

IFLs & Free, Prior & Informed Consent

Dr. M.A. (Peggy) Smith

Aboriginal Chamber, Canada, Social Chamber North

FSC General Assembly October 2017

UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

Article 3: Right to self-determination

Article 32

1. Indigenous peoples have **right to determine & develop priorities & strategies for development or use of their lands or territories & other resources.**
2. States shall consult & cooperate with Indigenous peoples concerned through their own representative institutions in good faith to **obtain their free & informed consent prior to the approval of any project affecting their lands or territories & other resources,** particularly in connection with development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just & fair redress for any such activities, & **appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impacts.**

Free, Prior & Informed Consent Elements

FREE

Consent is given without coercion, intimidation, or manipulation.

PRIOR

Consent is sought before every significant stage of project development.

INFORMED

All parties share information, have access to information in a form that is understandable, and have enough information and capacity to make informed decisions.

CONSENT

The option of supporting or rejecting development that has significant impacts on Aboriginal lands or culture.

“*Prior*” in Canadian forest management

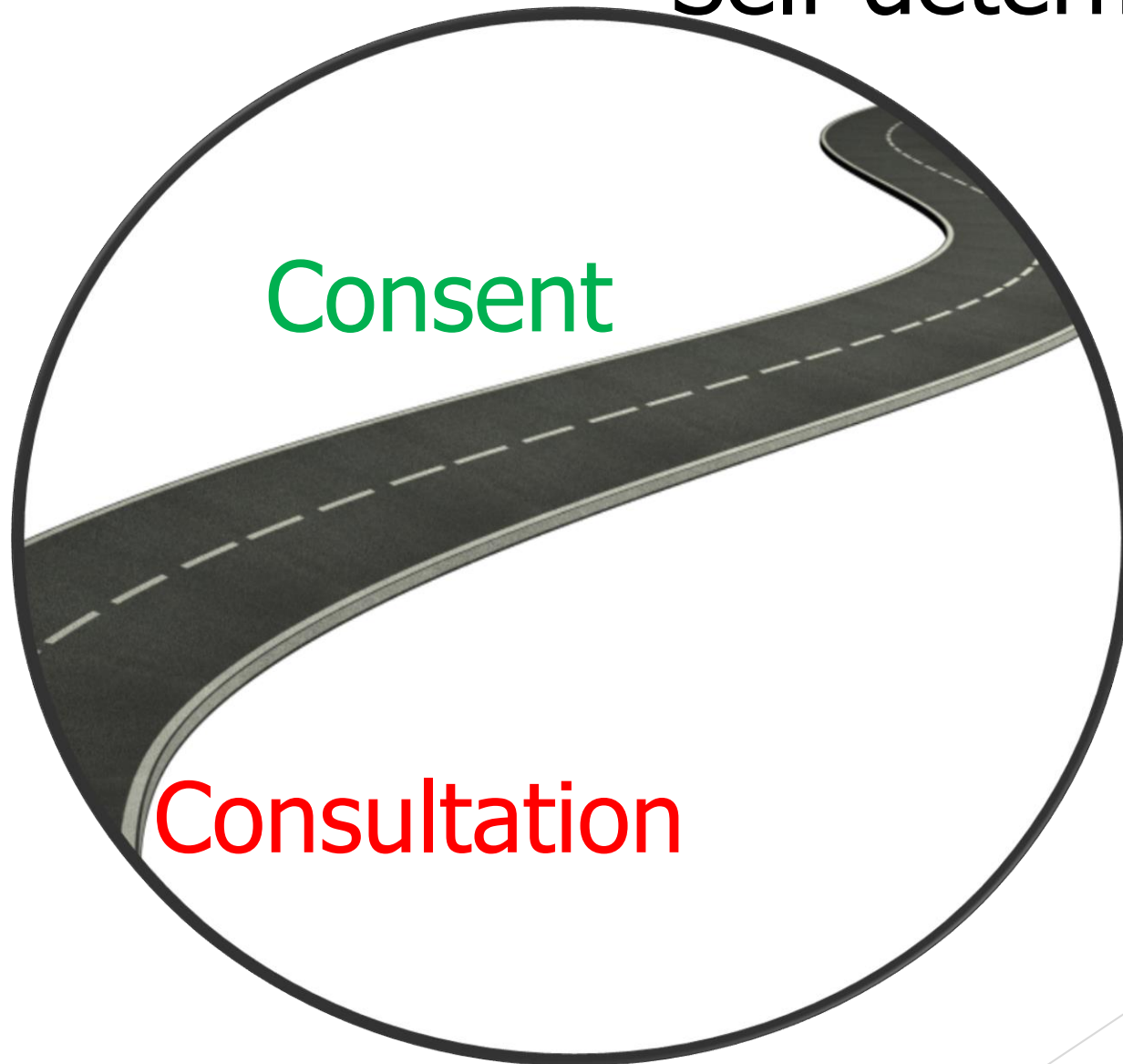
Certificate holders—”Sphere of Influence”

Prior to allocation of forest tenure—a provincial government decision about who gets the licence to harvest timber on public land—triggers “the duty to consult”

vs

Prior to commencement of management activities—
responsibility of Organization

Self-determination



Consent

Consultation

FPIC, IFLs & Indigenous Cultural Landscapes

- ▶ IFLs cannot be determined without the free, prior & informed consent of Indigenous communities on their Indigenous Cultural Landscapes (ICLs)



Source: ameshistoricalsociety.org

FSC-SFI Comparison Paper on Indigenous Engagement (Smith & Perreault, 2017)

- ▶ Except for costs, FSC outperforms the Sustainable Forestry Initiative in these areas:
 - History of Indigenous engagement
 - Recognition of Indigenous rights
 - Institutional capital
 - Audit effectiveness