
EXTRACTIVE INDUSTRIES, GENDER AND CONFLICT IN ASIA PACIFIC



Extractive Industries, Gender and Conflict in Asia Pacific

The exploitation of oil and mineral deposits is becoming more intensive across Asia and the Pacific. Rapid industrialization and the development of technologies have led to new large-scale mines and discoveries of ore deposits throughout the region. These new technologies also mean that extraction can take place in sensitive, remote and unstable environments – the same environments that are often sites of recent or ongoing conflict.

This instability and conflict, combined with gender-blind policies and practices of extractive industries, mean that women are exposed to violence, routinely denied access to and control over the benefits of the industry, and their needs and interests are excluded from decision-making processes.

In the last two decades, global investments in mining have increased considerably, corresponding to a spike in the number of conflicts associated with mining.¹ Trade in minerals and other commodities has played a central role in funding and fuelling some of the world's most deadly conflicts, often further weakening already fragile states.² The Asia-Pacific region is already home to several conflicts driven by exploitation of natural resources.³ The region is likely to face an increasing number of disputes in the coming decades. Demand is growing for key commodities such as nickel, coal, gold, copper and tin, and the Pacific Rim is strategically positioned for sea trade with economies in Eurasia and the Americas.⁴ Climate change and natural disasters heighten the urgency of this challenge, as the impact threatens to reduce the overall availability and quality of natural resources for all stakeholders.⁵

While drivers of conflict in the mining sector are linked to a range of factors,⁶ they can be grouped into two main categories: (1) livelihoods and resource access; and (2) governance structures, legal and regulatory frameworks. Each is examined through a gender lens and includes relevant case studies.

1. LIVELIHOODS AND RESOURCE ACCESS

The serious and often irreversible impacts on local livelihoods and ecosystems throughout the mining cycle, including exploration, construction, and operation, are a primary driver of conflict in this sector.⁷ Gender-blind policies and practices create contexts where women are routinely denied access to and control over the benefits of mining, while their needs and interests are excluded from decision-making processes.⁸

Negotiations with a community to develop a project, access land, or define compensation or royalties and resettlement, often fail to consult women, indigenous people, and other marginalized groups.⁹ In cases where payment of compensation and royalties are made, men may be selected to receive on behalf of a household or group. This can reinforce political, economic and gender inequalities. Furthermore, it encourages women's economic dependence on men, especially if women-headed households cannot receive payments without a male representative.¹⁰

Not only do women receive fewer of the benefits from extractive industries, they are also more adversely affected by their negative impacts, as shown by an increasing number of studies.¹¹ A gender bias exists in the distribution of risks and benefits in extractive

industry projects, with benefits accruing mostly to men in the form of employment and compensation, and costs falling heavily on women.¹² For example, the traditional roles and responsibilities of women mean that they are highly dependent on the environment for their survival and welfare and thus particularly affected by the environmental impacts of extractive industries.¹³ Mining operations commonly destroy or restrict access to resources, leading to the loss of fertile lands, forest and fishing resources, and livestock. When extractive industries change or pollute land, women have greater difficulty finding water and food, which takes away time from income-generating or community activities (BOX 1).

BOX 1: ENVIRONMENTAL DAMAGE AND WOMEN'S TIME BURDEN

Just four months after the company cleared the trees and started cutting into the mountain, Sofia Ba'un, together with 25 other people, were hit by a landslide. On top of that, marble mining waste contaminated the water around the mountain. She lost her garden used for growing food, and it is now difficult to find fresh water. She must now walk to another mountain near the neighboring village. It takes around two hours to get there and back, every day.

*KPC coal mine, East Kalimantan, Indonesia
Source: DTE (2014). The impact of mining. Down To Earth.*

In losing traditional livelihoods, women become unable to meet the needs that the land once served, or to offset the loss with compensation. When both formal and subsistence agricultural opportunities become limited or disappear, the choices for women are few.¹⁴ It is no coincidence that where extractive industries operate there is often a rise in levels of sex work, human trafficking and rates of HIV/AIDS infection among women.¹⁵

With the loss of productive resources, alternative income-generating options are necessary. While mining projects can provide an initial surge of employment to local communities during the construction phase, formal employment is often highly skewed towards professions and trades where men are disproportionately represented throughout the Asia-Pacific region, such as engineering and metalwork. Often, large-scale mining (LSM) operations do not provide employment

opportunities for local community members, which leads to a high influx of migrant workers.¹⁶ Women engaged in LSM tend to work in low-paid positions and in ancillary roles. In addition, discriminatory work conditions, ranging from lack of maternity leave to sexual harassment, can hinder their job security and safety.¹⁷ In some cases, women are more likely to perform jobs requiring high exposure to toxic chemicals for processing, including while they are pregnant.¹⁸ In other instances, women are not allowed to work in higher-paying jobs, such as those underground, because of cultural and social taboos.¹⁹

Women are thus more likely to engage in informal-sector employment that tends to arise in areas near mining projects, which includes small businesses to serve the mining activities, domestic service, or sex work. Likewise, women's participation rates are higher in informal artisanal and small-scale mining (ASM), which tends to occur more commonly in poor and remote areas.²⁰ However, the granting of permits to LSM operations often means that many subsistence mine operators lose their source of income, either because they are not able to obtain the same licences, or because they cannot compete with the larger, better-equipped operators.

While informal ASM does generate income, activities are typically less monitored and regulated than in the formal sector or in large-scale projects, and can pose considerable health and safety hazards.²¹ ASM operations are often illegal, and so workers, many of whom are women, are more vulnerable to forceful intervention, especially removal by authorities to make way for LSM operations that have obtained legal permits. Illegal ASM is more likely to be associated with illicit financial flows that can fund conflict.²² Overall, women are more likely to experience exploitative labour and unsafe working conditions in these mining contexts.²³

Mining projects also disrupt traditional social structures and tend to bring in men from other parts of the country, as well as from outside the country, as migratory laborers, which can lead to a sharp increase in alcohol and drug use, domestic violence, sexual assault, and sexually transmitted infections and

diseases. Family health and childcare responsibilities traditionally fall on women, such that adverse health conditions add to women's workload, while health care costs are an additional economic burden. When struggles for control over mineral wealth turn violent,

women may suffer from sexual and gender-based violence. In a mining context, this can be at the hands of security guards, police or military protecting mining companies, in addition to local actors in the conflict.

TABLE 1. OVERVIEW OF THREATS TO WOMEN'S LIVELIHOOD AND RIGHTS CAUSED BY MINERAL EXTRACTION PROJECTS.

ISSUE	THREAT TO WOMEN'S LIVELIHOODS AND RIGHTS
Failure to consult with women throughout project phases	Not accounting for women's needs and roles can disempower them, reinforce political, economic and gender inequalities, and may disrupt traditional decision-making structures.
Payment of compensation and royalties to men	Denying women's access to and control over financial benefits encourages women's economic dependence on men and skews gender power relations.
Loss of land and resource access, food insecurity	Forced eviction and land grabbing undermines women's capacity to sustain their livelihoods and to provide food and clean water for themselves and their families.
Preferential employment to men and discrimination in the workplace	When recruitment and training for mining sector employment are biased towards men, women have low-paid or insecure job positions, contributing to gender disparities in poverty and economic dependence on men.
Livelihood displacement due to environmental damage and degradation	With loss of land and other productive resources, women turn to informal employment where they may face exploitative conditions and health and safety risks.
Health effects of environmental damage and degradation	With the contamination of water supplies, women and their young children are more likely to be exposed to toxic substances, linked to traditional gender roles and responsibilities such as collecting water.
Economic and time burden	As new demands and obstacles arise for providing food, water and care for their families, work burdens increase for women.
Shift from a subsistence to a cash-based economy	The disruption of traditional social structures and way of life can affect women's leadership and status. Women's participation in the informal sector increases.
Increasingly prevalent community health problems	Around mining operations, women may face increased prevalence of domestic and sexual violence, and higher risks of sexually transmitted infections and diseases.
Security and safety	Violence, sexual harassment and abuse, and rape are violations that may be committed by temporary labour migrants, as well as security guards, police, or military personnel protecting mining companies.

2. GOVERNANCE, LEGAL AND REGULATORY FRAMEWORKS

Conflict vulnerabilities are further compounded where governance and legal frameworks regulating control over and access to natural resources fail to uphold human rights.²⁴ A number of countries in Asia and the Pacific rank low in terms of their resource governance performance. Neither Myanmar nor Cambodia, for example, have any framework to ensure benefit sharing of resource extraction.²⁵ Absent or unclear regulatory frameworks can mean companies are granted contracts, licences or concessions in environmentally sensitive areas or on indigenous or traditional lands without due diligence or alignment with international standards.²⁶ Weak or absent laws for environmental and social impact assessments, stakeholder engagement, or environmental surveillance and enforcement, can lead to mining activities violating human rights and negatively impacting ecosystems.

Disputes often arise around benefit sharing and compensation from mining projects. Such conflicts are rooted in a lack of corporations' engagement with communities in decision-making and planning, limited access of communities to grievance mechanisms, and/or unfulfilled agreements regarding compensation, safety, or community development.²⁷ Moreover, when consultations on compensation do occur and grievance mechanisms are available, women and minority groups are frequently left out or unable to access them.

Property rights are at the crux of many mining conflicts.²⁸ Land grabbing and forced evictions are more common where land tenure is insecure or customary. For women this vulnerability is more acute, as they often face structural barriers to securing their rights and control over productive resources.

Speaking out in these instances may lead to further abuses. Of the 397 recorded and verified killings of human rights defenders, journalists and trade unionists from 41 countries in 2018, half had been working with communities on issues involving land, the environment, poverty, the rights of minorities and indigenous peoples, or the impact of business activities. Overall, every tenth victim was a woman²⁹.

When institutional arrangements are not structured to address the intersections between security, resource management and gender, women are more likely to be sidelined from decision-making while bearing the largest burden of resource degradation and conflict (see **TABLE 1**). This is particularly severe for those facing intersectional marginalization, including indigenous women, the elderly, women living with disabilities, members of the LGBTQI community, women from minority ethnic groups and those living in isolated or difficult-to-access areas. In instances where measures are taken to foster women's representation in decision-making and benefit sharing, such as quotas, they do not necessarily guarantee gender-equal participation; instead the capacity of the community to self-organize may be more influential on women's engagement in consultations and negotiations with companies³⁰. However, when opportunities are created for women's voices to be heard, women can emerge as leaders of agreement and negotiation processes between their communities and companies (**BOX 2**).

BOX 2: WOMEN-LED NEGOTIATIONS FOR BENEFIT SHARING, TEDI MINING LIMITED PNG

In 2006/07 women in the nine Community Mine Continuation Agreement (CMCA) regions of the Western Province of Papua New Guinea achieved unprecedented success during negotiations for mine benefit streams for communities affected by the operations of Ok Tedi Mining Limited (OTML). One woman was appointed to represent the voice of women at the negotiation table. The women negotiated for 10 percent of funds from the mine operations to be dedicated to women and children's programs. The essence of this agreement went beyond women's access to resources from the mining operations; it also reinforced women's access to rights of representation at the highest levels of decision-making on mine benefits for local communities. The Memorandum of Agreement from this review specifically provided for recognition of women representatives on Village Planning Committees, the CMCA Association, and the Board of the Ok Tedi Development Foundation. The 2006/7 agreement stipulated that the Memorandum of Agreement would be reviewed every five years. Five years later, in 2012, when the agreement came up for review, around 30 women leaders participated in the negotiation process, yet another pioneering milestone. This time, they were able to negotiate set-asides for women and children ranging from 10 percent to 18.24 percent of funds.

Source: World Bank Institute (2013). Negotiating with the PNG mining industry for women's access to resources and voice

Many large mining companies now take steps towards ensuring that stakeholders share more of the benefits and less of the costs by moving beyond the minimum requirements of the host government and adhering to international standards and best practices as part of a company's due-diligence processes. Some companies are investing in ensuring that impact assessments, stakeholder engagement (BOX 3) and remedy mechanisms are gender-sensitive, regardless of what is required by national law. For example, national laws rarely require Social Impact Assessments and Health Impact Assessments, yet they are increasingly carried out voluntarily as part of a company's good practices³¹.

BOX 3: COMMUNITY ENGAGEMENT IN CASERONES COPPER MINE, CHILE, LUMINA COPPER

Although the consultation process of indigenous communities is not yet regulated in Chile, Lumina Copper conducted a formal consultation process during the design stage of its Caserones project between January 2011 and April 2012. The Caserones project includes the construction of a 19-kilometre power line across indigenous territory, and it was important for the company to make sure there would not be any conflict with local people and organizations because of it. After studying the project, the community expressed its discomfort with certain sections of the initial route of the power line. As a result of this, a team with company people and community representatives was formed to set a new path that would accommodate all interested parties. Once this important step was achieved, other agreements followed: the community would receive training on the subject of the power line and supervise its construction and maintenance, while the company would train its contractors on the traditions of the local indigenous community.

Source: CRU (2014)

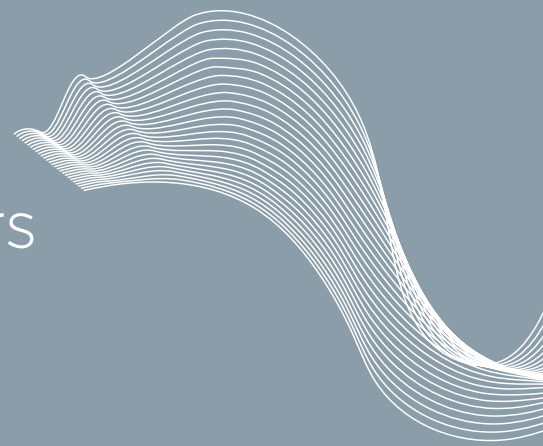
In some cases, women-led advocacy has resulted in the cancellation of projects or renegotiation of agreements (BOX 4), notably when local communities leverage transnational support gained through media and online social networks³².

BOX 4: COMMUNITY ENGAGEMENT IN CASERONES COPPER MINE, CHILE, LUMINA COPPER

In 2012, Barrick launched a company-created remedy mechanism to offer reparations to women sexually assaulted by its security guards and other company employees. During the two years of operation of Barrick's Olgeta Meri Igat Raits (All Women Have Rights) remedy mechanism, approximately 120 sexual assault victims signed remedy package agreements, in exchange for waiving their right to sue Barrick. Separately, 11 women who refused to accept the packages and who secured legal representation by a US-based human rights non-governmental organization were offered confidential settlement packages believed to be about 10 times the amount of the remedy mechanism packages. In July 2015, Barrick offered each of the 120 women an additional payment, but taken together, the initial packages and additional payment remain significantly less than the international settlement.

Source: Colombia Law School Human Rights Clinic & Harvard Law School International Human Rights Clinic (2015). Righting Wrongs: Barrick Gold's Remedy Mechanism for Sexual Violence in PNG

Recommendations for UN and International Stakeholders



1

Support governments in the development or reform of policies, laws, regulations, and budgets to ensure that mineral extraction projects benefit local communities, especially women, and do not trigger or exacerbate conflict.

The following areas are of particular relevance for advocacy, capacity building, technical assistance and the production of policy knowledge and tools to promote gender mainstreaming in government bodies responsible for natural resources, economic development, and security.

- (1) Support the development of governance structures for cross-sectoral collaboration and coordination of actions and plans among departments responsible for natural resources, economic development, security, and gender (if present).
- (2) Encourage the implementation and gender-mainstreaming of private sector laws, policies, and regulations. For example:
 - Transparency in permit and licensing for mineral concessions, as well as reporting of foreign and domestic investments in mineral exploration.
 - Environmental enforcement of mining operations to protect and promote the rights of women and indigenous people.
 - Workplace health and safety codes to address gender discrimination.
 - Social and Environmental Impact Assessments with a gender and human rights focus. Encourage the application of social and environmental safeguards, aligning with international standards (e.g. Performance Standards of the World Bank's International Finance Corporation).
 - Economic and social benefit sharing that addresses not only employment and revenues at the national level (i.e. government tax revenues), but also community compensation and pro-poor, pro-gender development programmes that account for the needs, priorities, and interests of vulnerable and marginalized groups.

- (3) Advocate for strengthening the coverage of gender in institutional and legal frameworks related to resource rights and access, with land and water resources being most relevant to mineral exploitation.
- (4) Promote the development and implementation of gender-sensitive national mineral resources policies and frameworks.
- (5) Support the reform and implementation of National Action Plans for UN Security Council resolution 1325 on Women, Peace and Security that specifically address conflict and peacebuilding in the natural resource sector.
- (6) Encourage governments to promote women and indigenous representation in public decision-making processes related to natural resource management and security.
- (7) Align or develop national grievance and dispute resolution mechanisms and judicial remedies to specifically address women's human rights abuses related to the natural resource sector.
- (8) Encourage the formalization and regulation of subsistence mining and ASM, in a manner that does not negatively impact women's continued engagement.
- (9) Encourage corporations' home countries to implement regulations for responsible foreign investments, following applicable international standards.

2

Encourage national and foreign companies to adopt gender-sensitive practices and policies for engaging with stakeholders, managing risks and impacts, as well as fair and adequate compensation and grievance mechanisms.

The following programmatic entry points will support stronger corporate leadership on gender, human rights, peace and development in Asia Pacific:

- (1) Advocate for companies to commit to apply international standards of responsible business conduct and support the development of campaigns on business and women's rights.

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- (2) Support companies in communicating with governments to enhance regulatory frameworks for gender and human rights, so that companies can indicate where greater clarity or support is needed for more gender-inclusive stakeholder engagement and development processes.
 - (3) Encourage and support companies in communicating and engaging with NGOs and CSOs, especially women's rights organizations to increase women civil society oversight of policies and practices.
 - (4) Encourage heightened human rights due diligence in conflict-affected and conflict-vulnerable settings.
 - (5) Advocate for and support the development of corporate monitoring and reporting of gender issues, as well as sharing of data and methodologies with public and non-profit actors.
 - (6) Encourage companies to review current policies and practices and integrate gender into the following:
 - Stakeholder engagement and corporate-community agreements, so that women are adequately informed and equally represented in consultation processes.
 - Social baseline and impact assessments, to identify and mitigate adverse impacts on women's livelihoods, health, and well-being.
 - Resettlement plans and compensations mechanisms to ensure that woman's needs are addressed, targeting vulnerable and marginalized groups (e.g. indigenous people, the elderly, children, or people with disabilities).
 - Community engagement and development to enable economic opportunities for women and support women's leadership, including credit, grants, and training for small businesses and education programs.
 - Operational-level grievance mechanisms, accessible to both women and men.
 - Health, safety and employment policies, to address discrimination, harassment, and risks faced by women in the workplace.
 - (7) Encourage companies to introduce gender-management experts into business operations and corporate policy architecture, with knowledge of local cultural context, to help companies make major gains in terms of gender and social inclusion. Appointments can be made at the corporate and/or project levels to inform business conduct in regard to project design, employment, supply chains, land access, and other matters.
 - (8) Develop and promote gender-responsive and conflict-sensitive tools and gender-responsive techniques to support businesses in implementing:

- gender and human-rights and conflict analysis as part of Social and Environmental Impact Assessments, in alignment with international standards;
- stakeholder engagement and agreement negotiation procedures that support consensus building with mine workers and local communities;
- community-led monitoring and evaluation;
- sustainable and conflict-free supply chains; and
- gender awareness training for company personnel to ensure competency and cultural sensitivity for local and external staff, technical decision-makers.

3

Support partnerships between environmental NGOs and the private sector to mitigate the social and environmental impacts of mining that can drive conflict.

- (1) Advocate for and support the development of multi-stakeholder forums that enable civil society to engage in dialogue and share information, tools, and recommendations with actors in the private and public sector. In particular, this can support access and valuation of existing women's groups and women's socio-cultural knowledge.
- (2) Support CSOs and women's groups in building informed awareness campaigns and platforms to share information (e.g. online and radio) regarding social inclusion, gender equality, and human rights related to mining and natural resource extraction projects, targeted specifically towards local communities in conflict-affected and conflict-vulnerable settings.

4

Advocacy with international financial institutions (IFIs) on promoting women's rights in mining and extractive industries.

- (1) Encourage IFIs to establish stand-alone gender safeguards/performance standards and strengthen gender and women's rights throughout their existing safeguards frameworks.
- (2) Encourage IFIs to require gender impact assessments in their financing policies and due diligence processes. Currently, no IFI requires gender impact assessments³³.

Key barriers and opportunities for women's participation and benefit sharing in NRM in Asia Pacific

BARRIERS*

OPPORTUNITIES AND ACTIONS**

UN WOMEN PRIORITY AREAS AND KEY CONTRIBUTIONS

Under-representation of women in political and economic decision-making (NRM and conflict resolution)

Promoting women's participation in formal and informal decision-making structures and governance processes:

Supporting women's engagement in resource management and conflict resolution processes involves addressing the structural and socio-cultural obstacles that underlie gender disparities in political participation. These reside in discriminatory laws and policies, as well as in beliefs and practices that shape roles of women and men political and economic life.

Women lead, participate in and benefit equally from governance systems:

- More women of all ages fully participate, lead and engage in political institutions and processes.
- More national and local plans, strategies, policies and budgets are gender- responsive.
- More and better quality and disaggregated data and statistics are available to promote and track progress on gender equality and women's empowerment.
- More justice institutions are accessible to and deliver for women and girls in all contexts.

Women and girls contribute to and have greater influence in building sustainable peace and resilience:

- More women play a greater role in and are better served by humanitarian response and recovery efforts.

Non-recognition of women's rights to land and other resources, and limited sustainable, alternative livelihood options for women

Removing barriers and creating enabling conditions to build women's capacity for productive and sustainable use of natural resources:

This starts with promoting women's legal rights and access to land (and other productive assets such as credit) and safeguarding equality in terms of women's economic opportunities in natural resource sectors.

Women have income security, decent work, and economic autonomy:

- More policies promote decent work and social protection for women.
- More women own, launch and manage small, medium and large enterprises.
- More rural women secure access to, control over and use of productive resources and engage in sustainable agriculture to increase their income security, work conditions and resilience to climate change.

Lack of accountability and justice for women's human rights violations

Adopt proactive measures to protect women from resource-related physical violence and other security risks:

In addition to SGBV risks and physical security faced by women in conflict zones, they may be at higher risk of negative health impacts related to ecosystem contamination or pollution, given women's roles as primary providers of water and food. Similarly, as primary care takers, caring for sick or injured dependents may be an additional burden on women's mental health in conflict settings.

All women and girls live a life free from all forms of violence.

- More countries and stakeholders are better able to prevent violence against women and girls and deliver quality essential services to victims and survivors with attention to women and girls at greater risk.

*Source: IWRAP (2017). Women's Human rights and Natural Resources. International Women's Rights Action Watch Asia Pacific (IWRAP Asia Pacific): Kuala Lumpur

**Source: UNEP, UN Women, PBSO and UNDP (2013). Women and Natural Resources: Unlocking the Peacebuilding Potential.

ENDNOTES

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