

Evaluation of the published policies and Standard Operating Procedures (SOPs) related to the fulfilment of the rights of Free, Prior and Informed Consent (FPIC) of Genting Group as set out in the High Carbon Stock Approach (HCSA) Social Requirements

High level summary of findings

An evaluation has been conducted of the published policies and Standard Operating Procedures (SOPs) on the fulfilment of the rights of communities to give or withhold their Free, Prior and Informed Consent (FPIC) to any development on their lands by the Genting Group, based on a comparison of its policies and SOPs on the fulfilment of FPIC rights that were available on the date of August 12th 2020, with the High Carbon Stock Approach (HCSA) Social Requirements (SRs) and Implementation Guidance (IG).¹

A key finding of the evaluation is that the Genting Group does not have published policies and SOPs on Free, Prior and Informed Consent (FPIC) rights that apply to the entire Corporate Group and that set out in detail the requirements for the fulfilment of FPIC rights, in accordance with the High Carbon Stock Approach (HCSA) Social Requirements (SRs) and Implementation Guidance (IG). Genting Group does not have a sustainability policy at the Corporate Group level, containing clear commitments to respecting human rights broadly in all its operations, or specifically to respecting and fulfilling the FPIC rights of all communities that are affected by them. Genting Group does have annual sustainability reports, which refer to the sustainability policy of its subsidiary, Genting Plantations. Genting Plantations also has no stand-alone published sustainability policy. Genting Plantations does have sustainability reports, which contain clear commitments to respecting human rights broadly in its operations, and specifically to respecting and fulfilling the FPIC rights of those affected by them. For example, Genting Plantations sustainability report 2019 (GENP-SR), sets out briefly some relevant principles related to the fulfilment of FPIC rights,² as well as a flow chart on the FPIC process.

¹ High Carbon Stock Approach Social Requirements <http://highcarbonstock.org/wp-content/uploads/2020/08/HCSA-Social-Requirements-Apr-2020.pdf>

High Carbon Stock Approach Implementation Guidance <http://highcarbonstock.org/wp-content/uploads/2020/08/HCSA-Implementation-Guide-Apr-2020.pdf>

² Including a reference to 'consent' in the 'Message from the President' (p.2), to FPIC under 'Stakeholders' (p.9) and 'Responsible Sourcing' (p.16), to human rights as a material topic (p.10), and with further detail under 'Community' and Human Rights on p.26.

Genting Plantations does not have published SOPs setting out detailed instructions on how its commitments to fulfilment of FPIC will be operationalized, and the FPIC rights of affected communities fulfilled in practice. As highlighted in Matrix 2, the detail provided in the relevant section of the 2019 Sustainability Report contains limited information about what is required for the implementation of the FPIC process and the effective fulfilment of FPIC rights. Genting Group does not publicly disclose a full list of affiliates and joint ventures so it has not been possible to conduct a complete evaluation across all companies affiliated with the Corporate Group.

In order to prove that Free, Prior and Informed Consent (FPIC) processes are in place for all areas under the management and control of the Corporate Group, and begin demonstrating that the rights of affected Indigenous Peoples and local communities are being respected, especially their right to FPIC to proposed and existing developments that affect them, the Genting Group must develop and publish a policy that applies to the entire Corporate Group, and that sets out in detail the requirements for the fulfilment of FPIC rights, in accordance with the High Carbon Stock Approach (HCSA) Social Requirements (SRs) and Implementation Guidance (IG). Genting Group must also develop and publish detailed SOPs on the implementation of FPIC processes. These must cover the four tenets of FPIC, various other aspects required as part of an effective and rights respecting FPIC process as set out in Matrix 2, and all the actions that must be taken for its implementation as set out in Matrix 3. These strengthened policies and SOPs must then be applied in full across all landbanks and development areas of the Corporate Group, and independent verification must be undertaken to prove that FPIC rights are being fulfilled in accordance with the High Carbon Stock Approach Social Requirements and Implementation Guidance.

These findings in no way represent an evaluation of the extent to which the Genting Group or any of its affiliated subsidiaries are, or are not, in compliance with these requirements for the fulfilment of Free, Prior and Informed Consent (FPIC) rights, whether in their own operations or in their supply chains. Detailed evaluations of the fulfilment of the rights to FPIC by Genting Group remain of paramount importance, and should be undertaken in the field by qualified social experts, with meaningful participation of affected communities. They should use full compliance with the High Carbon Stock Approach Social Requirements and Implementation Guidance as their benchmark for assessing the fulfilment of FPIC rights.

Matrix 1 Published policies and SOPs of Genting Group related to the fulfilment of FPIC rights

The first matrix sets out the published policies and policy statements and Standard Operation Procedures (SOPs) of the Genting Group or its affiliated subsidiary or company (referred to collectively as “**Corporate Group**”³), where it has been necessary to look at that level, that are related to the fulfilment of FPIC rights. As no published policies are publicly available for the Genting Group, relevant references to the fulfilment of FPIC rights that are made in sustainability policies of the Corporate Group’s affiliated subsidiaries have been considered in this evaluation.⁴

Published policies and SOPs related to the fulfilment of FPIC rights	Yes	No	Description of policies or SOPs where these exist
An explicit Corporate Group sustainability policy with specific commitments on the fulfilment of FPIC rights and respect for human rights ⁵		*	Genting Group has no published sustainability policy. A sustainability report issued by Genting Berhad for 2019, ⁶ does refer to the sustainability policy of its subsidiary Genting Plantations, which is quoted (p.64) as stating: ‘ <i>We shall recognise that all conflicts and negotiations with our stakeholders will preferably be conducted in a free, prior and informed manner.</i> ’

³ [Corporate Group is as defined by the Accountability Framework Initiative](https://accountability-framework.org/definitions/?definition_category=41) including those subsidiaries or companies where there is formal ownership, investments, and/or an ownership or management relationship, as well as those where there is family control, financial control, beneficial ownership and/or shared resources. https://accountability-framework.org/definitions/?definition_category=41

⁴ As the evaluation is concerned with the role in the production, processing and trade of forest risk communities by the ten Corporate Groups, only subsidiaries and affiliated companies involved in these activities have been included in it. Due to the complex nature of many Corporate Group structures and the varying levels of disclosure, some relevant companies may have been missed out.

⁵ See Box on FPIC rights and international human rights instruments in Introduction and Methodology, found at www.ran.org/FPICevaluation

⁶ <https://www.genting.com/wp-content/uploads/2020/04/GENT-Sustainability-Report-2019.pdf>

Any sustainability policy of the Corporate Group's affiliated subsidiaries or companies which includes references to the fulfilment of FPIC rights	*	<p>While Genting Plantations has no stand-alone published sustainability policy (other than as referred to above) its Sustainability Report 2019 (GENP-SR)⁷ includes commitments to respect human rights broadly and to respect FPIC rights specifically. These are set out in some detail in the section on 'Community' (p.26), with commitments to the Universal Declaration of Human Rights (UDHA), the UN Guiding Principles for Human Rights and Business (UNGPs), the UN Declaration on the Rights of Indigenous People (UNDRIP), and the ILO 169 Convention on the Rights of Tribal Peoples.⁸ Six 'Guiding FPIC Principles' are set out, as well as an FPIC flow-chart, and under 'Legal and Customary Rights,' the following is stated: <i>'The Group practices FPIC approach, wherein the Company acknowledges the rights of the local communities and indigenous people to give or withhold their consent to any development that may affect their lands, livelihoods and environment. This consent shall be acquired freely, without coercion, intimidation or manipulation, and through communities' own freely chosen customary or institutionalized representatives. Implementation of FPIC in the Group for new developments after 2015 is guided by the FPIC Consent Guide for RSPO Members, 20 November 2015.</i>'</p>
SOPs on the operationalisation of these policy commitments on the fulfilment of FPIC rights	*	Genting Group has no FPIC SOPs, and neither does its subsidiary Genting Plantations.
Any explicit commitment by the Corporate Group, and/or its affiliated subsidiaries/companies, to ensure the fulfilment of FPIC rights by any affiliated subsidiaries/companies	*	The Genting Group has no explicit sustainability policy that applies to all affiliated companies, and neither does its subsidiary, Genting Plantations. Genting Plantations does refer in GENP-SR (as above, p.26) to:

⁷ https://www.gentingplantations.com/wp-content/uploads/2020/04/GENP_2020_Final.pdf

⁸ The first article of the UDHA refers to the right to self-determination that underpin FPIC rights <https://www.un.org/en/universal-declaration-human-rights/index.html>, and the UNGPs require *meaningful consultation with those affected*' before any project with potential human rights impacts, https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf. UNDRIP includes specific requirements related to FPIC in Articles 18, 19 and 32 <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>, while Article 6 of the ILO Convention 169 refers to the *'principle of free and informed consent'*, in the context of relocation of indigenous peoples from their land https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169.

			'Implementation of FPIC in the Group for new developments after 2015'
Any explicit commitment by the Corporate Group and/or its affiliated subsidiaries/companies (as defined) to ensure the fulfilment of FPIC rights by all third party suppliers	*		The Genting Group has no explicit sustainability policy that applies to all third party suppliers. Explicit commitments are made by its subsidiary, Genting Plantations, in the GENP-SR under 'Responsible Sourcing' (p.16): <i>'the policies, procedures, practice and conventions that apply to suppliers are inclusive but not limited to:</i> Commitment to FPIC approach; commitment to respect legal and customary rights; commitment to Universal Declaration on Human Rights; commitment to UN Declaration on the Rights of Indigenous People'
Any explicit Corporate Group stand-alone policy on human rights including FPIC rights		*	The Genting Group has no stand-alone policy on human rights.
Membership of HCSA, entailing commitments to the fulfilment of FPIC rights in all developments, by all affiliated subsidiaries/companies, and by third party suppliers		*	The Genting Group is not a member of the HCSA, and neither is its subsidiary, Genting Plantations. Genting Plantations does refer to the HCSA in GENP-SR (including on pp .4, 16) and HCSA Assessments (pp, 26). It has submitted three HCSA assessments for the peer review process, two of which have been completed, ⁹ with one still awaiting company review, and four more assessments registered.
A commitment to the fulfilment of FPIC rights via membership of any other voluntary certification schemes with a certification standard that requires the fulfilment of FPIC rights.	*		The Genting Group is not a member of the Roundtable on Sustainable Palm Oil (RSPO). Its subsidiary, Genting Plantations, is a member of the RSPO, and has been since 2006. ¹⁰
Any other public statements by the Corporate Group and/or its affiliated subsidiaries/companies containing commitments to respect human rights including FPIC rights, such as	*		The GENP-SR (p.2) contains an introductory message from the President and Chief Operating Officer stating that:

⁹ The peer review reports for the two completed processes both refer to inadequate FPIC processes, and reporting on them. The findings of the peer review report on PT Palma Agro Lestari Jaya (PALJ) include that : *'Substantial communication with local communities regarding the ICLUP following principles of FPIC needs to be completed before the ICLUP can be finalized'* <http://highcarbonstock.org/wp-content/uploads/2020/02/2.-Final-HCSA-Peer-Review-Report-PT-PALJ-250220.pdf>

The peer review report on PT Citra Sawit Cemerlang (CSC) states: *'the summary more refers to FPIC as an involvement of community to dig up the issues, it lack information on how did the company take step to address the issue'*

<http://highcarbonstock.org/wp-content/uploads/2020/02/2.-HCSA-Peer-Review-Report-PT-CSC-final-130220.pdf>

¹⁰ The RSPO Principles & Criteria include an explicit commitment to the Universal Declaration of Human Rights in their preamble, as well as specific commitments to ensuring the fulfilment of FPIC rights (including in Criterion 7.5), <https://rspo.org/publications/download/5ab40fb9d7c79f5> Membership of the RSPO also now entails a commitment to implement the HCSA when engaging in new development involving land use change, although the standard is not yet fully aligned with the HCSA's Social requirements and Implementation Guidance

commodity-specific or sector-wide policies with commitments to the fulfilment of FPIC rights, or 'No Deforestation, no development on Peat, no Exploitation' (NDPE) statements		<p><i>'A 'No Deforestation, no development on Peat and no Exploitation policy is also being formulated to be implemented in the near future. As that policy takes shape, our Group remains mindful to avoid new development on areas that are of high conservation value or high carbon stock and peat areas of any depth. Additionally, only areas where consent from land owners has been obtained will be developed in line with our stance of respecting the legal, customary and traditional land rights of local communities and the Indigenous People.'</i>¹¹</p>
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Matrix 2 High-level summary evaluation of the published FPIC SOPs of Genting Group against the key tenets of FPIC and the HCSA Social Requirements

The second matrix gives a high-level summary evaluation of the published Free, Prior and Informed Consent (FPIC) Standard Operating Procedures (SOPs), where these exist, of the Genting Corporate Group, against the four core tenets of the fulfilment of the rights to FPIC, and the High Carbon Stock Approach (HCSA) Social Requirements (SRs),¹² according to the criteria set out below. As no sustainability policy or FPIC SOPs are publicly available for the Genting Group, relevant references to the fulfilment of FPIC rights that are made in other sustainability reports of its affiliated subsidiary Genting Plantations have been considered in this evaluation.

Important note to consider when reviewing Matrix 2: No SOP = No published Standard Operating Procedure

Evaluation criteria for FPIC SOPs	Corporate Group FPIC SOPs coverage of this Aspect	Strengths and weaknesses
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¹¹https://www.gentingplantations.com/wp-content/uploads/2020/04/GENP_2020_Final.pdf

¹² High Carbon Stock Approach Social Requirements. <http://highcarbonstock.org/wp-content/uploads/2020/08/HCSA-Social-Requirements-Apr-2020.pdf>

<p>Are the four tenets of FPIC set out sufficiently clearly?¹³</p> <p>In keeping with SR 7</p>	<p>No SOPs.</p> <p>Reference made in the GENP-SR¹⁴ (p.26 as above) as follows:</p> <p><i>The Group practices FPIC approach, wherein the Company acknowledges the rights of the local communities and indigenous people to give or withhold their consent to any development that may affect their lands, livelihoods and environment. This consent shall be acquired freely, without coercion, intimidation or manipulation, and through communities' own freely chosen customary or institutionalized representatives.</i></p> <p>Under the 'FPIC Guiding Principles', is stated: 'Provide comprehensive, impartial and accessible information on the proposed development to indigenous peoples/local communities.' Another of these principles re-emphasizes the requirement that consent is given freely, stating: 'do not coerce, intimidate or manipulate'.</p>	<p>No FPIC SOPs, which is where dedicated and detailed FPIC procedures, and an explanation of the four tenets of FPIC should be outlined.</p> <p>Only two of the four tenets are set out clearly in this reference, being the right to give or withhold consent, and it being given freely and without coercion, with this aspect emphasized through repetition. Comprehensive information is referred to in the FPIC Guiding Principles, but not explicitly as part of the definition of FPIC itself. There is also no explicit reference to the requirement that consent be given prior to the start of development, although this aspect is referred to indirectly, and no full explanation is provided of any of the four tenets.</p> <p>The references to FPIC rights made in the GENP-SR in no way negate the urgent need for the Genting Group to develop and publish dedicated and detailed FPIC SOPs. These are essential for the effective operationalization of its commitments to respect FPIC and human rights.</p>
<p>What provisions exist in relation to the requirement that all sections of affected communities are represented fairly and without discrimination?</p> <p>In keeping with SRs 2 and 12</p>	<p>No SOPs</p> <p>As above (GENP-SR, p.26), reference is made to consent being acquired: 'through communities' own freely chosen customary or institutionalized representatives.' The FPIC Guiding Principles also include: 'Acknowledge customary or institution representatives of the indigenous people/local communities.' The flowchart includes a box, '<i>identify community representative.</i></p> <p>No other reference is made to the requirement for fair and non-discriminatory representation of communities during the FPIC process.</p>	<p>No FPIC SOPs where such detail would be set out.</p> <p>No specific details on how affected communities are represented fairly and without discrimination.</p> <p>Only these brief references are made to freely chosen customary or institutional representatives in the GENP-SR.</p>

¹³ The right to give or withhold consent; that the process is free of coercion; that it is based on sufficient information; and that it takes place prior to any development

¹⁴ https://www.gentingplantations.com/wp-content/uploads/2020/04/GENP_2020_Final.pdf

<p>What provisions exist in relation to the requirement that the process is genuinely participatory, with meaningful engagement and negotiation conducted fairly and in good faith?</p> <p>In keeping with the principle of self-determination, and with SRs 1 and 7, the information tenet</p>	<p>No SOPs</p> <p>One of the FPIC Guiding Principles (GENP-SR, p.26) is: <i>'Demonstrate good faith, transparency, mutual respect and provide equitable participation'</i></p> <p>Reference is made to the conduct of participatory assessments, including in boxes in the FPIC Flow Chart, <i>'Seek consent to carry out participatory mapping, SEIA, HCVA-HCSA, land tenure survey,'</i> and, <i>'community meetings to verify, validate participatory mapping, SEIA, HCVA, HCSA and land tenure.;</i></p>	<p>No FPIC SOPs where such details would be set out.</p> <p>No other specific details on the participatory and collaborative nature of the FPIC process, beyond this brief reference to good faith, mutual respect and equitable participation, and the relevant boxes in the FPIC Oflow chart.</p>
<p>What provisions exist in relation to the requirement that the FPIC process be fully transparent at all stages as part of fully informing rights holders?</p> <p>In keeping with the information tenet of FPIC in SR 7</p>	<p>No SOPs</p> <p>As above (GENP-SR, p.26), transparency is mentioned: <i>'Demonstrate good faith, transparency, mutual respect and provide equitable participation'</i></p> <p>A box in the FPIC Flow Chart mentions, <i>'Provide information in right language and form.'</i></p>	<p>No FPIC SOPs where such details would be set out.</p> <p>No specific details on how the FPIC process is fully transparent at all stages, or the actions necessary to fully inform rights holders.</p> <p>Only this one brief reference to transparency, as well as the relevant box in the FPIC flow chart.</p>
<p>What provisions exist in relation to the quality assurance aspects of the process including independent verification?¹⁵</p> <p>Necessary for the effective fulfilment of all rights including FPIC rights</p>	<p>No SOPs.</p> <p>No references made to quality assurance or the independent verification of the FPIC process.</p>	<p>No FPIC SOPs where such details would be set out.</p> <p>No specific details on quality assurance including independent verification of the fulfilment by the Corporate Group of the rights to FPIC of affected communities.</p>
<p>What provisions are made for addressing any grievances that arise during the process?</p> <p>In keeping with SRs 7 and 10, and fundamental to the fulfilment of all rights including FPIC rights</p>	<p>No SOPs</p> <p>Although no specific reference is made to grievances arising during the FPIC process, various references are made to grievances more broadly (in GENP-SR, p.26), including</p> <p><i>'All affected parties are open to use our complaints and grievances channel to resolve disputes in an effective, timely and appropriate manner, while ensuring their anonymity,'</i> and: <i>'We welcome any</i></p>	<p>No FPIC SOPs where such details would be set out.</p> <p>No specific details are provided of how grievances that arise during the FPIC process are resolved.</p> <p>Explicit references are made to grievance mechanisms, including the protection of human rights defenders and whistle-blowers.</p>

¹⁵ This should include provisions for ongoing monitoring, with adaptive management and continuous improvement

	<i>complaints and/or grievances from our stakeholders to address any violations of human rights by the company.'</i>	
What provisions exist in relation to the fulfilment of FPIC rights in existing operations? In keeping with SRs 10 and 13	No SOPs No mention of the application of FPIC rights in relation to existing operations. References instead are made to new plantations and new operations.	No FPIC SOPs where such details would be set out. No specific details on the fulfilment of FPIC in existing operations.
Any other relevant or noteworthy aspects related to the fulfilment of FPIC rights? In keeping with SRs 2 and 7, the core FPIC rights, as well as any other relevant SRs	The FPIC Flow Chart (GENP-SR, p.26), does include many of the necessary steps of the FPIC process, and covers key aspects from representation, access to independent advice, sufficient time, participatory assessments, and three of the four FPIC gates.	No FPIC SOPs where such details would be set out. Important inclusion in the FPIC flow chart of three of the four FPIC gates at different stages of the process, where affected communities have the right to consent or reject any further involvement with it. This should form the basis of the detailed FPIC SOPs that are required to fulfil FPIC rights effectively.

Matrix 3 – Comparison of the published FPIC SOPs of Genting Group to the specific actions required for the fulfilment of FPIC rights under the HCSA Social Requirements and Implementation Guidance.

The third matrix presents key findings from a comparison of the FPIC SOPs to the specific actions that are required for the fulfilment of FPIC rights under the HCSA Social Requirements, including the Social Requirements (SRs) themselves and the detail on their operationalization provided in the Implementation Guide (IG).

Important note to consider when reviewing Matrix 3: No SOP = No published Standard Operating Procedure

Actions required for the fulfilment of FPIC rights under the HCSA SRs and IG	Documentation requirements	If and how the action is covered in SOPs	Necessary additions to SOPs to align with HCSA SR and IGs
1. Identify all potentially affected communities (ACs) in the Area of Interest (AOI) ¹⁶ SR 2 IG Step 1.3a	List of all ACs located in AOI, with indication of extent/ways in which likely to be affected	No SOPs	No SOPs
2. Visit each AC and inform them ¹⁷ of: <ul style="list-style-type: none"> a. The proposed development plans and their potential positive and negative impacts; details on compensation and other benefits; and possible alternative means of meeting local development needs¹⁸ b. Their right to say no to the proposed development c. Their rights to : determine their own representatives; appoint advisors to support them throughout the process; set the terms for engagement, in line with customary rules, protocols and structures for decision-making; and agree the timing of the process; and the associated requirement that these processes are fair and non-discriminatory. 	Full records of engagement with each AC, including lists of attendees, detailed agendas, and minutes and/or recordings of the content of all meetings and other interactions ²⁰ Compilation of relevant information on a-f These records and all the relevant information are made accessible to ACs and other stakeholders, in appropriate format/language, according to	No SOPs	No SOPs

¹⁶ Affected communities (ACs) are defined by the HCSA to include indigenous people and local communities, as set out in the introductions of the SRs and IG.

High Carbon Stock Approach Social Requirements <http://highcarbonstock.org/wp-content/uploads/2020/08/HCSA-Social-Requirements-Apr-2020.pdf>

High Carbon Stock Approach Implementation Guidance. <http://highcarbonstock.org/wp-content/uploads/2020/08/HCSA-Implementation-Guide-Apr-2020.pdf>

¹⁷ All information must be shared transparently with ACs, in a format and language accessible to all sections of communities

¹⁸ The corporate ownership of the proposed project; the scale of the development; the length of the permit and nature/stage of the permitting process; and any other associated planned infrastructure such as roads, ports, warehouses, processing facilities etc., must also be disclosed fully to the ACs that may be affected by it

²⁰ These records should reflect (and so help to ensure) fair representation, full information disclosure, and the genuinely participatory/meaningful/good faith/fair nature of the process throughout the engagement, assessment and negotiation processes

<p>(In line with SRs 2, 12)</p> <p>d. The company's obligations with regard to FPIC (under national law, and according to international norms, including as set out by the HCSA SRs and other sustainability mechanisms)</p> <p>e. That these obligations include the establishment of a grievance mechanism, if ACs do give their consent, in order to mediate any issues arising during the process of engagement, assessment and negotiation¹⁹</p> <p>f. What is involved in the assessment and land-use planning processes (land tenure and usage study (LTUS), HCV-HCS assessment, and Social and Environmental Impact Assessment (SEIA)), and in the engagement and negotiation processes</p> <p>SRs 7,2, 10</p>	<p>arrangements that have been mutually agreed²¹</p>		
<p>3. Ensure that each AC has an opportunity during this preparatory stage to either consent to continued participation in the processes of engagement and assessment, or to withdraw from them, with sufficient time for consulting with advisors if they so choose</p> <p>FPIC GATE 1</p> <p>SRs 7, ,2, 1 IG Step 1.3c</p>	<p>A formal record of the decision of each AC, and of how it was reached, showing that the process has been free of coercion, representative and non-discriminatory²²</p> <p>Also made accessible to each AC</p>	<p>No SOPs</p>	<p>No SOPs</p>
<p>4. Establish the actual mechanisms for ensuring genuinely participatory assessment and land-use planning processes, and for ensuring meaningful</p>	<p>Full records kept of engagement process, including attendees and minutes/</p>	<p>No SOPs</p>	<p>No SOPs</p>

²¹ SR 1 mandates the establishment of a 'social knowledge dossier' in which all relevant documentation related to the proposed development can be stored and made available as appropriate to rights holders and other stakeholders, with rights holders involved in setting the terms of access.

¹⁹ According to mutually agreed arrangements and in line with international human rights norms on grievance mechanisms

²² Independently verified quality assurance is necessary at this point, during the process (*ongoing monitoring*) to ensure that this is the case, by checking that the written and video records show: (i) meetings attended by good proportion and representative cross-section of ACs; (ii) that meetings have covered fully/sufficiently all the necessary points in 2 from a to f; (iii) the FPIC gate has been formally documented, and the process only continued with those ACs that have given consent; (iv.) this only occurs following the independent verification of this first stage (preparation stage 1 in the SRs' Implementation Guide)

<p>engagement and negotiation processes conducted fairly and in good faith including:</p> <p>a. Who will be involved in which aspects, including which members of each AC and independent and/or technical advisors on each side</p> <p>b. The forum, format and frequency of interactions for engagement and negotiation, ensuring sufficient time for full consideration by the AC at each stage</p> <p>c. Procedures for recording and communicating information, including records and outputs of engagement processes, of assessments, and of the negotiations. These must all be made accessible to ACs in an appropriate format and language</p> <p>d. Procedures for reporting and addressing any grievances that arise during the assessment and engagement processes (and possibly beyond)</p> <p>SRs 2,7,12,10 Step 1.3d/2.1</p>	<p>recordings of all meetings</p> <p>Documented details of the agreed arrangements in relation to all aspects (a-d)</p> <p>Made accessible to ACs in appropriate format/language</p>		
<p>5. Conduct participatory assessments in conjunction with each AC as follows:</p> <p>a) Land Tenure and Usage Study (LT&US)²³</p> <p>b) Social and Environmental Impact Assessment (SEIA) (done by assessors)</p> <p>c) HCV-HCS assessments (done by assessors)</p> <p>Full discussion of findings with each AC, and their endorsement of the recommended land-use allocations based on it (done by assessors)</p> <p>SRs 1,7 Steps 1.4 and 2.3b/c</p>	<p>Outputs from the LT&US and two major assessments, the HCV-HCSA Assessment Report and the SEIA Report, which demonstrate the genuinely participatory nature of the process (QA done by HCVRN-ALS)</p> <p>Made accessible to ACs in appropriate format/language according to agreed arrangements</p>	No SOPs	No SOPs

²³ Involving preliminary participatory mapping and the collection of other information on tenure and usage patterns,

<p>6. Provide each AC with two more opportunities during the assessment stage to either consent to continued participation in the process, or to withdraw from it.</p> <p>FPIC GATE 2 follows the scoping phase of the HCV-HCS assessment, when assessors visit ACs (or a sample of them) before the main assessment takes place, to conduct due diligence on the process thus far.²⁴</p> <p>FPIC GATE 3 follows the full discussion of the findings of the participatory assessments with each AC, when each has another chance to withdraw from the process.</p> <p>SR 7 Step 2.3a and 2.3d</p>	<p>Record of decision of each AC, and of how reached, showing that process has been representative and non-discriminatory</p> <p>Made available to each AC</p>	<p>No SOPs</p>	<p>No SOPs</p>
<p>7. Co-develop with ACs the proposed Integrated Conservation Land Use Plan (ICLUP) and associated management and monitoring plans (MMP), and the accompanying 'package' of other measures (related to benefits, conservation, employment, 'CSR' grievance mechanisms etc.)</p> <p>SR 7 Step 3.1</p>	<p>Full records kept of engagement process including attendees of meetings and minutes/recordings.</p> <p>The output of the process, i.e. the proposed ICLUP, MMP and 'package'</p> <p>Made available to ACs</p>	<p>No SOPs</p>	<p>No SOPs</p>
<p>8. Conduct negotiations in good faith with each AC on the proposed ICLUP, MMP and package, with sufficient time allowed for full consideration, and independent advice available, in accordance with agreed arrangements</p> <p>This leads to the FINAL FPIC GATE, as each AC either gives their binding consent to what becomes the final ICLUP, or rejects it, and either withdraws from the process, or may enter further negotiations.</p>	<p>Record of engagement and negotiation process</p> <p>Legally binding record of the agreement itself, if consent is given</p> <p>The final agreed ICLUP, MMP and package</p>	<p>No SOPs</p>	<p>No SOPs</p>

²⁴ The due diligence conducted by the HCV-HCSA assessors includes (or should include) ensuring that full information has been provided to ACs, and that their initial consent to the process was granted at FPIC GATE 1 without coercion, and with all sections of ACs fairly represented. This due diligence can be conducted with a sample of ACs to show the general pattern of the engagement process and whether it meets the requisite standards.

SR 7 IG Step 3.2	All made fully available to ACs in accessible format		
9. Ensure this consent or rejection has met all the requirements of FPIC as set out above, before development proceeds, through independent verification of the documentation of all the FPIC procedures set out (including all 4 FPIC gates), thereby confirming the consent or rejection of proposed and final ICLUP by each AC. SRs 2, 7, 12 IG Step 3.3	Evidence that QA standards have been met, and IV conducted of the procedures required for the fulfilment of FPIC rights as set out in this matrix, including desk-checks of all the documentary records and field-checks with a sample of ACs	No SOPs	No SOPs
10. Ensure effective operation of grievance mechanisms as arranged, during the engagement, assessment and negotiation processes, and subsequently for the duration of the ICLUP. SRs 7, 10 Step 1.3d, 2.1, 4.3	Evidence that a grievance mechanism exists and is functioning effectively, with periodic QA and IV to ensure this is the case	No SOPs	No SOPs