

FPIC – Free, Prior and Informed Consent

A Guidance Document for ASI Auditors

VERSION 1
April 2025



Aluminium Stewardship Initiative (ASI)

ASI is a not-for-profit Standards setting and Certification organisation for the Aluminium value chain.

Our **vision** is to maximise the contribution of Aluminium to a sustainable society.

Our **mission** is to recognise and collaboratively foster responsible production, sourcing and stewardship of Aluminium.

Our **values** include:

- Being inclusive in our work and decision-making processes by promoting and enabling the participation of representatives in all relevant stakeholder groups.
- Encouraging uptake throughout the Bauxite, Alumina and Aluminium value chain, from mine to downstream users.
- Advancing material stewardship as a shared responsibility in the lifecycle of aluminium from extraction, production, use and recycling.

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The official language of ASI is English. ASI aims to make translations available in a range of languages and these will be posted on the ASI website. In the case of inconsistency between versions, reference shall default to the official language version.

Acknowledgements

The drafting of this series of Free, Prior and Informed Consent guidance documents was led by Anders Blom, an expert in Indigenous Peoples' human rights-based issues, with the input and support of the Free, Prior and Informed Consent Working Group. The Working Group consisted of three experienced IPAF members, Marina Wangurra, Abu Karimu and Nicholas Barla, and three ASI secretariat, Mark Annandale, Jessica Patterson de Oliveira Pereira and Vicky Tran. The range of knowledge, geographical location and gender within the Working Group ensured a broad perspective was reflected in the guidance documents.

These Guidance documents were developed after IPAF and ASI members expressed a need for additional guidance on the Free, Prior and Informed Consent process, so that all stakeholders understand the importance of FPIC, what the process is and how to implement it. The Guidance documents aim to help understand what best practice engagement and consent looks like, as well as supporting ASI members correctly upholding Indigenous Peoples rights and complying with the ASI Performance Standard.

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Introduction

The purpose of this document is to serve as guidance for Auditors to assess the level of conformance with the FPIC requirements of the ASI Performance Standard. As well as providing guidance, it also serves as a framework intended to be applied to the unique context of each audit scenario, recognising that every Audit presents its own challenges and nuances.

Auditors are expected to understand the specificities and Materiality of risks related to the Criterion being assessed at the Entity level. This involves reviewing available and relevant Objective Evidence to determine a level of Conformance. There are several ways in which an Entity may meet the requirements of a specific Criterion, and it is expected that all Audit findings are supported through a review of documentation, observations and interviews.

Use of an ASI Registered Specialist and IPAF Representative in the Audit Team

The Audit Team can choose to engage an ASI Registered Specialist(s), a technical specialist/ consultant, and/or an IPAF Representative to work under the direction of the Lead Auditor as part of an Audit.

Registered Specialists bring in-depth knowledge and experience in specific areas especially where Affected Populations and Organisations including Rightsholders and Indigenous Peoples are present. IPAF Representatives can provide valuable cultural understanding and sensitivity, especially regarding the impact on Indigenous Peoples. They can assist in identifying potential risks and impacts, ensuring that the Audit Team takes into account the language, cultural perspectives, values, and traditions of the Indigenous Peoples involved.

For more information on conducting interviews, see the [ASI Assurance Manual](#), section 9.5. The Audit Team.

The Aluminium Stewardship Initiative (ASI) Board of Directors at a meeting with the ASI Indigenous Peoples Advisory Forum (IPAF) on 11 December 2023 to accept the IPAF recommendation, to draft Free Prior and Informed Consent (FPIC) guidance documents within ASI Certified operations. In ASI's new Performance Standard V3.1, FPIC has become a mandatory component concerning Indigenous Peoples, for the companies and organizations that want to enjoy the benefits of being ASI Certified.

It was decided the best approach was to draft FPIC guidance from three different perspectives. The perspective of Certified companies known as Entities, the Indigenous

Peoples, and the Auditors. As a result of this, there is now an orientation decision to develop three FPIC guidance documents:

1. ASI guidance document for implementation of FPIC aimed primarily at the ASI Certified Entities
2. ASI guidance document for implementation primarily aimed at Indigenous Peoples
3. ASI guidance document for implementation and verification aimed primarily at the companies/Auditors who assess Conformance with the Standard.

This document has been developed in close collaboration with the Indigenous Peoples Advisory Forum (IPAF), the ASI FPIC Working Group, the ASI Secretariat, and representatives of selected Entities.

Indigenous Peoples Land-connected Communities definition

Considering the diversity of Indigenous Peoples, an official definition of “Indigenous” has not been adopted by any UN-system body. Instead, the UN system has developed a modern understanding of this term based on the following¹

- Self-identification as Indigenous Peoples at the individual level and accepted 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
- From non-dominant groups of society
- Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.

Indigenous Peoples can appear under different names and concepts – some groups do not explicitly identify as Indigenous. This can be for many reasons, for example due to risk of well-being in societies with sensitive political climates (both personal and collective), due to tribal identity prevailing, a lack of understanding/awareness about the term or the use of a different terminology e.g. First Nations, Adivasi etc.

The term **Land-connected Communities** is used to ensure that groups who fall into the definition of Indigenous, but do not self-identify as such, are considered and protected under the ASI Performance Standard, therefore ensuring that a Free, Prior and Informed Consent process is carried out. The concept of Land-connected Communities can vary from place to place. Hence, the recommendation is to ensure that these communities

¹ https://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf

are identified by credible and knowledgeable local community members and experts to ensure they are effectively represented in relevant activities. The definition of Land-connected Community is:

Land-connected Communities refer to those who do not self-identify or are not recognised as Indigenous Peoples, but for whom land is essential to upholding universal human rights. *Land-connected Communities* are *culturally differentiated groups* which recognize themselves as such, which have their own forms of social organization, with strong ties to a locality, despite maybe not originally coming from that locality. They rely on *natural resources as a condition for their cultural, social, religious, ancestral and economic continuity*. These communities are non-dominant, have distinct social and political systems, culture and language. Examples of these communities include the Quilombolas and traditional communities in Brazil, as well as Land-connected Communities in Guinea.

The use of the term Land-connected Communities should not be used to weaken recognition of Indigenous Peoples' affirmed rights and identities. Land-connection includes symbolic and spiritual connections, not just agricultural activities. Whilst Indigenous Peoples and Land-connected Communities often overlap, they are not always the same and may have distinct rights. Land-connected Communities *may* include Indigenous Peoples who have not identified themselves as Indigenous.



Several different groups that can be regarded and recognised as Indigenous Peoples.

- A. Affected Populations recognized by authorities as Indigenous people and self-identified as Indigenous Peoples according to UN definitions
- B. Affected Populations recognised by authorities and self-identifying as Indigenous, even if under a name, meeting the definition of Indigenous Peoples as described in the United Nations (and ASI)
- C. Affected Populations not self-identifying as Indigenous Peoples but meeting UN (and ASI) criteria for Indigenous status, including groups in voluntary isolation.
- D. Affected Populations denied the right to self-identify as Indigenous by authorities despite meeting Indigenous criteria
- E. Land-connected Communities and residents who meet the criteria
- F. Land-connected Communities where both Indigenous Peoples and non-Indigenous people reside, with those meeting Indigenous criteria included.

A. Pre-steps for FPIC

The Entity must demonstrate knowledge of their FPIC obligations under National legislation (where present), International standards and the ASI Performance Standard (Criterion 9.3).

Objective Evidence to demonstrate a level of Conformance may include:

- ✓ Entity specific FPIC Policies aligned with National legislation (where present), International standards and the ASI Performance Standard
 - Reference key international standards such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the International Labour Organization (ILO) Convention 169
- ✓ Legal compliance with national laws governing FPIC, and being able to provide documented proof that consent was sought and obtained in accordance with those laws
- ✓ Training of responsible employees and relevant contractors on FPIC principles, relevant national laws, and international standards to ensure compliance at all levels of operation
- ✓ Responsible employees and relevant contractors who have contact with Indigenous Peoples are trained by a competent person or organisation
- ✓ Monitoring compliance with FPIC obligations
- ✓ Incorporated FPIC in Environmental and Social Impact Assessments (ESIAs) or use of the Indigenous-Led Participatory Cumulative Impact Assessment

The Entity must demonstrate cultural competence of operational staff who engage directly with, or make decisions that impact Indigenous Peoples Land-connected Communities (INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES) (Criterion 9.3).

Objective Evidence to demonstrate a level of Conformance may include:

- ✓ Internal operational/liaison staff having the cultural competence and relevant contextual knowledge?
- ✓ Demonstrated collaboration with external experts, activists, Indigenous/local civil society organisations.

INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES and Affected Populations self-identify and/or are identified by the Entity within its Area of Influence (9.1, 9.3, 9.4, 9.5, 9.6, and 9.7).

Objective Evidence to demonstrate a level of Conformance may include:

- ✓ All INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES in the Entity's Area of Influence have been identified. Consider the ASI inclusive definition of Indigenous Peoples and Land-connected Communities:
 - Self-identification as Indigenous Peoples at the individual level and community level
 - 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



Review of the Entity's process for identifying Indigenous Peoples

Auditors should ask Entity to share their documented process for identifying Indigenous Peoples based on their linguistic, social, governance and resource-linked characteristics rather than state recognition according to Criteria 9.3 b.

- ✓ Assessment of INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES through a participatory process, covering the Area of Influence
- ✓ Entity has identified and considered the traditional decision-making mechanisms.
- ✓ A sufficient number of community members (where possible, a diverse mix of genders, religions, castes, age groups, and elected representatives) were consulted during the process as FPIC is a *collective* right (For additional guidance see: ASI Assurance Manual, *Table 20 – Identifying Vulnerable or At-Risk individuals and groups* affected by an Entity's supply chain activities)
- ✓ Customary Law and rights have been identified and acknowledged by Rightsholders, as well as legal rights under Applicable Law, if applicable.
- ✓ If no INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES were identified, the Entity is required to demonstrate the assessment process confirming there are no INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES' present within the Entity's Area of Influence

Who are Rightsholders?

Rightsholders are persons and/or groups vested with collective rights (e.g., Indigenous Peoples) that have their Human Rights put at risk or impacted by a project or its associated activities. For example, individuals living in a local community whose only

water source has been impacted by an extractive operation may be Rightsholders. Workers facing discrimination in the workplace may also be Rightsholders.

In the context of FPIC, Indigenous Peoples whose land has been impacted by infrastructure projects (e.g. pipelines) or extractive industries (e.g. mining and oil) have the right to be engaged in FPIC.

How is Area of Influence determined?

Area of influence is related to the Entity's associated project impacts, Associated Facilities and cumulative impacts. The Entity should use multiple methods, including impact assessments, as well as allowing communities to self-identify their affected area. Communities may have maps, however this can be a very sensitive topic and sometimes not culturally appropriate information to share. If any maps are shared, the intellectual property rights of the maps *must* remain with the community.

The Entity must conduct a Human Rights Due Diligence assessment regarding INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES' and Affected Populations (91, 9.3, & 9.4).

Objective Evidence to demonstrate a level of Conformance may include:

- ✓ Human Rights Due Diligence assessment in accordance with ASI Performance Standard V3:
 - Human Rights Due Diligence process is gender-responsive. Examples include:
 - Recognising women are disproportionately affected by adverse business practices
 - Identify gender-specific risks and how to mitigate them
 - Gender is incorporated through-out all steps rather than a stand-alone theme

What is Gender-responsive?

Gender responsiveness refers to outcomes that reflect an understanding of gender roles and inequalities and which make an effort to encourage equal participation and equal and fair distribution of benefits. Gender responsiveness is accomplished through gender analysis and gender inclusiveness. (Adapted from UNDP Gender Responsive National Communications Toolkit).

For instance, economic issues related to gender may arise when changes in infrastructure, such as the opening of a new mine or the expansion of existing facilities,

lead to reduced employment opportunities and decreased access to subsistence farming for women. These changes can result in women taking on more caregiving responsibilities for their families due to altered logistics, facility availability, distance to schools, access to healthcare, and other related factors.

- Human Rights Due Diligence process developed in Consultation through a Free Prior and Informed Consent process, including the participation of INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES and Affected Populations
- The Entity seeks to identify, prevent, mitigate and account for how it addresses its actual and potential impacts on Human Rights, including engaging in initiatives to address contemporary impacts caused by Material Legacy Impacts for the Entity's own operations and products or services provided through Business relationships (e.g. mine-rehabilitation, land relinquishment)
- ✓ Mapping the INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES and Affected Populations who are consulted about operational activities and potential significant Human Rights impacts and informed of the operation's Complaints Resolution Mechanism (or Grievance Mechanism)
- ✓ Company-wide Policy commitment showing Due Diligence and Human Rights Policies in line with ASI Performance Standard V3 (Principle 9.1):
 - A gender-responsive Policy commitment to respect Human Rights, with:
 - Review of the Policy commitment at least every 5 years
 - Review of the Policy commitment on any changes to the Business that alter Material Human Rights risk(s)
 - Review of the Policy commitment on any indication of a control gap
 - Public disclosure of the latest version of the Policy commitment
- ✓ Objective Evidence that the Entity provides a gender-responsive remedy through legitimate processes should it cause or contribute to adverse Human Rights impacts

B. FPIC Process

The Entity must engage with INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES to confirm requests to engage in FPIC, to introduce the process, discuss the proposed development and provide high level company information (Criteria 8,6, 9.4, 9.5, and 9.6).

Objective Evidence to demonstrate a level of Conformance may include:

- ✓ Representatives elected through traditional decision making processes, have agreed to an FPIC based process (explicit consent required, preferably in writing and is in a language that can be understood by all involved parties) and timeframes
- ✓ INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES' understand the process and their right to give, withdraw or modify consent and/or seek additional information and or specialist support, at all stages of the FPIC process
- ✓ Community self identifies the extent of customary or contested lands where possible, safe and/or when culturally appropriate (**see box on mapping**)
- ✓ Meeting minutes and reports or equivalent between Entity and INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES
- ✓ Confirmation that INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES is aware of general company information and the appointed community liaisons
- ✓ Engagement with the INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES has been culturally appropriate and sensitive
- ✓ Confirmation the Entity has consulted a wide range of community members including marginalized groups such as women, youth and elders.
- ✓ Entity 's engagement with INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES is accessible (e.g. translation and interpretation services). This includes using appropriate language and channels for communication, and providing contact information for enquiries.
- ✓ Entity's engagement with INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES is sufficiently in advance of any Entity action
- ✓ INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES made the decision without any coercion
- ✓ INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES understand the meaning of consent in the specific context
- ✓ INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES are sufficiently informed and have the capacity and appropriate resources to effectively engage in the process

What is Culturally Appropriate/Sensitive?

Consider the unique aspects which relate to the specific context of a community, location and their history, and how this may influence your interactions. This could be recognising customs, protocols, language and beliefs.

Joint design of the FPIC process, timeframes, costs and establishment of a process agreement. The Entity must offer INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES independent technical/legal assistance at the cost of the Entity (Criteria 8.6, 9.4, 9.5, and 9.6).

Objective Evidence to demonstrate a level of Conformance may include:

- ✓ Additional support provided to INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES (at the cost of the Entity) including:
 - Translation and Interpretation
 - Various options for methods of communication
 - Independent advisors including legal and technical
- ✓ Mutually agreed decisions between Entity and INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES including signed process agreement with timeframes, including:
 - A clear description of the activities that the Entity plans i.e. scale and scope
 - Outlined protocols for meetings, negotiations and decision-making in all stages of the FPIC process
 - Designated representatives
 - Conditions for verification, monitoring and observation of the FPIC process
 - Conditions for withdrawal from process
 - Financial commitments from the Entity
 - Agreement on the scope and methodology of mapping and impact assessments, participatory cumulative impact assessments are considered better practice
 - Mechanism to formalise the FPIC agreement
 - Mechanism for ongoing dialogue
 - Mechanism for dispute resolution
- ✓ Complaints Resolution Mechanism (or Grievance Mechanism) in accordance with Criterion 3.4 (e.g. accessible including in local languages etc.)



Review of Complaints Resolution Mechanism

It is good practice for Auditor's to review FPIC related complaints through sampling to review the process used to resolve the complaint/grievance to the satisfaction of all parties. This provides an indication of the processes implemented by the Entity.

- ✓ INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES are aware of the Complaints Resolution Mechanism (or Grievance Mechanism)
- ✓ Meeting minutes and reports or equivalent between the Entity and INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES

Entity conducts an IPCIA. If impact assessments are conducted, this should be done collaboratively with the INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES (Criteria 2.5, 2.6 and 8.1).

Objective Evidence to demonstrate a level of Conformance may include:

- ✓ Completed an Indigenous-Led Participatory Cumulative Impact Assessment (IPCIA) or different impact assessment done in a cumulative and participatory method.
- ✓ Impact assessment was conducted in a participatory manner
- ✓ Impact assessment was shared with affected Stakeholders
- ✓ A negotiated proposal by the Entity to the INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES
 - Including identification of cumulative impacts, risk mitigations, compensation requirements
- ✓ Findings of the Impact Assessment were considered in the proposal
- ✓ Meeting minutes and reports or equivalent between Entity and INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES
- ✓ Results of the Impact Assessment should be accessible (languages, format, readability and illustratively appropriate etc.) and shared with as many community members as possible, particularly with any marginalised groups.
- ✓ Explicit consent from Indigenous Peoples and Land-connected Communities to continue to the next phase.

Which Impact Assessments should be used?

There are many different types of impact assessments, and the method used is typically dependent upon the type of project being assessed, the jurisdiction in which a proposed development is taking place and both the environmental and social/cultural setting of the location. The focus of each method may vary accordingly and include but not

limited to, one or more of the following areas of focus: an Environmental Impact Assessment; a Social Impact Assessment; a Human Rights Impact Assessment; and/or an Economic Impact Assessment.

The primary purpose of an Impact Assessment is to establish a baseline of information that also includes an assessment of potential adverse and beneficial impacts (environmental, economic and social), to assess measures to minimise adverse impacts (these can be direct, indirect and cumulative), using FPIC to consider alternative ways to carry out the project that reduce identified impacts, with the aim of helping regulators and authorities to make informed decisions and then provide approvals that consider the impact assessment outcomes.

The Indigenous-Led Participatory Cumulative Impact Assessment (IPCIA) was developed by the Sami peoples in Norway. It focuses on the Rightsholders and uses a more comprehensive and inclusive Impact Assessment methodology, due to its participatory nature and value/integration of local Indigenous knowledge. By understanding the repercussions of development projects on Ecosystem Services, indigenous communities can assess the true extent of the impact on their lands and resources. This connection is crucial for recognising how changes in the environment affect the traditional ways of life and the sustainability of indigenous practices. ASI considers using the IPCIA to be leading practice.

Parties negotiate and review the proposal guided by information obtained in the IPCIA (Criteria 2.5, 2.6 and 8.1).

Objective Evidence to demonstrate a level of Conformance may include:

- ✓ Independent technical and/or legal support provided to INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES at the cost of the Entity
- ✓ Identification of cumulative impacts, risk mitigations strategy, compensation requirements, benefit sharing and mine rehabilitation and closure plan
- ✓ Implementation plan (e.g. KPIs)
- ✓ Monitoring plan
- ✓ Communication and information plan
- ✓ Meeting minutes and reports or equivalent between Entity and INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES.

Parties design and conclude an agreement (Criteria 8.6, 9.4, 9.5, and 9.6).

Objective Evidence to demonstrate a level of Conformance may include:

- ✓ Formalised final agreement between parties (in a form agreed upon by both parties) with:
 - Conditions for withdrawal of consent
 - Contains/refers to grievance/conflict mechanisms
- ✓ Independent technical and/or legal support provided to INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES at cost of the Entity
- ✓ Clear documentation of the process to reach the agreement
- ✓ INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES are sufficiently informed and have the capacity to engage efficiently in decision-making
- ✓ Consensus should be reached through an inclusionary process, in accordance with traditional decision-making processes.

Implementation and monitoring of the agreement, with accountability mechanisms (Criteria 8.6, 9.4, 9.5, and 9.6).

Objective Evidence to demonstrate a level of Conformance may include:

- ✓ Meeting minutes and reports or equivalent between Entity and INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES
- ✓ Joint implementation and monitoring agreement, with accountability mechanisms and set targets or indicators? (e.g. operational stop measures)
- ✓ Monitoring being conducted regularly and effectively and is documented
- ✓ Clear timeframes and whether it is/has been fulfilled
- ✓ Agreed upon evaluation methods (potentially using an independent evaluator)

C. Post FPIC process

Post-FPIC process (Criteria 8.6, 9.4, 9.5, and 9.6)

Objective Evidence to demonstrate a level of Conformance may include:

- ✓ Communities have participated meaningfully throughout the entire consultation process, including the participation of women in the decision-making process and other marginalised groups within the community

What is meaningful participation?

Meaningful participation includes engaging a diverse group of stakeholders, representative of communities that may be impacted by operational activities, both directly and indirectly. These stakeholders should be able to provide opinions and contribute to decisions where their concerns are considered and implemented. This also requires addressing unequal barriers (i.e. social, gender, and educational) to ensure that stakeholders are able to make informed contributions.

- ✓ Mutually agreed decisions between Entity and INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES including signed agreements, letters of intent, memorandums of understanding etc.
- ✓ Complaints Resolution Mechanism (or Grievance Mechanism) is functioning effectively (e.g. complaints are appropriately resolved/closed to the satisfaction of both parties)
 - Are there any current grievances that have not been captured in the Grievance Mechanism?
- ✓ Clear timeframes and whether it has been fulfilled.



Interviews with Community Members and Vulnerable or At-Risk Individuals and Groups

The Audit Team must conduct interviews and consult a wide range of community members including Vulnerable or At-Risk Individuals and Groups such as women, youth and community elders (including religious leaders where applicable).

For more information on conducting interviews, see the [ASI Assurance Manual](#), section 9.12 – Obtaining Objective Evidence.

- ✓ The Entity demonstrates it communicates and operates in a culturally sensitive manner when engaging with INDIGENOUS PEOPLES AND LAND-CONNECTED

COMMUNITIES (e.g. have the methods of negotiation, an agreement in a traditional manner)

- ✓ For resettlements:
 - FPIC was implemented before the resettlement
 - The community is satisfied with the resettlement and any changes to their livelihoods as a result
- ✓ Continued regular engagement with affected INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES.

FPIC Guidance summary example

This is an example of the how auditors can summarise the Objective Evidence with examples of the types of evidence that may be required and list of identified the key persons involved.

#	Objective Evidence required	Examples of types of Objective Evidence	Key persons
1	Evidence of communities participating meaningfully in the FPIC process	<ul style="list-style-type: none"> ✓ Meeting minutes or equivalent ✓ Community dialogue ✓ Community concerns documented and incorporated ✓ Interviews with Community confirming or cross reference documentary evidence. 	<ul style="list-style-type: none"> ✓ Vulnerable or At-Risk Individuals and Groups within the community including women, youth, elders (including religious leaders where relevant) ✓ INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES representatives ✓ Community relations officer
2	Effectiveness of the Complaints Resolution Mechanism or Grievance Mechanism	<ul style="list-style-type: none"> ✓ Complaints Mechanism Policy document ✓ Evidence of complaint being closed out to the satisfaction of all parties ✓ Documentation of agreement of process between Entity and INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES regarding Complaints Resolution Mechanism or Grievance Mechanism ✓ Interviews with Community 	<ul style="list-style-type: none"> ✓ INDIGENOUS PEOPLES AND LAND-CONNECTED COMMUNITIES community members (especially those who have logged a complaint) ✓ Complaints officer ✓ Community relations officer

D. Questions for auditing FPIC implementation

Conducting interviews with Indigenous Peoples and Land-connected Communities to confirm the implementation of FPIC is a critical part of auditing FPIC requirements. Interviews are an essential form of Objective Evidence and a valuable method for cross-referencing information, clarifying any discrepancies or uncertainties in other evidence obtained, or when there is a lack of documented evidence, or records of controls or processes implemented by the Entity.

As an Auditor, it is important to approach these interviews with cultural sensitivity and respect. This section includes sample questions to support your assessment of the Entity's implementation of FPIC.

Awareness of FPIC

- Are you aware of what Free, Prior and Informed Consent (FPIC) is?
- Did the Entity explain what FPIC means and your rights according to FPIC?

Free

- Did you feel free to express your opinions and make decisions without offers/promises, pressure, intimidation or coercion from the Entity or other third parties?

Prior

- When were you first approached about the development changes?
- Were you given enough time to understand the project and its potential impact before making any decisions?

Informed

- What types of information was provided to you about the project?
- Were you informed about the potential benefits of the project? Have they occurred?
- Do you understand the information provided to you?
- Was the information clear and provided in your preferred language or dialect?
- Was an interpreter provided for you during meetings with the Entity?
- What methods were used to consult with your community (e.g. public meetings, focus groups, individual meetings etc.)
- Were there any parts of the project that you felt that were not explained to you in detail or adequately?
- Were all community members, including women, youth and elders allowed to participate in the consultation process or discussions?
- Were you included in the participatory cumulative impact assessment?

Consent

- How did the community give, withdraw or modify consent? (e.g. through a meeting, verbal agreement, signed document, community vote, etc.).
- Is there a record of your consent, and were you given a physical copy?
- Was the community given sufficient time to give, withdraw or modify your consent?

Ongoing Consent

- Were you informed that you have the right to withdraw or change your consent at any time?
- Have you been consulted again since your initial consent, especially if there have been any changes to the project?
- Do you receive regular updates or have regular meetings with the Entity?
- Have they maintained open and honest communication?
- Are there ongoing consultations and monitoring to ensure the project respects your consent and to address any new issues that arise?

Complaints Resolution Mechanism (or Grievance Mechanism)

- Were you informed about the Entity's Complaints Resolution Mechanism (or Grievance Mechanism)?
- Have you used these mechanisms, if yes were they effective and fair?
- Were your complaints resolved to your satisfaction? Were you able to remain anonymous?
- Is there a system for you to provide feedback on the implementation of the project and its impacts? Did you face any forms of reprisal?
- Was your complaint addressed in a timely manner?
- Has your feedback been acknowledged and actioned?