



COMMUNITY TRAINING

ENGLISH

For adjustment as needed

SUGGESTIONS FOR PROGRAMME

Note to working with this suggested outline:

- This is a simple guide to how you could set up and facilitate a community training.
- Your objectives, context, number of participants, length of time available etc. will shape how you construct the training.

The aim of the suggested workshop

To deepen knowledge and strategy in support of community struggles based on the Right to Say NO (R2SayNO)





Module 1: Building basic understanding about the R2SayNO, how development is defined by different groups, and what consent ‘looks like’ in practice (this is the grounding module)

1a. Introductions and surfacing issues that confront the communities from which participants come (1.5-2 hours)

By the end of this session, participants will:

- Have met each other.
- Know more about the communities represented there.
- Have opened a conversation about the main issues they confront in their community as they resist mega-projects coming into their area or which are already present.
- Have a clearer idea about what will be addressed and what will not be addressed in this workshop.

As a first step welcome people and then ask people, before introductions, to break into very quick standing buzz groups of activists from the same community. In these groups, they identify the three main issues they are facing as they confront a big project or the impacts of an existing project.

Have each buzz group introduce its members and then name their community, outline a little of what they are going through, and identify the three to four main issues which they are confronting.

Develop a wall chart of the key issues confronting participants and categorise these into ‘themes’ which are emerging. These should ‘speak’ to many of the issues to be addressed in the training and so you can indicate what will be picked up on and what will not be addressed during the time together. If there are burning issues which are not addressed in the workshop and should be, adjust your plan or schedule an evening session.

Note: as you cluster the themes, start to probe whether and how women and girls, or other social groups like the young and elderly, are impacted differently by these issues.





1b. The 'development' agenda (2 hours)

By the end of this session, participants will have:

- Thought about different understandings of development.
- Made more visible community understandings of 'development' which they are defending through their fight.
- Started to think about different forms of power.

In randomly made-up groups, *discuss the following questions:*

- What do you hear government officials and company representatives say about the project your community is resisting? Do they use the term 'development'? Do they say the project will be 'good' for the community? Write down some of the things you heard/hear about the project.
- What is government and corporations' understanding of development?
- What is your/the community's understanding of development? What is it that you are protecting/ fighting for? Do different groups in the community hold the same view?
- What types of power do government and corporations have to impose their 'idea' of development?
- What are some of the forms of power you are using to stop the project?

Ask groups to feed the main points of their discussion into plenary – probe and discuss further to satisfy the expectations of this session.

1c. Opening the conversation about the R2SayNO (our right to give or withhold consent for a project) (1.5 hours)

By the end of this session, participants will:

- Have started to grapple with the R2SayNO at a more general level.

In plenary explore the following questions. To stimulate discussion and ensure greater participation, have people, at times, brainstorm ideas in small buzz groups where they are sitting. This needs to be a very lively session with lots of provocations and fun!

1. What or who is a community?
2. Who can say NO? Who in a community cannot say NO?
3. When can a community say NO?





4. When can a community not say NO?
5. Who are you saying NO to?
6. What should happen when the community cannot agree?

1d. The R2SayNO in living practice

This is a great light session, especially for the end of the day or after lunch when people are tired. Options here include:

1. Having a community which has been in resistance and gained some traction speak about their struggle – to explore what they have been saying NO to, what strategies they have used, what they are saying YES to, and the challenges they have confronted.
2. Showing a film or two – see suggestions below and facilitate a conversation addressing the question ‘what are some of the things a community needs to win the R2SayNO?’.

Film options:

Women leading anti-mining struggles in the Cordillera region of the Philippines **(8 mins)** <https://www.nmap.co/project/beneath-the-surface-women-lead-the-fight-against-mining/>

Beneath the Surface - community mapping and resistance in Ghana **(12 mins)** <https://www.nmap.co/project/beneath-the-surface-community-mapping-and-resistance-to-mining/>

Animated film about a grandma-led resistance to mining in Northeast Thailand **(8 mins)** <http://www.radicalgrandmacollective.com/mining>

Mining and Resistance in Diné'tah – resistance of the Navajo people to coal **(24 mins)** <https://www.youtube.com/watch?v=TiZ7pPNISyc>

Xolobeni: the R2SayNO **(20 mins)** <https://www.youtube.com/watch?v=Q8p1VXDgLkY>

Women Hold up the Sky (women say NO to extractives in South Africa, the Democratic Republic of the Congo and Uganda) **(35 mins)** <https://womin.org.za/our-work/main-support-activities/womin-film.html>





1e. Digging deeper on consent rights (1.5-2 hours)

Note: If you feel the group needs a little more help deepening their understanding of consent and differentiating this from access to information and consultation this will be a helpful session to run.

By the end of this session, participants will have:

- Come to an understanding of what it means to be informed, consulted or to have exercised consent rights.
- Started to illustrate what each of these processes 'looks' like in a community.

In randomly constituted groups, address the following questions and *bring the main points of the discussion addressing question 2 only* back to plenary:

1. Think about marriage negotiations and how this works:

- How are the elders in both families *informed* about the marriage proposal?
- What does *consultation* of the elders 'look' like? Does consultation equal consent?
- How do elders *give or withhold consent* and what reasons are considered in making the decision?

2. Translating this to community then:

- What are the 'signs' or 'indicators' that there has been consultation of a community before a project starts or is expanded or is permitted to continue?
- What are the 'signs' or 'indicators' that there has been consultation of a community?
- What are the 'signs' or 'indicators' that a community has had a fair opportunity to give or withhold their consent for a project?



Module 2: Locating the R2SayNO – where does this right ‘live’ in your customary rules, in the constitution, in the law, in precedent, and in human rights frameworks.

2a. Free Prior and Informed (and Continuous) Consent (1-1.5 hours)

By the end of this session, participants will:

- Have been introduced to and thought about critical principles, which characterise consent rights in law and protocol, and should be reflected in practice.

Explain that you will hear this term ‘Free Prior and Informed (and Continuous) Consent’ in the next few hours of this module. You could say these are the principles defining consent rights.

In plenary then explore our understanding of the ideas. You can have people think quietly, speak to their neighbour, and bring thoughts into plenary:

FREE - how would we know a decision is Free?

PRIOR - what does Prior mean?

INFORMED - how would we know that people have been Informed? What would need to happen?

CONTINUOUS - this is less used but is critical especially for communities enduring the impacts of extractives. What would it mean for consent to be continuous?

Given our discussions yesterday/earlier – are there **any other principles** that should characterise our understanding of the R2SayNO?

2b. Finding where the R2SayNO ‘lives’ (2-3 hours)

By the end of this session, participants will:

- Understand that the R2SayNO exists in many different places:
- In community rules and laws about land and natural resources
- In the constitution
- In the national law





- In precedents that the courts set
- In protocol and human rights frameworks that states sign onto, etc.

Input

It is important that this input speaks to the national context and local application or people will become very confused. In each national context, the R2SayNO lives in different 'places' as indicated above. You will not use all instruments or arguments in every place. Depending on the nature of the struggle and what the community is fighting they will draw, very strategically, on what is relevant and appropriate.

The input should be very focused on what makes sense to communities and could address some of the following points. We suggest you stagger the presentation, addressing a few points, opening for questions and comments, and then presenting further.

- The nature and origin of formal rights in the national context
- Where is FPIC explicitly addressed if at all nationally, in the landscape of law, and the human rights framework more generally?
- What the constitution is and how this could be used to claim the R2SayNO
- Key national laws that relate to land and natural resources, climate and environment, and livelihoods that could be drawn upon to argue for the R2SayNO.
- Role and status of customary law - what arguments have/could be constructed from this drawing on the Xolobeni high court judgement in November 2018 and the 2010 Endorois case judgement at the African Commission on Human and Peoples' Rights (ACHPR)?
- International and regional hard and soft instruments: United Nations' Declarations, the International Labour Organisation (ILO) Protocol 169, Conventions (rights of women and biological diversity), Food and Agricultural Organisation (FAO) Code of Conduct, African Charter, ACHPR resolutions, ECOWAS mining protocol, etc.
- Other instruments and grievance mechanisms, such as bank safeguards and complaints mechanisms
- Legal precedents in your country and beyond, such as the Xolobeni judgement, which could be drawn upon.



Module 3: Claiming the R2SayNO – building power, strategies, and tactics, managing risk, clarifying our YES.

3a. What we can learn from living struggles (2 hours)

By the end of this session, participants will have:

- Been exposed to other struggles and examples of strategies that have been/ could be employed.
- Thought about resistance and what is needed to succeed.

A great entry point to talking about resistance, power and strategy is to look at examples and consider our own experience. The options presented in Module 1d would be a great starting point for Module 3 as well. Cases and films, showing community resistance, help to inspire, instruct, and echo what people are already doing. This helps build confidence.

Following on from a case study presentation, or a film or two, you could structure a discussion in plenary or groups around the following questions:

- What inspired you in the film/case?
- What was the community fighting for?
- Were they alone? Who was standing with them? (these are your alliances)
- What are the different ways they confronted the company and government?
- Which strategies are similar to what you are doing? Were there any other ways they resisted, or were there strategies they used that might work in your context/community?

At the end of this session, you can highlight other strategies for claiming the R2SayNO including:

- Building local movement – rallying people
- Arming yourself with information and knowledge about the project, plans, possible impacts, pressure points for campaigning
- Creating alliances – within your community, between your community and other communities that are in this room, with other CSOs in country and beyond





- Being very clear about what you want to achieve and how you will get there – this needs constant review and re-planning as you will not succeed if you are not clear.
- Use the law (bring cases, mobilise friends of the court, obstruct project progress through legal injunctions) and use parliament and its oversight structures as well as the human rights architecture such as commissions.
- Use the media and get attention for your case.
- Mobilise global networks and apply pressure on financiers, company headquarters, shareholder meetings, etc.
- Take direct action – picket, demonstrate, do sit ins – but only if it is safe to do so.

3b. Sharpening our strategies for claiming the R2SayNO (2 hours)

By the end of this session, participants will have:

- Had the opportunity to sharpen their thinking about what they want to achieve.
- Reflected on their struggle to date and what may need to shift.
- Started to sharpen focus and strategies for success.

Building on the session 3a (above), break up into community groups to work on your strategy. Use the following questions as a guide:

1. What is it that you want to achieve as a community or a group within a community?
2. How have you worked to achieve this until now?
3. What has worked and what has not succeeded?
4. What new strategies would be good to implement?
5. What challenges have you confronted and how can you work around them going forward?
6. What support and assistance do you still need?



3c. Thinking about risk and how to manage it (1.5-2 hours)

By the end of this session, participants will have:

- Thought about power and how corporations and governments react to community resistance.
- Identified the major areas of risk and who carries these risks.
- Considered how these risks are currently being managed and how risk management could be strengthened.

This session could begin with some case studies, or testimonies from communities in the room about the risk and repression they have already confronted. One would need to be very careful here, as there may be a great deal of hidden trauma which is dangerous to awake without a clear strategy for addressing trauma.

Since risk analysis and management need to be thought about in groups, you could start with the plenary discussion and then move into groups to address the following questions:

1. What are the 3-4 greatest risks you see in your community as you take forward your campaign for the R2SayNO?
2. How have you previously managed these risks? What worked and what did not? What have you learnt from the past?
3. Who carries what risks? Who is most at risk? What are the risks that women confront?
4. How can you address these risks going forward and what support do you need?

Debrief into plenary and facilitate collective discussion. It will be important to think about ways in which collectives, solidarity, national campaigning, and external pressure (on company and state) can be used to mitigate risk.

3d. Building confidence in our YES (2 hours)

By the end of this session, participants will have:

- Thought about why the YES is such an important dimension of the R2SayNO.
- Begun to think about what their YES is and how the YES is differentiated by social factors of age and sex.
- Started to think about ways in which the YES could be further developed at community level.





The conversation would best be started by looking at an example of a clear YES in a case. There may be one in the room, or you could look at an example explored in the videos, in particular the Xolobeni case, where the YES is explicit. This session should be tied back to Module 1b where we started to explore how the state and corporations think about development very differently to communities and their allies.

After having explored a YES example and thought about why the YES is so critical in the R2SayNO, participants should break into their community groups to do some more thinking on this. The following questions could assist this conversation:

- What is the YES in our community? What is not clear and needs further thinking and exploration?
- What is the YES of women and the YES of young people? Are these perspectives visible in the community? How do we create space for them and bring them to the fore?
- How do we work to make the YES clearer and more visible in our organising and campaigning going forward?

Ask groups to feed key points back into plenary for discussion.



A list of some resource materials to draw on:

[WoMin Feminist Principles for Consent Rights](#), presentation, 2017

[ENGLISH Extractives vs development sovereignty: building living consent rights for African women](#), [FRENCH Extractives vs development sovereignty: building living consent rights for African women](#), [PORTUGUESE Extractives vs development sovereignty: building living consent rights for African women](#), Mbuthuma, N; Kengne, G; Hargreaves. S in Gender and Development, Issue 25.3: Natural Resource Justice

[Rights and Resources: Building Community Voice in the Mining Sector](#), Perspectives: Political Analysis and Commentary, Heinrich Böll Stiftung, April 2016

[Reclaiming Free Prior and Informed Consent in the Context of global land grabs](#), Franco.J. Published by Transnational Institute for Hands off the Land Alliance. 2014

Xolobeni Pretoria High Court Judgement which ordered the Minister of Mineral Resources in South Africa to obtain full and formal consent from the Xolobeni community prior to granting mining rights -

[ENGLISH Xolobeni Pretoria High Court Judgement](#), September 2018.

[FRENCH Xolobeni Pretoria High Court Judgement](#), September 2018

[A Community's Right to Decide: Free, Prior and Informed Consent](#) , Oxfam, Publishing date: unknown

[Guide to Free Prior Informed Consent: Resources and Materials](#), Oxfam Australia

[CSOs on Ecowas Mining Directive](#), Oxfam

[The Right to Decide: Free Prior and Informed Consent in Ghana](#), Oxfam

[Free Prior and Informed Consent - an emerging standard for extractives industries projects](#), Oxfam America