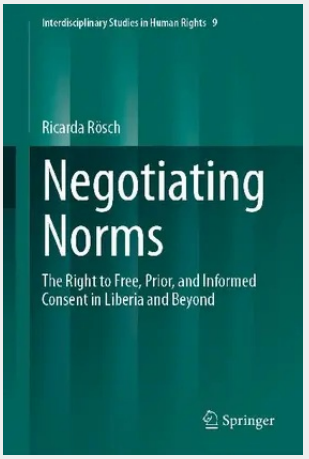
Rösch

Negotiating Norms

The Right to Free, Prior, and Informed Consent in Liberia and Beyond



The book explores the right to free, prior and informed consent (FPIC) – a highly controversial right. It is mainly discussed in the context of large-scale business projects on Indigenous territories but also with respect to the creation of protected areas and communities' traditional resource rights.

From a legal anthropological perspective, it attempts to disentangle the various coexisting understandings of FPIC and provide an explanation for the multiplicity of FPIC norms or – to put it in other words – its fragmentation.

It examines the right- or stakeholders of FPIC, the scope of the consent requirement, the respect for self-determined decision-making, and the right to FPIC of women in different sociolegal fields. Moreover, it explores the impact of power relations, strategic alliances, and discourses within these fields and shows that the emerging FPIC norms are the result of norm negotiation processes.

The fields that are examined include transnational law – more specifically, human rights, environmental, and development law -, the Liberian post-conflict forest and land legislation, and Liberian community forests as fields in which FPIC is operationalized. Liberia is quite unique in this respect. It is not only one of the few countries in Africa recognizing FPIC but has also begun implementing it. The book shows that based on the logic of a sociolegal field, legal identities are discursively created and determine the meaning of FPIC. Moreover, different actors can resort to different legalities shaping the emerging FPIC norm.

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