

**10th Session of the United Nations Permanent Forum on Indigenous Issues  
May 16-27, 2011  
New York**

**Agenda Item 3(c):  
Follow-up to the recommendations of the Permanent Forum  
*Free, Prior and Informed Consent*  
17 May, 2011**

**Intervention by:  
Raja Devasish Roy  
Member, UN Permanent Forum on Indigenous Issues**

The principle and right of Free Prior and Informed Consent (FPIC) has been acknowledged in several articles of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and the matter of consent remains a vital part of the ILO Convention No 169 (on Indigenous and Tribal Peoples of 1989). It was developed to a great extent during the deliberations of the World Commission of Dams.

More recently, the operationalization of FPIC was addressed in process of UN-REDD, including in Vietnam. Several NGOs have also developed operational guidelines with regard to the practice on the ground of FPIC. This experience offered valuable insights into the practice FPIC, on the element of “free”-ness, “prior”-ness, “informed”-ness and the matter of “consent”.

FPIC is not necessarily a VETO matter, as is feared by some governments. But nor is it merely a process of consultation. FPIC had to be developed because processes of consultation were often relegated to superficial discussions leading sometimes to the manufacture of “consent” by making the process of consultation a mere exercise in “rubber-stamping” projects. The matter should actually be looked at as a matter of free, prior and informed **choice**, to **provide or withhold consent**, rather than always *providing consent*.

FPIC was included in the Asian Development Bank’s policy addressing Indigenous Peoples, although not in an adequate manner.

Indigenous Peoples are concerned that the Indigenous Peoples’ policies of the World Bank and that of the International Finance Corporation do not address FPIC in an adequate manner. The World Bank’s policy unfortunately confuses the matter of consent with “consultation” and “broad community support”. We hope that these shortcomings will be addressed.

Therefore, in order to address some of the fears centering on FPIC, I **recommend** that a study be conducted on the concept of FPIC and its operationalization at the ground level. We might thereby close the gap between some governments and indigenous peoples in the understanding of FPIC.

Thank you.