

FSC® US FSS EXPLAINERS SERIES – FPIC EXPLAINED



Free, Prior, and Informed Consent (FPIC) in the FSC Framework

FPIC stands for Free, Prior, and Informed Consent, and it is defined in the FSC framework as: a legal condition whereby a person or community can be said to have given consent to an action prior to its commencement, based upon a clear appreciation and understanding of the facts, implications and future consequences of that action, and the possession of all relevant facts at the time when consent is given. It includes the right to grant, modify, withhold or withdraw approval. FSC considers FPIC as a right, a principle, and a process to be applied in relationship-building between Indigenous Peoples and others who also have interests regarding land and resources for which those Indigenous Peoples hold rights.

When is FPIC required?

FPIC is required when the FSC-certified organization's management activities potentially overlap with or affect Indigenous People's legal rights or customary rights, including rights of tenure and rights of access to resources and ecosystem services, both within and external to Native American lands and territories. FPIC is also required if traditional peoples hold legal or customary rights, though there are currently no known traditional peoples in the U.S. to whom this would apply. Criteria 3.2, 3.3 and 3.6 in the revised Forest Stewardship Standard (FSS) address FPIC requirements for Indigenous Peoples, and Criteria 4.2 and 4.8 address FPIC requirements for traditional peoples. See also Figure 1 (from Annex F) below, with a decision tree for when FPIC is required.

Annex F in the revised Standard includes a comprehensive, step-by-step guide to determining if and when FPIC is required and how to implement it. Important highlights include: There are essentially no locations in the U.S. that do not have a historical Native American tribal presence. However, if the Native American Indigenous Peoples or traditional peoples do not hold legal and/or customary rights within or near the management unit that could be affected by management activities, FPIC is not required. FPIC is only required if there are rights that may be affected by management activities AND the rights holder wishes to engage with the certified organization regarding the management activities that may affect their rights. In these circumstances, FPIC is implemented and a decision regarding the management activities in question is made through active engagement. This is the "consent" element of FPIC, and it is reached through a process of dialogue, deliberation, and decision-making with the rightsholder(s) and involves the Indigenous People saying "yes", "no", or "not at this time" to the proposed management activity. It may include the options to apply conditions that, if met, would lead to consent being granted.

Importantly, even when FPIC is not required, Indigenous Peoples identified as having a historical or current presence in the area of the management unit are considered interested stakeholders and are therefore expected to be part of engagement when required in other parts of the Standard, such as in the management planning process.

For more information:

For more information, including detailed guidance about how to identify and engage with Indigenous Peoples in a culturally appropriate manner, see Annex F in the revised Standard. Below, see Figure 1. Decision Tree for When FPIC is Required to Address Potential Impacts from Proposed Management Activities, which can also be found in Annex F.

Figure 1. Decision Tree for When FPIC* is Required to Address Potential Impacts from Proposed Management Activities*

