



Advancing women's land and resource rights.

Women, Land, and Mining: Effective Strategies for Improved Global Practice

Synthesis Report Based on Findings from Three Global Case Studies from Côte d'Ivoire, Papua New Guinea, and Peru

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November 2019

EXECUTIVE SUMMARY

Mining projects pose challenges and opportunities for women and men. However, women often bear an unequal burden of the negative impacts from mining projects and, when benefits are made available to local stakeholders, women often go without a share of those benefits. This report helps to show what governments, the private sector, NGOs, and communities can do to ensure that women and men share equally in the promise and costs of mining projects.¹ This report synthesizes findings from three case studies that each show examples of strategies used by mining projects to consider gender. It identifies gaps and opportunities to better meet the needs of women and to address gaps in understanding and practices among all actors.

The case studies represent diverse geographies, different scales of mining, different political and cultural contexts, differing project funding sources, a range of stages in the mining lifecycle, and diverse project approaches. The key findings from the synthesis report are provided below.

Certain factors can help lay the groundwork for attention to gender; these are referred to as enabling conditions. Among them are gender-equitable legal and governance frameworks for land and mining, a supportive institutional structure and culture, influential international instruments, and dedicated human and financial resources. When it comes to community engagement and social license to operate, both women and men can be meaningfully engaged when underlying social dynamics and history of discrimination against women are addressed, when women's needs and voices are given specific attention, and when investment is made in ensuring that representation of women's interests is meaningful.

Gender-sensitive mining project design and planning can be achieved by improving women's confidence and self-esteem so that they can engage, working with women in groups, getting buy-in from men and others with power or higher status than women, and employing creative approaches that are relevant to the context. It can also be achieved by ensuring built-in accountability for gender-related outcomes through staff incentives and well-developed baseline and monitoring activities, along with planned flexibility that permits implementers to respond to issues identified during the entire life of the project. Finally, benefits accrue to women when mining projects de-link gender discriminatory interpretations of land ownership, household headship, and community membership from the analysis of who can share in project benefits.

¹ This report is concerned with projects that are in the mining sector. However, much of the analysis could also be applicable to extractive resource projects more broadly.

I. INTRODUCTION

Mining is a potential driver of economic development. Even among detractors there is often a belief that if done "right" benefits from mining can help improve the lives of the communities who are impacted. However, there are many factors that influence whether a mining project is likely to benefit people and communities. Today, there is growing but still limited attention among donors, civil society, governments, and the private sector to the importance of understanding gender dynamics and how this might influence a mining project's potential to improve well-being.

Nevertheless, there remains limited guidance on how to translate that attention into practices that can make a positive difference for women and for men. At the same time, there are some examples of innovative and important work underway. Regional organizations are working to develop an evidence base of gender issues in extractives through research and information-sharing exchanges.² Local organizations and companies are running gender-aware community development programs that seek to address some of the impacts of mining projects on communities and women; some companies are considering local gender-based cultural and legal differences related to land for different aspects of mine-community relations (e.g., resettlement).³ Networks of women's organizations who work in areas where mining is taking place are gaining momentum and are making use of regional and international forums to address impacts and injustices related to extractives. These and other initiatives can serve as guideposts for developing a global understanding of gender-sensitive approaches that effectively ensure women participate in and benefit from mining resource governance and decision-making.

This report assesses three mining projects⁴ that have specifically sought to address gender dynamics in some form. While each project has significant differences in terms of scale, actors, and objectives, there are a number of commonalities. Many of those commonalities are underscored by the land tenure dynamics in the target areas because they reflect the culturally defined structures, roles, norms, and institutions that establish power, opportunity, voice, and agency in a community that tend to favor men's experiences over those of women. Without specific attention to the gender and land tenure implications of a mining project, women are more likely to be negatively impacted and are less likely to benefit from the project than men.

This synthesis begins with an introduction that examines literature and available international instruments that address gender in mining projects and also touch on links between land tenure, gender, and mining. The introductory section ends with an exploration of common gender and land related issues at different stages of the mining lifecycle and ends by providing background to the case studies that are the basis for the synthesis report. The second section focuses on effective strategies or lessons related to gender that were evident in the case studies. The third section sets out gaps identified from the case studies and discusses opportunities to achieve

² See, e.g., UN Women, UNECA, AUC (2015), *Regional Sharefair 2015: Gender Equality in the Extractive Industries: Building on Good Practices* 13-15 October 2015, Nairobi, Kenya Outcome Document/ Call to Action: Women in the Extractive Industries.

³ D. Kemp, J. Keenan, J. Gronow, & J. Davidson, *Why Gender Matters: A Resource Guide for Integrating Gender Considerations into Communities Work at Rio Tinto* (2009), <https://www.csr.m.uq.edu.au/publications/why-gender-matters>.

⁴ This report uses the term "mining projects" as a catchall for projects that are taking place in areas where mining is taking (or is going to take) place. The projects themselves cover different scales of mining, different types of actors, and very different objectives, as shown in the section below that outlines the case studies.

gender equitable outcomes in mining projects. The fourth section provides some concluding remarks.

Existing literature on strategies for addressing gender in mining

An expanding body of literature shows emerging attention to strategies for addressing gender in mining investments.⁵ It covers such things as how to improve women's employment in the mining sector,⁶ the relationship between mining and gender-based violence and how it can be addressed,⁷ how to include women in mining business operations,⁸ advocacy for women in mining,⁹ how to conduct gender-sensitive impact assessment of mining operations,¹⁰ and how a major mining company integrates gender considerations into communities work.¹¹ One seminal work examines the gender dimensions of agreements between mining companies and communities and concludes that there is a need for further study that identifies good strategies for engaging women in agreement making processes.¹² Another discussion paper addresses the nexus of extractives, land and resource rights, and gender in all stages of the mining life cycle; it likewise recommends further study to identify concrete practice strategies that can be adopted by governments, NGOs, and mining companies to ensure better outcomes for women and men.¹³

Gender, land, and mining in international instruments

Gender and land are both explicitly and implicitly addressed in a number of international instruments and guidelines relevant to extractives projects. For states, the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT),¹⁴ the 2030 Agenda for Sustainable Development (SDG),¹⁵ and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)¹⁶ are relevant. The VGGT is primarily aimed at state actors but does address non-state actors. It calls for companies to recognize and respect all legitimate land

⁵ See, e.g., *Gender and the Extractives Industry: An Overview* (World Bank Group 2016), available at https://olc.worldbank.org/system/files/WB_Nairobi_Notes_1_RD3_0.pdf.

⁶ See, e.g., S. Rickard et al., *Women in Mining: Can a Mining Law Unlock the Potential of Women?* (May 2017); Adriana Eftimie et al., *Mining for Equity: The Gender Dimensions of the Extractive Industries* (World Bank Group 2009), available at https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/publications/publications_report_genderdimensionsofextractiveindustries_wci_1319576704143.

⁷ See, e.g., Isabel Cane, Amgalan Terbish, & Onon Bymbasuren, *Mapping Gender Based Violence and Mining Infrastructure in Mongolian Mining Communities* (International Mining for Development Center, Action Research Report, May 2014), available at <https://im4dc.org/wp-content/uploads/2013/09/Mapping-gender-based-violence-and-mining-infrastructure-in-Mongolian-mining-communities-Full-Report2.pdf>.

⁸ See, e.g., Eftimie, *Mining for Equity* (which provides indicators and recommendations); IFC, *Unlocking Opportunities for Women and Business: A Toolkit of Actions and Strategies for Oil, Gas, and Mining Companies* (2018) (which focuses primarily on including women in business operations, although it has one section on women in communities); and *Tunnel Vision: Women, Mining and Communities* (Ingrid Macdonald & Claire Rowland eds., November 2002), available at <http://resources.oxfam.org.au/pages/view.php?ref=76> (which is an anthology of case studies).

⁹ Oxfam, *Position Paper on Gender Justice and the Extractive Industries* (March 2017), available at <https://www.oxfamamerica.org/explore/research-publications/position-paper-on-gender-justice-and-the-extractive-industries/>.

¹⁰ Oxfam, *A Guide to Gender Impact Assessment for the Extractive Industries* (2017), available at https://www.oxfam.org.au/wp-content/uploads/2017/04/2017-PA-001-Gender-impact-assessments-in-mining-report_FA_WEB.pdf.

¹¹ Kemp, *supra* n. 3.

¹² *Id.*

¹³ Elisa Scalise, *Gender, Land and Extractive Development: Issues and Opportunities for Improved Understanding and Practice* (discussion paper, November 2017), available at <https://landwise.resourceequity.org/records/3000>.

¹⁴ UN Food and Agriculture Organization (FAO), *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*.

¹⁵ See Sustainable Development Goals, available at <https://sustainabledevelopment.un.org>.

¹⁶ Convention on the Elimination on All Forms of Discrimination Against Women (CEDAW), New York, 1979.

tenure rights; engage with women, men, and communities; assess and avoid or mitigate social and environmental impacts; and embrace FPIC (free, prior, and informed consent) when investments in land affect indigenous peoples. The state endorsers of the VGGT acknowledge that states may have existing governance models in place for mineral resources, but also encourage states to take such resources into account in their implementation of the VGGT.¹⁷

While the SDGs have a number of goals that are relevant to mining projects,¹⁸ there is only one target, under SDG 1, that mentions "natural resources" alongside gender and property rights. Target 1.4 states, "By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance." Other goals and targets have the potential to address this nexus of land, gender, and mining, though not explicitly.¹⁹ There is some basis to suggest that if mining companies are seeking to align their operations with the SDGs, the goals relating to social inclusion (SDG 1, 5, 10), environmental sustainability (SDG 6, 7), and economic development (SDG 8, 9) are a good starting place.²⁰

State party signatories to CEDAW have an obligation to take measures to eliminate discrimination, and in particular to address social and cultural patterns of discriminatory customs²¹ and "...to eliminate discrimination against women in rural areas in order to ensure...that they participate in and benefit from rural development."²²

For private sector actors, the Guiding Principles on Business and Human Rights (UNGP)²³ and the International Finance Corporation's Environmental and Social Performance Standards²⁴ (IFC Performance Standards) are relevant. There are numerous other guidelines targeted to business enterprises that are intended to shape extractive resources project practices.²⁵

¹⁷ FAO, *supra* n. 14.

¹⁸ See Casper Sonesson, Gillian Davidson, and Lisa Sachs, *Mapping Mining to Sustainable Development Goals: An Atlas* (white paper, 2016), available at https://www.undp.org/content/dam/undp/library/Sustainable%20Development/Extractives/Mapping_Mining_SDGs_An_Atlas_Executive_Summary_FINAL.pdf.

¹⁹ There are many more goals and targets in the 2030 agenda that could be relevant to mining projects: ending poverty (SDG 1), access to energy (SDG 7), climate action (SDGs 13, 14, and 15), and economic development and innovation (SDGs 8 and 9). SDG 2, on ending hunger and achieving food security, specifies a target (2.3) of doubling agricultural productivity and incomes of small-scale food producers through secure and equal access to land, other productive resources and inputs, knowledge, and financial services. SDG 5 (Achieve gender equality and empower all women and girls) aims in Target 5.a to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property through legal reforms; increase the share of women among owners or rights-bearers of agricultural land; and increase the proportion of countries where the legal framework_(including customary law) guarantees women's equal rights to land ownership and/or control (Target 5.a.2). Finally, SDG 16 further aims to promote peaceful and inclusive societies for sustainable development provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Further analysis should be done on how these SDGs and Targets can be achieved through a more nuanced view of extractives and tenure.

²⁰ See Sonesson, *supra* n. 18.

²¹ CEDAW, *supra* n. 16.

²² *Id.* Article 14.2.

²³ United Nations Office of the High Commissioner for Human Rights, *Guiding Principles for Business and Human Rights: Implementing the United Nations "Protect, Respect, and Remedy" Framework* (2011).

²⁴ See IFC, Performance Standards, https://www.ifc.org/wps/wcm/connect/Topics_Ext_Content/IFC_External_Corporate_Site/Sustainability-At-IFC/Policies-Standards/Performance-Standards.

²⁵ A good example is provided by OECD's 2017 Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector.

The UNGP calls for companies and states to respect and protect human rights—specifically, companies must avoid infringing on the rights of individuals and should address negative impacts resulting from their operations. States must create a business landscape that enables and prompts business to meet this obligation. While not extensively addressing gender differences or inequality, the UNGP calls on all to pay attention to “the different risks that may be faced by women and men” when assessing risk.²⁶

The IFC Performance Standards,²⁷ which apply to both state and private sector actors seeking financing from the IFC, impose requirements regarding gender integration and social inclusion on borrowers, extensive consultation and engagement activities, and conducting risk and impact assessments. Where such assessments identify impacts that are likely to “directly or differentially or disproportionately” affect individuals or groups because of their disadvantaged or vulnerable status, the project must propose and implement specific mitigation measures.²⁸ Guidance Note 50 further elaborates the rationale for prominently identifying and addressing gender risks through social assessments.²⁹

To join the International Council on Mining and Metals, companies must commit to its 10 Principles for Sustainable Development. A subsection of Principle 3 mentions women: companies must “[i]mplement policies and practices to respect the rights and interests of women and support diversity in the workplace.”³⁰ In addition, a footnote to Principle 4 (on assessing environmental and social risks) suggests that “[t]he consultation process should be gender sensitive and inclusive of marginalized and vulnerable groups.”³¹ While these principles could go further in their force and content to ensure gender is meaningfully considered by members, this illustrates a step in the right direction.

Land as a lens for examining extractives and gender

Mining projects must consider land rights for two main reasons. First, even in countries where the state owns the rights to minerals (often referred to as subsurface rights), it is generally the case that related surface rights to land must be acquired before a resource extraction investment can take place. This can be done through compulsory acquisition or through concession, lease, or a licensing mechanism. In order to acquire such rights, companies and the state must know who currently has rights to the land.

Second, people and communities who are affected by mining development are often defined by their shared relationship to the land. Even if the law does not mandate it, understanding who is affected by the development requires a nuanced understanding of land tenure in the area. As concluded by a study in the Congo, “land, extractive industry and gender inequality are inextricably linked.”³²

²⁶ *Office of the High Commissioner for Human Rights*, supra n. 23.

²⁷ All international development banks and international development financing institutions have environmental and social standards with which they expect their state and private borrowers to comply. Some lenders have adopted the IFC Performance Standards, while others have enacted their own standards, which are often based upon the IFC standards.

²⁸ IFC, *IFC performance standards on environmental and social sustainability*, para. 12 (2012).

²⁹ *Id.* Guidance Note 50.

³⁰ ICMM, *Performance Expectations* 3.8. (2018), available at <https://www.icmm.com/icmm-10-principles>.

³¹ *Id.* Footnote 2.

³² Mukeba & Cleopace, *A War Within Wars: The Impact on Women of the Violent Struggle for Natural Resources in the Congo* (SMI/CSRM Occasional Paper Series, 2015).

The utility of using land tenure and gender as a starting place for assessing the gendered implications of mining projects can be illustrated when looking at how mining affects the land of a community.³³

- A community can lose rights because of a mining project, and women and men in that community will experience that loss differently.** In many jurisdictions, the state statutorily retains some or all of the subsurface rights beneath the land. A community whose land is subject to mining activities may be subject to resettlement and lose its rights to the land, entirely or in part. The community may also lose all or part of the value of the land because of insufficient compensation. The value of the land includes its cultural value and its worth as land, which is a basis for survival.³⁴ Further, it contributes to, generates, and maintains wealth, income, and status.³⁵ Many mining projects occur in places governed by customary land tenure systems and rights are typically not titled and recorded in a registry. Many customary regimes limit land access and deny rights for women. In most jurisdictions, state actors responsible for regulation of mining rights have limited understanding of customary land tenure schemes. Therefore, they often lack the ability to extend appropriate protections to women or men in those communities.³⁶
- Land rights are often the basis for identifying the community with which a mining project will engage, and therefore for establishing who will share in the benefits of mining projects. Community membership is gendered.** In general, to the extent that mining projects seek to engage with affected communities, land rights often determine who constitutes that community. In situations where a mining project pays compensation for disturbances to or for the loss of use of land, or where a portion of profit or other benefit is shared with mining-affected communities, the recipients are often determined on the basis of having some recognizable (e.g., by statute or by custom) land rights to the area impacted.³⁷ As communities are culturally defined, there are rules for who is a member of a community and who is not. These rules are generally context-specific and gendered; meaning there are different rules for women and men.
- The costs of losing the use of land are different for women and men because women and men use land differently.** The impacts of mining are potentially

³³ Though we recognize that the gender, land, resources and extractive nexus can also exist at the sub-national, national, and global level.

³⁴ A study looking at involuntary resettlement in Mozambique because of mining-induced displacement found that there was limited land availability for resettlement, and the land that was available was low quality. *Serena Lillywhite, Deanna Kemp, & Kathryn Sturman, Mining, Resettlement and Lost Livelihoods: Listening to the Voices of Resettled Communities in Mualadzi, Mozambique* (Oxfam, 2015), available at <https://www.csr.uq.edu.au/publications/mining-resettlement-and-lost-livelihoods>.

³⁵ A study in the Congo looked at violent conflict over natural resources, including mines, and found many impacts of this on people and their relationship with land, including displacement and inability to farm. *World Bank, Resources and Resourcefulness: Gender, Human Rights, and Resilience in Select Artisanal Mining Towns of Eastern Congo*, (Working Paper, 2014), available at <http://documents.worldbank.org/curated/en/262411467998211567/Resources-and-resourcefulness-gender-conflict-and-artisanal-mining-communities-in-Eastern-Democratic-Republic-of-the-Congo>.

³⁶ In Latin America, for instance, a study found that members of indigenous groups had to have title to participate in collective assemblies. Because women have less access to land because of customary power relations, they had less voice in their communities, and therefore less consideration in phases of extractive investments. *Gerardo Castillo Guzman & Laura Soria Torres, Report: Gender Justice in Consultation Processes for Extractives Industries in Bolivia, Ecuador, and Peru* (2011), available at https://peru.oxfam.org/sites/peru.oxfam.org/files/file_attachments/gender-justice-in-consultation-processes-for-extractives-industries-in-bolivia-ecuador-and-peru_0_3.pdf

³⁷ In fact, one study in Latin America found that procedures to expedite easements or expropriation if agreements were not being reached between concession holders and landowners led to property holders being unable to object to mining projects. *Id.*

widespread. They include loss of land for mine excavation, loss of land for related facilities (roads, facilities, effluent containment, disposal of spoils or tailings, and others), and loss of land and water to contamination. In each of these scenarios, women and men experience the impacts differently because women and men use land in different ways. In fact, women's land uses may be unseen or unacknowledged because they are different. For example, women may use land on a small scale for subsistence farming and men may use land for cash crops, so the impact of loss of use for women may mean reduced food security for the family, whereas the impact for loss of use by men may mean a reduction in income. Different measures are needed to recognize, quantify, and compensate for the different losses experienced by men and women.

- **Current tools and guidelines do not adequately address overlapping or unclear rights.** Often, states retain subsurface rights to land by law and, while land rights holders may feel the impacts of developing these subsurface resources, the standards for engaging communities (such as Free Prior and Informed Consent) provide incomplete guidance on how to parse and respect overlapping rights between the state and the community, among different community members, or between owners versus users of the affected lands. For example, FPIC only applies to indigenous communities and the standard is often applied at a community level without unpacking how the community is constituted and whether all community members are represented and engaged.

Key gender issues arise in mining projects

Positive and negative outcomes of mining are often unequally distributed within affected communities. For instance, a study in Peru found that men take most of the jobs that become available with extractives projects, while women are more vulnerable to health problems.³⁸ Similarly, a study in Azerbaijan found that while compensation for oil extraction goes to the male landowner, there are health issues from oil production for women.³⁹ A study in Papua New Guinea found that women in particular have failed to capture a share of project money from the oil and gas sector and that women are more disadvantaged by being in remote communities than men.⁴⁰ It also found that women are in worse jobs compared to men, are unlikely to receive or spend monetary compensation, and are likely to be abandoned as men move away and sometimes take second wives.⁴¹

In addition, a number of other gender issues are possible at different stages of the mining project lifecycle:

- **Project Design:** Baseline assessments that effectively include gender considerations are rare, and mining project design can be gender-blind. This results in the different impacts on women and men not being identified, avoided, accounted for, or mitigated. Consequently, the negative impacts on women are often not seen or understood. Because their losses are unseen, efforts to avoid or remediate the impacts on women are minimal or nonexistent. Yet extractives projects can shift gender power relations in a community and have a disproportionate impact on women's livelihoods and economic opportunities.

³⁸ Jen Scott et. al., *Extracting Lessons on Gender in the Oil and Gas Sector* (World Bank Working Paper, 2013), available at <http://documents.worldbank.org/curated/en/266311468161347063/Extracting-lessons-on-gender-in-the-oil-and-gas-sector>.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

- Consultation and Decision-making:** Though women can be primary users of land and natural resources, they are often left out of consultation and decision-making processes. An overview of gender and extractives projects found that “women are often excluded from community consultations and negotiation – due to cultural norms, a focus on ‘formal’ community leaders, a lack of formal land tenure, or meetings may be organized in a way that conflict with domestic responsibilities.”⁴² As a result, women are often excluded from consultations that determine land uses, quantify compensation, outline community investment priorities, and/or influence other major community decisions.⁴³
- Governance and Redress:** Women’s limited participation in community governance and barriers to women’s access to structures for grievances and remedies can mean that, when negative impacts occur, women have no effective options for redress.
- Benefit Sharing:** Because women’s rights to land and resources are often secondary to those of men, they tend not to share equally in the benefits of mining projects because benefits distribution is often based on some recognized right to land. Benefit sharing is a key opportunity for gender inclusion and provides a direct way to offset the reality that definitions of community may exclude some or all women. Mining companies often assume men speak for the community, even when women may customarily own land. This leaves women without voice, including over how compensation money should be spent. This can require addressing historical imbalances between women and men; for example, mining projects that assign benefits to “citizens” must ensure that women can prove citizenship.⁴⁴ In addition, women may not have the same needs or desires as men, and so projects designed to benefit the whole community may not benefit men and women equally.
- Free Prior and Informed Consent:** FPIC, a term of art from the UN Convention on the Rights of Indigenous Peoples, applies to indigenous communities (and to the women and men within them). It extends to them the right of free, prior, and informed consent before any development, project, or change is imposed from outside their indigenous community. Many argue that FPIC should be applied to individuals and communities that may not identify (or be identified) as indigenous. The core difference between FPIC and non-IP best practices for investments in extractive or land resources is that consent is arguably not required under the latter when a state exercises its lawful power of compulsory acquisition for a public purpose. That is, under compulsory acquisition of non-indigenous land (sometimes even when the public purpose is for the benefit of a third-party investor), consent is not required. However, FPIC, as with any process of consultation and engagement, if not performed with due awareness of gender issues, may not fully, effectively, or equally recognize women’s uses, rights, preferences, and voices. In short, a project subject to FPIC may proceed with input and consent from men and “the community” but fail to obtain it from women.
- Resettlement:** If, as a part of a compensation arrangement, resettlement is being “paid” on the basis of being an “owner” or a “landholder,” then women’s rights and interests that may not rise to the level of “ownership” (in formal or customary terms) may be

⁴² J. Keenan & D. Kemp, *Mining and Local-level Development: Examining the Gender Dimensions of Agreements Between Companies and Communities* (2014).

⁴³ World Bank Group, *Gender and the Extractives Industry: An Overview* (2016), available at https://olc.worldbank.org/system/files/WB_Nairobi_Notes_1_RD3_0.pdf.

⁴⁴ Katy Jenkins, *Women, Mining and Development: An Emerging Research Agenda* 46 (2014).

overlooked and excluded. Also, women's needs and losses may not be taken into account or may be valued less in resettlement processes (for example, a kitchen garden used by a woman to feed her family may be unacknowledged or valued less than a market-based garden). Because of women and men's different roles in the household, failing to account for women's losses can have a different impact on household well-being than that caused by men's losses. If women are responsible for feeding the family, then loss of land to cultivate for that purpose can have a direct impact on the household's food security.⁴⁵ For instance, a study in Mongolian herder communities found mining had different impacts on the traditional livelihoods of women and men, and that mining projects influenced the gender roles and responsibilities in herder communities.⁴⁶

- **Compensation:** Compensation requirements for disturbances, land acquisition, and resettlement should improve, or at a minimum restore, livelihoods and should take both women and men's livelihoods into account.⁴⁷ If the resettlement package includes cash payments or compensation, very often these are paid to just the "owner" (most often a male) or the head of the household (also most often a male), even if others also lose use of the land. Because of pre-existing intra-household dynamics, women may not benefit from much or any of the compensation paid.⁴⁸
- **Addressing social norms:** Women's rights to and interests in land and resources are often different from and treated as inferior to those of men in the same community. For these reasons, women are not often decision makers for their households. Social norms can preclude women from speaking up in the presence of males or from participating in meetings that are considered men's business. Projects can have different impacts because of these social norms. To the extent that a mining project poses an opportunity for wealth or personal gain, those without power in the affected community are less likely to have a seat of at the table or be counted among those to whom benefits should flow; this is commonly women because they typically have less power.

Case Studies

This report draws tangible practice strategies from mining projects that explicitly sought to consider gender as a part of their activities. "Explicitly considering gender" can mean many things. From an optimistic perspective, it can mean thoughtfully and effectively making gender issues and responses a part of the project from its inception, with a commitment to make gender a part of the project through design, construction, ongoing operation, decommissioning, and closure. This would clearly be the ideal – the epitome of best practices. A less ideal, but still meaningful, approach would be to consider gender in some useful way during the life of a project. This could conceivably be at the start, in a way that informs the design. It could be after the design is complete, where the gender work is done to improve an imperfect project – mitigation, in a sense. In any event, the study authors failed to identify any large-scale commercial mining project that has perfectly considered gender from the start through the finish.

⁴⁵ Oxfam, *Position Paper on Gender Justice and the Extractive Industries*, supra n. 9.

⁴⁶ Isabel Cane, et al., *Responsible Mining in Mongolia: Enhancing Positive Engagement* (2015), available at <https://www.csr.uq.edu.au/publications/responsible-mining-in-mongolia-enhancing-positive-engagement>.

⁴⁷ Oxfam, *Position Paper on Gender Justice and the Extractive Industries*, supra n. 9.

⁴⁸ IFC, *Mining for Equity: The Gender Dimensions of the Extractive Industries* (World Bank Group, 2009), available at https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/sustainability-at-ifc/publications/publications_report_genderdimensionsofextractiveindustries_wci_1319576704143.

The report reflects a synthesis of findings and recommendations from three case studies done in Peru, Papua New Guinea, and Côte d'Ivoire. The case studies represent different kinds of actors, funders, geographies, and political and cultural contexts; a range of stages in the project lifecycle; and diverse objectives and project approaches. The case studies were done with desk and field-based research and with strong collaboration with local partners.

The case studies selected are not intended to be exhaustive, but rather to show some of the ways various actors are integrating gender considerations into mining projects. Where relevant, the studies also make linkages to the underlying land tenure system and how it relates to the issue being considered. While there are significant differences across the projects in the case studies, they all present opportunities for identifying good and promising practices and help to highlight strategies that can be employed across contexts for different kinds of mining projects. Table 1 summarizes the case study attributes. See the individual case studies for full case study information.⁴⁹

Table 1. Summary of Case Studies

Case Study Title	Location	Actor	Case Study Focus	Stage of Mining	Relationship to Surface Rights
Inclusive development approach creates space for women to contribute to and share in the benefits of diversified livelihoods	Côte d'Ivoire	Property Rights and Artisanal Diamond Development Project (PRADD II). Development project, funded by United States Agency for International Development and European Union.	Livelihood support in areas where artisanal mining for diamonds is widespread and in an area once considered a site for conflict diamonds.	Mining is ongoing; project has ended.	Project worked on clarifying rights and boundaries to land so that, with clear rights, women could make investments on land that would help provide alternative and more stable incomes for artisanal mining households
Doing more than is required by law to ensure gender equity in benefit distribution	Papua New Guinea	PanAust (Frieda River, Ltd) Mining company, with private investment.	Large copper and gold mine and associated infrastructure projects. Compensation, benefit sharing, community engagement.	Exploration completed in decades past. Applying for mining license from the PNG government.	Associating mining benefit distribution with a broad definition of land rights that is inclusive of women as well as men.
Strategies for incorporating gender: CSR and the Yanacocha mine in Peru	Peru	ALAC, Corporate Social Responsibility arm of the mine. NGO using blend of private funding from mining company and some aid funding	Corporate social responsibility initiated by the mining company in communities that are affected by a large open-pit silver and gold mine.	Close-out	CSR activities focused on "mining affected communities", defined as those residing in areas affected by mine

Côte d'Ivoire. The case study from Côte d'Ivoire is a development project that worked with artisanal diamond miners to both strengthen their land tenure security and provide alternative livelihood options. The case study examines a five-year development project called Property

⁴⁹ Case studies will be available at landwise.resourceequity.org.

Rights and Artisanal Diamond Development Project (PRADD II). The mining conducted is alluvial diamond mining using very basic equipment, such as sieves and pans. It is labor intensive earth digging and removal in riverbanks followed by washing gravel to find diamonds. It is often conducted in an 'informal' way on land that was historically held under a customary tenure regime. The mining is not licensed or regulated. PRADD II sought to support the government of Côte d'Ivoire to implement artisanal mining best practices and promote good governance of the mining sector in conjunction with the Kimberley Process. The objective was to increase the number of alluvial diamonds entering the formal chain of custody, while improving the benefits accruing to diamond mining communities. The PRADD II project was funded by USAID and the European Union, and was implemented by TetraTech in Côte d'Ivoire and Guinea. The overall project budget was \$19 million (USD). In addition to clarifying property rights, the project aimed to help reduce conflicts, increase investment, and improve environmental management, which are all essential to building sustainable livelihoods in mining communities in order to move away from dependency, which often drives miners into exploitative hand-to-mouth arrangements with illicit actors.

Papua New Guinea. The case study related to the PanAust mining interest in Frieda River, Papua New Guinea, covers its activities in community engagement, benefit sharing, and compensation. PanAust is seeking a legal license to mine copper and gold in Frieda River. If the mining license is approved, major infrastructure projects (hydro-electric dam, roads, and a port) will also begin. Together with the mine itself, these projects will completely change the social and economic landscape in the area, which is otherwise very remote and difficult to access. Lands in the mine impact area are currently held under customary tenure by local communities. Copper and gold reserves were identified in the early 1960s and various mining companies have been active in the area since, though none have yet been able to secure funding and no licenses have been issued. However, because of the presence of mining interest for so long, the communities are well known to staff of the different mining companies present in the area, and to a large extent they have become reliant on the mining companies for transport and some services that would otherwise be provided by the state. The communities have lived with the likelihood of a mine for decades but have yet to see it materialize. PanAust has also partnered with the Women in Mining program (funded by World Bank and AusAid), which seeks to work with women to help them better engage in the negotiation process while development agreements are being considered between the company, the state, and the community. These agreements include how the communities' share of the profits will be determined and distributed. The official negotiation for these agreements is known as the "development forum" and is required by the Mining Law.

Peru. The case study from Peru covers what has been deemed a Corporate Social Responsibility (CSR) project funded in part by the mining companies who own the Yanacocha mine in Cajamarca. The CSR project established and supported local level savings and loans groups for people in mining affected communities. Yanacocha mine is the fourth largest gold mine in the world; the open pit mine is 251 square kilometers and since 1999 it has been run by the US-based Newmont Mining Corporation (51 percent) and by Buenaventura (44 percent), a Peruvian company. The International Finance Corporation has a 5 percent equity investment in the mine. The surrounding populations identify as either indigenous or mestizo and are recognized as indigenous under the Peruvian Constitution. The land that the communities live on is considered privately owned. Mining production began in 1993. At that time, local communities on the land planned for future mining were relocated and compensated for their loss, though there is some confusion among community members about whether they had sold their rights. The mine is in the first phase of shut down. The mine has been subject to a number

of controversies related to ownership interests, environmental disasters, and human rights abuses.

II. EFFECTIVE STRATEGIES

A. Enabling conditions for gender inclusive projects

Meaningful integration of gender and land tenure considerations into mining projects is nascent in mining projects; finding examples of this proved to be more difficult than anticipated. Each case studied provides examples of factors that helped lay the groundwork for integrating gender even when it was not required by law in the countries where the project was taking place.

Understanding and promoting the conditions that enabled a meaningful commitment to gender in the first instance can shed light on strategic approaches that promise equitable results for women and men.

Legal framework: Mining laws present an opportunity to ensure gender equity in regulation of mining because mining projects have the incentive to follow the law in high-risk and high-value environments.

In each of the countries studied, the state asserted its sovereign right to subsurface minerals, as well as its right to govern how those subsurface resources are used and managed. The state's right to subsurface minerals also carried the right to obtain surface rights needed to extract the minerals. The law can be a powerful tool when it is drafted in way that balances the rights and needs of various stakeholders⁵⁰ in the context of mining. Even though there are known issues with many states' abilities to implement mining regulations and laws (e.g. potential for corruption or bad behavior, lack of institutional and regulatory capacity and resources, or failure of the rule of law), because of the high value and high risk of mining, those seeking subsurface rights from the state have an incentive to follow mining laws. In all three case studies, mining laws did not provide a legal framework that protected both men and women with regard to outcomes and benefits.

Even though the constitutions of Côte d'Ivoire, Papua New Guinea, and Peru all provide for gender equality and non-discrimination, the mining laws (and land laws in some cases) do little to ensure these constitutional priorities are met as mining projects are approved and managed. The mining law from Papua New Guinea provides an example: it attempts to ensure that the interests of customary landowners are incorporated into the licensing process by requiring a development forum, which covers such things as royalties, compensation, and community development. This is a good first step in comparison to some other jurisdictions, where no such forum is required and where the interests of surface-rights holders are not mentioned in the mining law, as in the case of Peru and Côte d'Ivoire. However, the law leaves much discretion to the actor seeking a license and to the "landowners" to ensure that the development forum results in an agreement that benefits all women and men who are affected by the mining. The potential social and financial costs of mining in Papua New Guinea are likely to be high if the law does not require meaningful engagement of all people potentially impacted by mining operations. Examples of such a breakdown and related elite capture (sometimes leading to violent conflict) around mining are common in Papua New Guinea. Today, the government is considering new mining laws, which could include, among other things, a guaranteed minimum royalty fee to be paid to landowners. However, the current new draft laws make no provision for gender-equitable development agreements.

⁵⁰ Including all levels of government, surface rights holders, those who will be impacted by the mining activities, private actors, and future generations of people who could be impacted by changes to the environment, and others.

Organizational commitments: Can a supportive project organizational structure, policy, and culture help to create the right incentives for staff to make decisions that can lead to better outcomes for women?

In both the Côte d'Ivoire and Papua New Guinea case studies, many individuals involved in the project internalized a commitment to gender—from leadership and managers to field staff. The Côte d'Ivoire project hired a gender-focal point as a key member of the staff; invested in ongoing, project-wide gender training and mentoring for field staff; and developed accountability through performance assessments at team meetings.

The organizational commitment to gender was managed differently in the case study from Papua New Guinea. The mining project established early that sustainability would be a core value and it included gender-based outcomes in its definition of sustainability, arguing that social license to operate and respect for communities must incorporate both women and men in communities. Structurally, it also placed sustainability under risk management and, because risk management is a critical corporate function in the high-risk mining industry, this placement gave sustainability objectives high priority within the company. Because gender considerations were included under the rubric of sustainability it also meant that commitment to gender was elevated. Linking executives' performance evaluation criteria to sustainability outcomes helped achieve commitments to sustainability (and thereby gender considerations). This created a culture of commitment to gender equity that permeated the company's dealings with the government and the communities. This laid a foundation for some positive policies with regard to benefits sharing and compensation payments.

Even though it came later in the project's lifecycle, a positive commitment to gender had an impact on the activities of the project in Peru. The project had not considered gender in its activities until a parent company issued a gender policy and trained its staff. While the effort may have been too late to see major gains in gender equity on the ground, it did show some of the effectiveness born of fostering organizational commitment to gender issues.

International standards: International instruments and guidelines can influence a project's approach with regard to gender, especially when tied to finance.

Though not binding in many cases, international standards—or other policies that come from an external source, as in the case of development banks and other development finance institutions—can influence the behavior and decisions of those implementing mining projects. This is especially true when the standards are linked to obtaining necessary finance to support the project.

For example, the company behind the project from Papua New Guinea made a point of reporting to their board, their peers, and international NGOs who were interested in the mining sector (such as Oxfam) on how they were tracking against the International Finance Corporation's Performance Standards with regard to sustainability. The elements of sustainability that related to gender were not directly reported on, which was a missed opportunity, and could point to a need for more specificity in the Performance Standards or the related Guidance Notes on gender. Absent a compliance requirement that would attach to financing from IFC, the practice of being accountable to outsiders on alignment with the Performance Standards is a positive one and could be considered a promising. Borrower compliance with the Performance Standards (or equivalent) when financing is obtained from the IFC or another development financing institution should be seen as a mandatory requirement.

Likewise, the case study from Côte d'Ivoire covered a development project that sought to help artisanal miners have more sustainable and diversified incomes. Even though only men in the target areas were directly involved in artisanal mining, the case study project had a strong focus on gender in its design, outcomes, monitoring, and results specifically because these were required in the donors' respective gender policies. This illustrates the influence that donor commitment to gender can have on project outcomes.

Dedicated resources: Ensuring financial, human, and other resources that can be used to support gender equitable outcomes are in place from the start.

Organizational commitment to gender equity must be backed up with human and financial resources and expertise to be realized in practice. Though it is too early to tell whether women and men will receive equal shares in the benefits from mining (as permits have not been issued and operations have not begun), the case study from Papua New Guinea highlights the importance of supporting a commitment to gender through provision of resources and expertise.

The mining company partnered with an aid agency and development experts on the Women in Mining project. The Women in Mining project targeted the seven villages that would be most impacted by the future mine at the sites and helped women in those communities gain skills and knowledge to be able to negotiate for their own interests during government/company/community agreement negotiation. The project is also preparing women to be able to generate income by selling products, like food, that will be needed when the mine is operational. At its own expense, the mining company provided transport for Women in Mining project staff to the remote villages by chartered plane and helicopter and also provided them with food and lodging at the mining project's base camp. This logistical support was a considerable expense to the mining company, and without that support the Women in Mining project could not have been implemented. At the same time, the mining company did not involve itself in the day-to-day running of the Women in Mining project and allowed it to work with communities directly.

Likewise, the project in Côte d'Ivoire working with artisanal miners hired staff and management who were experts in the field of livelihood development and land rights formalization. Those staff brought their knowledge of good practices with regard to gender and techniques that allowed them to make strong connections with the community leadership. The experience of the staff was instrumental in ensuring that women's needs and experiences were incorporated into the entire project and done in a way that was culturally sensitive and locally appropriate. This approach reflected the good practice of taking advantage of existing experience from outside the mining sector.

As a counter point, the project covered in the Peru case study might have seen greater gender equity success earlier in its development had it incorporated gender expertise in its design from the beginning. For example, while the project illustrates general good practices related to monitoring and evaluation, a monitoring assessment looking specifically at women—in particular, how to ensure that women were involved—suggested that actual practices were unhelpful to women. This was because the original approach was based on the premise that if men were involved, women would automatically be as well. This was not the case. The project thus missed an opportunity to engage women early on because it did not work directly with women in the savings and loans groups from the start.

B. Consultation, engagement, and information: Were women and men in mining-affected communities equally and meaningfully engaged?

Women are often excluded (or not specifically included) in consultation, engagement, and information sharing. This may result from a) only community leaders (usually men) being included b) only heads of households (also usually men) being included, c) because the meetings are held in places or at times of day when women cannot attend, d) women do not see the value of attending, or e) women consider such meetings to be only men's business.

Exclusion in social dynamics: Sensitively addressing social dynamics that might limit the participation of women, or of other people who are not permitted to speak with outsiders or to speak on behalf of themselves or the group.

The case study from Peru shows the importance of the methods chosen to reach women. The Peru mining project included a CSR component where small, local savings and loans groups were established and supported. When the project was launching, facilitators attended community meetings to try to encourage participation by people in the mining affected communities. Initially, there was not a strong positive reaction because people in the community did not know or trust the staff. Additionally, the staff were sometimes seen as representing the mining company and were treated with some caution. In general, when people did agree to start savings groups, it was men who were initially interested, which had a direct impact on who benefitted from the project. When men were in charge of a group, they invited other men to join and added women only when directed to by project quotas. More savings and loans groups were comprised of men because men were more likely to agree to work with the facilitators. The savings and loans project in Peru could have benefitted from doing more to lay the groundwork for both women and men to participate more equally early on, such as by having women-only meetings or through hiring trusted locals (including women) as staff persons to help with launch meetings.

The case study from the Côte d'Ivoire illustrates a good practice with regard to addressing gendered social constraints and community engagement. The project covered in that case study began by using a participatory design with the whole community; it did not start with pre-defined project activities and did not focus only on men or only on women. Instead it chose techniques for consulting the community that were by nature inclusive of all perspectives without allowing any one perspective to dominate. First, the team conducted field-based baseline research on how women and men engage in agriculture, artisanal mining, and other economic activities. Then it used that knowledge to frame its work with the whole community (participatory design) in a way so that there were certain topics that only women could provide input on and others to which only men could speak. For example, men were directly active in artisanal mining, while women were engaged in cultivating food products for the household. Women and men did not need to be separated, but because of the nature of the questions being posed, neither women nor men could speak for the other. This had the effect of ensuring that women, whose voices are often marginalized, were able to provide meaningful input into design without distancing those who were accustomed to being consulted (i.e., the men).

The Peru case study illustrates the need to understand social dynamics in the design and implementation of mining projects. When the project first began, field monitoring identified an increase in intimate partner violence associated with those who participated in the project. Beneficiary women reported during the case study fieldwork that the increase was related to husbands viewing the savings and loans groups with suspicion, and believing their wives should be spending their time at home instead. This was identified only through the investigation done for this case study, and was not an outcome of the monitoring and evaluation plan. However, the monitoring and evaluation team apparently knew that this was happening and believed that talking to husbands about this would make the problem worse and that violence had predated

the savings and loans groups. Despite this knowledge, partner violence was not being tracked in the monitoring and evaluation plan and the project itself did not take any steps to address it when it was reported anecdotally. The reports of violence decreased over time because, when savings were disbursed, men's perception of the value of women's participation increased. This suggests that there was an opportunity to avoid violence had the project conducted a baseline investigation into gender dynamics, including propensity for violence in the household, and designed the project with this in mind before it began its activities.

Focusing on women: While understanding the bigger picture, keeping focus on women who are historically marginalized.

The case study from Côte d'Ivoire provides a good example of how to maintain focus on engaging women, while also considering the outcomes for the whole of the community. The Côte d'Ivoire project aimed to empower women not just for their good but for the good of relatives employed by the mining project; that is, it aimed to ensure improved outcomes for artisanal diamond mining communities in the face of economic ups and downs. It did this through formalizing rights to land to make them more secure and through livelihood diversification. That diversification focused on agricultural activities that women could undertake that men either would not typically perform were unable to do if they were also involved in artisanal mining. When women began contributing more foodstuffs and income to the household, their standing in the household and then also in the communities was improved. Likewise, in the Peru case study, the savings and loan groups engaged women and helped to build their skills and knowledge around financial management. This had a follow-on effect in their homes, where women reported that learning financial skills helped them to gain confidence to speak more in the groups and in their households. They also reported that their husbands and families were listening to them more when they spoke about financial matters.

Meaningful representation: Taking the time and making the effort to ensure that women and men can be good representatives for their communities.

In some contexts, simply creating a seat at the consultation or negotiation table for women can be a step forward. Nevertheless, a seat at the table is not sufficient to achieve gender equitable outcomes if there is not additional support to ensure that all those who are involved in consultation participate from a position of confidence, knowledge, and understanding of how their role relates to others in their community who are similarly situated. In essence, it takes more than a seat at the table to get to good governance.

In the example from Papua New Guinea, the mining company that was the subject of the case study took over the mining project from another company that had created a community leaders' forum. The community leaders' forum was used to share information about the mine and its progress and to gather information from the community. The forum was also used to validate reports or information the mine gathered in its preparation for a license, including defining who are the landowners. The established community forum was only comprised of men. Realizing that women's interests were not being addressed by the forum and that women's input was critical to meeting their sustainability objectives, the mining company sought to change the gender composition of the group to make sure that women from the target communities were involved. This took concerted effort on the part of project executives, management, and field staff who negotiated with the all-male leaders' forum members to get their agreement to women's participation. For example, they began asking the men in the forum questions that they knew were considered women's business and that men would not be interested in answering. They also showed examples from other company mining projects in Laos where women were part of the community forum and how that was a success for everyone, and they also began to

interact with women directly in visible ways so that they men could see that the company was truly interested in women's perspectives. Eventually, women were added to the leaders' forum. At first the men at the forum did not let women physically sit at the table, but eventually they relented. The women representatives needed to do more than just be present for their participation to be meaningful. It became apparent that they also needed some help with building the confidence to speak publicly and, because they joined the forum well after the men, they needed education and information so they could participate from a position of knowledge. To address these challenges, the mining company partnered with the Women in Mining program (a development program funded by AusAid), which began building the women's capacity to meaningfully engage in the forum.

However, even when women are participating meaningfully on a representative body, it is not necessarily the case that those women are in fact representing the interests of all in their community. Some female respondents from the Papua New Guinea case study reported that they learned nothing from the female representatives at the leaders' forum and that they were still unaware of basic decisions that would significantly impact their lives, such as relocation plans. Women, just like men, can be subject to self-interest or beholden to vested interests and efforts must be made ensure that women and men on representative bodies have the willingness, skills, knowledge, and ability to represent the interest of others in the communities and can be conduits for information and consultation for their constituents.

The case study from Peru illustrates how the assumption that individuals are willing and able to represent the interests of others when they are in a group setting may be misplaced. When the savings and loans project focused just on male participants, it was assumed that the benefits from that program would trickle down to his whole family. This was not necessarily the case and, in some instances, the opposite was true: for example, more married men than married women took out loans from the savings and loans groups, but married women whose husbands took out loans reported that, while husbands controlled how loan funds were used, both the husband and wife were responsible for repaying the loan.

C. Design: What strategies proved to be effective for women and for men in mining-affected communities?

Basic building blocks: Improving women's confidence and self-esteem.

The case study from Papua New Guinea shows that women and men may have different starting points in terms of knowledge, skills, and confidence and, because of this, women and men may need different kinds of support to be able to participate in and benefit from any mining related project or investment. In Papua New Guinea, the mining companies had engaged men in the target communities for decades and, during the research for the case study, men displayed significant confidence, comfort, and experience in talking about the mining investment. Women, on the other hand, had largely been excluded by the previous mining companies that dealt with the communities. During initial research by PanAust, women displayed discomfort and shyness in speaking with outsiders and had very little knowledge about the mining investment and what it would mean for them. One of the ways that the mining company addressed this was to partner with the Women in Mining program to help build women's confidence, skills in speaking, literacy, and self-esteem. This helped lay the groundwork for women to engage alongside men with the mining company.

Similarly, the Côte d'Ivoire case study shows that there can be broader value when working on women's individual capacity and skills. The project in that case study began with training for

women on financial literacy as well as economic activities that would easily align with their current work help bring in additional income in the short term. The project focused on this kind of training because it knew that the community generally put a high value on people who contribute to household and community welfare. By working with women on income generating activities, the women's perceived value was improved and this in turn allowed the women to take further steps on bigger issues such as gaining rights to land and starting businesses.

Power in numbers: Working with women in groups.

All three case studies highlighted the potential value of working with women in groups. When women work in groups it can help build individual and collective confidence and help amplify positive results. This is in part because women are often starting from a weaker bargaining position than men and there is strength in numbers, as was shown in the Côte d'Ivoire case study. In that project, a group of women from a community that engaged in artisanal diamond mining were able to negotiate for long-term access to land for farming from a village head because, in part, they did so as a group. As a group, the women could apply more pressure to the village head than a single woman could and the village head trusted that the women would put the land to productive use because they were organized and would hold each other accountable.

Support from those with power: Getting buy-in from and working with men.

Women do not live alone—they are part of families, households, and communities—and when working with women individually and in groups it is important to ensure that men in the community are also invested in the focus on women. Anything that can be seen as a threat to the status quo for men can result in their active resistance towards things that women are working towards. Violence against women can also result. Thus, it is critical to ensure that men are engaged, consulted, and convinced that men can either also directly benefit from activities and/or of the broader benefits of investing in women.

In part because of a history of violence around land and mining in the area, the Côte d'Ivoire project was particularly careful to ensure that project activities had the support of local men and local leaders. Even though the project focused its activities on stabilizing and improving non-mining incomes and livelihood options for women, it was able to get buy-in from the whole community, including the men, by showing that everyone would benefit. This was done at first by using an inclusive and participatory design approach that involved both women and men and by using gender-neutral language and concepts in the project's communications with the communities. These tactics were effective because they did not threaten any existing established norms or cultural practices. Once the project was underway, it shared results and successes with the community in a way that showed how women and men benefitted, even though women were targeted. This included showing men how additional income to women was helping the whole family be better off financially.

When the mining company was engaging the community in Papua New Guinea, men had to agree to let women join the community leaders' forum, which was an important step towards women being included in benefit distribution from the future mining operations. The agreement from men was gained through negotiation between the mining company's community relations team and the men on the community leaders forum. For example, the community relations team would ask the men questions about issues that were considered women's responsibility (such as child rearing, health care, and food), urging the men to see that women were better placed to answer those kinds of questions and suggesting that they should be included. Once the men agreed to have female members on the forum, the mining company used its influence to ensure

that women's presence and perspectives were not marginalized. For example, the company representatives waited for women to arrive before they began meetings and senior management from the mining company would not sit at the table with the men; instead staying near the doorway alongside the women until the women were eventually invited to take a seat with the men.

Creative approaches: Employing diverse and complementary approaches to reach women and men equally.

In the Côte d'Ivoire case study, a main project focus was on land rights. The focus on land rights was premised on the theory that secure property rights (for land containing high-value diamonds) creates positive incentives for miners to steward the land. When artisanal miners' rights to prospect and dig for diamonds are formal and secure, they are more likely to sell the diamonds through legal channels, enabling the government to track the origin of diamonds and prevent them from fueling conflict. At the same time, the project recognized that the artisanal diamond mining was a driver of economic outcomes. During boom periods of diamond extraction, the rural economy would flourish, but when diamond prices fell due to international market forces, the local economy would collapse. Also, men in the community conducted the artisanal mining. Thus, to both avoid the potential for conflict that comes from artisanal mining on land without clear rights and to help mitigate the ups and downs of the rural economy from artisanal mining, the project encouraged income diversification through women, while men still engaged in mining. This included an agricultural extension program, a livelihoods program, and a small micro-finance program; without these complementary activities the communities reported that they would not have undertaken to demarcate property rights because it was considered a cumbersome process.

Capacity building and training: Purposefully considering gender takes time, training, and resources.

The case studies from both Peru and Côte d'Ivoire illustrate the importance of staff capacity-building and training. In Peru, one of the partner companies that had invested in the mine adopted a gender strategy partway through the CSR project activities. After the strategy was adopted, the CSR project team was trained on how to better integrate gender into their activities and the team, in turn, modified the project to better include women in such ways as introducing a quota for women's participation in savings and loans groups and providing incentives for groups to meet or exceed the quota. The quotas played an important role in ensuring that women participated in the project. Had the CSR project team not been trained on the gender strategy, it would not have introduced the quota and more women would have been excluded. After the team had been trained on the gender strategy, the project introduced interactive adult learning modules to the savings and loans groups to help them understand gender issues as they applied to the savings and loans activities and improve trust and teamwork.

However, training can also be seen to provide opportunities for those who receive it at the expense of others who do not, and this can create tension in communities. For example, the Papua New Guinea Women in Mining program partnered with the mining company to increase women's capacity-building activities in communities. Women were the focus because their needs were seen to be the greatest and because women had been excluded from interacting with the mining companies for a long time. However, another disenfranchised group—young men—felt left out entirely from both the Women in Mining project and the mining company engagement. They saw that their elders were traditionally involved in activities with the mining companies and now women were involved through Women in Mining, but they felt no one was

focused on them and their needs. The young men in the target communities were vocal about their discontent.

The Côte d'Ivoire project included initial gender training for all field-based staff. This training had the dual effect of demonstrating to the staff the project's commitment to gender equitable outcomes and empowering the project's gender focal point person. Based on this demonstration of commitment, the gender focal point followed up with individual staff and personally helped them address gender-related challenges they faced in implementation as they arose on a case-by-case basis.

Accountability: Spreading accountability for gender-equity broadly, and linking it to training and performance measures.

The case study from Côte d'Ivoire showed the importance of bringing gender-related expertise into field-based activities. It provided training to field staff and held them accountable for showing success against gender-related indicators and milestones, which underscored the importance of the trainings. In short, field staff had the incentive to take the training they were provided seriously because their success was partially measured against related outcomes.

The Papua New Guinea project provided another good example for how to spread accountability, where all employees had the incentive to make decisions in ways that were sustainable (including gender equity) and their performance evaluations (and bonuses) were tied to these measures.

Tracking performance: Monitoring and evaluating on gender-based indicators and adapting to changing circumstances.

As with any mining project or investment that brings social change, there will almost always be unforeseen issues, particularly when considering and responding to the gender-related impacts. To be able to adapt to an evolving understanding and context, mining projects—whether driven by the private sector, development agencies, or the government—should monitor and evaluate the outcomes of activities on women and men throughout the project lifecycle. The Côte d'Ivoire project used its monitoring and evaluation program as a way to track and evaluate progress on objectives, but also as a way to manage staff activities that touched on gender. The team would regularly meet to evaluate progress related to gender and use the collected information to help shape additional trainings and discussion for field staff, adapting activities as necessary. This flexibility allowed the project to address issues as they arose and ensure relevancy.

D. Benefit sharing: Are benefits available to women and men? And are women's and men's interests served by decisions made on benefit sharing?

Dealing with land "owners": Recognizing the importance of the land tenure system but also looking beyond it to define how benefits are distributed.

The case studies from both Côte d'Ivoire and Papua New Guinea help show the importance of recognizing the underlying land tenure system when designing and implementing a mining project, but not being constrained by inequitable land tenure rules when crafting how benefits will be distributed.

In the Côte d'Ivoire project, demarcating land rights helped the community avoid exacerbating artisanal mining conflicts that arose from competing claims on land where mining was taking place. The demarcation activities also legitimized the potential agricultural livelihood options that were promoted by the project by creating an incentive to invest in demarcated lands. At the

same time, had the project focused only on those people who had customary rights to land, it would have excluded women from among its beneficiaries because customary rights tended to favor men. Instead, the project incorporated a seemingly gender-neutral element (land use mapping and planning), with the specific aim for integrating women's uses and benefits from land that would be mined, without having to ask the question of whether women were "owners" of land. This had the effect of including women's needs and uses in the project's purview, without challenging the underlying land rights system (which favors men). This approach appears to have been of particular value in the context of Côte d'Ivoire, because of the link among conflict, land tenure, and mining that pre-existed the project.

Likewise, challenging customary tenure rules is a fraught exercise in Papua New Guinea. There is widespread expectation that one can personally benefit from mining royalties by having a recognized right to customary land because, historically, customary land ownership rights were only recorded when some kind of mining or agricultural investment was expected, and therefore the potential for personal gain for "owners." The Mining Law requires negotiation among landowners, the government, and the community on how benefits will be distributed before a mining license is issued. As mentioned earlier, this is done by way of the development forum. If limited to customary "landowners," the development forum raises the stakes on who is identified as a landowner and who is not, because being named a landowner confers a seat at the development forum negotiation table. This is complicated in the context of Papua New Guinea, where the concept of ownership is customary, multi-layered, and based on relationships, kin groups, history, and conflict. It is also different than the Western concept of ownership based on private, individualized rights. Even if women have some rights under customary tenure, women will typically not be considered landowners for the purpose of participating in the development forum because women are not customarily expected to speak on behalf of their families or communities, whereas men are. Thus, while the development forum is a progressive element of the Mining Law, it still has the potential to exclude women if it is left to communities to determine who an owner is and is not.

Examples from other mines in Papua New Guinea, for example at Ok Tedi,⁵¹ show that women were excluded from the negotiation of benefits, leading to their exclusion from sharing in considerable mining benefits (especially cash payments), with severe detriment to the lives of the women and their communities as a whole. In its work to establish who should have a seat at the development forum negotiating table, PanAust worked to extend the qualification of membership in the landowning group in such a way as to include some women in a way that was culturally appropriate. It did this through extensive field-based assessment and relationship building with the community. It also created a process that was highly consultative. As mentioned, the community leaders' forum played a large part in the consultation process for establishing the membership qualification criteria for the landowning group, and PanAust promoted women's participation in the community leaders forum. Together, these steps helped ensure that the criteria were locally legitimate and not contested or seen as socially disruptive. It ultimately helped to move toward a situation where women were not automatically excluded because they were not socially defined as landowners by the customary tenure scheme.

⁵¹ See Nicholas Menzies and Georgia Harley, *We Want What Ok Tedi Women Have!: Guidance from New Guinea on Women's Engagement in Mining*, 7 J4P 2 (World Bank Briefing Note, 2012), available at <http://documents.worldbank.org/curated/en/242801468057856994/pdf/724410Revised00170Issue209020012web.pdf>.

III. GAPS AND OPPORTUNITIES

The case studies provide concrete examples of strategies to integrate gender into different kinds of mining projects at different stages of the mining lifecycle. They represent a budding area of practice about which more information, strategies, and sharing are needed. The studies also provide insight into other steps that can be taken to ensure that women and men equally share the benefits and burdens of mining projects.

Reform mining laws so that mining projects are required to commit to gender equitable outcomes, especially with regard to the rights that apply to surface land rights.

National and local mining laws and regulations present an opportunity to push for gender equitable outcomes because private investors seeking to obtain licenses for mining projects have an incentive to follow the letter of the law (to obtain and maintain the license to mine). Governments, often eager for revenue streams provided by licensed mines need to be pushed in the direction of enforcement and compliance. This must be done through more concrete provisions that specifically require engagement of both women and men, and that outline steps that must be taken for that engagement to be meaningful. Laws should also avoid using terms that have the potential to be interpreted in a way to limit women's opportunities and protections. For example, use of the term "landowners" to define beneficiary pools can be used to exclude women if women are not culturally considered landowners, even when they have other land rights (such as access). India's Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act of 2013 provides an example of how legislation related to resettlement can begin to address gender issues. This act establishes a special category of people impacted by resettlement who are entitled to compensation, including widows, divorcees, and women abandoned by their families.⁵² In creating this category, the law acknowledges that compensation for resettlement must be paid to people other than "owners" or men who are heads of households.

Sharpen and broaden the application of international instruments to more clearly pull mining within their ambit.

Even though they may not be binding (or in some cases expressly applicable to mining and other extractive resources), international instruments such as the VGGT can be influential in shaping the national laws, practices, and decisions of states related to mining projects. The VGGT has served to significantly influence the evolution of national land governance frameworks, and it (or similar extractive-specific guidelines adopted by the UN) could similarly prompt the improvement of extractive resources laws. Additionally, all applicable instruments, including the environmental and social standards used by development banks and international finance institutions, would benefit from as much specificity as is reasonably possible, particularly in their application guidance. Finally strict compliance requirements are necessary for both state and private borrowers.

⁵² Oxfam, *Position Paper on Gender Justice and the Extractive Industries*, supra n. 9.

Establish clear, effective, and gender-sensitive grievance mechanisms in mining projects.

None of the case studies reviewed for this report showed any concrete schemes for shaping what women and men in mining affected communities can do to pursue and remedy grievances, or to appeal decisions that are made on matters that impact them. To some extent, even though communities might be consulted or engaged (as in the Papua New Guinea case study), if there is not a clear pathway for redress, the communities' have limited leverage to influence or correct decisions that impact them. A good practice in all mining projects is to develop and implement an accessible and fair grievance mechanism that is seen as legitimate by the community and other stakeholders.

Focus on what makes participation and consultation meaningful.

When communities are meaningfully engaged and consulted, women and men are included and heard from the very beginning through the entire life of a project. Community input should inform design, impact assessment, impact mitigation, compensation, resettlement and ongoing project operation.⁵³ When done using a gendered approach and tools designed for the specific context of the community, households, and individuals, consultation and engagement can enhance women's livelihood assets and help them forge more sustainable livelihood options.⁵⁴ As noted in these case studies, a gender and land tenure analysis done early on, along with active engagement of women and men, can help identify who has an interest in the lands that will be affected by the mine and can help frame who should be consulted, informed, and engaged during the entire lifecycle. Requiring women's participation through quotas and other incentives can be helpful but is not enough to ensure that the participation is meaningful. Quotas are also not sufficient to ensure that those women who are included are willing and able to represent the interests of all women in the community. Supplementing quotas with training and support is critical to ensuring that women can catch up with men, who may have more experience in playing a public role. Also, it can be helpful to train representatives on what good representation looks like and how that can benefit everyone when done well.

Gender-focused knowledge, attitude, and behavior change for all parties.

All cultures—corporate, community, household, government, institutional—are affected by gender bias. All people have assumptions that relate to gender. Some are known and some are unknown, but they are always present. To bring about gender equitable outcomes in a mining (or any) project requires a shift in the "hearts and minds" of all who are involved in or impacted by any decision. This requires unpacking assumptions and biases, addressing gaps in knowledge, identifying damaging or exclusive attitudes, and preventing discriminatory behavior that can have the effect of privileging the interests of men over those of women. Adopting effective approaches and training used by social change movements (such as those that address gender-based violence) and bringing them to bear on private sector actors, government, communities, financiers, and other stakeholders that are called upon to address gender-based biases could help.

Track progress and start with understanding.

⁵³ IFC, *Unlocking Opportunities for Women and Business: A Toolkit of Actions and Strategies for Oil, Gas, and Mining Companies* (2018),

https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/gender+at+ifc/resources/unlocking-opportunities-for-women-and-business.

⁵⁴ Isabel B. Franco; Titi Kunkel, *Extractives and Sustainable Community Development: A Comparative Study of Women's Livelihood Assets in the Americas*, 5 Int'l J. Soc. Sci. Stud. 54 (2017).

Addressing gender equity in a mining project requires a strong understanding of the starting place. For each of the projects studied, there did not appear to be a detailed analysis of the gender situation and dynamics as a baseline, so it is difficult to quantify and deeply understand whether and how progress is being made. Starting with a strong understanding of the situation for women and men can help ensure that neither women nor men are harmed by the mining project.⁵⁵ From the understanding gained in the baseline, meaningful indicators and milestones can be created to help track progress towards the objective of ensuring gender equitable outcomes.

⁵⁵ An example of how this can impact mining operations comes from a different study based on a mine in Peru. There, a group of mostly single women marched on a mine. Even though the company had arranged for compensation for the house owners, the soon to be homeless renters were not considered. If the company had undertaken a gender-inclusive baseline study at the outset, it would have had a better understanding of the risks for this group of women and would have been in a better position to avoid the issue along with potential reputational risks. Instead, they were in reactive mode, with an immediate need to address and resolve the issue quickly. This experience highlights the importance of understanding men's and women's different access to and control of resources. See *Bernie Ward et. al., Gender-Sensitive Approaches for the Extractive Industry in Peru: Improving the Impact on Women in Poverty and Their Families: Guide for Improving Practice* (World Bank Group, 2015).

IV. CONCLUSION

The case studies reviewed for this report are intended to help address the gap in global practice and understanding among international and regional NGOs, the private sector, government, and others on what can be done to improve gender-equitable outcomes from mining projects. While their findings are in no way exhaustive, they do shed light on enabling conditions, promising strategies, and further opportunities to ensure that women and men both share in the potential burdens and benefits of mining projects. The potential for mining to be a driver of equitable economic development will depend on projects, like those profiled in this study, that take small steps towards addressing what are deeply entrenched gender norms and perspectives.

Working towards gender-equitable outcomes by its nature requires dedicated attention, experience, and resources. This is because achieving gender equity means addressing economic systems, social dynamics, and cultural norms that have long given preference to some people over others. It is often the case that those who benefit from the status quo will defend and preserve its content and history. This report is a starting place. It helps to show what government, the private sector, NGOs, and communities can do to ensure that the cost as well as the promise of mining is shared equally between women and men.