

A statement submitted by Michael Koen in support of evidence of the importance of free prior informed consent to communities in Africa;

Introduction and Background

1. Free Prior Informed Consent (FPIC) arises in contemporary development discourse in post-colonial settings where growing pressures towards natural resource use and extraction are driven globally by a consumption based economic growth paradigm. This sees both increasing pressures to extract coupled with free roving capital and nett wealth flows from south to north.
2. Communities across the region that have been historically disposed and or continue to struggle to assert their customary rights of access and control of various natural resources, including land, minerals, forestry and fishing.
3. Such communities have enjoyed virtually no protection from the state where natural resource extraction has been characterised by primitive accumulation from initial colonial plunder to date.
4. Many of the oppressive features of colonial law were left in place and a swathe of new extractives orientated legislation which emerges in the region from the 1980's modelled upon neoliberal concerns for supply side economics and trade have served to ensure this same legacy.
5. The accumulation regime externalises the costs of production onto citizens and states and directly affected communities bear a disproportionate component of this burden. This is further aggravated by the various corporate practices intended to reduce the cost of production which includes under compensation for land, paying low wages to mine workers and avoiding/evading tax obligations through various means.
6. The combined effects of the current accumulation regime have seen an intensification of the marginalisation and impoverishment of communities and significantly negative impacts on nature itself. This has had an even stronger impact on vulnerable groups, including women, youth and the aged.
7. There exists a stark and blatant contradiction between the notion of development and the forced removal and destruction of livelihoods of poor and vulnerable people. Much of the efforts of multilateral bank standards and the rise of the corporate social responsibility and investment discourse is an attempt to obscure or sterilise such contradictions. In this discourse words such as mitigation have become popular as a

proxy for self interested risk management on the part of capital. The adoption of any strong form of rights which may distribute power to the poor and marginalised has been avoided, particularly at national level and even where rights do exist an inability to access justice has rendered these tokenistic in many instances.

8. Free Prior Informed consent as a human right, fully recognised and accessible at national and local level, with defined processes and a substantive collective 'right to say no' by communities to a particular development project would have a significant impact on such a scenario, whilst also establishing a basis from which to claim restitution and reparations for past violations.

Consideration of the application of FPIC in Africa

9. The importance of FPIC to communities in Africa is a multi-faceted question which requires a number of different considerations relating to community and the nature or conceptualisation of community, types of land allocation and considerations as to who does and potentially does not have FPIC rights (often tied to the characterisation of indigeneity when international law is considered), and what the nature and process of FPIC in fact is or means in an African context. It is necessary to consider some of these questions prior to the discussion of the importance of consent as a substantive right and FPIC as a set of intermingled procedural and substantive rights as this gives insight as to whom and how FPIC potentially offers some form of protection from grave human rights violations.
10. Emerging from the Latin American discourse and jurisprudence FPIC was accepted quite early on for indigenous and tribal people in ILO convention 169 and affirmed generally through interpretation of the International Covenant on Economic, social and Cultural Rights. This was expressly stated in the UN Declaration on Indigenous Peoples Rights (UNDRIP)¹. The logic as expounded in various texts and interpretations

¹ The FPIC concept was strongly reinforced by the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which outlined a host of scenarios in which FPIC should become the standard "best practice" for negotiations between indigenous peoples and any other entity. UNDRIP articles 10, 11, 19, 29, 30, and 32 all argue for the inclusion of FPIC in negotiations regarding land, culture, property, resources, and conservation.

Indigenous Peoples have the right to FPIC. UNDRIP Article 32(2): 'States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain FREE, PRIOR and INFORMED CONSENT prior to approval of any project affecting their land or territories'.

is that indigenous peoples' livelihood and culture are more dependent on their relationship to customary lands and therefore more likely to suffer irreversible harm than non-indigenous communities.

11. There has been no definitive definition of 'indigenous people' provided in the UNDRIP or allied UN bodies. However interpretations tend to emphasise self definition or identification and marginalisation as important factors. This has nevertheless tended to manifest as an aboriginal or first nations interpretation of the concept. Marginalisation however is not limited to the concept of minority. African customary communities are by the logic of potential harm as in need of the protection afforded by consent as any other.
12. African governments, fragile and young in their construction by colonial powers flowing from the Berlin Conference of 1884/5 and the subsequent 'scramble for africa', with little regard for splitting various peoples through artificial (and often straight line)borders, feared the notion of indigeneity enabling secessionist movements.²
13. The application of this right based on a conceptualisation of indigeneity has had an uncomfortable application in Africa and parts of Asia particularly where historical occupation, through customary based governance of natural resource use is widespread in precarious economic conditions which often also see very limited development progress being made. The focus on indigeneity has served to confuse and obscure the customary law basis of FPIC focussing the issue on identity and has initially created an artificial hierarchy of rights between indigenous and customary communities. The basis of the claim of a set of internally applicable laws regulating relations with community outsiders is however the same.
14. The notion of indigenous vs customary communities is a divisive mechanism placing further obstacles to African communities to access the protections offered in international law.

² This concern led to the African Commission on human and people's rights in 2007 issuing an advisory opinion on the United Nations Declaration on the Rights of Indigenous Peoples noting that its interpretation of indigenous peoples differs from those of other continents where indigenous communities have come close to annihilation. Despite recognizing that "any African can legitimately consider him/herself as indigene to the Continent," ACHPR states that within the African context, "the term indigenous populations does not mean 'first inhabitants' in reference to aboriginality as opposed to non African communities or those having come from somewhere else."

15. In a recent FPIC focused study of five African countries legal dispensations the authors conclude, “In the legal sphere, equally fascinating tensions are arising as diverse developments of law are beginning to converge. While the powerful international movement towards the protection of indigenous peoples rights have for some time been resisted by Southern African countries, the recent recognition of customary law and tenure rights of the constitutions of these countries provide an avenue for affected African customary communities to assert ownership and consent in their own right. That this convergence of two worlds towards the same conclusion – Free, Prior and Informed Consent for affected communities – is unstoppable, is perhaps best illustrated by the move of the traditionally conservative World Bank to broaden the scope of its Economic and Social Safeguards to Indigenous Peoples and Sub-Saharan African Historically Underserved Traditional Local Communities.”³
16. Rural communities are economically defined in terms of historic geosocial patterns. These are complex adaptive systems that are highly integrated. Changes to one component such as land, tend to destroy the system and the relations within it. It is therefore very difficult to relocate a community, so established and in the process of continual development, in such a way so as to recreate the historic geosocial patterns. The group may still self identify as a community, however many of the spiritual and emotional elements along with economic strategies and socially interrelated dependencies may be quite different. Women who are deeply engaged in cooperative agriculture will be severely impacted. Youth and the elderly are also particularly vulnerable to shocks and will also experience disproportionate impacts.
17. Robert Goodland 2004, former President of the International Association of Impact Assessment and author of many World Bank safeguards over a 24 year period states, “Displacement is traumatic, sometimes gravely so. Urban resettlement often works because even though the oustees are removed from their dwellings, their jobs, society and relationships remain intact. Urban oustees usually receive another house in a nearby street. Rural displacement usually fails, thus intensifying poverty, according to all internal World Bank examinations. This is probably the worst feature of economic

³ LRC 2018 Free, Prior And Informed Consent In The Extractive Industries In Southern Africa An analysis of legislation and their implementation in Malawi, Mozambique, South Africa, Zimbabwe, and Zambia

development today; it is also the only case where economic development relies on coercion, and does not try to seek consensus.”⁴

18. The value of land is a complex thing to calculate because the land itself describes and determines the relationships people have as do these relationship help define the use of the land. The land gives people a sense of who they are and this combined with people often living on the edge of survival means that when a community loses some land their survival is threatened and where a community is moved to other land or to a township the community dies as the relations and identity is immediately and dramatically changed.
19. In so far as collective rights recognise the gestalt notion of the collective where the whole is greater than the sum of its parts, this equates in a sense to a right to life.
20. Following from the above, the definition of community is of importance in considering to whom the right of FPIC is especially significant. Illustratively, in a model law for mining on community land in Africa, collaboratively developed in the International Alliance on Natural Resources in Africa, a community is defined, in section 8, as follows;

“Community Definition

8.1 Community shall be defined as a group of persons who have chosen or choose to adhere to and enforce shared rules of access to their land, minerals and other resources, owned by them through long occupation and or grant or other means regardless of whether title is formally held by the State or another person, provided that the community shall:

8.1.1 practice a system of customary land tenure; or,

8.1.2 be indigenous people or descendant; or,

8.1.3 live on trust land under domestic statute law.

⁴ Goodland, Robert. "Free, Prior and Informed Consent and the World Bank Group." *Sustainable Development Law and Policy*, Summer 2004, 66-74.

8.2 Such a community may affirm its recognition and social boundaries with reference to its neighbours, and neighbouring communities may recognise a community for purposes of decision-making under this law.

8.3 In the context of proposed mining activities, decision making power shall vest at the lowest level of organisation of customary rights holders, including at the village, ward or clan level or any other structure defined by that community's customary law."⁵

FPIC means democratic development planning at all levels

21. Potential for suffering and harm is clearly one consideration for the need for FPIC but the artificial distinction for that harm found in the debate around indigeneity in the African context serves to highlight a second criteria; Participation in development decision making. Another term for this is democracy. The notion of a hierarchy of rights, some in the form of consent for indigenous communities and consultation for the rest, has been suggested by the World Bank Group until very recently, the International Council for Metals and Minerals and indeed many advocates of indigenous rights and others is akin to developmental democracy for some but not others.

22. The origin of the right to free prior and informed consent is attached inter alia to a right to development⁶ and a measure of self determination in deciding this. There are

⁵ IANRA Model Mining law, section 8. <https://ianra.org/images/images/PDFs/IANRA-Model-Law-2016.pdf>

⁶ In 1981 the African Charter was in fact the first international human rights instrument to definitively recognise development as an individual and collective right. The right to development was subsequently proclaimed by the United Nations in 1986 in the Declaration on the Right to Development. The Preamble of the Declaration on the Right to Development states "development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom."

The International Covenant on economic social and cultural rights at Article 1, (Article 1) recognises the right of all peoples to self-determination, including the right to "freely determine their political status", pursue their economic, social and cultural goals, and manage and dispose of their own resources. It recognises a negative right of a people not to be deprived of its means of subsistence.

While the African Charter at Article 21 provides for the right of 'peoples' to freely dispose of their natural wealth and resources and to recover their property or compensation in the event of dispossession while article 22

many examples where communities have tried to resist a particular development path simply being ignored by the state and left to fend for themselves.

23. With this in mind, the principle of Free Prior and Informed Consent (FPIC) should be understood to rather refer to free, prior and informed **choice**, for any such process needs a collection of people to make a decision that will impact on their existence, possibly for generations to come. We also understand that the world changes and so do we. It is important then to see this FPI choice as an ongoing process with a number of important moments along the way. These choices that we make are between different development paths and to make the best choices we need information about the opportunities of different development paths.
24. FPI Choice is a means of communities proactively considering the future and making informed decisions as to how to exercise their collective rights in this regard. It is important to communities on this basis and not simply a procedural right at the point a community is confronted by an external project proponent be it state or corporate entity.
25. There exist communities within communities and democratic development planning must be inclusive. Women are particularly vulnerable to shocks induced by land use changes as are the elderly and the young. The Convention on the Elimination of all forms of Discrimination Against Women (1979) at Article 14 (concerning non-discrimination of rural women, including ensuring their right to participate in development planning, equal treatment in land and agrarian reform, and their right to adequate living conditions including in relation to housing) pays particular attention to the states obligation to ensure the participation of women at all levels of development decision making. FPIC is of significant to communities but women in particular. Echoing these concerns the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003) at Article 18 (on the right to a healthy and sustainable environment) states, "1. Women shall have the right to live in a healthy and sustainable environment. 2. States Parties shall take all appropriate measures to: a) ensure greater participation of women in the planning, management

provides that: "All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind."

and preservation of the environment and the sustainable use of natural resources at all levels; c) protect and enable the development of women's indigenous knowledge systems;"

26. This principle was seen as significantly important in the afore referred to 2016 IANRA model mining law which states at section 10,

"10. Community Rights

10.1 The continued existence of a community shall be considered inviolable.

10.2 The rights of a community include, amongst others, the right to:

10.2.1 pursue their own development path;

10.2.2 the natural resources on and below the surface of their land; and

10.2.3 collectively benefit from the use of the natural resources on and below the surface of their land.

10.3 No community may be arbitrarily deprived of these rights through mining or associated activities.

10.4 The State must facilitate and support the chosen development path of such a community, including supporting the community in considering all viable forms of development."

Much of Africa's land is made up of customary occupation

27. Natural resources tend to be found in rural areas far from the big cities where. Most of these areas do not have formal land tenure, but rather is governed in terms of the norms and practices of the communities who live on the land. About 90% of Africa is

governed this way⁷. FPIC in Africa based on both international law and treaty and African customary law is important to communities in the sense that it potentially covers so many marginalised and vulnerable people.

FPIC provides a basis for more secure tenure and power to negotiate a more favourable development outcome

28. The key principle is that land is not owned by a person but rather a group of people and if it is not directly owned it is used and controlled in the interests of that group of people, by that group of people. These are the people's collective rights.
29. Communities across the region have been subject to the problem of insecure tenure rights. FPIC as a recognised right for customary and indigenous communities would provide an immediate defence against evictions and forced removals of people. It would also provide the framework for the better statutory protections going forward. As a collective right this would be stronger than efforts to individualise title.
30. Mozambican land law provides an interesting example. Mozambique has been touted as having amongst the most progressive land legislative systems in Africa. This system explicitly recognises customary law as a main source of administration and rights intending these to be formalised, whilst trying to balance this with other and often competing economic interests over land in the form of investment capital. It is this contestation that is at the genesis of FPIC in the context of land. The approach to this contest in Mozambique envisaged a negotiated form of development between local communities and investors which arguably is or rather was intended to be based on consent.⁸
31. Despite the intention of the land reforms, a burgeoning extractives sector which emerges later immediately undermines the potential of the approach highlighting the contradictions inherent in the extractive centred development trajectories and the consequences this has for customary land occupiers. Thus even where progressive conceptualisation of securing tenure on a customary basis is established administrative action and inaction all but renders the attempt meaningless for

⁷ Cotula, Lorenza (ed.) *Changes in "customary" land tenure systems in Africa* LSP Working Paper 38 FAO 2006 p 1.

⁸ Experts discussing the land dispensation and formalisation, opine that there is an implied power to say no (Knight 2010; Tanner et al. 2006; among others).

communities where the 'price is right', and there is an absence of a formalised and recognised consent right.

32. The Fact that communities hold usage rights and the state owns all land has in the reality of investment in natural resources seen communities relatively powerless to stop the process, or negotiate a positive developmental outcome. The disastrous removal of people in the Tete province to make way for coal mining is illustrative. The government later issued a relocation decree that gives no right of consent, effectively abandoning the intended negotiated development engagement, to a simplistic administrative process.
33. Negotiation is central to the idea of consent. Negotiation relies on good and understood information and a relatively equal capacity to inflict disfavoured outcomes on the opposite party. This requires power to be equalised to some extent. It is only where a community can say no to a process of development that they can secure adequate benefit sharing and appropriate levels of compensation should the community decide to say yes. Conceptualisation of consent without a veto ability is analogous to workers engaged in collective bargaining without a right to strike which simply stated, becomes a form of collective begging.
34. Public interest expropriation or the doctrine of eminent domain is as a last resort meant to break an impasse in negotiation. However routinised reliance on such instruments inevitably tip the scales of power insurmountably back in favour of the proponents of often unwanted development. A collective right of consent attached as it is to fundamental human rights such as dignity, equality, life and development should take precedence over state based expropriation in the public interest in all but the most extreme of situations and then only with full cost accounting and compensation intended to leave victims in a more favourable economic situation.

Consultations is an inadequate standard

35. Mining and other natural resource exploitation statutes that hold consultation as a sufficient standard abound across the region. In all these dispensations consultations

result in an outcome of, at best being informed of something that is to happen and in even fewer cases a small amount of compensation with little relation to the true value of that for which it is exchanged.

36. Stated with different emphasis; Despite consultation existing as a requirement in much natural resource legislation in the region, the negative and destructive impacts are apparent everywhere.

Consent is necessary but not necessarily adequate

37. Consent is more important for the marginalised and the poor. However those in greatest need will often consent to less favourable terms. This is seen repeatedly in the acceptance of poor compensation offers that do not adequately provide for future livelihoods, in unemployed people accepting more dangerous or less satisfying work, in needy people accepting low wages and so on.

38. A strong interpretation of the procedural elements of FPIC along with institutional support, such as access to independent experts, is therefore essential to the realisation of the potential for community to seek advantage out of difficult situations.

39. FPIC interpreted through an organising and democratic practice is also the base upon which the organisation of communities can be developed and in this sense plays a potentially effective role in building solidarity in situations where development proponents will often attempt to divide communities, so as to immobilise resistance.

The practice and process of FPIC can assist communities lead in the rehabilitation of customary law

40. Customary law can be considered as having both internal and external application. It is in the external application of law governing the approach by an outsider to request the use of a piece of collective land that Consent rights are located. However it is in the internal application of customary law that the transformative potential for community relations is to be found. Many constitutions in the region either explicitly or implicitly recognise customary law as an equal source of law to, statutory law for example. Whilst customary law is recognised by a constitution it is still subject to it. Customary law practices that violate concerns for equity enshrined in a constitution are therefore subject to challenge.

41. Exercising a customary right of consent provides the opportunity to practice inclusive decision making. This is particularly important to remove the colonial distortions of customary law as viewed through a particular racist and patriarchal lens, which wished to isolate traditional leadership in order to exercise arms length control over large sections of the populace.
42. FPIC has in this context particular significance to women in communities. There exists state obligations to effect this in the form of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003)⁹

Communities have identified FPIC as principle to their protection

43. In 2009 and in response to the massive commodities boom that had communities in South Africa experiencing the largest mass relocations of people since the height of the apartheid regime, multiple affected communities, community organisations, and NGOs from that country met with the South African Human Rights Commission in Polokwane to discuss a collective response to the burgeoning crisis.
44. While the group acknowledged that there might be differences in the particular circumstances of communities and what communities may want from interactions with mines, everyone agreed "free, prior and informed consent in a fair process and sharing benefits where there is agreement should be a fundamental principle to all." The most important implication of that call was that it originated at a local level in a country that scarcely engaged with the discourse of indigenous peoples and from communities who, through a history of strife and forced displacement, could not claim any identification of indigenous peoples status in the narrow sense.
45. The International Alliance on Natural Resources in Africa (IANRA) which is a network of 41 network organisations, 40 in Africa and 1 in Europe, including 13 national IANRA groupings or networks in Africa embarked on a process between 2014 and 2016 of research and community engagement to distil important principles and concepts related to mining legislation that would protect communities from the

⁹ Article 2 (on the obligation of States to eliminate discrimination against women) section 2 adds specifically "States Parties shall commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for women and men."

extremely adverse impacts of minerals extraction. This was developed into a charter initially and later a piece of model legislation. FPIC was identified as the principle mechanism for achieving this end. The model mining law features an extensive and useful consideration of the right and process of consent at sections 11 and 12.

46. A similar South African example, the Peoples Mining Charter adopted in Beira in 2016 and featuring the organisations of the Mining Affected communities United in Action and the Women Affected by Mining united in action after extensive consultations and engagements in member communities and beyond clearly identifies the components of FPIC as a basis for engagement around development decision making.¹⁰

“The key declaration is based on the following Principles:

1. Community Voice in Decision Making through negotiation based on right of consent to determine what activities occur on one’s land.

4. The public, specifically mining affected communities must have the right to Free and accessible access to information regarding all operations that affect the economic, social and environmental well-being of communities.”

47. The importance to communities is further underscored by the focus on FPIC by various forums and organisations in Africa. The African Coalition on Corporate Accountability (“ACCA”), a loose network of almost 100 organisations on the continent working on issues relating to corporate accountability and extractives, identified FPIC as one of their two main areas of focus in 2016. The Coalition is engaging in ongoing research on the topic.

48. The African Commission’s Working Group on Extractive Industries and Working Group on Indigenous Peoples have both showed great interest in developing the concept of FPIC within the African context.

49. In May 2012, African Commission on human and Peoples Rights issued a resolution (224) calling on States to ensure local participation in decision making related to natural resource governance. The resolution specifies that States should take all necessary measures “to ensure participation, including the free, prior and informed consent of communities.” The resolution does not limit FPIC application to indigenous

¹⁰ http://pmg-assets.s3-website-eu-west-1.amazonaws.com/170628Peoples_Mining_Charter.pdf

peoples but rather links it to natural resource projects. ACHPR notes concern over the “disproportionate impact of human rights abuses upon the rural communities in Africa that continue to struggle to assert their customary rights of access and control of various resources, including land, minerals, forestry and fishing.” In this context, ACHPR introduces FPIC as a safeguard to counter risks associated with natural resource projects entailing elevated human rights risks. Recommendation 6(d) of the Pan-African Parliament urging for rules on foreign direct investment in land including rules ‘Ensuring effective consultations with local communities and various people affected by investment projects and ensuring that any investment is approved through free, prior and informed consent of affected communities’ (6th ordinary session, January 2012).

50. Indeed this body “Southern African Peoples’ Tribunal” has paid considerable attention to the concept in jurors report of 2016/17.

FPIC is a means of decentralising development decision making and identifying the opportunity costs and the correct metrics for assessing developmental progress

51. Land is a key component of development. Competing land use based conflicts between traditional land occupiers and capital investment prospects is therefore likely to impact a significant and increasing number of largely rural inhabitants in both directly in the form of relocation and indirectly in the loss of usable land, increased pressure on other land occupants and related natural resources including pollution and loss of habitat. in addition Various commentators observe the resource intense nature of economic development on the economy of Africa as driving widening inequality which in effect serves to erode potential development benefits and in fact increase social strife and hardships for large sections of the economically marginalised population.¹¹

52. Growth in the global market economy has seen an intensification of natural resource extraction projects and supportive infrastructural needs with a cumulative effect of placing ever greater pressure on land use and allocation.

¹¹ Africa Progress Panel, 2013

53. Amendments to mining legislation in the region over the last 15, have seen states attempting to leverage greater rents from natural resource exploitation further aligning corporate and state interests and an intensification of resource exploitation in a period of high commodity prices.
54. Here states become administrators for the granting of licenses often to international corporations for the exploitation of resources. The use it or lose it principle underlying the majority of current mining legislation in Southern Africa places an absolute imperative to extract. Despite the seemingly progressive notion of states acting as custodians of all mineral resources through the division of surface and sub surface rights, in the absence of responsive and participatory democracies, extreme levels of corruption and state capture, there is an absence of the necessary checks and balances that can ensure the use of natural resources happens appropriately and in the true long term interests of people. In this scenario the doctrine of eminent domain is abused in the interests of Large TNCs cloaked in the notion of a general national/public interest as exercised through executive government discretion.
55. In this scenario the ability to say no as a means of effecting a chosen development path, protecting ancestral lands and environmental resources are a critical tool for communities confronted by often overwhelming power manifest in convergent state/capital interests.
56. Moving from a presumption of free prior informed choice enables a decentralised development decision making process that can slow an absolute imperative to exploit natural resources.
57. A so developed development preference provides communities with a clear an identifiable opportunity cost against which to assess their potential benefit from providing consent for an externally introduced development project. Including environmental costs and the loss of non renewable resources in turn provides the perspective to better measure real development that is sustainable. This is not only in the communities' interest but the national interest.
58. FPIC as an authentic process, where all are truly informed requires an approach to cost/benefit analysis that includes the principals of full cost accounting (including externalised and non tangible costs) and double entry accounting (including the loss

of non renewable resources and progressive socioeconomic spending in health and education for example).

59. Amartya Sen, the economist and Nobel laureate makes this connection in an address to the World Bank group in 2002 "Political rights are not only pivotal in inducing social responses to economic needs, they are also central to the conceptualization of economic needs themselves." ¹²

¹² Quoted by Goodland, Robert. "Free, Prior and Informed Consent and the World Bank Group." *Sustainable Development Law and Policy*, Summer 2004, 66-74.