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in small-scale gold mining.

A GEF Initiative

January 29 and 30, 2026

Webinar 5: Negotiations

Africa and Americas, Part 2

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From Principles to Practice: Good Agreements, Community Unity and FPIC

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Rules and roles for a welcoming learning space

- Find a **quiet space** with **good Internet**
 - Keep **video** on
 - Keep yourself on **mute** unless speaking
 - **“Raise hand”** when you’d like to speak
 - Use the **chat** function and reactions liberally
 - Expect to **interact**. Ask questions!
 - Speak **slowly**, not everyone has the same first language
 - **Enjoy!**
 - What else...?



Welcome!

Agenda

1. Remarks from past Negotiation session and meet the team
2. Session objectives
3. Review of previous Negotiation concepts
4. Applying Negotiation Strategies with Communities
5. Breakout rooms
 1. Discussion and Q&As
- 6. 5 min break**
7. Negotiations in practice
 1. Breakout rooms
 2. Report back and Q&As
8. Final plenary
9. Next Steps

Welcome

- Welcoming remarks from Conservation International
- Meet the team



Shereeda Yusuf



Rene Edwards



Maria Arellano

Objectives



TRANSLATE PRINCIPLES INTO
PRACTICE



APPLY CONCEPTS TO REAL
CASES AND PROJECTS



STRENGTHEN INSTITUTIONAL
NEGOTIATION CAPACITY



REVIEW OF PREVIOUS CONCEPTS

Good Agreements

- Never give up rights
- Cover full project lifecycle
- Adaptable & enforceable

Community Unity

- Unity \neq absence of conflict
- Capacity for collective decision-making
- Foundation for negotiation strength

FPIC

- Free, Prior, Informed Consent
- Process, not a one-off event
- Legal, social & reputational implications

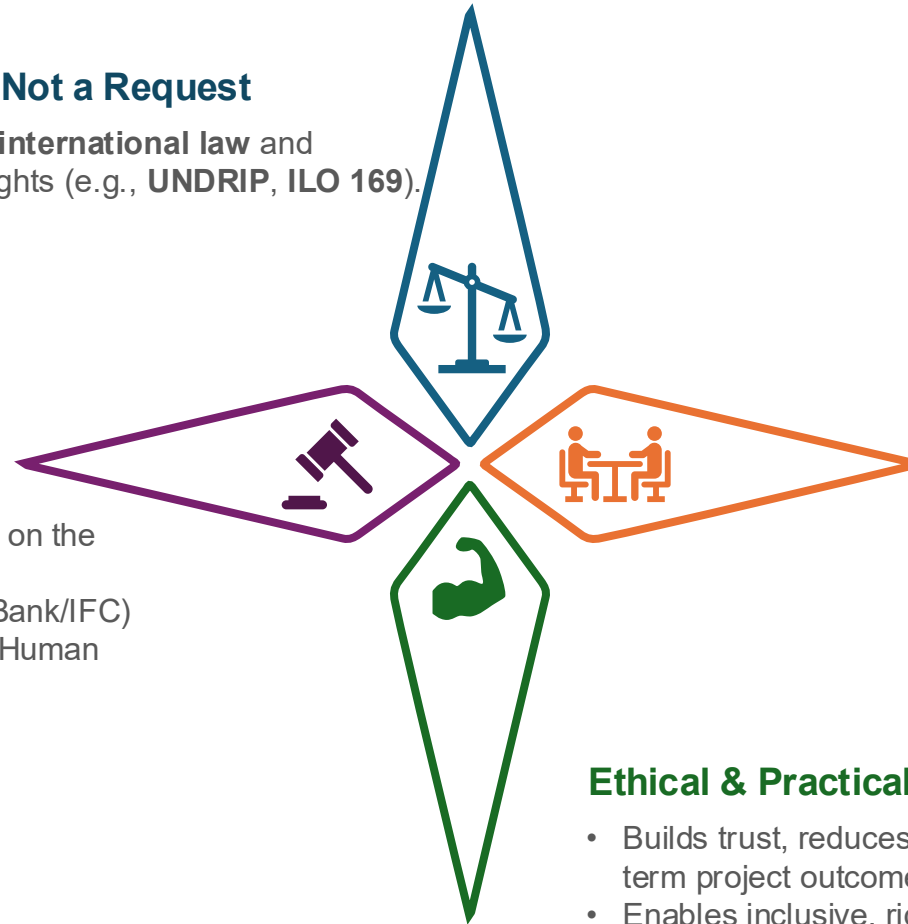
FPIC – Free, Prior, Informed Cons

FPIC is a Right, Not a Request

Grounded in **international law** and Indigenous rights (e.g., **UNDRIP**, **ILO 169**).

Global Standards Require FPIC

- UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples)
- IFC Performance Standards (World Bank/IFC)
- Voluntary Principles on Security and Human Rights, etc.



Beyond Traditional Consultation

- **Consultation** = informing or asking for input.
- **FPIC** = consent must be **free, prior, and informed** — with the right to say no.

Ethical & Practical Value

- Builds trust, reduces conflict, strengthens long-term project outcomes.
- Enables inclusive, rights-based development.

Community Unity



- **Have unified internal capacity** to define priorities and make ‘credible threats’ of direct political action, including strategic use of legal and administrative provisions (environmental law) to delay and block projects, which can make things difficult for project developers,
- **Have strong alliances** with regional indigenous organisations to get access to financial and technical resources to support negotiations, including by negotiating with developers and the State. Effective consultation with remote communities is often expensive.
- **Develop strategic legal approaches** to using environmental impact legislation, administrative law, mining law;
- **Develop regional strategies** to build precedents from agreement to agreement, which in effect raises the bar for the next negotiation.



WHAT DO GOOD AGREEMENTS SATISFY?

Good agreements satisfy two principal interests of Indigenous people.



Benefits

Provide the greatest possible control over project benefits.



Reduce negative impacts

Minimize or reduce negative project impacts e.g. environmental, social, cultural and economical.



WHAT ARE GOOD AGREEMENTS

- Legally binding
- Based on community consent
- Community shares in project benefit
- Negative impacts are avoided or mitigated
- Covers entire life of the project
- Adaptable mechanism

***A Good
Agreement never
gives up rights!***



STANDARD PARTS OF AN AGREEMENT

01

Terms and Conditions

02

Project Scope

03

Review and Amendment

04

Confidentiality Clauses

05

Implementation Enforceability



CHECKLIST OF LEGAL PROVISIONS

- Background information of parties, the preamble or objectives
- Parties
- Definitions and interpretation
- Definition of project area
- Principles and goals
- Consent and Consultation
- Independent legal advice
- Liability for expenses
- Commencement and expiry
- Warranties and authorities and succession
- Dispute resolution
- Confidentiality
- Enforceability
- Assignment: sale or transfer of project or company
- What happens if no mining occurs?
- Unforeseen circumstances and force majeure
- Suspension of agreement or operations
- Notice
- Amendment
- Change in law
- Waiver
- Severability
- Indemnity
- Non-employment or relationship of parties
- Attorneys
- Counterparts
- Execution of agreement
- Further action

A photograph of a tropical landscape. In the foreground, there is a dirt road or path that has been cleared through dense, lush green vegetation. The vegetation includes various types of plants, some with large, broad leaves. In the background, a dense forest covers a hillside under a cloudy sky. The overall scene suggests a rural or agricultural setting in a tropical region.

APPLYING NEGOTIATION STRATEGIES WITH COMMUNITIES

BREAKOUT ROOM



BREAKOUT ROOMS AND DISCUSSION:

Please, click on the link send on the chat to access the worksheet, before entering the breakout room.

1. Which concept has been hardest to apply in your practice? Why?

- FPIC as a process
- Power imbalance
- Community unity
- Agreement implementation
- Institutional constraints

2. In one sentence, where does this challenge show up in your project?



Reporting back and Q&As

10 minutes

Break

5 minutes

A close-up photograph of a white ceramic bowl containing a dark brown, chunky, and somewhat moist substance, possibly a food item like a stew or a salad. The bowl is set against a dark, blurred background. Overlaid on the center of the bowl is the text "Negotiations in practice" in a bold, white, sans-serif font.

Negotiations in practice

BREAKOUT ROOM



Exercise (15 min)

1. Choose an agreement or case from a community where you have worked or are currently working in
2. Identify:
 1. One critical decision point
 2. One missed opportunity
 3. One enabling condition
3. Let's reflect:
 1. Where was community unity actively supported?
 2. Where did FPIC shift from principle to practice?
 3. What made implementation difficult or possible?



Reporting back and Q&As

10 minutes

Considering the previous exercise/reflection, what are the next steps to focus on to operationalize Negotiations in your country?

Final plenary



Next- Step



A group of seven women, likely from a traditional community, are walking through a field of purple flowers. They are dressed in traditional attire, featuring red and maroon sleeveless tops and skirts, adorned with colorful beaded necklaces and waistbands. The woman on the far right is holding a bouquet of white flowers. The background is a lush, green forest. The word "THANKS" is overlaid in large white letters across the center of the image.

THANKS

Conservation International
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Thank you.



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