What is Free Prior and Informed Consent (FPIC)?

FPIC means communities, especially Indigenous Peoples, have a right to say yes or no about projects that affects them and their way of life. The principles of FPIC are protected under Nepal’s Constitution, and clearly stated in international legal instruments such as the United Nations Declaration on the Rights of Indigenous Peoples, and International Labour Organization Convention No. 169, which are incorporated into Nepali law.
Each of the words in FPIC have a specific meaning:

- **Free** means there should be no coercion, intimidation, manipulation or pressure on communities to accept the project.

- **Prior** means that permission for any project is obtained as early as possible and includes time for communities to undertake their own decision-making processes.

- **Informed** means affected communities must be given full information about the project in a way that is understandable to them. Communities should also be allowed to ask any questions. The project and government has to answer communities’ questions.

- **Consent** means the affected communities have agreed to the project. Sometimes to get community consent, the project company has to first make changes to ensure there is no harm to affected communities.

This information booklet compares policies and practices in Nepal with best practices from other countries. You can use this information to demand your rights from transmission line projects that are affecting you.
Many communities affected by transmission lines are concerned about the following potential negative impacts:

- Lack of information disclosure and consultation about the project and its impacts;
- Lack of Free, Prior, and Informed Consent for the project from affected communities, especially Indigenous Peoples;
- The project taking land, or putting restrictions on how locals can use their land;
- Devaluation of local peoples’ property values;
- Difficulty to secure mortgages for affected land;
- Lack of adequate compensation for affected land;
- Impacts on livelihoods of local people;
- Impacts on community resources, including schools, temples, sacred sites, etc.;
- Environmental impacts, including cutting trees and electrocution of birds and animals;
- Safety fears about toppling of towers, electrocution by wires, and increased lightning;
- Negative aesthetic impacts and sound pollution; and
- Fears about impacts of electromagnetic radiation on the health of people, livestock, and crops.

Many transmission line companies in Europe provide community-level benefits to communities affected by transmission lines. These community-level benefits are often given to local governments, municipalities or community groups. They are provided in addition to any compensation provided to individual land owners.

The money is used for projects that increase community wellbeing, like community health programmes, rural electrification, livelihoods training, and youth welfare. In most cases, the communities can negotiate with the transmission line company about what benefits they want.

Recommendations for Nepal

Project companies should provide community payments to relevant local governments and traditional Indigenous leadership systems. The payments must be based on clear laws and policies setting out the formula for the amount of money to be paid, activities the money can be used for, and timing of payments.
Recommendations for Nepal

Recommendations for Nepal

The current Nepali practice of providing 10% compensation for land under the Right of Way is too low. The government should make a policy to provide 100% or more compensation for the entire line. This will make Nepal in line with international best practices.

The Right of Way for all high voltage transmission lines in Nepal should be increased to 60 metres as a minimum.
Other payments

In addition to compensation for land, affected landholders also receive “other payments” in many countries. In New Zealand, Canada, and USA, transmission line developers have to compensate for any damage to property, crops, and livestock. Some also provide lawyers’ fees, so communities can get independent legal advice before signing agreements with the project companies regarding the land for transmission lines.

In Ireland, anyone who has a house within 200 metres of the transmission line receives a “proximity payment” even if their land is not in the Right of Way. This recognizes that people who live near the transmission line are affected even if they are not in the Right of Way.

Devaluation of Land

Parcels of land under and near transmission lines lose value for a variety of reasons. For example, transmission lines fragment larger parcels of land into smaller, less usable portions, devaluing the entire property. As a result, in some places (such as Minnesota, USA), landholders can sell their entire land parcel to the project company, and use that money to buy equivalent land elsewhere.

Land near transmission lines also lose value because many people do not want to stay near transmission lines. Some states (such as New Zealand, and Ontario, Canada) have ways to calculate and provide compensation for devaluation of land.

Recommendations for Nepal

Payments for devaluation of land, and other impacts, should also be provided in Nepal.

Recommendations for Nepal

Government should have a law that allows communities to choose between one-time payments, annual payments, or payments in installments.
LISTENING TO WOMEN ABOUT THEIR ISSUES

Construction of transmission lines can have negative impacts that are different for women and men. For example:
- Compensation for land use is generally paid to men, even though women use the land to grow food and collect firewood;
- Outside workers sometimes create problems for women; and
- Transmission line projects mostly employ men, so fewer jobs are created for women.

Recommendations for Nepal

Project companies and government should:
- Have a separate ongoing dialogue with women, especially elderly women, uniquely-abled women, Indigenous women, Dalit women, women-led households, and young women;
- Provide targeted benefits for women in livelihood support, training, safety nets, health, and legal sensitization.

ABOUT THE FPIC AND RIGHTS FORUM, LAMJUNG DISTRICT (NEPAL)

The Free Prior and Informed Consent (FPIC) and Rights Forum, Lamjung District (Nepal) asked the Lawyers’ Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP) and Accountability Counsel to prepare this booklet. The information in this booklet draws from a report titled “International best practices to secure local community consent for high voltage transmission lines” written by LAHURNIP and Accountability Counsel. For more information, including source materials, please review the detailed report.

The FPIC and Rights Forum is a grouping of local people in Lamjung District of Nepal. The peoples in Lamjung district are affected by multiple hydropower projects and transmission lines. For example, the European Investment Bank funded 220kV Marsyangdi Corridor and the Bhulbhule Mid-Marsyangdi 132 kV transmission line.

Local peoples are concerned that hydropower sector projects are being built in the district without consultation or agreement of locally affected peoples. At the village level, many Struggle Committees have been formed. The FPIC and Rights Forum is the umbrella organization of the local Struggle Committees. Together they are demanding the hydropower sector projects respect their rights as required under Nepali and international law.
LAHURNIP is a Kathmandu, Nepal based organization of Indigenous lawyers. LAHURNIP provides free legal aid services and works to promote, protect, and defend the human rights of Indigenous peoples in Nepal.

Accountability Counsel is a USA -based organization which amplifies the voices of communities around the world to protect their human rights and environment. As advocates for people harmed by internationally financed projects, Accountability Counsel uses community driven strategies to demand justice.