



MINING AND LOCAL-LEVEL DEVELOPMENT

Examining the gender dimensions of agreements between companies and communities

Commissioned by the Minerals Council of Australia (MCA) and Australia's Department of Foreign Affairs and Trade (DFAT)

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Participating case study sites

Rio Tinto Alcan's Weipa operation, Australia
Newcrest's Lihir mine, Papua New Guinea
MMG Sepon LXML, Lao PDR

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SMI CSR.M

Centre for Social Responsibility in Mining

The Centre for Social Responsibility in Mining (CSR.M) is a leading research centre, committed to improving the social performance of the resources industry globally.

We are part of the Sustainable Minerals Institute (SMI) at The University of Queensland, one of Australia's premier universities. SMI has a long track record of working to understand and apply the principles of sustainable development within the global resources industry.

At CSR.M, our focus is on the social, economic and political challenges that occur when change is brought about by resource extraction and development. We work with companies, communities and governments in mining regions all over the world to improve social performance and deliver better outcomes for companies and communities. Since 2001, we have contributed significantly to industry change through research, teaching and consulting.

Key findings and recommendations

Practitioner perspectives study

Case report 1: Papua New Guinea case study

Case report 2: Lao PDR case study

Case report 3: Australian case study

Project summary report

TERMINOLOGY

Gender: refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialisation processes. They are context/time-specific and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Gender is part of the broader socio-cultural context. Other important criteria for socio-cultural analysis include class, race, poverty level, ethnic group and age.¹

Equality between women and men (gender equality): refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration – recognising the diversity of different groups of women and men. Gender equality is not a 'women's issue' but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centred development.¹

Agreement: an overarching term used to refer to a negotiated agreement between a mining company and local stakeholders that is usually legally binding. These agreements are vehicles for managing impacts and delivering development benefits to communities impacted by resource projects or peoples who have rights over the land and waters that companies need to access, such as indigenous and land-connected peoples. Terminology associated with indigenous agreements typically includes land use agreements, native title agreements and impact and benefit agreements. Other times, agreements are struck with a broader group, or a group that does not identify as indigenous, and may be referred to as community development agreements, voluntary development agreements, partnership agreements, shared responsibility agreements, participation agreements and so forth.

Agreement processes: refers to all actions that are related to an agreement and its implementation. This includes, for example: consultation, negotiation, ratification, implementation, monitoring, evaluation and re-negotiation.

¹ Office of the Special Advisor on Gender Issues and Advancement of Women 2001, p. 1

Key findings and recommendations

Agreements between mining companies and local communities are increasingly used as a mechanism to shape the conditions for resource extraction in order to facilitate meaningful engagement and sustainable development outcomes. In this context, gender equality and social inclusion are gaining attention as key issues. This research explores the challenges and opportunities associated with negotiating and implementing agreements by considering issues relating to gender and local-level development. The focus is on agreement processes between local communities and Australian mining companies operating domestically and offshore.

This research, funded by the Department of Foreign Affairs and Trade (DFAT) and the Minerals Council of Australia (MCA), was undertaken by the Centre for Social Responsibility in Mining (CSRMI), part of the Sustainable Minerals Institute at The University of Queensland. The partnership between DFAT and the MCA has been driven by the commitment that both agencies have to maximising sustainable development outcomes.

This research confirms the value of promoting gender equality in mining agreements and provides important insights into how gender dynamics can influence agreement and benefit-sharing processes at the local-level. The study also identifies strategies for analysing gender dynamics in the context of mining and supporting gender equality in agreement processes.

The two-year program of work included a practitioner perspectives study and case studies at three mining operations in different regions of the world: Papua New Guinea (Newcrest's Lihir mine), Lao PDR (MMG Sepon LXML operations) and Australia (Rio Tinto Alcan's Weipa operation). A project report summarises the findings of these four components of the research and provides a list of key tools and guidance documents for practitioners and policy makers. The tables below summarise key findings and include a set of general recommendations.

Key findings

Agreement processes and principles	<p>Gender inequality in agreement processes occurs where gender analysis is absent or disconnected.</p> <p>Awareness of gender biases among parties involved in agreement processes is essential for gender equality.</p> <p>A principled approach to inclusion in agreement processes can support gender equality over the longer term.</p> <p>Special measures such as quotas can improve women's representation, but do not guarantee equal participation.</p> <p>Community capacity to self-organise can positively influence women's ability to participate in agreement processes.</p> <p>General challenges of effective agreement implementation can further exacerbate inequalities for marginalised women and men.</p>
Operational systems and practitioner skills	<p>Community relations management systems can play a key role in supporting (or hindering) gender inclusive agreement processes.</p>

Understanding baseline conditions and monitoring changes over time influence a company's ability to promote gender equality.

Skilled practitioners able to engage within the local context can support the promotion of gender equality.

Broader policy context Corporate policies can contribute to the promotion of gender equality in agreement processes.

Government policies and regulatory frameworks also contribute to promoting agreement processes that support gender equality.

Commitments by community institutions to gender equality are influential.

Agreement parties who are unfamiliar with corporate and institutional policies and commitments to gender equality can hinder uptake of gender-sensitive practice in agreement processes.

Supporting sustainable development Alignment of agreements within broader development frameworks that support gender equality can have a flow on effect to agreement processes.

Evidence of the link between gender equality and business goals needs to be strengthened by establishing monitoring processes and evaluating agreement impacts.

The following key recommendations provide guidance for different actors to incorporate gender equality goals more effectively into agreement making processes in support of sustainable development outcomes. Their relevance and application will be dependent on context.

Key recommendations

Undertake and utilise gender analysis Gender analysis should provide a foundation for mining, community engagement and development policy and practice, including agreements.

Gender analysis can be stand alone or integrated into existing studies, including social baseline and impact assessments. Studies should identify the critical issues for social inclusion, including gender and its intersection with other social factors.

Studies should canvass women's strategic needs, as well as practical needs.

Studies should also identify whether special measures (e.g. quotas) are appropriate, and provide recommendations about capacity building requirements for effective engagement.

While industry has a key role to play, governments and other actors, such as civil society can support communities by considering collaboration, or advisory engagement with companies as they scope studies.

Other actors may also have access to data or methodologies which could be shared with companies to encourage them to consider gender in community engagement and development activities.

Improve operational-level competency in promoting gender equality

The research highlights a mining industry capacity deficit in the area of gender equality and agreement processes. Much could be done to address this, including training for externally-facing staff and technical decision-makers, and ensuring that competency criteria include gender equality and cross-cultural sensitivity. Other organisations can consider offering gender awareness training for company personnel.

The appointment of gender champion(s) can help companies make major gains in terms of gender and social inclusion. Appointments can be made at the corporate and/or the project level.

Once capacity is built, skills can be integrated across the business including in social performance, employment, supply chain, land access and overall project design.

Build women's capacity to engage in agreement processes

There are opportunities for mining companies and other actors to build women's capacity to influence community engagement and development, including agreement processes. Ideally this would occur in the early stages of mining and continue throughout agreement implementation.

Men's capacity to include women and ensure that they have influence is an important consideration, and should be supported in any social inclusion strategy.

Civil society groups have an important role to play in calling attention to cases where gender inequality means that women are not included in agreement processes.

Strengthen coverage and implementation of gender policies and commitments

There are several options for strengthening coverage of gender in policies and commitments in this area. Corporate policy architecture should emphasise that the company will work and partner with a range of stakeholder groups to support the equal participation of women and men, and that particular attention will be paid to finding ways to enable women.

Companies may make a stand-alone statement about gender equality, or they may review current policies and ensure that gender is integrated in policy and practice, or both.

All actors can work together to ensure that national policies and regulatory frameworks for social inclusion and gender equality are applied at the local level, particularly at the sub-national level. There is an opportunity to strengthen multi-stakeholder dialogue in this area.

Support national commitments to social inclusion that address gender equality

Governments can support the development of a national framework for addressing gender equality, particularly in countries where significant gender inequality exists.

Governments can undertake gender equality reviews and determine appropriate action where there is evidence of pre-existing and/or potential for gaps in equality between men and women.

Governments can collect relevant gender-disaggregated data for all parties to monitor impacts of agreements.

Civil society groups can create awareness of where gender inequality exists, and work with other actors to develop and implement strategies to address gender inequalities, including in relation to agreement processes.

Support knowledge exchange about gender equality and social inclusion

Opportunities for knowledge exchange within and across sectors are numerous. Multi-stakeholder dialogues and forums on gender and social inclusion in mining, at multiple levels, should be supported.

Industry organisations and leading companies have an opportunity to commission additional studies that consider other gender-related challenges and innovations to help companies and other actors understand what gender inclusive practice looks like in different contexts.

There is also an opportunity to extend knowledge exchange about gender and mining across other topics, including, for example, local-level conflict, resettlement and negotiation processes.

Align agreements with sustainable development goals

Sustainable development includes a commitment to broad-based engagement. Companies should ensure that they have in place a gender-sensitive and socially inclusive, grass-roots engagement strategy that enables diverse groups to express their views about the impacts and potential benefits of mining in their area, and influence policy and practice.

There is also an opportunity to forge better alignment with local, regional, national and global development goals and priorities. Better alignment and collaboration can enhance the industry's contribution to sustainable development.

It is anticipated that this research report will stimulate constructive dialogue that engages a range of stakeholders about appropriate frameworks, policies and practices relating to gender equality, agreement negotiations and implementation, and related development outcomes.