



FREE, PRIOR AND INFORMED CONSENT *IN AFRICA*



An
Advocacy Tool
for Civil Society

GOVERNMENT

THEIR
LAND!!

MINE

MINE

Foreword

A core challenge across Africa is the right of development host communities to decide on development projects within their vicinities. Considering that they inordinately bear the consequences of these projects, their right to say 'No' or have a say in the processes of a development project, is a right that must be protected. This right resonates in several laws and instruments across continent, but very little has been done in its fulfilment.

The concept of "Free, Prior and Informed Consent" (FPIC) exactly addresses that right. It allows communities to participate and give, or, withhold their consent to any project that may affect their livelihood and their territories. It affirms that: no matter how important a development project might be, the community's right for a meaningful participation in the decision-making process remains paramount.

For the past 5 years, the African Coalition for Corporate Accountability (ACCA) has researched and engaged stakeholders on the concept of FPIC in the African context. This comic book illustrates the strong critical messages conveyed by ACCA's report on FPIC.

Concise, clear, and straight to the point the book captures the quintessence of the African perspective on FPIC and the correlation between land and community.

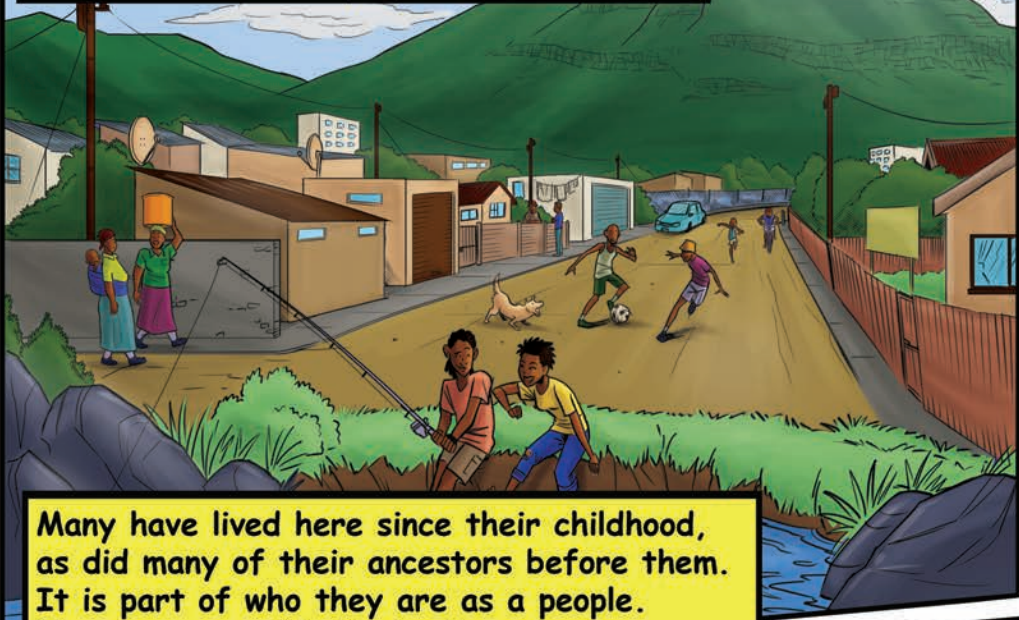
As a human rights defender myself, with more than a decade of experience working with different communities across Africa, I consider creating communications tools on FPIC as a community right, essential for advocacy across stakeholders. This cartoon's clear message on FPIC, provides just that. As the saying goes, a picture is worth a thousand words. This comic book is an instructive tool for decisive actions by civil society organisations and development host communities.

I endorse the book and strongly encourage activists and human rights defenders on the continent to make good use of it in order to empower their local community for a better understanding and implementation of the right to FPIC.

ABIODUN BAIYEWU
CO-CHAIR OF THE ACCA'S STEERING COMMITTEE
AND EXECUTIVE DIRECTOR OF GLOBAL RIGHTS.



The community is heavily dependent on the land for farming, fishing, and housing, using herbs they grow for medicinal and other purposes.



Many have lived here since their childhood, as did many of their ancestors before them. It is part of who they are as a people. They are one with the land.

THIS IS SUCH A WONDERFUL DAY, I DON'T THINK ANYTHING CAN GO WRONG.

CAREFUL, YOU MIGHT JYNX IT...

Government officials have discovered mineral resources and have decided to collaborate with a mining company on a development project.

GOVERNMENT

WE CAN START BULLDOZING OVER THERE...

The government sold a large section of the community's land to a mining company known as "X Mines." The community is unaware that the government has made a secret deal with X Mines resulting in the selling of part of their land.

In the early hours of the morning, the police and soldiers forcibly remove community members from their homes and place sold signs in front of their homes.

CRASH!

WHAT ARE YOU DOING TO OUR HOME!!

The community did not have information on the development project, and could consequently not consent to it. The local government did not give the community prior notice to vacate their homes, nor were they compensated for moving out.

The community members whose homes were destroyed were given temporary shelter in the form of tents and shacks. The community members whose homes were not sold have also been adversely affected by the contaminated river, which has affected farming and fishing in the area. Water borne illnesses like cholera and typhoid have increased.



The entire community is fed up with the broken promises made by government officials to address their concerns, and have decided to call a town hall meeting inviting everyone adversely impacted by the business activities of "X Mines."



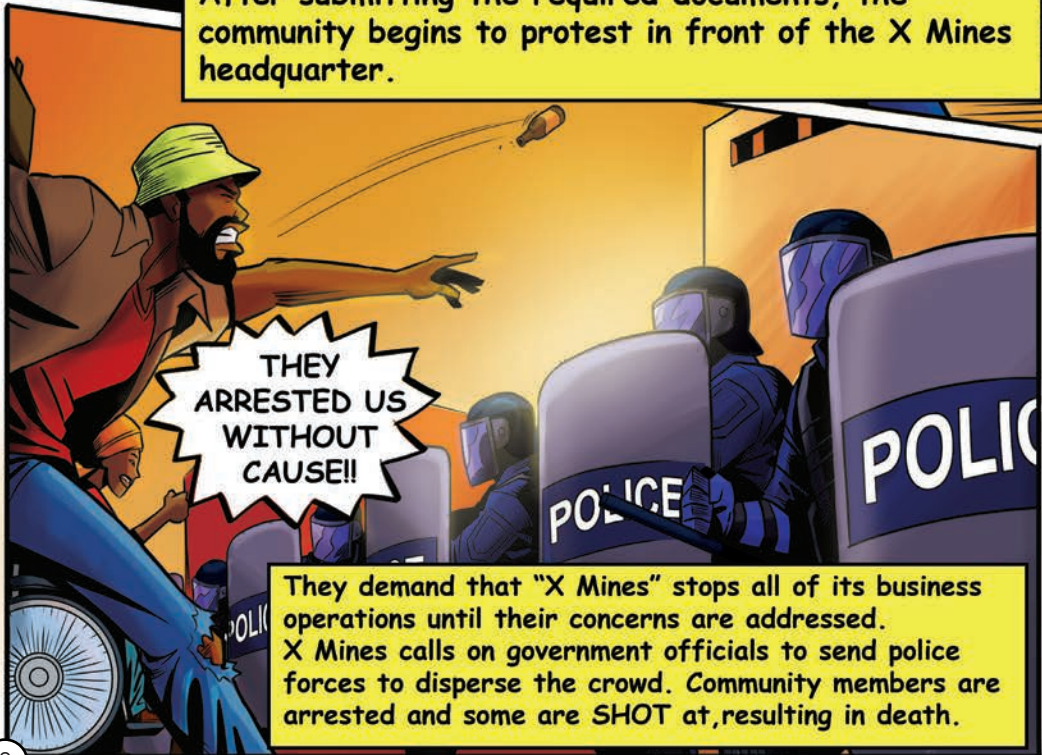
I
REALISE YOU
ARE ALL VERY
FRUSTRATED, BUT WE
ARE HERE TO
HELP...

The human rights defender informs them of the following rights that have been violated, namely: the rights to life, dignity, healthy environment, health, housing and development.



THIS DEVELOPMENT PROJECT DOES NOT BENEFIT US!!

After submitting the required documents, the community begins to protest in front of the X Mines headquarter.



THEY ARRESTED US WITHOUT CAUSE!!

They demand that "X Mines" stops all of its business operations until their concerns are addressed. X Mines calls on government officials to send police forces to disperse the crowd. Community members are arrested and some are SHOT at, resulting in death.

As a result of what transpired at the protest, all the parties concerned decide to hold a town hall meeting to discuss how the community should have been informed of the oil discovery, the selling of their land, provided compensation for their... .



SO
HERE IS HOW
THIS IS GOING
TO GO...

...homes and other matters that they should be aware of. Human rights defenders educate everyone on Free Prior Informed Consent (FPIC) and what it entails:



ARE YOU
THE COMMUNITY
REPRESENTATIVES?

WE'D
LIKE TO REQUEST
A MEETING.

Step 1: The company should identify who the community representatives are and request to meet with them.

Step 2: The community representatives must inform the community of the meeting with company officials and invite all to take part.



The company should meet with everyone. Members of the community who are most often marginalised (women, the elderly and the disabled) are encouraged to attend.



Step 3: The community should hold an internal meeting to discuss matters further.



Step 4: The community should seek legal advice.



THESE ARE OUR TERMS.

Step 5: Community must negotiate with company and government officials to discuss their legal rights.



Step 6: The community decides together on the way forward.

DOES EVERYONE AGREE?

Step 7: The community must maintain open communication with the company and government officials.



As much as government and companies can take on development projects, they are to be equally aware of the human rights of inhabitants of the communities in which they do business.



There are legal and societal expectations on governments and companies to prevent and/or lessen the effects of harm caused to communities. The government and/or company must provide compensation ensuring that communities are not left worse off because of the development project.



HOME
SWEET
HOME.

SERIOUSLY,
DON'T JYNX
IT AGAIN
...

A line drawing of a landscape. In the background, there are mountains with some hatched shading. In the middle ground, there's a road with a car driving on it. To the left, there are some buildings, one of which has a satellite dish on its roof. The foreground shows some bushes and a body of water with ripples.

ARTWORK & DESIGN

BY:

**GREEN
HOUSE
CARTOONS**





ACCA

AFRICAN COALITION FOR
CORPORATE ACCOUNTABILITY