) Human Rights Guide: [“Free, Prior & Informed Consent.”](#)
- NWF’s Indigenous ERG: [ERG Email Resources](#)