

FREE, PRIOR AND INFORMED CONSENT

The international definition of Free, prior and informed consent from the Indigenous Peoples perspective is clear:

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The Consultation Process;

- ❖ **“free”** – necessarily includes the absence of coercion and outside pressure, including monetary inducements (unless they are mutually agreed on as part of a settlement process) and “divide and conquer” tactics. Indigenous Peoples must be able to say “no” and not be threatened with or suffer retaliation if they do so.....
- ❖ **“prior”** – means that there must be sufficient lead time to allow information gathering and sharing processes to take place, including translations into traditional languages and verbal dissemination as needed, according to the decision –making processes of the Indigenous peoples in question. This process must take place without time pressure or time constraints. A plan or project must not begin before this process is fully completed and an agreement with the indigenous peoples concerned is reached.....
- ❖ **“informed”** – means that all relevant information reflecting all views and positions must be available for consideration by the indigenous peoples concerned. This includes the input of traditional elders, spiritual leaders, and traditional knowledge holders. The decision – making process must allow adequate time and resources for indigenous peoples to find and consider impartial, balanced information as to the potential risks and benefits of the proposal under consideration
- ❖ **“Consent”** – involves the clear and compelling demonstration by the indigenous peoples concerned, of their agreement to the proposal under consideration. The mechanism used to reach agreement must itself be agreed to by the Indigenous Peoples concerned and must be consistent with their decision-making structures and criteria (for example, traditional consensus procedures.) Agreements must be reached with the full and effective participation of the leaders, representatives or decision- making institutions authorized by the Indigenous People themselves.”