



PARALEGAL TRAINING REPORT (3 MODULES)

WORKSHOP FOR YOUTH AND WOMEN IN MINING COMMUNITIES

BRACE YEAR 1



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Introduction

Ghana's rich mineral resources have attracted significant mining investment over the past three decades. However, the proliferation of irresponsible mining activities, including "galamsey" operations and large-scale mining, has caused widespread environmental, social, health, economic, and cultural destruction to host mining communities.

To address these challenges, Wacam, in collaboration with A Rocha Ghana and Nature Development Fund (NDF), under the European Union-funded BRACE project, is implementing a paralegal training programme.

The programme aims to equip community leaders with basic legal knowledge and skills to identify and address instances of injustice and abuse, and to empower them to demand that their environmental and human rights are protected.

This report captures the Three Modules of Paralegal Trainings, which brought together 60 participants from mining communities affected by the BRACE project.

Objective

To equip participants with paralegal skills and knowledge of mining regulations to address injustice and human rights violations, promote empowerment, and build capacity in the extractive sector.

The training also aimed to build the capacity of affected mining communities to demand that their environmental and human rights are protected, and to improve mineral resource governance.

Consultant

The programme was facilitated by Wacam, in collaboration with the Centre for Public Interest Law (CEPIL).

Participants:

Approximately 60 participants comprising 28 youth and 22 women from extractive landscapes in Eastern, Ashanti, Ahafo, Western and Western North Regions participated in the training programme.

Welcome Address

Mr. Daniel. Owusu-Koranteng warmly welcomed participants to the training programme, pointing out the importance of the skills and knowledge they would acquire. He urged them to approach the training with a serious mindset, recognising that the information shared would be critical in empowering their communities.

Mr. Owusu-Koranteng stressed that the training was not merely an academic exercise, but rather a practical tool for creating positive change in their communities. He encouraged participants to think critically about how they could apply the knowledge gained to address the specific challenges facing their communities.

Furthermore, he stated the need for community engagement and participation, highlighting the importance of collaboration and collective action in driving meaningful change.

By emphasizing practical implementation and community engagement, Mr. Owusu-Koranteng set the tone for a training programme that would equip participants with the skills and confidence to make a tangible impact in their communities.

MODULE 1-

Understanding the Work of a Paralegal

The Executive Director of CEPIL, Mr. Augustine Niber, led a comprehensive session that shed light on the pivotal role of paralegals in providing legal assistance to communities, particularly in the context of mining operations in Ghana.

He said paralegals require a fundamental understanding of substantive law and procedures for enforcing human rights. This foundation is crucial for paralegals to effectively conduct human rights monitoring, track violations, and follow up on court cases.

The discussion also delved into the rigorous processes involved in legal mining operations in Ghana. Mr. Niber guided participants through the necessary steps, including obtaining reconnaissance and prospecting licenses. He noted that this technical aspect of mining operations is critical, as it has significant implications for communities and the environment.

The adverse impacts of mining on communities were also thoroughly examined. Mr. Niber outlined the devastating consequences, which include: pollution of air, water, and land, human rights violations, including displacement and exploitation, environmental degradation, resulting in loss of biodiversity and ecosystems, and the loss of indigenous knowledge and cultural heritage.

These impacts, he indicated, underscore the urgent need for responsible and sustainable mining practices that prioritise community rights and environmental protection.

Mr. Niber added that mining operations can have severe social impacts, including the displacement of communities, loss of livelihoods, and increased risk of human rights violations.

In the light of the above, he said the importance of Free, Prior, and Informed Consent (FPIC) cannot be overstated, as it is essential for ensuring that communities are involved in decision-making processes related to mining operations.

In conclusion, Mr. Niber's session provided valuable insights into the critical role of paralegals in promoting human rights and environmental justice in the context of mining operations in Ghana. The discussion highlighted the need for a comprehensive understanding of the legal frameworks governing mining operations, as well as the importance of community involvement and participation in decision-making processes.

The Role of Cultural Heritage in Sustainable Development

In a presentation on Mining and Development, the Associate Executive Director of Wacam, Mrs. Hannah Owusu-Koranteng, shared valuable insights on the importance of cultural heritage and its role in promoting sustainable development.

She stressed that having a deep appreciation for one's heritage and traditions is essential for fostering a sense of identity and community. This understanding serves as a foundation for valuing and protecting the environment, as well as promoting the well-being of community members.

She explained that when individuals are connected to their cultural roots, they are more likely to appreciate the intricate relationships between human societies and the natural environment. This connection inspires a sense of responsibility and stewardship, motivating individuals to work towards preserving the environment and promoting sustainable development.

The significance of traditional knowledge and practices in maintaining ecological balance and promoting community resilience was also discussed. According to her, indigenous communities have developed unique perspectives and approaches to natural resource management, which are often overlooked or undervalued in modern development paradigms.

Compensation and Resettlement Processes

Lawyer Afari guided participants through the complexities of the compensation and resettlement processes, highlighting the key provisions of Act 703. He explained the procedures for land acquisition, including the requirement for consent from landowners and the need for fair and adequate compensation.

The presentation also covered the procedures for displacement and rehabilitation, including the requirement for mining companies to provide alternative livelihoods and resettlement packages for affected communities. Lawyer Afari emphasized the importance of transparency and accountability in the compensation and resettlement processes, highlighting the need for effective communication and consultation with affected communities.

What is more, Mr. Afari shared best practices for negotiating compensation and resettlement packages.

Group Work and Case Study:

The training programme included a group work and case study session, which provided participants with the opportunity to apply their knowledge and skills in practical scenarios. This interactive and collaborative approach enabled participants to think critically and creatively, while also learning from one another's experiences and perspectives.

During the group work session, participants were divided into small groups and assigned a case study related to mining and its impact on local communities. Each group was tasked with analysing the case study, identifying key issues and challenges, and developing practical solutions to address these challenges.

Through this exercise, participants were able to apply theoretical concepts learned during the training program to real-world scenarios. They were also able to develop essential skills such as critical thinking, problem-solving, communication, and teamwork.

Key Takeaways:

- Paralegals play a crucial role in providing legal assistance to communities
- Paralegals must have basic knowledge of substantive law and procedures involved in enforcing human rights
- Mining companies must undergo rigorous processes before being granted a mining lease
- Mining communities continue to suffer adverse impacts, including pollution, human rights violations, and environmental degradation
- Empowering communities with knowledge of mining regulations is essential for asserting their rights and demanding transparency and accountability

Compensation & Resettlement

Lawyer Afari then continued with a detailed explanation of the compensation and resettlement processes under the Minerals and Mining Act. He provided an overview of the legal framework governing these processes, and highlighted the key provisions and requirements that must be adhered to. Participants were given ample opportunity to ask questions and seek clarification on specific aspects of the compensation and resettlement processes, which were addressed by the facilitators in a clear and concise manner.

To reinforce the participants' understanding of the compensation and resettlement processes, a group exercise was conducted. Participants worked together on a case study, applying the knowledge they had gained to real-world scenarios. This exercise enabled participants to deepen their understanding of the legal provisions and their practical applications, and to develop their critical thinking and problem-solving skills.

MODULE 2- October 2-5, 2024

Human Rights Education

Mr. Niber provided an in-depth exploration of human rights principles. He began by examining the acquisition and definition of human rights, shedding light on the fundamental concepts that underpin this critical area.

Next, Mr. Niber delved into the categorization of human rights, explaining the different types of rights and how they intersect. This included a detailed discussion of civil, political, economic, social, and cultural rights.

The presentation also focused on the vital issue of protection against property deprivation. Mr. Niber underscored the importance of safeguarding individuals' rights to their property and explored the legal frameworks that exist to prevent arbitrary deprivation.

Another key aspect of the presentation was the right to a fair trial. Mr. Niber examined the essential elements of a fair trial, including the right to a public hearing, the presumption of innocence, and the right to legal representation.

He also discussed the importance of ensuring that trials are conducted in a transparent and impartial manner.

Human Rights and Climate Change

Lawyer Kwaku Afari facilitated a thought-provoking session on Human Rights and Climate Change, providing insightful analysis on the far-reaching impacts of the climate crisis on Ghana. He highlighted the devastating effects of climate change on the country's ecosystems, economies, and communities.

Mr. Afari also explored the international conventions and declarations that Ghana has ratified, including the Paris Agreement and the United Nations Framework Convention on Climate Change (UNFCCC). He examined Ghana's obligations under these agreements and the measures the country is taking to address the climate crisis.

A key focus of the session was the principle of Free, Prior, and Informed Consent (FPIC). Mr. Afari elaborated on the importance of FPIC in ensuring that communities are involved in decision-making processes related to projects that affect their lands, resources, and livelihoods.

He emphasized that FPIC is a critical component of human rights and climate justice, as it enables communities to exercise their right to self-determination and participate meaningfully in the development of projects that impact their lives.

Discussion on FPIC & Mining

During the discussion on Free, Prior, and Informed Consent, Richard Appiah Kingsley from Donkro Nkwanta, Bono East Region, shared a remarkable story of community empowerment. He highlighted how his community successfully utilised the FPIC principle to prevent Newmont, a gold mining company, from exploiting their land.

According to Richard, the community came together to assert their rights and protect their interests. They recognised that the proposed mining operation would have devastating consequences for local cashew, cocoa, and other cash crop farmers, who rely on the land for their livelihoods.

Through a process of consultation, education, and mobilisation, the community was able to exercise their right to FPIC. They conducted thorough assessments of the potential impacts of the mining operation and determined that it was not in their best interests.

Armed with this knowledge and a united front, the community effectively resisted Newmont's attempts to exploit their land. By doing so, they safeguarded the interests of local farmers, protected their environment, and preserved their way of life.

Richard's inspiring story served as a powerful example of the transformative impact of FPIC in empowering communities to take control of their own development and make informed decisions about their lands and resources.

Ghana's Minerals and Mining Law

Mrs. Hannah Owusu-Koranteng delivered a detailed presentation on Ghana's Minerals and Mining Law, offering a comprehensive analysis of the key provisions and regulations governing the sector. Her presentation focused on several critical aspects of the law, including:

Compulsory Land Acquisition: Mrs. Owusu-Koranteng examined the procedures and requirements for compulsory land acquisition, highlighting the rights and obligations of both landowners and mining companies.

Mineral Rights Classification: She explained the different types of mineral rights, including reconnaissance licenses, prospecting licenses, and mining leases, and discussed the requirements and conditions for each.

Licensing requirements: Mrs. Owusu-Koranteng outlined the licensing requirements for mining operations, including the necessary documentation, fees, and approvals.

Grants: She discussed the different types of grants available for mining operations, including small-scale mining licenses and permits.

Water rights: Mrs. Owusu-Koranteng addressed the critical issue of water rights, explaining the regulations and procedures governing access to water resources for mining operations.

By providing a thorough understanding of Ghana's Minerals and Mining Law, Mrs. Owusu-Koranteng's presentation equipped participants with the knowledge and insights needed to navigate the complex regulatory framework governing the mining sector.

MODULE 3- 23-26 October, 2024

Alternative Dispute Resolution Institutions

Associate Executive Director, Mrs. Hannah Owusu-Koranteng, presented on 'Alternative Dispute Resolution (ADR)', highlighting its value in resolving disputes without formal court trials. She said ADR offers flexibility, efficiency, and reduced confrontation.

She explained that ADR has two main types: government-connected ADR, where cases are referred by the government with no legal fees required, and private ADR, where individuals or organizations pay for services, which are generally affordable.

According to her, there are three primary ADR methods which are arbitration, involving a neutral third party making a binding decision, mediation, which facilitates a mutually agreeable resolution between parties, and negotiation, which allows parties to work directly with each other to find a solution.

Mrs. Koranteng distinguished between conflicts, which involve long-term disagreements rooted in deeper issues, and disputes, which are short-term disagreements arising from specific incidents or misunderstandings.

She identified several forces fueling conflicts, including poor communication, violating core values or norms, lack of respect, and unmanaged emotions. Additionally, she introduced the concept of the "Iceberg Effect," where visible conflicts often hide deeper issues.

The phases of conflict, according to Mrs. Koranteng, include the latent stage, where potential conflict exists unseen, the perceived stage, where conflict is recognised but not escalated, the felt stage, where emotions intensify, the manifest stage, where conflict is openly expressed, and the aftermath, where resolution determines future relationships.

Furthermore, she discussed various causes of conflicts, including resource scarcity, value differences, power imbalances, emotional factors, social inequalities, competition, and unmet expectations. She emphasised understanding these causes to effectively manage and resolve conflicts using ADR.

Executive Director of Wacam, Mr. Daniel Owusu-Koranteng, shared valuable insights on effective mediation and negotiation strategies. He emphasised the importance of studying the demeanor of parties involved in conflicts, as non-verbal cues can reveal underlying issues and readiness to resolve.

He urged that effective mediators should observe the emotional state and behavior of individuals in conflict to navigate conversations and approach conflicts cooperatively. Understanding each party's feelings and behaviours helps mediators tailor their strategies.

He said mediators must also assess the intensity of the conflict, gauging its complexity to determine whether a gentle or direct approach is needed. By accurately evaluating the situation, mediators can address core issues, ensuring a more effective resolution process.

According to him, neutrality is crucial in mediation, as any sign of bias can undermine the process. A mediator's sole focus should be on finding a peaceful and fair resolution that benefits both parties. He stressed that maintaining neutrality fosters an environment of trust, where conflicting parties feel comfortable sharing concerns openly.

Mr. Owusu-Koranteng introduced the "GHOST" principle, emphasising that mediators should be gentle, using calm and considerate approaches, especially in emotionally charged situations. They must also be honest, providing truthful feedback and ensuring transparency.

Mediators should foster openness, creating safe spaces for dialogue, and be specific in addressing main concerns, avoiding vague statements. Finally, mediators must encourage productive communication and active listening, facilitating constructive dialogue.

By following these principles, he said mediators can guide conflicting parties toward resolutions built on mutual understanding and respect. Effective mediation requires careful observation, strategic assessment, and a commitment to fairness and cooperation.

Group Work

Following the presentation, participants broke into small groups of four (4) to engage in a case study and group work exercise on the mediation and negotiation process. This interactive session allowed participants to apply the GHOST principle and other essential skills in mediation, fostering a deeper understanding and practical appreciation of effective conflict resolution strategies.

Gender and Extractive Governance

Dr. Edger Takyi Akonor of the University of Cape Coast (UCC) delivered a comprehensive presentation on 'Gender and Extractive Governance.' He emphasised that effective governance in the extractive sector relies on transparency, professionalism, sensitivity, and a human rights-based approach.

Gender issues are critical in extractives, Dr. Akonor noted, because low gender equality impacts are unevenly felt by women and men. Ensuring gender equality improves governance and benefits from mining, including improved access to education, infrastructure, transport, health, and community social services, as well as direct and indirect employment opportunities.

To improve governance in the extractive sector, Dr. Akonor recommended conducting gender assessments to address disparities, analysing roles and status of women and men in communities, politics, and workplaces, promoting gender equality through fairness, ensuring equal enjoyment of human rights for both men and women, integrating gender considerations in program assessments, and mainstreaming gender perspectives in policies and practices.

The way forward, Dr. Akonor suggested, involves launching awareness campaigns, strengthening community oversight of mining projects, creating a community fund for women's resources, enforcing human rights standards, and fostering transparency, accountability, and inclusive participation.

Dr. Akonor's presentation underscored the importance of addressing gender dynamics to optimise benefits from extractive industries and ensure equitable governance.

[Access To Justice,](#)

Delivering his presentation on 'Access to Justice', Mr. Niber emphasised that accessing justice necessitates a fundamental prerequisite: a grievance, issue, or concern that requires a remedy or solution. In Ghana, several institutions provide access to justice, including the court system, administrative systems, and alternative dispute resolution institutions.

[Available Justice Institutions](#)

According to Mr. Niber, justice institutions can be categorized into three main types:

1. Physical Availability: Institutions must have a physical presence to provide access to justice.
2. Geographical Accessibility: Institutions must be located in accessible areas.
3. Affordability: Institutions must provide affordable services.

[Avenues for Seeking Justice](#)

Mr. Niber indicated that there are three primary avenues for seeking justice in Ghana:

1. The Court System

- Supreme Court
- Court of Appeal
- High Court
- Regional Tribunal
- Circuit Court

- District Magistrate Court

2. Administrative Systems

- Commission on Human Rights and Administrative Justice (CHRAJ)

3. Alternative Dispute Resolutions

Human Rights Institutions

He stressed that these institutions play a crucial role in protecting human rights:

- National: CHRAJ
- Regional: Africa Commission on Human and Peoples' Rights, ECOWAS Court of Justice
- International: United Nations Human Rights Council, Treaty-based Committees

CHRAJ

Mr. Niber said CHRAJ is established under Act 456 and provides accessible, non-technical, and affordable ventilation of rights issues. CHRAJ is available in all districts, regional, and national capitals and is empowered to investigate complaints of fundamental human rights and freedoms violations.

Filing Human Rights Complaints,

1. File complaint with CHRAJ or High Court
2. Complaint may be made orally or in writing
3. CHRAJ investigates and makes recommendations
4. Recommendations may be enforced in court

The Courts

Mr Niber noted that the High Court has jurisdiction to enforce fundamental human rights and freedoms. Human rights complaints must start from the High Court.

Overview Of the Court Procedure:

1. Issue Writ of Summons with statement of claim
2. Serve Writ of Summons on defendant
3. Defendant files Appearance and Defence
4. Trial proceedings (witness statements, cross-examination, etc.)
5. Judgment by the Court
6. Enforcement of judgment

International Institutions

Mr. Niber said there are additional avenues for seeking justice include:

1. United Nations Human Rights Council
2. Treaty-based Committees
3. Africa Commission on Human and Peoples' Rights
4. The African Court of Justice

5. ECOWAS Court of Justice

Obstacles to Accessing Justice in Ghana

Despite these institutions, Mr. Niber pointed out that challenges remain:

1. Access to courts: distance, ignorance of court and judicial system
2. Cost of accessing justice: court processes, lawyer services, poverty
3. Delays: long and tiring legal processes, adjournment of cases
4. Ineffective Legal Aid Scheme and overwhelmed NGOs.

Outcomes:

- i. Participants gained legal knowledge and skills to address injustice and human rights abuses
- ii. Participants learned about the importance of paralegals in providing legal assistance to communities
- iii. Participants understood the rigorous processes required for legal mining operations in Ghana
- iv. Participants gained valuable knowledge on the compensation and resettlement processes, including the legal framework, procedures, and best practices.
- v. Participants were empowered to demand transparency and accountability from mining companies and regulators
- vi. Participants were empowered to identify and address instances of injustice and abuse.
- vii. Enhanced knowledge and skills for community leaders to provide cost-effective legal advice and assistance.
- viii. Strengthened community capacity to demand protection of environmental and human rights.
- ix. Enhanced understanding of extractives and community rights
- x. Improved negotiation and mediation skills
- xi. Increased awareness of gender considerations
- xii. Empowered community groups to monitor and report rights violations

Conclusion:

The training workshop was a success, empowering the participants with the knowledge and skills to address injustice and abuse. The participants demonstrated a strong commitment to advocating their rights and demanding transparency and accountability from mining companies and regulators.

Wacam remain committed to supporting these efforts and promoting a culture of justice and advocacy in the extractive sector.



Lawyer Kwaku Afari, Technical Director, Wacam, led the presentation of Compensation and Resettlement Processes



Pix: Group work by participants



A group photo of participants and facilitators at the paralegal training workshop