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Centre for Social Responsibility in Mining

# MINING AND LOCAL-LEVEL DEVELOPMENT
## Examining the gender dimensions of agreements between companies and communities

Australian Government
Department of Foreign Affairs and Trade

Minerals Council of Australia

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

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SMI CSRM

Centre for Social Responsibility in Mining

The Centre for Social Responsibility in Mining (CSRM) 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 CSRM, 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.

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

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| | Understanding baseline conditions and monitoring changes over time influence a company's ability to promote gender equality.<br><br>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.<br><br>Government policies and regulatory frameworks also contribute to promoting agreement processes that support gender equality.<br><br>Commitments by community institutions to gender equality are influential.<br><br>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.<br><br>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.<br><br>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.<br><br>Studies should canvass women's strategic needs, as well as practical needs.<br><br>Studies should also identify whether special measures (e.g. quotas) are appropriate, and provide recommendations about capacity building requirements for effective engagement.<br><br>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.<br><br>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. |

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| **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.<br><br>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.<br><br>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.<br><br>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.<br><br>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.<br><br>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.<br><br>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. |

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| **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.<br><br>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.<br><br>Governments can collect relevant gender-disaggregated data for all parties to monitor impacts of agreements.<br><br>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.<br><br>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.<br><br>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.<br><br>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.

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## Practitioner perspectives study

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**Part A: Interviewees**

# ACRONYMS

| | |
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| CEDAW | Convention on the Elimination of All Forms of Discrimination Against Women |
| CMCA | Community Mine Continuation Agreement |
| CSRM | Centre for Social Responsibility in Mining |
| DFAT | Department of Foreign Affairs and Trade |
| EIS | Environmental impact study |
| FPIC | Free, prior, informed consent |
| MCA | Minerals Council of Australia |
| NTRB | Native title representative body |
| PNG | Papua New Guinea |
| SIA | Social impact assessment |
| UDHR | Universal Declaration of Human Rights |
| UNDRIP | United Nations Declaration on the Rights of Indigenous Peoples |
| USA | United States of America |

# Executive summary

This report represents a preliminary output from an applied research project undertaken by the Centre for Social Responsibility in Mining (CSRM) at The University of Queensland and funded by a partnership between the Minerals Council of Australia (MCA) and Australia's Department of Foreign Affairs and Trade (DFAT).

Scholarly literature on the specific topic of mining, gender and agreement making suggests that women's participation in company-community agreement processes is diverse and is determined by a number of contextual factors. These factors include: local culture; socio-economic environment; social status; historical precedent; and legal, political and organisational settings.[1] While there are several standout exceptions that have been documented in the literature, most evidence suggests that in the context of mining, these and other organisational and industry-related factors work together to exacerbate gender inequality, including in agreement processes. In particular, the rights, needs and priorities of women are often excluded.

Investment in women and consideration of gender is known to deliver long-term health, education and local development outcomes – this is undisputed in the human development literature. It is reasonable then to suggest that the issue of gender equality and questions of women's inclusion/exclusion should become important focal points in debates about mining and development. A number of key considerations remain unexplored within this arena, including: women's participation in agreement processes, the gendered distribution of agreement benefits, and the extent to which impacts and benefits influence (either positively or negatively) women's development and economic capacity. These are some of the issues that this project investigates.

The project was undertaken in two phases. Phase one was designed as a preparatory step to the case study research in phase two. As there was so little literature available on the specific topic of mining, agreements and gender, the research team sought to connect with practitioners who had been directly involved in agreement processes to hear grounded perspectives on the topic and connect those experiences with the broader literature, prior to undertaking case study research. A total of 22 practitioners were interviewed, each with a diverse range of experience across different agreements in a variety of countries and cultural contexts. Almost half the interviewees were women and two self-identified as indigenous. These interviews provided helpful insights about gender and mining agreements, and highlighted critical issues to consider in scoping and undertaking Phase Two.

The analysis presented in this report is based on available literature and semi-structured interviews covering interviewees' observations, anecdotes and opinions about gender dimensions and women's involvement in agreements, largely relating to the negotiation phase. While the interview protocol canvassed a range of agreement processes, there is a focus on negotiation in this report. This reflects the roles of interviewees and the limited focus on agreement implementation that has been reported in the literature.

[1] See in particular O'Faircheallaigh (2011; 2012b).

Although interviewee observations and opinions were occasionally conflicting, some general trends emerged. The report is organised around the following themes:

- factors that influence women's involvement (Section 2.1)
- women's inclusion/exclusion in benefit sharing (Section 2.2)
- challenge of involving women in agreement processes (Section 2.3)
- industry capacity for engaging gender in agreement processes (Section 2.4)
- strategies for increasing women's participation (Section 2.5).

Some of the key findings from the report are as follows:

- In line with existing literature, interviewees agreed that women's participation in agreement processes was a product of existing gender dynamics in the local culture, as well as the dynamics of the dominant society and the culture of the organisations involved, including both company and community. (Section 2.1)
- General literature about mining and development suggests that men tend to secure a greater share of the benefits that flow from mining. Generally speaking, interviewees believed that was also true in the case of agreements. (Section 2.2)
- Interviewees noted several outcomes that benefitted some women, such as the development of institutional capacity. In some cases, women's involvement in agreement processes triggered involvement in community decision-making more broadly, even in areas where women had not previously been active.
- Several interviewees suggested that women have influenced benefit distribution decisions, but noted that this did not necessarily lead to gender-equitable distribution of benefits.
- Interviewees said only a minority of agreements included specific provisions for women or quotas for women's participation (e.g. in employment and training). Interviewees were somewhat divided on their opinions on the effectiveness of these provisions. While some operations had achieved good outcomes as a result of concerted efforts in implementation, other operations suggested that while funds allocated for women can be symbolically important, they are not always enough to guarantee equality or women's empowerment, and can inadvertently simplify the diversity of women's rights, interests and priorities. (Sections 2.2 and 2.5.6)
- Quantitative measures of women's representation and participation can be poor measures of equality or empowerment as they can simplify and/or render invisible other factors contributing to gender-based inequality. However, several interviewees emphasised that non-representation did not necessarily indicate exclusion, and gave specific examples of women having strong influence outside of formal negotiations. (Section 2.3.1)
- There is a complex dynamic between women's representation on behalf of family/clan groups and representing 'women's interests'. Two types of representation were considered important to women having influence in negotiations – women representing family/clan groups and women's groups. Whether it is appropriate for one or the other to be structured into agreement processes would depend on the social and cultural context.

- One of the key challenges interviewees identified was navigating the complex terrain between cultural norms and gender equality, and determining an appropriate role for companies and other actors in contexts where women's rights are not upheld, or where cultural norms prevent women's equal participation in political processes. (Section 2.3.2)
- Some interviewees thought that while more involvement by women could improve agreement processes and outcomes, gender equality would not overcome more critical problems with agreements that may prevent benefit sharing and development outcomes. Some of these include: inequity in power and resources of mining companies and communities, availability of skilled negotiators, time pressures to sign agreements, lack of legal rights for communities, lack of attention to implementation and governance, agreement complexity, and availability of information. (Section 2.3.3)
- Interviewees differed in their opinion of the industry's ability to engage with women as potential beneficiaries of mining operations. However, most interviewees felt the industry as a whole had a long way to go in addressing the issue of gender and development. (Section 2.4)
- Generally inclusive, representative and participatory processes – supported by capacity building – were considered to be a good basis for gender inclusivity in agreement processes. However, interviewees reinforced the point that this approach on its own was not sufficient for ensuring women participated, that their participation was equal or that women were able to influence outcomes. (Section 2.5)

The report documents considerations in relation to the case studies (Section 3.1), including that:

- Each of the case studies was carefully designed so that the scope was workable and the data collected was meaningful, rather than covering the full set of project interests.
- Researchers were careful when opening up discussions on the topic of gender dimensions, particularly given the risk of backlash against women who chose to engage on this topic, in public or private. Nevertheless, it was one of the most important issues to engage in the field and researchers explored this tension in each of the studies.
- While it is important to focus on negotiation processes as a backdrop to any agreement, wherever possible, researchers sought insight into the gendered dynamics of implementation and monitoring, including how these dynamics had changed over the course of the project.
- The factors that interviewees perceived as influencing women's involvement in agreement processes largely aligned with the literature. This was a good basis upon which to test whether (and how) these same factors played out in each of the case study sites.

As highlighted above, there is limited literature on the specific topic of interest, but ample literature on the broader topics of 'gender and development', 'gender and mining' and 'mining and agreement-making'. Research that establishes a broader base of knowledge on the specific topic of interest – which sits at the nexus of these literatures – will serve to improve policy and influence practice. Key suggestions for further research include:

- Research that establishes the link between women's participation in other initiatives as a pathway to participating in mining and agreement processes.
- Action research, where researchers 'shadow' agreement processes in real time, and contribute to the process at key points.
- Research that takes a stronger gender perspective. This project is cognisant of gender dynamics, but focuses on women's experience. There is an opportunity for future research to broaden this out to include more men's perspectives.
- Research that establishes a link between foundational processes such as baselines, social impact and risk assessments, assessments of human rights and other processes as a basis for increased women's involvement and gender-sensitive engagement and development strategies.
- Longitudinal research that documents some of the generational changes in women's leadership roles.
- Review of legislative requirements in priority jurisdictions to determine the degree to which requirements support women's participation and encourage equal opportunity in agreement making.
- Identification of case studies where different actors have successfully navigated cultural norms and calls for gender equality, resulting in improved participation of women in agreement processes.

# Practitioner perspectives study

## 1 Introduction

There are several complex bodies of literature that relate to the specific topic of interest, but little on the topic of gender or women's participation in mining and agreement processes.[1] The research team completed an extensive literature review in an attempt to extract and distil relevant information from existing work. The review of the literature on the relevant topic areas – gender, development and agreement processes in mining – confirms that there is limited overlap between these topics.

There is a significant body of knowledge that relates to mining and agreements as a mechanism for acknowledging indigenous rights, addressing impacts and localising development benefits in mining[2], but little on gender and agreement-making, let alone insight into women's involvement in these processes. On the gendered impacts of mining, there is an established body of scholarly work that highlights the gendered nature of mining impacts and the nature of women's exclusion from engagement and development decisions[3], but little of this literature relates directly to agreements. Likewise, there is existing work that seeks to highlight women's resistance and other strategies of mining's over development, but the focus tends not to be on agreement processes. In the broad and well-established field of gender and development, mining has not been a prominent focal point. There is virtually no literature about the development outcomes of particular agreements and beyond that, benefits that flow to women and their families.

Given the paucity of literature available on the topic, a series of targeted interviews with practitioners was included in the research design as a preparatory step for the case studies, which form the second stage of this research project. The research team completed interviews with 22 practitioners who generously gave their time for this part of the research project. Notably, interviewees held very different – sometimes divergent – perspectives on gender and agreement processes. While some broad-based commonalities were found within the data, the data largely reflects a multitude of perspectives and experiences. Wherever possible, divergences in opinion along the lines of region, nation, company or role are discussed throughout the report. In aggregate, the variability of the data highlights the complexity of the topic and the range of experiences and opinions that exist.

### 1.1 Report structure

The following section (Section 1.2) explains the approach to interviews and describes the process, including interviewee backgrounds, experience and the geographic spread of their work.

[1] There are only a few authors who have focused on the topic of interest and who are referenced throughout this paper. In particular, see O'Faircheallaigh (2011; 2012b), Macintyre (2002; 2007) and Hemer (2011). Other authors who have covered the topic in substantive ways include: Gibson and Kemp (2008) and Weitzner (2002, 2006).

[2] See for example Allbrook and Jebb (2004), Altman (2009), Crooke *et al.* (2006), Fidler and Hitch (2007), Gogal *et al.* (2005), Harvey and Nish (2005), Langton & Palmer (2003), Nish & Bice (2012), O'Faircheallaigh & Ali (eds 2008), O'Faircheallaigh (2003a; 2004; 2008) and Sosa & Keenan (2001). Two contemporary reports offering guidance on effective agreement making include the ICMM's Good Practice Guide: Indigenous Peoples and Mining (ICMM 2010) and the IBA Community Toolkit: Negotiation and Implementation of Impact and Benefit Agreements (Gibson & O'Faircheallaigh 2010).

[3] See for example, Bice (2011), Macdonald & Rowland (2006), Lahiri-Dutt & Macintyre (2006), Lahiri-Dutt (ed. 2011), the Mining, Minerals and Sustainable Development (2002) and the World Business Council for Sustainable Development (2002, pp. 205-13).

Section 2 presents findings, with references to literature where relevant, covering:

- the factors that interviewees perceive to influence gender dimensions and women's involvement in agreement processes (Section 2.1)
- perspectives on women's inclusion/exclusion in benefit sharing (Section 2.2)
- perspectives on the challenge of involving women in agreement processes (Section 2.3)
- perceptions of the industry's current ability to engage women (Section 2.4)
- strategies for increasing women's participation (Section 2.5).

The final section (Section 3) covers implications for the case studies.

## 1.2 Interview sample

The analysis presented in this report is based on the limited available literature and semi-structured interviews with 22 practitioners, scholars, representatives and other parties who have been directly involved in agreement processes in the mining industry (see Appendix A: Interviewees). Almost half the interviewees were women and two self-identified as indigenous. Interviewees were identified through CSRM and MCA networks and also by referral from interviewees and other contacts. They were selected on the basis that they had first-hand experience in negotiating, advising, implementing and/or researching at least one agreement. Interviewees had different levels of focus on gender in their work. For some, gender had not been considered before. For others, while gender had been considered, it was not a specific focus. Only a few interviewees reported having a specific gender focus or a special gender advisory role.

The geographic spread of interviewees covers Australia (10), Canada (8), the United States of America (USA) (2) and Peru (2). Interviewees had mainly worked with agreements in Australia, Canada and Papua New Guinea (PNG) and to a lesser extent in Latin America (particularly Peru), USA, the Solomon Islands, Indonesia, Lao PDR, Mongolia and Ghana. This distribution reflects the fact that Australia, Canada and PNG have an established agreement-making approach to land access and benefit sharing between mining companies and communities. Interviewees had a variety of professional experience including industry, academia, indigenous representative bodies, consultant advisory or representative services, and as employed representatives of their own indigenous communities.

Some interviewees were involved in only one agreement, while others had been involved in a range of different agreements. Interviewees had been involved in a range of agreements and agreement processes including some of the longest standing agreements in Australia, re-negotiations of complex agreements for major operations, and early exploration agreements. Most interviewees had been involved in agreement processes in the past five years, and all had been involved within the last 10 years. Interviewees described a wide variety of gender dynamics within agreement processes. Some agreements had gender as an issue at the forefront of the process where men and women participated in separate, parallel processes, with male and female negotiators, advisors and representatives on both sides. In others, gender was not considered at all, but representation and participation was felt to be roughly equal. In other cases, interviewees reported that they had observed domination by men or, more rarely, by women.

### 1.2.1 Approach to data collection

Data collected during interviews includes interviewees' observations, anecdotes and opinions about gender dimensions and women's involvement in agreements. While the interview protocol used to guide the interviews canvassed a range of agreement processes, data largely relates to the 'negotiation' phase of the agreement process. This reflects the roles of interviewees and the general lack of attention on agreement implementation that has been reported in the literature.[4]

The aim of the research was not to collect empirical data or verify interviewee opinion, or to provide detailed discussion of individual agreements. This will be addressed to some extent in the case studies, where available data and contextual information relevant to particular agreements will be compiled. Although interviewee observations were occasionally conflicting, some general trends emerged indicating a number of key gender considerations in agreement processes. Findings are presented in the sections below. Where relevant, interviewee data is linked to references from existing literature in the mining, gender and development fields.

# 2 Findings: Interviewee perspectives

## 2.1 Factors that influence women's involvement in agreement processes

The literature about mining, gender and agreement processes suggests that the extent to which women participate in agreement processes is largely determined by the context in which agreements occur. In this sense, women's roles, attitudes towards and involvement in agreement processes can only be understood within their particular contexts. Interviewees identified a range of factors that influence the dynamics of inclusion and exclusion of women in agreement processes, including:

- cultural context
- socio-economic factors
- social status
- historical precedent
- legal context
- organisational context.

These factors, discussed individually below, align strongly with existing literature.[5]

## 2.2 Cultural context

Interviewees agreed that women's participation in agreement processes was a product of existing gender dynamics in the local culture, as well as the dynamics of the dominant society and the culture of the organisations involved, both company and community.

[4] O'Faircheallaigh (2002; 2004) has consistently advocated for a focus on the implementation of agreements which can determine the success and sustainability of the agreement reached. In a review of 40 company-community agreements across Australia and Canada, O'Faircheallaigh (2003b) concluded that most agreements were ineffective and unsustainable due to poor implementation. For a detailed overview of the challenges and opportunities associated with the implementation phase of agreements, see AIATSIS (2008, pp. 36-8), Allbrook & Jebb (2004) and Langton & Mazel (2008).
[5] See O'Faircheallaigh (2011; 2012b).

### *Local culture*

Many interviewees observed that where the local culture was highly patriarchal, women's participation tended to be lower, although not in all cases.[6] In some situations, where the cultural context included distinct gender roles – described by one interviewee as "almost parallel worlds" – women tended to be excluded from participation in agreement processes and outcomes, such as compensation, employment and business development opportunities. In some of these contexts this was being addressed. Some interviewees described a range of parallel engagement processes for agreement negotiations whereby separate meetings were held for men and women, with male and female negotiators or advisors for each. The practice of separate yet parallel meetings was described by interviewees familiar with native title representative bodies (NTRBs) in Australia, where these bodies have a responsibility to ensure 'group consent'. Still, interviewees indicated that this process did not necessarily mean that men's and women's views were considered equally in decision-making, and often that men's views were prioritised over women's.[7] The issue of representation is further discussed later in this report.

In cultural contexts without such a strong distinction between gender roles, some interviewees observed women deferring to men in negotiation processes where both women and men were present. One interviewee thought that this may have been because women believed men to be more accustomed to negotiation.[8] Both men and women were reported to believe that women tended to lack understanding about the potential negative impacts that mining could have, and were not able to strategise about impact mitigation measures. Several interviewees explained that in some cases, women had not participated in public decision-making before, so were at a disadvantage compared with men who had.[9] Some interviewees noted that as women learned about agreement processes and became comfortable, they became more active over time, and that successive generations of women often took on a greater role.

### *Dominant society*

Interviewees working with indigenous or ethnic minority groups indicated that, for these groups, the gender roles of the dominant society influenced agreement processes through the involvement of company personnel and, depending on the agreement scheme, representative bodies (such as land councils) and legal and government representatives. Interviewees observed that patriarchal post-contact, missionary or post-colonial culture involves a range of gendered impacts that can further limit women's participation in agreements, including women's loss of traditional rights to make

[6] O'Faircheallaigh (2012b, p. 5) highlights a number of cases where, despite the patriarchal culture, women have played significant and direct roles at the negotiation table. For example, Indigenous women played a major role during the Argyle diamond mine agreement in Australia. Kim Doohan expands upon this case, in her book 'Making Things Come Good, Relations between Aborigines and Miners at Argyle' (2008).

[7] Cornwall (2003, p. 1329) also stresses this point, emphasising that it is not only how and whether women raise their voices within the group context but also if anyone is really listening. With reference to Indigenous women's involvement in native title claims, Langton (1997) argues that simply placing women into the process does not guarantee adequate representation of Aboriginal women's interests due to the gender rules relating to Aboriginal ritual knowledge.

[8] Macintyre (2007, pp. 55-6) suggests that during the exploration and negotiation phases of the Bougainville and Lihir mines in Papua New Guinea, local men dominated formal meetings as the women were both unfamiliar and inexperienced with such negotiation structures.

[9] Agarwal (1997) elaborates on familial constraints to women's engagement in decision-making with reference to time, official male bias, social constraints about women's capabilities and roles, the absence of a 'critical mass' of women, and lack of public speaking experience.

decisions about land.[10] This was linked to women's invisibility in the dominant culture (i.e. men did not include women because women were marginalised in the colonial culture), further exacerbated by the position within their own culture. Neither the women nor the men knew how to go about negotiating a gender balance. Interviewees also mentioned 'the church' as a significant influence on gender relations in some contexts, particularly in the Pacific.

### 2.2.1 Socio-economic factors

Interviewees attributed several different socio-economic factors to what they perceived as women's inhibited involvement in agreement processes. Many of these factors are mentioned in the gender and development[11] and gender and mining literatures. Issues included lack of education, poor health, early motherhood, carer responsibilities (for children, grandchildren and elders) as well as lack of time, autonomy and recognition of women's economic roles. In particular, personal economic independence was identified as a key factor influencing women's inclusion/exclusion in mining and agreement processes. Several interviewees suggested that women with no economic independence tended to be less active in public life and in agreement processes.[12] In a few cases, however, the relative socio-economic disadvantage of men due to endemic poor health (largely related to alcoholism and drug use), has meant that men who would usually participate in agreement processes were unable to and women had 'stepped in'.[13]

Some participants explained that there was often a general perception in the company or community that women were not concerned with economic development, but said this was far from the case in reality. Women were frequently reported to be interested in ensuring agreements included provisions related to:

- training for employment
- training, capacity building and access to finance for business development
- local supply chain initiatives
- considerations about environmental impacts that could affect farming and hunting and other productive activities
- protection/development of traditional livelihoods.

Beyond economic interests, interviewees reported observing some general trends in terms of women's interests in agreement processes. Recognising that it is not always possible to generalise, that some women can have different interests from other women, and also that women's interests can be the same as men's (or some men's), interviewees said that women were more often concerned than men with:

[10] Stege *et al.* (2008) explore tensions around women's land tenure, management and access in matrilineal societies in the contemporary context.

[11] Scholars within the gender and development (GAD) literature argue that 'women' are not a homogenous group, but are socially stratified across age, class, ethnicity, culture and along gender relations (Mikkelsen 2005, p. 8). See Dankelman (2002) for an in-depth discussion.

[12] Building upon their tradition of work on the economics of gender (see for example, the Engendering Development Report (World Bank, 2001), the World Bank recently released the 'Gender Equality and Development Report' (World Bank, 2012). With the aim of understanding how men and women experience gender in their everyday lives, the results drew upon a cross-section of demographics across 19 countries. For an overview on how women's earning opportunities and assets promote their bargaining and decision-making power on a global scale, see World Bank (2012, pp. 153-5).

[13] For a more detailed discussion about women's involvement in the Western Cape Communities Co-existence Agreement where men's health had a significant impact on the process, see O'Faircheallaigh (2011; 2012b).

- intergenerational aspects (e.g. putting resources aside for future generations)
- education and health
- governance
- managing household income to support families.

This concern was evident to interviewees from observing women's focus on these issues in meetings, and their willingness to spend time discussing and planning rules and arrangements for advancing of these issues.

A few interviewees described cases whereby women were reluctant to speak about their rights and interests in public forums due to lack of confidence or because they were not fluent in the language that the meeting was being conducted in (usually the national language) and had been mocked by men for making "mistakes".[14] Interviewees indicated that such embarrassment could prevent both men and women from participating in public forums, but indicated that because women tended to have lower levels of formal education they were disproportionately affected.[15] Other interviewees observed women being told that they "talked too much" or "it wasn't their place", or that women "couldn't understand" because they were not educated. It was not always clear from interviews as to whether this information came from women, or was observed by interviewees, or both.

### 2.2.2 Social status

Interviewees mentioned a number of sub-groups of women, where the intersection of gender with other factors resulted in exclusion from agreement processes:

- middle-aged women who were yet to acquire the status of 'elder' (and in some cases were in communities where there had been sufficient disruption such that it was not clear how they would achieve a position of status)
- young women and young mothers
- women (and their families) who had married or migrated into the community
- women in male-headed households where women did not have the right to participate in agreement negotiations, and were not able to influence informally
- female-headed households.[16]

The diverse views of indigenous women or women from other minority groups were often not considered by those involved in agreement processes because they saw women as a homogenous group.[17] While indigenous women had some issues in common such as culture and effects of colonisation, how they experienced those issues depended on their age, socio-economic status and other diversity factors.

[14] Agarwal (2010, p. 5) suggests that a women's capacity to meaningfully participate in public forums requires both *presence* and *voice*. Mohanty (2002) emphasises however that even where women do have *voice* within meetings, without genuine male support, women's input will not necessarily be influential.
[15] The topic of women's education and empowerment is extensively covered within the gender and development literature; see for example Beaman *et al.* (2011). Shoaib *et al.* (2012) suggests that educational achievements significantly influence the capacity of women to influence decision-making outcomes within private and public spheres.
[16] Mikkelsen (2005, p. 6) comments on the invisibility of women in agriculture and natural resource management as social researchers and government bodies typically assume men as the heads of the household and owners of property.
[17] Mahy (2011, pp. 51-2) suggests that there is a tendency to homogenise the experiences of women affected by mining. Within the broader gender literature, Hankivsky (2005), Squires (2005) and Walby (2005) argue that the concept of gender is invariably tied to the male-female binary and therefore limited in its ability to reflect differences among women.

Where women were involved in the agreement process, interviewees identified two groups that had prominent roles. One group was women who had spent time away from their communities working in professional roles, for example, as lawyers, or had achieved a higher status through other means. Although these women were generally described as having critical points of connection with the community, one interviewee noted that they might have lost touch with the perspectives of local women because they had been away, often for extended periods. The second group was women who had a high status in their community – either as elders or gained from strong traditional knowledge. Some interviewees described these women as outspoken and influential leaders in agreement processes. Often, however, these voices were only heard in the background. According to one interviewee, these women had "a strong voice, but not a public voice".[18]

### 2.2.3 Historical precedent

Several interviewees perceived that there were higher levels of women's participation in agreement processes where there was historical precedent for their involvement in other political processes. A more gender-balanced approach in agreement processes was often observed when there had been a history of women's involvement in community-level governance or where women had held official positions within government or associated agencies. For example, at Voisey's Bay mine in Canada, there has been a long history of indigenous and non-indigenous women in local and provincial government[19], although this is not necessarily the case in other Canadian agreements.

The existence of women's organisations[20] sometimes influenced women's involvement in agreement processes, particularly in Melanesia.[21] Although the presence of these organisations often reflected a culture that acknowledges women as a group, this did not necessarily translate into recognition of women's rights as landholders or citizens or equal involvement in agreement processes.[22] In some contexts, while women's organisations were seen to support the general notion that women should have a voice in political processes, they were not considered to be an appropriate way of organising for negotiation, as agreements concerned land use and the women's organisations did not hold land.

### 2.2.4 Legal context

Interviewees agreed that the legal context provides the basis for upholding the rights of indigenous and land-connected peoples[23] as well as women's rights.[24] Currently, there is no known jurisdiction

[18] O'Faircheallaigh (2012b, p. 7), Gustafsson (1998) and Rose (2006) recognise that within some Indigenous societies, women traditionally influenced political decision-making and economic and ritual exchange in the private setting, leaving public negotiation activity to the men. Other scholars have highlighted the challenges associated with women taking public roles and the backlash that they may receive as a result of stepping outside what is considered their 'morally valued work'. With reference to a case study from Lihir Island in Papua New Guinea, Hemer (2012, p. 11) suggests that other women in the community can be critical and jealous of women who argue for equality in the realms of politics and employment.

[19] See O'Faircheallaigh (2011; 2012a) and Gibson & Rozelle (2006).

[20] Most interviewees did not have significant involvement with women's organisations.

[21] See for example Hemer (2011) and Macintyre (2002; 2003).

[22] Macintyre (2003) overviews the benefits and limitations of Petztorme, an active women's organisation that aims to support local women in addressing the socio-economic impacts of the Lihir gold mine in Papua New Guinea. Hemer (2011) compares Petztorme with another women's organisation in Lihir and considers the degree to which the women's organisations have advanced women's interests in negotiations with the mine.

[23] "Land-connected peoples" refers to those peoples who hold customary ownership of land, but do not identify as Indigenous, for example, in Papua New Guinea.

[24] In 1979, the United Nations adopted the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW). According to the World Development Report (2012), more than thirty years later CEDAW is still the most widely

whereby gender equity is a specific requirement for land use agreements in mining. Some mining legislation does specify requirements for consultation with all landowners or group consent, which provide a basis for including women.[25] Some of these requirements specify the inclusion of minority or marginalised groups. However, women are rarely in the minority in terms of population and positioning them as 'marginalised' does not recognise their productive role in society and their potential contributions to agreement processes.[26]

In general interviewees had worked in jurisdictions where indigenous rights were recognised by the State, which provided a framework for engagement between companies and community groups. There were a few noted examples where national legislation recognising indigenous peoples' rights to land also included reference to equal rights for women (e.g. the *Philippines' Indigenous Peoples Rights Act of 1997*).[27] The Constitution of PNG also provides for equal rights for women. However, most interviewees felt that the legal requirements for a governance or representative structure for agreement parties could often encourage gender bias. These government-mandated structures are frequently the first point of contact for mining companies in agreement processes and so are crucial for setting the agenda for agreement processes. These groups include representative bodies such as band or tribal councils in Canada or the applicants of a native title claim (or their prescribed body corporate) in Australia. Where these organisations do not have equitable gender representation, or processes that provide equal opportunity for women and men to participate, this can lead to exclusion from agreement processes. For example, some interviewees gave examples of all male representative groups rejecting suggestions for wider consultation, therefore excluding women from the process.

A few interviewees noted that associated agreement processes, such as the environmental review process in Canada, could also be 'gender blind' in that they could fail to identify gendered impacts or opportunities, which could preclude women's issues from being brought to the table in agreement negotiations. On the other hand, there were examples of these processes surfacing gendered impacts which were then recognised in agreements, as was the case in Voisey's Bay in Canada.[28]

Interviewees suggested that where women's rights were not upheld by law more generally, it was difficult to bring gender considerations to the fore in mining and agreement processes.[29] For example, agreement negotiations were often based on land ownership where voting rights were tied to land. Where men typically held land title, women's right to participate in decision-making processes became more limited.[30] Research also suggests that even where women do hold landowner status,

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supported human rights treaty and vehicle for monitoring and advocating for gender equality. For an overview on the rising global consensus on women's rights, see the World Development Report (2012, pp. 57-9).

[25] With reference to women's rights in Papua New Guinea, see Macintyre (2007, pp. 55-6).

[26] Statistics from the World Bank (2012) highlight that demographically women tend to make up the majority of the population as they live longer in almost all societies.

[27] The Act states that: "The State shall ensure that the fundamental human rights and freedoms as enshrined in the Constitution and relevant international instruments are guaranteed also to Indigenous women. Towards this end, no provision in this Act shall be interpreted so as to result in the diminution of rights and privileges already recognized and accorded to women under existing laws of general application." This legislation also includes the right to 'free, prior, informed consent' to development activities such as mining; however, lack of capacity and political will inhibit enforcement.

[28] See O'Faircheallaigh (2012b) for an overview of Innu/Inuit women's influence in the Voisey's Bay agreement negotiations.

[29] For a discussion of women's voices and women's rights in Papua New Guinea, see Macintyre (2007, pp. 55-6). On human rights and the duties of mining companies, see MacDonald (2006, p. 313).

[30] See Garvin *et al.* (2009) and Wielders (2011).

they are not always included or acknowledged during mining and agreement processes.[31] This is not to say that women do not have a voice within their family or clan groups, but these processes are less 'observable' and do not necessarily guarantee that their perspectives are represented, or represented in an appropriate way. Generally speaking, interviewees indicated that women's rights and interests were more likely to be represented in agreement processes when the legislative context/basis on which the agreement was negotiated and ratified was based on group consent rather than votes by landholders or heads of households (usually men).

Interviewees explained that even though the legal context set an important backdrop, it did not guarantee that either indigenous and/or women's rights were upheld in practice when other contextual factors came into play. For example, even where there was an equitable system of property rights that enabled both men and women to own, sell, and pass on land, men often dominated 'landowner councils' or other landowner representative bodies that were involved in agreement processes.[32]

### 2.2.5 Organisational context

#### *Corporate culture*

Several interviewees discussed aspects of organisational or company culture which influenced gender dynamics of agreement processes. They noted that mining companies had been historically male-dominated and tended not to be diverse, particularly in relation to gender, which itself could limit understanding of the benefits of diversity for the business.[33] Interviewees perceived that, to counter this, some companies used external consultants with an in-depth understanding of the local culture to challenge corporate views of the community in order to generate better outcomes and processes. However, external expertise was typically contracted on the basis of understanding culture and local context, not necessarily an in-depth understanding of gender dynamics.

#### *Professional roles*

Several interviewees commented that the legal profession dominated the agreement-making space. They observed that this tended to narrow the dialogue process and resulted in agreements that were based on a narrow set of issues rather than broad consideration of issues that were of importance to companies or communities. Other interviewees suggested that lawyers and other professionals (such as professional negotiators) took instruction from their clients, rather than guided the process, and it was the company or community that widened or narrowed the scope of negotiations. Interviewees advocated the involvement of specialist external advisors and company professionals with expertise in a range of issues including gender, land management, heritage, infrastructure, housing, community, and local governance. Other research indicates that these professionals are not always central to the negotiation phase of the agreement processes itself.[34]

[31] For example in the matrilineal societies of Bougainville and Lihir in Papua New Guinea, women have been excluded from formal mining agreement processes despite being the traditional land owners (Membup, 2003; Macintyre, 2007).
[32] For examples where Indigenous women have dominated landowner representative bodies, see Gibson and Kemp (2008), Kambel (2004, p. 1) and Hipwell *et al.* (2002, p. 12).
[33] This view is consistent with the findings of Kemp & Pattenden (2007) who indicate that the extractive sector needs to implement systems and process improvements to directly address identified gaps with respect to gender diversity.
[34] For more on the role of experts on the negotiation team, see Gibson & O'Faircheallaigh (2010, pp. 65).

Several interviewees said that they thought the gender composition of company staff could be a factor that influenced women's participation in a range of agreement processes and outcomes. For example, some interviewees observed that members of the negotiation team (including barristers and senior lawyers) were predominantly male, although there was usually a mix of male and female professional staff involved in the agreement more broadly. Interviewees generally felt that mixed teams were more likely to bring a balanced perspective to agreement processes that had previously (particularly for companies) been almost exclusively male. Many interviewees suggested that this was changing, and that female representation in company staff was increasing, which may have some spill-over effects on agreement processes.

One interviewee noted that, while there may be women working as part of land council or company negotiating teams (lawyers and anthropologists), this did not necessarily translate into increased women's participation from within the community. Some interviewees suggested that having an all-male land council or community relations team risked getting caught up in male culture, particularly where men's culture was dominant (or where there was a focus on male sacred knowledge)[35], and that having articulate and aware women on the team could help maintain focus on all community members. An interviewee noted one example where a prominence of women in a community relations team resulted in the project/operation being better placed to identify women's issues, and better understand how women could be engaged in the negotiation process.

### *Corporate policy*

There was general agreement among interviewees that women's participation was influenced by participatory engagement processes associated with the agreement more than a gender focused process. Interviewees suggested that women were more able to get involved when there was a commitment to ensuring open and participatory engagement because, by definition, women of all backgrounds would be included. In theory, participatory processes are underpinned by a commitment to providing appropriate resources, including time, funding and other support mechanisms to support the participation of diverse groups, including women. While it was not asked as a binary question in the interviews, many interviewees commented that encouraging participatory processes that were inclusive of gender and other diversity considerations would result in stronger agreements as opposed to pushing gender over and above broad-based participation.

Interviewees who had worked with a range of companies observed that company use of participatory methods was driven by company attitudes towards relationships and building a broad base of support. Some companies approached agreements as long-term mechanisms for engagement that provide structured processes and explicit terms for dialogue between parties based on agreed principles. These companies saw relationship-building as part of all phases of the agreement process, not just in terms of signing the agreement itself. Interviewees observed that these companies tended to be more inclusive of women in their engagement practice.

Some interviewees, however, felt that the prevailing understanding in the minerals industry was that agreements were an initial step that needed to be negotiated between company and community. They felt that a company ought to follow the lead of the community representatives in the negotiating

[35] For more on the dominance of male culture as 'silencing' the gendered voice within the extractive industries, see Lahiri-Dutt (2011).

process (even where this was not inclusive of the wider community) and that relationship-building should happen after an agreement was signed. Several interviewees indicated that comprehensive agreements with strong community support were seen to be valuable, primarily due to the stability, certainty and protection that they provided to a company's business assets. However, broad-based engagement should be the starting point.

### 2.2.6 Agreement processes

As many interviewees pointed out, there were a range of processes that influenced an agreement, such as knowledge gathering processes (baseline studies, environmental impact studies (EISs), social impact assessments (SIAs) and community-based research), consultation processes, agenda-setting, decision-making, implementation, governance and re-negotiation. In some jurisdictions some of these processes are required by law, or are expected in a particular context. Similarly, company policies and practices can shape the agreement process, as can the involvement of third parties such as land councils or representative bodies. This section examines some of the 'process' aspects of agreements that can impact women's participation and benefit.

#### *Knowledge base*

Interviewees indicated that companies with processes that established a solid understanding of community context were better placed to enable women's participation. A good understanding of context and culture helped ensure that preparations and the negotiation itself were designed in a manner that foregrounds the rights of women. For example, some interviewees mentioned making special efforts to hold meetings at known 'women's sites' where women's right to speak and decide could not be questioned by men, or where their culture permitted women to be more vocal than in other places. If companies, negotiators, cultural advisors, representative bodies such as land councils or band councils[36], or other indigenous parties to an agreement had a good understanding of these factors they could encourage processes that empower women to participate, or otherwise elevate women's needs and concerns.

In some cases, this happened behind the scenes (i.e. not as part of the formal negotiation process), with negotiation participants seeking out women's opinions by talking with women one-on-one and then bringing forward their ideas for consideration by a group.[37] In these circumstances, women would often not want their name attached to the idea when it was presented to the group, preferring to remain anonymous. Interviewees who had observed this felt that it was most likely due to women's concerns about being dismissed as unimportant or reproached for interfering, potentially facing domestic or sexual violence as a consequence in extreme cases. In other cases, interviewees had been involved in agreements where special gender or cultural advisors were able to assist companies in understanding community processes, which helped to ensure that important issues for women were given sufficient consideration, or that specific processes could be undertaken/modified to empower and include women.

[36] Local-level First Nations' legal unit of government in Canada.

[37] In a broader study examining women's formal and informal decision-making influence and processes, it is suggested that women prefer expressing their individual perspectives as a collective voice (World Bank, 2012, pp. 181-2). For a discussion on women's influence on negotiations from 'behind the scenes' at the Argyle Diamond mine, see Doohan (2008).

Several interviewees suggested that inadequate understanding of local context, culture and history inadvertently excluded women.[38] Usually this was mentioned in relation to company approaches to agreements, but a number of interviewees noted that legal and government processes could also be ineffective in terms of including women. For example, the circumstances under which different groups of people were comfortable and confident expressing their opinions often depended on the anticipated outcome of that expression. Misunderstanding these circumstances or not considering them could inhibit the effectiveness of consultation processes. A few interviewees explained that some people felt that it was appropriate to express an opinion about an issue, but not if their opinion would be seen as an endorsement of a particular position on behalf of their community. Without understanding the factors that influenced how comfortable different women felt or empowered women to participate, interviewees felt that it was easy for agreement processes to unintentionally end up in a "male domain" which excluded women.

### *Engagement processes*

The agreement processes can be adjusted in order to take into account the range of factors that influence women's participation. Tailoring the process appropriately requires understanding the community context and the factors described above. For example, several interviewees suggested that women's involvement in formal processes may put them in a difficult position, but by allowing for a mix of formal and informal engagement, women were more able to influence processes and outcomes. The reasons that formal processes could be difficult for women included the need to behave according to cultural norms and a lack of confidence or embarrassment at public speaking or speaking in a second language, as discussed above. Putting methods in place that were sensitive to these issues (e.g. scheduling smaller group/individual consultation, conducting meetings in local languages or with sufficient translation) could reduce women's exclusion, or indeed, encourage inclusion. Capacity development for encouraging inclusive processes was thought to be beneficial (discussed further in Section 2.6.2).

### *Governance structures*

Interviewees believed effective governance structures were a key component of successful agreement implementation and were another opportunity for women to participate in decision-making and in the distribution of benefits. Interviewees provided of examples of trusts, funds and coordinating committees that were chaired by women, or had significant female membership. Some interviewees also gave examples of governance structures which required equal male and female representation (e.g. at Rio Tinto's Argyle diamond mine in Western Australia).

Interviewees had differing views on whether women's participation increased during the implementation of agreements, and how influential this was on development outcomes.[39] Interviewees agreed that there were several examples of women playing significant roles in the implementation phase of agreement processes, and some interviewees thought that there was a

[38] Drawing primarily on forestry management case studies in India, Cornwall (2003, pp. 1329-30) highlights a number of examples where organisations failed to understand the local context and, as a result, did not capture the gender perspective in participatory development processes.

[39] O'Faircheallaigh (2012b, p. 14) suggests that a complete analysis of the participation of women in the negotiation of agreements should focus on processes that set negotiation agendas and priorities prior to and during negotiations, and the ongoing bargaining post agreement. Women may for example play a significant role in shaping organisational structures established as a result of a negotiated agreement.

general trend of women being more involved in governance processes. However, several interviewees felt that many of the same patterns of exclusion from negotiation processes continued in the governance and implementation phases. Again, some interviewees suggested that there were cases where women were present on boards or governance committees, but that the women consistently deferred to their male colleagues. Reasons for this included cultural inappropriateness of voicing an opinion, poor literacy, and low levels of capacity to engage in strategy, planning and negotiation.

### *Timeframes*

Several interviewees noted that often the timeframes in which agreements were expected to be negotiated did not allow for adequate consultation and organisation of communities, and this affected the quality of the engagement process and the agreement itself.[40] Timeframes were often determined by company approval processes, but also by the regulatory context.[41] Some interviewees felt that pressure to 'make a deal' quickly could come from male community negotiators. Sometimes this was seen as a tactic to deliberately exclude women or those not in a position of power (i.e. by saying that there was not enough time to undertake more inclusive consultation). Some interviewees highlighted that restricted timelines for negotiation tended to affect women more significantly than men because of their domestic and caring responsibilities.[42] Several interviewees added that agreements that were rushed provided a less secure basis for the agreement and the ongoing relationship between the mine and the community. Although all community members could be affected by lack of time, women may have experienced this disproportionately if they had historically been excluded from formal governance processes.

## 2.3 Women's inclusion/exclusion in benefit sharing

Perspectives on the extent to which women were able to benefit from the outcomes of agreements varied among interviewees. Interviewees generally acknowledged that men received more economic benefit from agreements than women.[43] These benefits largely include employment and business development. They also noted that men tended to control revenue from compensation monies and other 'rents' that flowed from companies to communities.[44] Where there was an existing culture of

[40] Drawing on the Argyle and Comalco negotiations, O'Faircheallaigh (2012b, p. 16) highlights that generous timeframes allocated to the negotiation process served to facilitate significantly improved opportunities for women's participation.
[41] Under the *Australian Native Title Act 1993 (Cwlth)*, native title claimants have the 'right to negotiate' with mining companies about proposed developments which may impact native title before a mining tenement can be granted. Section 35 of the Act, however, allows any party to negotiations apply to the National Native Title Tribunal for arbitration if six months have passed since the original notification. This means that companies could potentially prolong negotiations for six months before requesting arbitration, which has historically granted the tenements to mining companies resulting in increased pressure for communities to come to a decision quickly (see for example Corbett & O'Faircheallaigh, 2006).
[42] Irrespective of income, women continue to bear a disproportionate responsibility for housework and care in most countries. In consideration of both formal and informal activities, women typically work more than men, reducing their time to engage additional activities (World Bank, 2012, p. 19)
[43] One interviewee explained that "where [agreements] are used to allocate money to individuals, the percentages allocated to women are typically lesser than those allocated to their brothers, husbands and male cousins". The interviewee described a specific example where, in a large, landowning family at a PNG mine, the brothers received an average of 10 times more than their sisters in royalty payments.
[44] According to findings from the Pacific Financial Inclusion Programme (Chibba, 2009), households tend to have improved overall wellbeing when women control financial assets due to their capacity to effectively manage household expenditure.

domestic violence against women, interviewees reported that cash distribution to community members may have resulted in increased violence against women, with severe detrimental effects.[45]

Interviewees noted several outcomes that benefitted some women, such as the development of institutional capacity in some communities, largely as a result of participation in agreements. In some cases, women's involvement in agreement processes triggered subsequent involvement in community decision-making more broadly, even in areas where women had not previously been active. Some women benefitted from funds specifically allocated to women's law and culture. Several interviewees suggested that women had been influential in discussions about how benefits should be distributed, such as pushing for education, health or scholarship funds rather than new trucks or community buses, but noted that this had not necessarily led to gender-equitable distribution of benefits.[46]

Some agreements include specific provisions for women, such as quotas for employment and training programs, for cultural and environmental monitoring and for family health projects.[47] The Voisey's Bay project in Canada is noted for its strong processes which support women's access to education and training in non-traditional roles. These requirements became part of the agreement because the community wanted to ensure that women had access to the high-paying, year-round job opportunities that tended to be in traditionally male-dominated areas. Preferential hiring for community women was codified in company procedures as a method for overcoming the range of barriers that women face in accessing this type of work, including discrimination in the hiring process, access to training programs, access to child/elder care, women's own perceptions of their ability to work in non-traditional roles as well as on-the-job support and effective zero tolerance discrimination and harassment policies in the workplace.[48] This process has had a great deal of success, with approximately 15% female employment, in roles from entry level to supervisory level. Several interviewees noted that women's employment was a good example of an area where some companies and operations had achieved significant outcomes with concerted effort. They also noted that, in part, these efforts were also motivated by a lack of skilled tradespeople in the mining industry generally. The focus on female employment in mining was also said to be driven by the mining industry's 'boom' cycles.[49]

The factors that were seen to contribute to the success of this and other similar programs included:

- dedicated implementation managers from the community who followed through the recruitment process with each applicant, gave active attention to issues that affected retention and developed strong networks within communities in order to identify suitable individuals

[45] While some studies have indicated that women's increased income and assets base may lead to a reduced risk of domestic violence (Agarwal & Panda, 2007; Koczberski, 2002), others have suggested that there is no such correlation (ICRW, 2006; Swaminathan *et al*, 2008).

[46] In a discussion on how women might experience benefits through employment at the mine, Parmenter (2011) notes several challenges associated with Indigenous women's experiences at Century Mine. For a detailed list of the gendered nature of mining impacts and benefits see Rio Tinto (2009, pp. 83-6).

[47] For example, the Argyle Participation Agreement requires funds to be allocated to separate men's and women's "Law and Culture" funds; and the Snap Lake Diamond Project Socio-Economic Agreement is "required to provide onsite literacy programs to its employees and to promote the equal participation of women in all aspects of the project".

[48] Kemp & Gibson (2008, p. 106) outline key drivers that are promoting extractive industry companies to strengthen their gender focus both internally and in their work with external stakeholders.

[49] On the mining boom and other drivers motivating companies to increase female employment in mining see Kemp & Pattenden (2007, pp. 126-8).

- women's own strong family networks which could provide child/eldercare support
- provincial government backing of the initiative.

Agreement parties reviewed employment data for project employees and contractors monthly. Because the data are disaggregated according to gender and indigenous status (local and non-local), the agreement parties can plan for targeted training and career development programs. Many of the leading mining companies have had similar success with targeted women's employment programs, some with particular programs for indigenous women.[50] Sometimes these programs sit outside agreements. Several interviewees cautioned against simplifying women's interests by simple quotas and "tacking on" women's projects in an effort to improve outcomes. Doing this had the tendency to overlook the complexities of women's intersecting interests, such as family, church or community cohesion.

## 2.4 The challenge of involving women in agreement processes

Previous sections provided interviewee perspectives on gender and agreement processes and explored some of the factors that influence women's involvement. This section presents interviewee perspectives on the challenges associated with negotiating agreements that reflect women's rights, interests and needs, promote equity of outcomes and involve women in agreement processes directly and indirectly.

Interviewees raised a variety of issues, including the challenges of:

- formal and informal representation of women
- tensions between cultural norms and gender equality
- other prevailing challenges in agreement processes.

### 2.4.1 Representation

Interviews centred on women's 'involvement' and 'inclusion/exclusion' in agreement processes and outcomes. During the course of the interviews it became clear that some interviewees based their responses on 'representation' as an indicator of inclusion, whereas others considered inclusion to extend beyond formal representation. Quantitative measures of women's representation and participation can be poor measures of equality or empowerment as they can simplify and render invisible other factors contributing to gender-based inequality.[51] During interviews, CSRM researchers asked questions to clarify understandings of representation and participation however it was not always possible to clarify these kinds of assumptions. Several interviewees reminded researchers to take care when discussing 'exclusion' during the field research, as this would be defined culturally.

Notwithstanding the challenge of surfacing interviewee's assumptions in a rapid interview scenario, interviewees raised several considerations relating to representation, including:

- women's presence at the negotiating table
- misinterpreting women's absence from the negotiating table

[50] For example, the Queensland Resource Council (QRC) in Australia lists specific recruitment practices and career development programs adopted by extractive industry companies in Queensland (QRC, 2011).
[51] See Hancock *et al.* (2011) for a discussion of the utility of quantitative measures of equality and empowerment, and suggestions for alternate methodologies.

- focus on family interests
- men representing women's interests.

### *Women's presence at the negotiating table*

Women's presence at the negotiating table was one of the ways in which women's participation in agreements could be observed. Interviewees reported a variety of configurations of formal negotiating teams, including several instances where women had been lead negotiators for both company and community[52] or members of the formal negotiating team, instances where a negotiating team was structured to include equal numbers of women and men, as well as several instances where negotiation teams had been all male.[53] Several said that they had seen women's absence from negotiations acknowledged by men, but commented that responses to this varied. In some cases, realisation of women's absence led to changes in process whereby women were engaged, but in the majority of cases women remained excluded.[54] Some interviewees believed that mixed teams were likely to be more balanced in terms of their ability to represent a range of interests.[55]

In discussing the methods for selecting representatives for formal negotiations, some interviewees suggested that the focus was simply on selecting individuals who were considered to hold the requisite skills, and gender did not generally register as one of the criteria. Some interviewees suggested that this was perhaps because women were being drawn into the process anyway, or there was no overt exclusion or marginalisation (which may have still resulted in biased outcomes).[56]

Selection of representatives was frequently seen to reflect the cultural norms of the host community, where women would "let the men do the talking" and the women would take an advisory type of role that did not necessarily involve them being at the forefront of the discussions. Interviewees observed that, in situations where men traditionally held the leadership roles in communities, they also tended to be better represented at the negotiating table. Sometimes this was thought to be because men were perceived to have stronger negotiation skills, and sometimes because of their perceived power. Several interviewees who represented communities as negotiators said they did not tend to question or challenge the cultural positions taken by the community in terms of who they nominated as representatives and the processes that they used to engage within the community.[57] These interviewees stated that their focus was on the community as a whole.

Interviewees acknowledged that negotiators, whether they were men or women, had a complex and difficult role, but they also noted a range of issues with specific relevance to women. A few

[52] Gibson & O'Faircheallaigh (2010, p. 115) refer to a case where female negotiators spoke directly with the company CEO about youth suicide in their community leading company representatives to have an entirely different understanding of community demands.
[53] Simatauw (2002, pp. 38-9) cautioned that where women are marginalised or absent during negotiations, the agreement is more likely to benefit men and undermine the role of women within the community. With reference to Indigenous groups in Australia, Langton (2008, pp. 14-5) suggests that in some cases, men have actively sought to exclude women from agreement negotiations.
[54] With reference to Indigenous groups, Gibson & Kemp (2008) suggest that in some cases, men have actively sought to exclude women from agreement negotiations.
[55] Some authors caution that women's presence at the negotiating table is not necessarily reflective of their capacity to have voice within the process (World Bank, 2001; Cornwall, 2003).
[56] On the topic of "vesting authority in a lead negotiator" see Gibson & O'Faircheallaigh (2010, p. 169) for an outline of factors indicative of appropriate community leaders.
[57] Macintyre (2007, p. 55-6) suggests that in Papua New Guinea, mining company representatives have not sought to question community representation for fear of offending custom.

interviewees suggested that there was difficulty in finding female negotiators because highly capable women in communities were often too busy with a range of other responsibilities to be able to free up the time to commit to being a negotiator.[58] Other interviewees perceived that the expectations for women as negotiators was sometimes higher than for men – "If you put a male on a negotiating team, people have quite often got low expectations of what he'll achieve, and all of a sudden you put a woman on there and she's got to represent everybody". Several interviewees noted that it was unfair to expect women to represent all women, just by virtue of their gender – the same was rarely expected of men. Some interviewees said that female negotiators have described feeling "burdened" by the expectation from their own communities that they represent women's interests, and feeling like they were supposed to be the sole conduit of women's interests to the negotiation process because other women were not prepared to back them up or were not able to make their own voices heard through other channels.

### *Misinterpreting women's absence from the negotiating table*

While women's presence in formal negotiation processes was considered insufficient to ensure appropriate representation of women's rights and interests, several interviewees cautioned equating women's absence with their exclusion from input into agreement negotiations. They stated that women's roles within their communities were complex and they were often highly involved in a wide range of issues. Although the power that they exerted internally may not have been expressed in an easily visible manner, they did play an integral role in shaping community views and values, including in relation to agreement-making. Some interviewees gave examples of strategic inclusion of women (particularly respected elders) in negotiation processes to help drive home the significance of some issues for communities; for example, discussions about the potential impact of mining operations on some traditional activities, or on families.

### *Focus on family interests*

Interviewees also felt that it was uncommon for women involved in consultation about negotiations to raise the issue of gender inequality in agreement processes as a standalone concern. While the issues women and men raised were often gender-related, gender itself was often not an obvious organising framework. Interviewees perceived that women were more concerned with arguing for their family or their traditional group, than for women as a group. Several interviewees noted that the focus on family groups was common within the communities in which they had worked, and that often the distinction between women and men was not the basis for organising within the community.[59] Women could be just as vocal about work opportunities for their husbands and sons as the men were. On the other hand, interviewees thought that if the issue of gender was raised, it was most frequently raised by women.

### *Men representing women's interests*

Some interviewees observed that men's ability to represent women's interests varied. In some cases men were able to represent and advocate for women's rights and interests, at least in terms of their practical needs. Interviewees did note that, where women were not directly involved, the

[58] See Moser (1989) for a fuller discussion on the triple burden of women in developing countries.
[59] In a World Bank study on gender and social inclusion in Lao PDR, the authors report on a similar dynamic (Callander *et al.*, 2009).

conversations about women's interests tended not to be as refined or sophisticated, and did not generally extend to considering women's strategic gender interests, such as involvement in decision-making or empowerment.[60] Several interviewees had heard complaints from women that their interests and opinions were either ignored or misidentified by male representatives in formal negotiations.[61] Interviewees reported that a frequent complaint from women was that negotiators did not pass on enough information about decision-making that affected them, and that they often did not find out about decisions until after they were made. Interviewees said that women commonly perceived that their message was not being listened to even if they did speak out and felt that no matter how hard women pushed during consultation processes (both within the community and between company and community), in the end, it had not made any difference. Some interviewees observed cases where women's participation in meetings was limited to setting up and catering – sometimes through choice, but also through cultural obligation or lack of invitation to participate more formally.

### 2.4.2 Tensions between cultural norms and gender equality

One of the key tensions discussed by interviewees was the tension between respecting traditional cultural practices and pushing for practices that embodied equality and human rights.[62] Interviewees acknowledged that gender relations and cultural change was very difficult for companies because it was not seen as a company's role to challenge culture. Attempts to do so could be perceived as patronising or lacking respect. However, interviewees generally also accepted that mining companies had an ethical responsibility in the modern world to operate responsibly, in accordance with human rights and to mitigate the potential negative impacts of their operations. Interviewees suggested that this meant pushing for gender equality, or at least increased women's involvement and consideration of women's priorities in agreements.

Several interviewees suggested that the 'cultural argument' had been used by some groups to marginalise others and preserve their own power. This needed to be considered carefully by companies rather than accepted at face value. Some interviewees suggested that the 'cultural argument' should not extend so far as to limit women's participation broadly. Instead, there should be only limited cultural responsibility so that men had a responsibility to discuss and decide among themselves but women had the opportunity to discuss and decide for themselves on issues that were their particular responsibility.

Some interviewees emphasised the ability of community groups to adapt their own culture in response to the challenges of mining.[63] They paralleled the ability of communities to develop culturally acceptable methods for encouraging women's participation – cultural adaptations or

[60] On the importance of including women at the negotiation table, Macintyre's (2003, p. 123) research at Lihir in Papua New Guinea demonstrates the negative implications of agreement making processes which lack women's input.
[61] For example, Byford (2002, pp. 30-1) discusses a case at Misima Island where women were not represented at the negotiation table, and the agreement disproportionately benefited men through an unequal distribution of royalties and compensation.
[62] On the subject of women, human rights and mining, see Macdonald (2006). Ife (2009, p. 834) argues that where human rights are applied uncritically, they can lead to an imposition of a 'western' construction of human rights within communities that do not accept its assumptions. On how human rights have been applied within Indigenous contexts, see Goodale (2009).
[63] By contrast, Trigger (2011) suggests that it may not be considered culturally appropriate for some Indigenous Australians to work in the mining industry due to their responsibility to care for 'country'.

'workarounds' (i.e. methods that avoided putting individuals in a culturally inappropriate situations) – with some of the issues that indigenous people could encounter if they were employed in mining.[64]

### 2.4.3 Other prevailing challenges in agreement processes

There was broad agreement among interviewees that women's inclusion was not a 'magic ingredient' that would ensure better agreement processes and outcomes, but rather that women could bring perspectives and ideas to the table that would enhance development outcomes by ensuring that a more thorough range of issues was considered. Full engagement with the range of rights and interests, including those of women with diverse backgrounds, was seen to be the ideal process to underpin agreements. In this vein, several interviewees suggested gender was not the most important consideration in terms of agreement processes and outcomes. Some thought that there was 'no harm' in incorporating gender equality principles into negotiations, and that more involvement by women would improve agreement processes and outcomes, but that gender equality alone would not overcome what they considered to be the more critical problems with agreements.

Some factors that were considered to be more critical included:

- *The disadvantage of community groups in the negotiation process with respect to power, expertise, experience, knowledge and ability to take a strategic approach to negotiations*

  Several interviewees regarded the fundamental inequality between company and community in the negotiation process as the greatest barrier to successful agreements and agreement outcomes.[65] Although communities had the power of ownership or custodianship of resource lands, companies were seen to be the more powerful party in negotiations. Reasons included access to financial and technical resources, previous experience negotiating with communities and perceived power.

  Conversely, factors that diminished community power were low levels of understanding about rights in negotiation, low levels of internal cohesion, and high levels of socio-economic disadvantage. Additionally, communities were often reliant on mining company funding to undertake community engagement and planning processes. Some interviewees heard frequent complaints from communities that the amount of funding was not sufficient to undertake comprehensive consultation to support participatory processes.

- *Availability of skilled negotiators*

  Several interviewees noted that it could be difficult for some communities to find individuals with the necessary skills, knowledge, understanding of community interests and personality to take on the role. Interviewees also suggested that poor selection of negotiators (e.g. elected for popularity rather than skills) could negatively impact the process.

[64] Parmenter (2011, pp. 74-5) outlines a number of gender-based cultural constraints for Indigenous women working at Century mine in Australia. She explains for example that in the community setting, it may be taboo for one Indigenous personal to talk with another for cultural reasons; however within the company these individuals may be required to work together on a team.

[65] Altman elaborates on this point in his chapter 'Indigenous Rights, Mining Corporations, and the Australian State' (2012, pp. 46-74).

- *The difficulty of understanding the mining process and the potential impacts of the mine*

  Understanding the potential impacts of mining was described as one of the key challenges for community groups negotiating with mining companies. While there is now a great deal of information about the impacts of mines on communities, interviewees still felt that a lack of access to relevant and understandable information was preventing communities from negotiating agreements that best accounted for their assets and needs. Even where comprehensive studies were undertaken (e.g. as part of the pre-feasibility stage, EISs, SIAs, etc) the outcomes were often thought to 'sit on the shelf' rather than inform negotiations.[66]

- *The temptation to rush into negotiating the content of an agreement, rather than focusing on building a robust process and strong relationships*

  Many interviewees stressed the importance of viewing an agreement as a process, rather than a document that is signed.[67] Rushing to get sign-off on an agreement was seen to be one of the key reasons that agreements failed to deliver the expected benefits.[68] Poor attention to getting the processes right (in terms of communication, engagement, relationship building and governance) was thought to lead to poorly formulated agreements that would struggle in implementation. Rushing agreements risked excluding groups of community stakeholders, which could lead to conflict.

- *An understanding of the importance of getting full and diverse community engagement*

  A number of interviewees felt that there were still some companies that did not see the value of genuine and inclusive negotiation with communities, and just aimed to meet the minimum requirements for consultation, without a view to the potential long-term costs.

- *Deficiencies in relation to the rights that communities have under the law*

  Some interviewees pointed to deficiencies in legislation that protected community rights and interests with respect to mining projects. They felt the requirements for consultation and negotiation were not sufficient for ensuring positive outcomes from agreements. Insufficient guidance on implementation of legal responsibilities and poor government capacity to enforce legal requirements adversely affected the success of agreements in some jurisdictions.

- *Attention to post-agreement governance and implementation (and consequences for non-compliance)*

  There has been much written about poor agreement outcomes being due to a lack of focus on agreement governance and implementation, including issues of capacity building for communities, relationship-building and communication and lack of resources allocated to

[66] One interviewee noted that, where these studies are funded by mining companies, they are often specifically withheld from communities and treated as confidential documents.
[67] Gibson & O'Faircheallaigh (2010, p. 120) consider that the process of relationship building between company staff and the local community is fundamental to successful negotiations. Langton and Palmer (2003, pp. 31-2) also emphasise the importance of relationship building in agreement making with Indigenous people in Australia.
[68] Gerritsen & Macintyre (1991) explain that one of the reasons for the 'rush' is financial. Long negotiation periods are seen as a high front-end cost, so there are imperatives from within the company to hasten the process.

supporting implementation.[69] Interviewees referred to a lot of this work, and noted that while there had been increased focus on strengthening governance and implementation, it was still considered to be insufficient and one of the main challenges facing communities and companies. Further, some interviewees felt that implementation of women-specific initiatives were so far down the priority list that they were even less likely to be implemented than other aspects of agreements.

- *Complexity of agreements, and ambiguities in goals and responsibilities, leading to difficulties in interpretation and enforcement*

  Some interviewees attributed poor outcomes from agreements (at least in part) to the difficulties that communities and companies had interpreting the conditions included in the agreement.[70] Some of these difficulties included lack of clarity about who was responsible for implementation, lack of consequences for failure to implement, poorly defined terms, vague language (such as 'best efforts'), inability to re-negotiate some issues if implementation was not having the desired effect, changes to agreed timeframes and poor processes for dispute resolution.

- *Lack of access to information about other agreements (or a 'good practice' template)*

  Some interviewees felt that the confidentiality of agreements put community parties at a significant disadvantage, and was likely to hinder communities' ability to negotiate based on precedents in other agreements.[71] As one interviewee said, "each community starts from scratch". This was contrasted with company negotiators, some of whom had negotiated a range of agreements, or were able to access past agreements through their company. Some interviewees felt that a template or framework agreement could help to reduce the gap between company and community.[72]

## 2.5 Mining industry's ability to engage women

Interviewees varied in their opinion of the mining industry's ability to engage with women as potential beneficiaries of mining operations.[73] However, most interviewees suggested that generally the industry had a long way to go. One interviewee suggested that his/her company was just at the beginning of its journey on gender and diversity, and that there were some companies that were much more confident, open, experienced and considered on the issues. Another interviewee felt that his/her company had taken significant steps towards taking gender and inclusion seriously at a

[69] On implementing agreements between Indigenous peoples and resource developers in Australia and Canada, see for example, Allbrook & Jebb (2004) and Langton & Mazel (2008).
[70] Altman (2012, p. 68) notes that confusion around the content of agreements is a frequent source of conflict between mining companies and Indigenous communities in Australia.
[71] O'Faircheallaigh (2009) also argues that confidentiality requirements constrain Aboriginal parties to agreements by preventing them from exerting the power to appeal to government decision-makers through the media.
[72] Agreement frameworks and other relevant Information relating to agreements between Indigenous people and others in Australia and overseas have been recorded in the Agreements, Treaties and Negotiated Settlements online database (ATNS 2012). The database was created 2002 to support the aim of promoting best practice in agreements.
[73] Interviewees pointed to several examples including the Rio Tinto Gender guide (2009), work undertaken within the Resource Management in Asia-Pacific Program at the Australian National University and several site-specific initiatives, some of which have been mentioned above, as examples of positive engagement.

corporate level, through standards, policy and practical guidance, but that there were still widely divergent levels of practice on the ground.[74]

Interviewees felt that most companies explicitly considered a lack of inclusive engagement, marginalisation of parts of society and lack of broad-based community support as significant business risks.[75] Interviewees also acknowledged that companies were beginning to recognise the growing evidence that women's representation and involvement in decision-making influenced, and as a result, improved outcomes for communities. Interviewees tended to focus on the corporate responsibility in terms of ensuring a good process for agreement-making and implementation. Interviewees believed the following as factors contributed to good process:

- adequate time for information gathering, community engagement and decision-making processes
- adequate funding for meetings (including travel, local language translation), specialist advisors, information gathering and community planning processes
- a good understanding of the local community's formal and informal decision-making processes
- a focus on inclusion and participation
- in some cases, the development of structured processes that brought different voices into the conversation.

Even though companies may employ a women's representative on their community relations staff, or provide funding for establishing small women's organisations, one interviewee stated that companies had still not fundamentally changed their understanding of women as equal rights holders and that "the community is seen as a community of men". Evidence of this included women's exclusion from business development opportunities, aside from traditionally female domains such as laundry or other camp services.

Some interviewees were unsure about the mining industry's ability to tackle issues of gender, as mining companies were not generally regarded as sensitive. However, a couple of interviewees were unsure that a push toward more inclusive agreement-making would come from government, particularly where institutions are weak. That said, there were several examples of national level policies influencing mining industry practice at the operational level.[76] National plans for women's involvement in mining in countries such as Australia, Canada and Papua New Guinea had influenced company/operation policies, but their effectiveness varied.[77] Some interviewees also felt that groups such as land councils in Australia were unlikely to initiate significant change in this area due to capacity constraints.[78]

[74] For a broad discussion on the limitations of translating global CSR performance standards into CSR practice on the ground, see Gilberthorpe & Banks (2011).
[75] To the contrary, Kemp (2010) suggests that there are conditions under which empowered women may be perceived to pose significant risk to the company's reputation and risk profile.
[76] For example, in Papua New Guinea the creation of a national gender policy and plan has led to mining companies appointing a 'women's officer' who is responsible for women's issues both within the company and across impacted communities (Eftimie, n.d.).
[77] For example, the Japan International Cooperation Agency (JICA) report (2010, p. 9) suggests that the Papua New Guinea National Gender policy and plan was both poorly implemented and has now become outdated.
[78] See Altman (2012, p. 71).

Interviewees talked about instances of company-community conflict that were related to poor engagement or exclusion of women, and felt that this was driving increased awareness in the industry. However, they said that gender issues were still overlooked in formal company risk assessment and management processes.

## 2.6 Strategies for increasing women's participation (and associated challenges)

This section describes some of the strategies that interviewees suggested for companies wanting to increase women's participation in agreement processes, and some of the associated challenges. These strategies are:

- participatory processes
- capacity building
- raising the issue, with sensitivity
- appeals to best practice and other drivers for change
- ratification/consent processes
- targets, quotas and programs for women.

### 2.6.1 Participatory processes

Many interviewees suggested that the structure of a process (e.g. requiring a representative or participatory approach) could enable women's participation in circumstances where they may have otherwise been overlooked.[79] In this way, women were able to get a 'foot in the door' and begin to influence the process.[80] Often, effective processes were framed in terms of inclusion, participation or representation, rather than being specifically gender-focused. However, interviewees repeatedly reinforced the point that simply opening the process was not sufficient for ensuring women participated, that their participation was equal or that women were able to influence outcomes.

Some of the suggestions for making processes more participatory and therefore more open to women were:

- *Public meetings that allow for input and feedback*

  Meetings (both community only and company-community) are a key element of many agreement processes, and were seen to be one method for encouraging participation, promoting transparency and "building validity" of agreements in communities.

- *Stakeholder mapping to identify potentially excluded groups*

  Interviewees suggested that stakeholder mapping was a valuable tool that companies and communities could use to examine factors that influenced participation, and also as a method of analysing whether agreement processes were sufficiently representative.

[79] Cornwall (2002) elaborates on the importance of participatory process in her chapter on Gender and Participatory Development.
[80] The World Bank suggest that women's participation in social networks and organisations can serve as pathways for collective action in other spheres, such as exercising political voice in local government (World Bank, 2012, p. 332).

- *Focus on process*

  Paying attention to 'process' was seen as key to negotiating and implementing a successful agreement. Interviewees discussed several aspects of 'process' that could have gendered implications, including methods for disseminating and gathering information, facilitating dialogue and planning, structures for implementation and governance, and monitoring and evaluation.

- *Encouraging 'best practice'*

  Interviewees regarded participatory methods as 'best practice', and some had tried to promote these in developing strategies for negotiation and implementation of agreements. Interviewees perceived that communities were more open to negotiations about process when it was couched in terms of the company wanting to adhere to best practice or was required due to legislation or company commitments. Some interviewees referred to government 'action plans' or other national priorities regarding gender, and thought that companies should ensure that their approach to gender aligned with these.

- *Access existing women's organisations and women's knowledge*

  Scheduling meetings with existing women's groups, or focusing on an area of women's cultural knowledge during the information gathering stage of negotiations can be useful not only for data gathering, but also as a process that supports women to position themselves as legitimate stakeholders with distinct rights, interests and knowledge. Several interviewees noted that this 'lead in' process of making women visible as stakeholders, along with building women's capacity to contribute to discussions, was often essential to promoting an inclusive process.[81] While this process was important as an awareness raising effort, a focus on women's organisations could have the effect of marginalising women in that their input into the process would be defined only in terms of these women's organisations. Men, on the other hand, were included in the process as landholders, members of local government or churches.

### 2.6.2 Capacity building

Interviewees discussed strategies for increasing the capacity of both company and community, with a specific focus on the issue of women's capacity to engage with agreement processes. They suggested that capacity building for women, particularly if delivered by other women from community backgrounds who had experience with mining, could help women to participate more effectively. Some interviewees noted that they had seen an increase in the impact of women's participation over time, as women gained experience participating in community decision-making. Capacity building for men to support women's participation was also raised by some interviewees.

Some interviewees felt that companies could also benefit from capacity building on a range of issues relevant to gender. These included the business case for diversity and awareness of gender issues in community relations, the use of participatory methods and tools for engaging women, and increasing

[81] Douglas (2002) discusses the importance of women's organisations as a platform for incorporating women's perspectives into community governance bodies in Melanesia.

the ability of company personnel to argue the case for paying attention to gender.[82] Internal conviction on the goal of gender equality was also thought to drive better practice within companies.

Many interviewees were of the opinion that capacity building for negotiators would also be beneficial – whether they were negotiating on behalf of their own community, or as an employed representative.[83] Skills in communication, facilitation, strategy development and community engagement were thought to be essential, along with knowledge of the technical and legal aspects of agreements and an understanding of gender. Interviewees suggested that there were opportunities for negotiators to share knowledge and experiences, which would help build their skills. Already, there are some community-based networks for capacity development among lands managers in Canada – many of whom are women.[84]

### 2.6.3 Raising the issue, with sensitivity

Many interviewees agreed that companies were in a position to at least raise the issue of gender representation and participation in negotiation and consultation, but that this would have to be done carefully. Whether these discussions should focus on equal or equitable representation would depend on the local context. Discussion of women's particular interests in joint or women-only consultations could be a starting point. In many cases, interviewees acknowledged that communities could find it unacceptable for companies to suggest how they went about their own internal decision-making processes, but it was worth raising the issue.

Several interviewees stressed that simply imposing a gender lens could cause conflict within the community, or between the company and community, particularly if it was seen to be too prescriptive or intended to overpower cultural traditions. Likewise, taking a "stridently feminist approach" was described as unhelpful, although the involvement of individuals who were identified as feminists was thought to contribute to a strong focus on women. Many considered advocating for an inclusive and participatory process, rather than a gender-focused process, would be less threatening.

Some interviewees believed that having elders or other senior people in communities raise the issue of gender, or inclusion more generally, was often influential. Interviewees suggested that there were opportunities for companies to support or empower community members to ask the question about inclusion. Interviewees warned that companies should avoid "forcing" women to participate in culturally inappropriate ways. Similarly, interviewees cautioned against introducing gender in a way that made men feel belittled or marginalised, as this could introduce conflict into the process as well as potentially lead to negative fallout for women. Interviewees noted that support for gender equity from male community members contributed to improving women's participation and empowerment in agreement processes.

None of the interviewees with experience representing indigenous groups in negotiations had ever had gender put on the table by either company or government. They described a tendency to "defer"

[82] Kemp *et al.* (2010) explore how discourse used as a strategic resource can facilitate change in gender and corporate social responsibility (CSR) policy and practice in a global mining company.
[83] Capacity building for consultants and advisors was not specifically discussed by interviewees, but may also be beneficial.
[84] For example, the National Aboriginal Lands Managers Association (NALMA), along with its associated regional associations, focuses on professional development, communication and networking across Canada, and recognition of the work of lands managers.

to men's business and male culture, without any interrogation or consideration of why that might be the case. Interviewees who, themselves, had brought up gender inclusion in negotiations had received a variety of responses. In some cases, there was no resistance from communities, and it was accepted as something that should occur. In other cases (typically when men from the community were asked), there was resistance on the grounds that men should be the negotiators according to local custom. In a few instances, interviewees reported that women themselves had declined to participate directly in negotiations, the reasons for which were not always clear.

Sometimes push back or reluctance from communities led to creative approaches to including women. One interviewee shared an example of a case where a company was concerned about dealing only with male leaders and wanted to instigate a process which would expand women's involvement in agreement-making. In this case, the community was not receptive to the idea of public meetings, so the company provided resources for the community to conduct its own strategic planning process, which included consulting widely with the community about its vision for the future. The community received technical advice from the company about how to design an inclusive consultation process, but the company was not involved in the process itself. The process clarified whether the community saw mining as part of its vision for the future, and also increased the capacity of the community to plan, which fed into a wide range of community processes unrelated to mining, including applying for government grants and other funding. Although only in an early stage, the company perceived that this activity had enhanced the company-community relationship and improved company understanding of the community.

Agreements take a variety of forms, and occur at different stages in the lifecycle. Some interviewees did not think that it was appropriate to push the point on gender or consultation issues for very early exploration agreements. Without a strong relationship in place, and where the stakes are relatively low, interviewees felt that there may be a risk to company-community relationships in pushing a group of male elected representatives to expand the group at a premature stage. While inclusive engagement from the outset would be preferable, some interviewees emphasised that the relationship between the company and community was an ongoing process, and there would be a point where it would become more appropriate to push harder for women's inclusion, particularly in cases where it was clear that lack of women's representation was a limiting factor in the negotiation of an agreement.

### 2.6.4 Appeals to best practice and other drivers for change

Interviewees had different rationales for focusing on gender and other drivers for change in agreement-making processes.[85] Where companies were pushing for gender equality, interviewees recognised a need for companies to give an explanation for their request to communities. Some interviewees reported that they justified insisting on male and female representation by appealing to company commitments to 'best practice', as well as company responsibilities under various voluntary commitments such as the ICMM Sustainable Development Principles[86] or the MCA's Enduring Value Framework[87], or national government policies or commitments to international conventions including

[85] Rio Tinto (2009) sets out a clear rationale for integrating gender considerations within the extractive industries and highlights key international protocols and standards for gender mainstreaming.
[86] http://www.icmm.com/our-work/sustainable-development-framework/10-principles
[87] http://www.minerals.org.au/focus/sustainable_development

the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW 1979)[88] and the Universal Declaration of Human Rights (UDHR 1948).[89]

Explaining company need for broad-based community support based on informed decision-making was also thought to be useful in advocating for inclusive and participatory processes. Interviewees considered the instability of outcomes of agreements negotiated without gender representation to be the main driver of improved practice in this area.

Interviewees perceived other key external drivers to include:

- global attention on the role of companies in communities
- expectations around human rights, particularly in light of the development of the UN "Protect, Respect and Remedy" Framework (commonly called the Ruggie Framework)[90]
- the development of the concept of free, prior, informed consent (FPIC) and the United Nations Declaration on the Rights of Indigenous People (UNDRIP)[91]
- government gender policies/positions with which companies are expected to comply.

Internal drivers included:

- acceptance of the business case for integrating gender considerations leading to increased requirements in management standards, systems and methods
- understanding the risk of excluding women from company operations
- pressure to get active support from communities
- focus on long-term relationship building (agreements as a process).

Several interviewees thought that the concepts of 'social licence to operate' and 'consent' were the main drivers of corporate-level attention to engagement with women, more so than the industry's ability to engage with women as key actors in the economic and political context of mining. They felt that, although progress had been made, companies still tended to focus on doing what was needed in order to operate rather than focusing on the long-term development aspirations and expectations of communities.

### 2.6.5 Consent/ratification process

Several interviewees felt that agreements which included a ratification or consent process (whereby the negotiated agreement was presented back to the community for its approval) provided an opportunity for inclusion of women. While women may not be present at the negotiation table, ratification of an agreement was a step in the process where they had a chance for input. There was, however, disagreement among the interviewees about how much impact this had on the content of an agreement. Where there was a third party involved, such as a native title representative body, there were often protocols for assessing whether the requirement of 'group consent' had been reached, usually in consultation with an anthropologist and then 'validate'" by the organisation's board or executive. Groups such as this had often developed methods and protocols for engagement and consultation with men and women in order to ensure broad-based support, however, there were

[88] http://www.un.org/womenwatch/daw/cedaw/
[89] http://www.un.org/en/documents/udhr/
[90] http://www.business-humanrights.org/SpecialRepPortal/Home/Protect-Respect-Remedy-Framework
[91] http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

still noted issues for some women in terms of speaking out against male authority, as well as more general concerns about the ability of some community members to fully understand what they were consenting to.

### 2.6.6 Targets, quotas and programs for women

As a group, interviewees were divided in their opinion on the effectiveness of specific targets and quotas for women's employment, business development or other conditions that may be included in agreements. For example, the Ok Tedi Community Mine Continuation Agreement (CMCA) included provisions for 50 per cent of scholarships to be available to women (and for 50 per cent women on the scholarship selection panel). Work by The World Bank reported that so far less than 50 per cent of applicants had been women.[92] Some considered targets, with consequences for non-achievement, to be the only way that outcomes for women could be achieved, and that setting targets was an important step, even though the target was not reached. Slow progress towards the target, or failure to achieve the target, could be a measure of the entrenched disadvantage of women, rather than the effectiveness of the policy or program.

Examples of quotas for women's equal participation in agreement governance structures were also offered. For example, The Village Development Fund agreements at MMG's Sepon mine in the Lao PDR required that the governance committees at the village level were 50 per cent women. Similarly, Rio Tinto's Argyle mine in Western Australia required that there was a male and female representative for each Traditional Owner group on the governance committee. Other interviewees suggested that targets specifying women's involvement could be divisive within a community, as well as difficult to implement and manage. Some also suggested that simply measuring the number of women employed, trained or attending a meeting did not capture whether these activities were contributing to empowerment or equality more generally.

## 3 Conclusion

The findings outlined in this report confirm that a gender perspective offers important insights into agreement processes and their contribution to development and benefit sharing at the local level. While interviewees had diverse opinions, several common factors that influence women's participation in agreement processes were identified, including cultural context, socio-economic factors, social status, historical precedent, and legal and organisational contexts. These factors were explored in phase two of this research.

Interviewees highlighted several challenges that influenced women's participation in agreement processes, including those that relate to representation and tensions between cultural norms and gender equality. Interviewees also suggested that women's participation was determined by broader challenges that assailed mining and agreement processes more generally (beyond gender considerations). These challenges included post-agreement governance and implementation frameworks, political and historical context, power inequities and participation in engagement processes.

[92] Menzies (2012).

Interviewees suggested a range of strategies for increasing women's participation in agreement processes, including capacity building, raising the issue of gender equality, international best practice and the establishment of targets, quotas and programs for women. Interviewees also discussed the challenges associated with these and other suggestions. By and large, interviewees indicated that there was significant scope for the industry to improve its approach to gender, including in agreement processes.

The following section outlines the implications for phase two of the project.

## 3.1 Implications for the case study research

The interviews undertaken for phase one of this research illuminated some of the practical dimensions of gender and agreement processes in mining. They also provided important insights into the issues that needed to be engaged in the field, and how they might be approached. There are several key points that research teams took into consideration in preparation for the cases studies:

- The paucity of literature and wide range of opinions on this topic reflects a situation where knowledge gaps run both broad and deep. Research teams focused on gaining genuine insight into specific issues identified in the field, rather than spreading themselves 'too thin'. In this sense, each case study was designed to ensure that the data collected was meaningful, rather than covering the full set of project interests, and recognising that the field visits would rely on agreeing a workable scope with the companies involved.

- Each of the research teams aimed to be cognisant that non-representation of women in formal negotiations did not necessarily equate to non-involvement (and vice versa). Recent published work has served to reinforce this point. The rapid nature of the research methodology limited the research teams' ability to understand – at depth – these processes, but nevertheless, these assumptions were questioned.

- One of the major challenges that interviewees discussed was the interplay and tensions between local cultural norms and universal values of gender equality. Certainly this is a sensitive area, and researchers aimed to be careful when opening up discussions on this topic, particularly given the risk of backlash against women who chose to engage on this topic, in public or private. Nevertheless, it was one of the most important issues to engage in the field and researchers carefully explored this tension.

- Some scholars have critiqued existing mining and agreement literature for focusing only on negotiation, arguing that the implementation and monitoring phases are in critical need of attention. Although all phases were discussed with interviewees, their experience was largely grounded in the former. While it is important to focus on negotiation processes as a backdrop to any agreement, wherever possible, researchers aimed to seek insight into the gendered dynamics of implementation and monitoring, and how these dynamics changed over the course of the project.

- One notable insight from interviewees was an emphasis on women's 'leadership', beyond issues of 'representation' that were typically the focus of literature about mining and

agreements. Researchers inquired about women's leadership roles and responsibilities, including how this impacted their involvement (formal and informal) in agreement processes and benefit sharing.

- There is a significant gap in knowledge about the link between including specific provisions for women's participation or benefit streams in agreements, and improved outcomes for women. Several examples of these inclusions were discussed with interviewees, however data were incomplete. Where these provisions existed in case study agreements, researchers sought to understand how they came to be included, the degree and success of implementation and outcomes.

- Interviews largely considered the capacity of mining companies to improve gender equality in mining and agreement processes. The focus was not on other actors, such as negotiators, NGOs and other parties. Case research explored whether there were others that might also benefit from capacity building to better support gender equality in agreement processes.

- Finally, the factors that interviewees mentioned as influencing women's involvement in agreement processes largely aligned with the literature. This was a good basis upon which to test whether (and how) these same factors also play out in each of the case study sites.

## References


Agarwal, B. (1997). Environmental action, gender equity and women's participation. *Development and Change, 28*(1), 1-44.

Agarwal, B. (2010). *Gender and green governance: the political economy of women's presence*. Oxford, UK: Oxford University Press.

Agarwal, B. & Panda, P. (2007). Toward freedom from domestic violence: the neglected obvious. *Journal of Human Development, 8*(3), 359-388.

Allbrook, M. & Jebb, M. A. (2004). *Implementation and resourcing of native title and related agreements.* Perth, Australia: National Native Title Tribunal.

Altman, J. (2009). Benefit sharing is no solution to development: Experiences from mining on Aboriginal land in Australia. In R. Wynberg, D. Shroeder & R. Chenells (Eds.), *Indigenous peoples, consent and benefit-sharing: lessons from the San-Hoodia Case (*pp. 285-302). Dordrecht, Netherlands: Springer.

Altman, J. (2012). Indigenous rights, mining corporations and the Australian state. In S. Sawyer & T. Gomez (Eds.), *The Politics of Resource Extraction: Indigenous Peoples, Multinational Corporations, Multilateral Institutions and the State*. London, UK: Palgrave Macmillan Ltd.

Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS). (2008). *Native Title Payments and Benefits Selected Bibliography.* Retrieved from <http://www.aiatsis.gov.au/ntru/docs/researchthemes/developmenttax/taxation/taxbibliography.pdf>.

Agreements, Treaties and Negotiated Settlements database (ATNS). (2012). *Agreements, Treaties and Negotiated Settlements database.* Retrieved from <http://www.atns.net.au/>.

Beaman, L., Chattopadhyay, R., Duflo, E. & Pande, R. (2011). Female leadership raises aspirations and educational attainment for girls: a policy experiment in India. *Science, 335*(6068), 582–586.

Bice, S. (2011). On the radar? Gendered considerations in Australian-based mining companies' sustainability reporting, 2004-2007. In K. Lahiri-Dutt (Ed.), *Gendering the field: Towards sustainable livelihoods for mining communities* (pp. 145-176). Canberra, Australia: ANU E Press.

Boserup, E., Kanji, N., Tan, S. F. & Toulmin, C. (2007). *Woman's role in economic development*. London, UK: Earthscan/James & James.

Byford, J. (2002). One day rich: community perceptions of the impact of the Placer Dome gold mine, Misima Island, Papua New Guinea. In I. Macdonald & C. Rowland (Eds.), *Tunnel vision: Women, Mining and Communities* (pp. 30-33). Melbourne, Australia: Oxfam Community Aid Abroad.

Callander, T., Wallace, K., Factor, A., & Kemp, D. (2009). Desk study of employment, livelihood, and service impacts in Lao PDR and international experience (Task 1). Vientiane, Lao PDR: Earth Systems Lao, Grontmij-Carl Bro, Centre for Social Responsibility in Mining (CSRM)/The University of Queensland.

Castillo, G. & Soria, L. (2011). *Gender Justice in consultation processes for extractives industries in Bolivia, Ecuador and Peru*. Peru: Oxfam and Societas Consultora de Análisis Social.

Chibba, M. (2009). Financial inclusion, poverty reduction and the millennium development goals. *European Journal of Development Research, 21*(2), 213-230.

Corbett, A. & O'Faircheallaigh, C. (2006). unmasking native title: the National Native Title Tribunal's application of the NTA's arbitration provisions. *University of Western Australia Law Review*, *33*(1), 153-177.

Cornwall, A. (2002). Making a difference? Gender and participatory development. In S. Razavi (Ed.), *Shifting burdens: gender and agrarian change under neoliberalism* (pp. 197-232). Bloomfield, UK: Kumarian Press.

Cornwall, A. (2003). Whose voices? Whose choices? Reflections on gender and participatory development. *World Development, 31*(8), 1325-1342.

Crooke, P., Harvey, B. & Langton, L. (2006). Implementing and monitoring Indigenous Land Use

Agreements in the minerals industry: The Western Cape Communities Co-existence Agreement. In M. Langton (Ed.), *Settling with Indigenous People: Modern treaty and agreement-making*. Sydney, Australia: Federation Press.

Dankelman, I. (2002). Introduction: gender, environment and sustainable development: understanding the linkages. In *Natural resource management and gender: a global source book.* Critical Review and annotated bibliography series (pp. 13-21). Amsterdam, Netherlands: KIT (Royal Tropical Institute).

Doohan, K. (2008). *Making things come good: relations between Aborigines and miners at Argyle*. Broome, Australia: Backroom Press.

Douglas, B. (2002). Why religion, race, and gender matter in Pacific politics. *Development Bulletin, 59*, 11-14.

Eftimie, A. (n.d.). Engendering Mines in Development: A Promising Approach from Papua New Guinea. GAP funded, World Bank, USA.

Fidler, C. & Hitch, M. (2007). Impact and Benefit Agreements: A contentious issue for environmental and Aboriginal justice. *Environments: a journal of interdisciplinary studies, 35*(2).

Garvin, T. McGee, T. K. Smoyer-Tomic, K. E. & Aubynn, E. A. (2009). Community–company relations in gold mining in Ghana. *Journal of environmental management, 90*(1), 571-586.

Gerritsen, R. & Macintyre, M. (1991). Dilemmas of distribution: the Misima Gold Mine, Papua New Guinea. In J. Connell & R. Howitt, (Eds.), *Mining and Indigenous Peoples in Australasia* (pp. 35–53). Sydney, Australia: Sydney University Press.

Gibson, G. & Kemp, D. (2008). Corporate engagement with indigenous women in the minerals industry: making space for theory. In C. O'Faircheallaigh & S. Ali (Eds.), *Earth Matters: Indigenous Peoples, the extractive industries and corporate social responsibility* (pp. 104-122). Sheffield, UK: Greenleaf Publishing.

Gibson, G. & O'Faircheallaigh, C. (2010). *IBA Community Toolkit. Negotiation and Implementation of Impact and Benefit Agreements*. Ottawa, Canada: Walter & Duncan Gordon Foundation.

Gibson, J. & Rozelle, S. (2006). Is it better to be a boy? A disaggregated outlay equivalent analysis of gender bias in Papua New Guinea. *Journal of Development Studies, 40*(4), 115-136.

Gilberthorpe, E. & Banks, G. (2011). Development on whose terms? CSR discourse and social realities in Papua New Guinea's extractive industries sector. *Resources Policy, 37*(2). 185-193.

Gogal, S., Reigert, R. & Jamieson, J. A. (2005). Aboriginal Impact and Benefit Agreements: practical considerations. *Alberta Law Review, 43*, 129-158.

Goodale, M. (2009). *Human rights: an anthropological reader* (Vol. 10). Oxford: Blackwell Pub.

Gustafsson, B. (2003). In Papua New Guinea we never talk about gender. In K. Ferro & M. Wolfsberger (Eds.), *Gender and power in the Pacific: women's strategies in a world of change* (pp. 21-44). Hamburg, Germany: Lit Verlag.

Hancock, P. Parker, I. Middleton, I. Moore, J. & Edirisinghe, I. (2011). *Re-thinking gender, empowerment and equity.* Canberra: Social Justice Research Centre, Edith Cowan University.

Harvey, B. & Nish, S. (2005). Rio Tinto and Indigenous community agreement-making in Australia. *Journal of Energy & Natural Resources Law, 23*, 499-510.

Hankivsky, O. (2005). Gender vs. diversity mainstreaming: a preliminary examination of the role and transformative potential of feminist theory. *Canadian Journal of Political Science, 38*(4), 977-1001.

Hemer, S. (2011). Gender and mining: women's associations and women's status in Lihir, PNG. *Paper presented at the Mining and Mining Policy in the Pacific Conference*, Noumea, New Caledonia.

Hipwell, W., Mamen, K., Weitzner, V. & Whiteman, G. (2002). *Aboriginal peoples and mining in Canada: Consultation, participation and prospects for change*. Ottawa, Canada: North-South Institute.

Hoecke, E., V. (2006). The invisible work of women in the small mines in Bolivia. In K. Lahiri-Dutt & M. Macintyre (Eds.), *Women miners in developing countries: pit women and others* (pp. 265-285). Burlington, USA: Ashgate Pub Co.

International Council on Mining and Metals (ICMM). (2010). *Good practice guide: Indigenous Peoples and mining*. London, UK: International Council on Mining and Metals.
International Center for Research on Women (ICRW). (2006). *Property ownership & inheritance rights of women for social protection: the South Asia experience*. Washington, DC: International Center for Research on Women.
Ife, J. (2009). *Human rights from below: achieving rights through community development*. Melbourne, Australia: Cambridge University Press.
Japan International Cooperation Agency (JICA). (2010) *Country gender profile: Papua New Guinea*. Japan International Cooperation Agency.
Kabeer, N. (2003). *Gender equality, poverty eradication and the Millennium Development Goals: promoting women's capabilities and participation*. UN Economic and Social Commission for Asia and the Pacific (ESCAP). Emerging Social Issues Division (ESID).
Kambel, E. R. (2004). *A guide to Indigenous women's rights under the International Convention on the Elimination of all forms of Discrimination Against Women*. Moreton-in-Marsh, UK: Forest People Programme.
Kemp, D. (2010). Mining and community development: problems and possibilities of local-level practice. *Community Development Journal, 45*(2), 198-218.
Kemp, D., Keenan, J. & Gronow, J. (2010). Strategic resource or ideal source? Discourse, organizational change and CSR. *Journal of Organizational Change Management, 23*(5), 578-594.
Kemp, D. & Pattenden, C. (2007). Retention of women in the minerals industry. Brisbane, Australia: Centre for Social Responsibility in Mining.
Koczberski, G. (2002). Pots, plates and tinpis: new income flows and the strengthening of women's gendered identities in Papua New Guinea. *Development, 45*(1), 88-92.
Lahiri-Dutt, K. (2011). Introduction: gendering the masculine field of mining for sustainable community livelihoods. In K. Lahiri-Dutt (Ed.), *Gendering the field: towards sustainable livelihoods for mining communities* (pp. 1-19). Canberra, Australia: ANU E Press.
Lahiri-Dutt, K. & Macintyre, M. (2006). *Women miners in developing countries: Pit women and others*. Burlington, USA: Ashgate Pub Co.
Langton, M. (1997). Grandmothers' law, company business and succession in changing Aboriginal land tenure systems. In G. Yunupingu (Ed.), *Our land is our life: land rights—past, present and future* (pp. 84-116). Brisbane, Australia: University of Queensland Press.
Langton, M. (2008). The end of 'big men'politics. *Griffith Review, 22*, 11-38.
Langton, M. & Mazel, O. (2008). Poverty in the midst of plenty: Aboriginal people, the 'resource curse' and Australia's mining boom. *Journal of energy & natural resources law, 26*(1).
Langton, M. & Palmer, L. (2003). Modern agreement-making and Indigenous people in Australia: issues and trends. *Australian Indigenous Law Reporter, 8*(1), 1-31.
Macdonald, I. (2006). Women miners, human rights and poverty. In K. Lahiri-Dutt & M. Macintyre (Eds.), *Women miners in developing countries: Pit women and others* (pp. 307-328). Burlington, USA: Ashgate Pub Co.
Macdonald, I., & Rowland, C. (2002). *Tunnel vision: women, mining and communities: an anthology*. Melbourne, Australia: Oxfam Community Aid Abroad.
Macintyre, M. (2002). Women and mining projects in Papua New Guinea: problems of consultation, representation and women's rights as citizens. In I. Macdonald & C. Rowland (Eds.), *Tunnel vision: women, mining and communities* (pp. 26-29). Melbourne: Oxfam Community Aid Abroad.
Macintyre, M. (2003). Petztorme women: responding to change in Lihir, Papua New Guinea. *Oceania, 74*(1&2), 120-131.
Macintyre, M. (2007). Informed Consent and Mining Projects: A View from Papua New Guinea. *Pacific Affairs, 80*(1), 49-65.
Macintyre, M. (2011). Modernity, Gender and Mining: Experiences from Papua New Guinea. In K. Lahiri-Dutt (Ed.), *Gendering the field: towards sustainable livelihoods for mining communities*

(pp. 21-32). Canberra, Australia: ANU E Press.
Mahy, P. (2011). Sex work and livelihoods: beyond the 'negative impacts on women' in Indonesian mining. In K. Lahiri-Dutt (Ed.), *Gendering the field: towards sustainable livelihoods for mining communities* (pp. 49-66). Canberra, Australia: ANU E Press.
Membup, J. (2003). The status of women affected by mining in Lihir. *Paper presented at the Women in Mining Conference - Voices for Change,* Madang, Papua New Guinea.
Menzies, N. (2012). Using extractive agreements to achieve better outcomes for women: the Ok Tedi example. Retrieved from <http://siteresources.worldbank.org/INTJUSFORPOOR/Resources/Extractives_agreements_for_women_presentation_at_MRA_March_2012.pdf>.
Mikkelsen, C. (2005). *Indigenous Peoples, Gender, and Natural Resource Management.* Copenhagen, Denmark: Danish Institute for International Studies, DIIS.
Mining, Minerals and Sustainable Development (MMSD). (2002). *Breaking new ground: the report of the Mining, Minerals and Sustainable Development (MMSD) Project*. London, UK: Earthscan.
Mohanty, R. (2002). *Women Participation in JFM in Uttaranchal Village.* [Mimeo.]
Momsen, J. (2009). *Gender and Development (2nd Ed.).* Florence, Italy: Routledge.
Moser, C. (1989). Gender planning in the third world: meeting practical and strategic gender needs. *World Development, 17*(11), 1799-1825.
Nish, S. & Bice, S. (2012). Community-based agreement-making with land-connected peoples. In F. Vanclay & A. Esteves (Eds.), *New Directions in Social Impact Assessment: Conceptual and Methodological Advances* (pp. 59-77). Cheltenham, UK: Edward Elgar.
O'Faircheallaigh, C. (2002). Implementation: The forgotten dimension of agreement-making in Australia and Canada. *Indigenous Law Bulletin, 5*(20), 14-17.
O'Faircheallaigh, C. (2003a). *Native title and agreement-making: focusing on outcomes for indigenous peoples*. Paper presented at the Native Title Conference, Alice Springs
O'Faircheallaigh, C. (2003b). Implementing agreements between indigenous peoples and resource developers in Australia and Canada. *Aboriginal Politics and Public Sector Management Research Paper No. 13*.
O'Faircheallaigh, C. (2004). Evaluating Agreements between Indigenous Peoples and Resource Developers. In M. Langton, M. Tehan, L. Palmer & K. Shain (Eds.), *Honour among nations? Treaties and agreements with Indigenous People* (pp. 303-328). Melbourne, Australia: Melbourne University Press.
O'Faircheallaigh, C. (2008). Negotiating cultural heritage? Aboriginal–mining company agreements in Australia. *Development and Change, 39*(1), 25-51.
O'Faircheallaigh, C. (2009). Corporate–Aboriginal agreements on mineral development: The wider implications of contractual arrangements. *Paper presented at the Rethinking Extractive Industries Conference,* Toronto, Canada.
O'Faircheallaigh, C. (2011). Indigenous women and mining agreement negotiations: Australia and Canada. In K. Lahiri-Dutt (Ed.), *Gendering the Field: Towards Sustainable Livelihoods for Mining Communities* (pp. 87-110). Canberra, Australia: ANU E Press.
O'Faircheallaigh, C. (2012a). Social impact assessment and Indigenous social development. In F. Vanclay & A. Esteves (Eds.), *New Directions in Social Impact Assessment: Conceptual and Methodological Advances* (pp. 138-153). Cheltenham, UK: Edward Elgar.
O'Faircheallaigh, C. (2012b). Women's absence, women's power: Indigenous women and negotiations with mining companies in Australia and Canada. *Ethnic and Racial Studies*, 1-19.
O'Faircheallaigh, C. & Ali, S. H. (2008). *Earth matters: Indigenous peoples, the extractive industries and corporate social responsibility*. Sheffield, UK: Greenleaf Publishing.
Parmenter, J. (2011). Experiences of Indigenous women in the Australian mining industry. In K. Lahiri-Dutt (Ed.), *Gendering the field: towards sustainable livelihoods for mining communities* (pp. 67-86). Canberra, Australia: ANU E Press.
Queensland Resources Council (QRC). (2011). Women seeing themselves in resources. Retrieved from

<http://www.qrc.org.au/_dbase_upl/QRC%20Women%20in%20Mining%20WEB.pdf>.
Reeves, H. & Baden, S. (2000). *Gender and Development: Concepts and Definitions.* Brighton, UK: Institute of Development Studies, University of Sussex.
Republic of the Philippines. *The Indigenous Peoples' Rights Act of 1997*. Republic Act No. 8371.
Rio Tinto. (2009). *Why gender matters: A resource guide for integrating gender considerations into Communities work at Rio Tinto.* Melbourne, Australia: Rio Tinto.
Rose, D. B. (2001). The silence and power of women. In P. Brock (Ed.), *Words and silences: Aboriginal women, politics and land*. Crows Nest, NSW: Allen & Unwin.
Rose, S. F. (2006). *Women's Whispers: Indigenous women's participation in decolonising Oceania*. Paper presented at the Social Change in 21st Century, QUT Carseldine, Brisbane. http://eprints.qut.edu.au/6907/1/6907.pdf
Shoaib, M., Saeed, Y. & Cheema, S. N. (2012). Education and women's empowerment at the household level: a case study of women in rural Chiniot, Pakistan. *Academic Research International, 2*(1), 519-526.
Simatauw, M. (2002). The polarisation of the people and the State on the interests of the political economy and women's struggle to defend their existence: a critique of mining policy in Indonesia. In I. Macdonald & C. Rowland (Eds.), *Tunnel vision: women, mining and communities*. Melbourne, Australia: Oxfam Community Aid Abroad.
Sosa, I. & Keenan, K. (2001). *Impact benefit agreements between aboriginal communities and mining companies: Their use in Canada*. Ottawa: Canadian Environmental Law Association.
Squires, J. (2005). Is mainstreaming transformative? Theorising mainstreaming in the context of diversity and deliberation social politics. *International Studies in Gender, State and Society, 12*(3), 366-388.
Stege, K. E., Maetala, R., Simo, A. N. J. & Huffer, E. (2008). *Land and Women: the matrilineal factor. The cases of the Republic of the Marshall Islands, Solomon Islands and Vanuatu.* Suva, Fiji: Pacific Islands Forum Secretariat.
Swaminathan, H. Walker, C. & Rugadya, M. A. (Eds.). (2008). *Women's Property Rights, HIV and AIDS, and Domestic Violence: Research Findings from Two Rural Districts in South Africa and Uganda*. Cape Town, South Africa: HSRC Press.
Trigger, D. (2011). Large-scale mining in Aboriginal Australia: cultural dispositions & economic aspirations in Indigenous communities. *Paper presented at The Australasian Institute of Mining and Metallurgy Conference,* Carlton, Australia.
Tripp, A. M. (2010). Creating collective capabilities: Women, agency and the politics of representation. *Columbia Journal of Gender and Law, 19*(1), 219-248.
Walby, S. (2005). Introduction: comparative gender mainstreaming in a global era. *International Feminist Journal of Politics, 7*(4), 453-470.
Weitzner, V. (2002). *Through Indigenous eyes: toward appropriate decision-making regarding mining on or near ancestral lands*. Ottawa, Canada: The North-South Institute.
Weitzner, V. (2006). *Dealing full force: Lutsel K'e Dene First Nation's experience negotiating with mining companies*. Ottawa, Ontario: North-South Institute.
Wielders, I. (2011). Listening to the impacts of the PNG LNG Project. Retrieved from http://resources.oxfam.org.au/?r=655
World Bank. (2001). *Engendering Development - Through Gender Equality, Resources, and Voice.* Washington DC, USA: World Bank.
World Bank. (2012). *World Development Report 2012: Gender Equality and Development Outline.* Washington DC, USA: World Bank.
World Business Council for Sustainable Development. (2002). *The Business Case for Sustainable Development.* Geneva, Switzerland: WBCSD.

## Websites

**International Council on Mining and Metals – Sustainable Development Framework**
http://www.icmm.com/our-work/sustainable-development-framework/10-principles

**Minerals Council of Australia – Focus on Sustainable Development**
http://www.minerals.org.au/focus/sustainable_development

**UN Women Watch - The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**
http://www.un.org/womenwatch/daw/cedaw/

**UN Declaration of Human Rights – Declaration of Human Rights**
http://www.un.org/en/documents/udhr/

**Business and Human Rights Resource Centre – Protect, Respect, Remedy Framework**
http://www.business-humanrights.org/SpecialRepPortal/Home/Protect-Respect-Remedy-Framework

**UN Permanent Forum on Indigenous Issues – Declaration on the Rights of Indigenous Peoples**
http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

# Appendix A: Interviewees

Rodger Barnes, Central Land Council/The University of Queensland, Australia

Keith Bergner, Lawson Lundell LLP, Canada

Gillian Brown, formerly AusAID, Australia

John Burton, Australian National University, Australia

Gerardo Castillo, Societas Consultora de Análisis Social, Peru

Kim Doohan, Mintupela Pty Ltd, Australia

Ginger Gibson, University of British Columbia, Canada

Theresa Hollett, Nunatsiavut Government, Canada

Matt Jeschke, Rio Tinto, United States of America

Bill Kruse, Banarra, Australia

Samuel Kutnick, formerly WCCT, Australia

Martha Macintyre, University of Melbourne, Australia

David Martin, Anthropos, Australia

Geraldine McGuire, Sustainable Solutions Consulting Pty Ltd, Australia

Denyse Nadon, Bear Vision Inc., Canada

Simon Nish, Rio Tinto, Australia

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The University Of Queensland
AUSTRALIA

SMI CSRM
Centre for Social Responsibility in Mining

# MINING AND LOCAL-LEVEL DEVELOPMENT

## Examining the gender dimensions of agreements between companies and communities

Case report for Newcrest's Lihir mine
**Papua New Guinea**
August 2012

Australian Government
Department of Foreign Affairs and Trade

Minerals Council of Australia

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# ACRONYMS

| | |
|---|---|
| CSRM | Centre for Social Responsibility in Mining |
| GII | Gender Inequality Index |
| GRI | Global Reporting Initiative |
| IBP | Integrated Benefits Package |
| LBS | Lihir Business Services |
| LMALA | Lihir Mining Area Landowners Association |
| LMP | Lease for Mining Purposes |
| MCA | Minerals Council of Australia |
| MOPU | Million Ounce Plant Upgrade |
| NGO | Non-governmental organisation |
| PNG | Papua New Guinea |
| UNDP | United Nations Development Program |

# Executive summary

This report provides the outcomes of a study on the gender dimensions of agreement processes at Newcrest's Lihir gold mine in Papua New Guinea. The study was undertaken by three researchers from the Centre for Social Responsibility in Mining (CSRM) at The University of Queensland. The analysis draws on desktop research, a brief site visit during May 2012 and a series of interviews with community leaders and Newcrest personnel.

## Research scope

The scope of the research on Lihir was retrospective in orientation. The research focused on the 2007 agreement process and the Lihir Sustainable Development Plan. By way of background, in 1993 a Development Forum was held for Lihirian leaders, government and company representatives in Port Moresby to discuss the distribution of equity from the Lihir mine project. The Development Forum is mandated under Section 3 of the *Mining Act (1992)* and is a round table process through which companies, communities and different levels of governments to negotiate benefit-sharing agreements. Following a two-year negotiation process, an initial agreement called the Integrated Benefits Package (IBP) was formalised and signed in 1995.

Following the first (and protracted) review of the IBP which commenced in 2000, the company and landowners finalised an amended agreement in 2007, and the 'Lihir Sustainable Development Plan' was launched. The 2007 agreement encompassed provisions for compensation and benefit sharing between the government and Lihirian community with scheduled reviews of the agreement to occur on a five yearly basis. The plan outlined a 20-year partnership between stakeholder communities, the Nimamar local level government and the company aimed at achieving sustainable development for Lihir. The content of the plan was divided across five chapters and covered a wide range of initiatives around capacity building, trust fund payments, compensation, training and localisation, infrastructure and utility development, town and village planning, commercial and contract management opportunities, and social wellbeing. 'Women, Youth and Churches' were included as a specific program within chapter one and were to be managed by the local level government. The 2007 agreement was under review at the time of this research.

## Method

CSRM researchers applied a semi-structured interview protocol adapted to the Lihirian cultural context. In line with the scope of work as agreed with Newcrest, the interview protocol was oriented towards the 2007 agreement processes rather than mining impacts or development benefits per se (although discussion of impacts and benefits informed many conversations). Some interviewees were targeted for the research, with a snowballing technique applied to supplement the participant list. Once the research was underway, several opportunistic interviews were also undertaken, as several local people had heard about the research and wanted to participate.

## Prior studies

Several existing studies have documented some of the gendered impacts of mining on Lihir, with specific reference to women.[1] Key negative impacts that have had a significant effect on women include:

- a rise in gender-based domestic violence
- rising rates in prostitution and sexually transmitted and other diseases
- reduction of women's traditional status in customary activities
- exclusion from agreement negotiations and, consequently, a lack of project benefit and control over cash benefits/compensation monies
- exclusion from development planning processes within the local level government and at the ward or village level.[2]

## Broader cultural context

In line with pre-existing research, this study also confirms that women have largely been excluded from agreement processes on Lihir, either directly or indirectly. Despite this conclusion, it is important to understand this instance of gender inequality in its broader cultural context. Gender inequality is a national issue in PNG. Women have limited voice and power and generally lag behind men across all indicators of gender equality including politics, education, health, employment and other economic opportunities.

In the context of mining in Lihir, a number of cultural factors emerged from the research, which appear to be leading determinants affecting women's participation in agreement processes and negotiations. The issues and challenges affecting women's participation and engagement at the local level include: the traditional matrilineal society, issues with gender and *kastom*, and the complex political environment. As Lihir is traditionally a matrilineal society, women are afforded a certain value and status regarding the ownership of land. However, the management of the land and the negotiations surrounding it are conducted by men. This arrangement tends to extend to contemporary systems of ownership, value and management, as men maintain management and undertake negotiations in the contemporary (mining) world on behalf of women.

Another key factor inhibiting women's participation and involvement in agreement processes is *kastom*; that is, the local traditional rules and understandings that inform how one should behave. Traditionally, under *kastom*, women would not work collectively outside their clan and lineage groups, nor would they speak publicly in front of mixed clan groups. Interpretations of *kastom* and how they transpose to the new ways brought about by mining and modernity has created great divergence among communities and individuals. The research found that specific interpretations of *kastom* significantly affected women's ability to speak out, thus, affecting their ability to contribute to decisions affecting the community and clan both within the clan and the public sphere (such as agreement processes).

[1] See for example Macintyre & Foale (2004), Macintyre (2006), and Hemer (2011).
[2] For more information on some of these issues see Macintyre & Foale (2004, p. 247-9), and Banks *et al.* (2010, p. 29). On the issue of women's increased burden, see Macintyre (2006, pp. 137-9).

Further, the political environment in PNG has tended to hinder development for all of Lihir, including women. The high level of complexity and dysfunction of governance, accountability and transparency affects women in the sense that resources and structural relationships between representatives and different organisations are not clear and there are divergent views around how different organisations and individuals should interact and relate to one another. Within the context of mining, these determinants have had significant consequences for the women of Lihir and all Lihirians, and they have been documented in this report.

## Summary of key findings

The study found that women generally felt excluded in negotiations related to the mining on their lands. This was evident in the under-representation of women in formal agreement processes and in the limited participation and involvement of women in formal political processes. Formal female representation was only apparent in one (local level government) out of the three major institutions (the company, the landowners association and the local level government) involved in the agreement process. The landowners association's executive and management has historically been the exclusive domain of men. The company has never appointed a woman to the negotiating table for the agreement.

Although the company was not seen by women as 'preventing' the participation of women, they were neither considered to be enabling it, as they had not set a good example to other parties that women have a place in the negotiating process. By not having an appointed woman at the negotiating table for the agreement process (both past and present), the company is perceived to directly and indirectly endorse the male-centric interpretation of *kastom*.

Historically, women have never been elected into the local level government of Lihir. However, following a national government directive, each local level government in PNG was required to appoint women's representatives (one for urban areas, two for rural areas such as Lihir). Further, a recently implemented national government gender strategy also required wards to appoint women's ward coordinators. These coordinators are required to report to the local level government women's representatives on a regular basis. This official role is important at the local level as it is seen as one of the most effective ways to date in which a collective women's voice can be heard. Despite this promise, women's representatives are required to report to men who carry their concerns forward. Thus, there is no direct line of communication for women's voices to be heard in negotiation and agreement processes.

The research also found that women's involvement, or lack thereof, in community-level engagement processes affected their ability to engage in agreement processes. The company's and the landowners association's community level engagement did not always actively enable the participation of women during engagement processes. Although the company held open community meetings, it did not always acknowledge or accommodate for the barriers women faced in speaking out at public community meetings (e.g. *kastom* traditions). The company did not take measures to actively engage women separately from men during engagement processes. As with the company, the landowners association also did not engage women separately in any way. The engagement processes showed little consideration for special processes that enabled women to freely express concerns, questions and aspirations.

A number of additional issues/impacts were found to affect women's participation at the community level, including the increasing pressure on female leaders and conflict between the two women's organisations (Petztorme and Tutorme). Lihir's two women's organisations have been in conflict for several years. This conflict has hindered women's ability to advocate for greater involvement in agreement processes, and to collaborate and secure funding for priority projects. Further, the study revealed that for some men the conflict had become evidence that women could not lead and should not be politically active outside their community. Female Lihirian leaders are placed under immense pressure and are expected to take responsibility for a broad range of tasks, duties and committees, which place great demand on their energy and time. Further, women find it difficult to be effective female leaders not only because of the workload, but also because of trust issues, which at times results in violent backlash from husbands.

## Implications

These factors affecting women's engagement and involvement in agreement processes and negotiations has created a strong sense of frustration among the women who participated in this research because they believe they have been excluded from agreement processes and have subsequently not received a fair distribution of benefits.

Women's concerns over being left out of the agreement process include that:

- women are not receiving their share of benefits
- women and youth programs are not receiving financial support
- women are not receiving information about opportunities for development
- men (and some youths) are misusing the benefits through spending money on drugs, alcohol and extramarital relationships.

Women clearly expressed they would like to see:

- a critical mass of female representatives at the negotiating table
- female representation within the landowners association
- a united, effective women's association for Lihir
- opportunities for women's development through skills training, and business development
- greater attention paid to community engagement processes in order that women's experiences and perspective on impacts and opportunities are heard.

## Summary

In summary, this study confirms that Lihir women have largely been excluded, either directly or indirectly, from agreement processes and negotiations. Current initiatives seeking to address some of the identified issues include the Women in Mining (WIM) initiative and some company initiatives. The Women in Mining initiative established by the PNG Chamber of Mines and Petroleum and the World Bank attempts to address some of the gender-based problems faced by women. Although the initiative is a key example of an explicit mining and gender strategy at the national level, the policy is not regulatory and thus companies are not bound. Further, as the strategy is high-level and local communication systems are lacking, it does not have significant impact at the grassroots level. For example, although some Lihirian women attended past conferences, information was not always

communicated to other women in the community, particularly those women in the outer islands, and thus the benefits of this initiative were not necessarily seen at the grassroots level.

Efforts have been made by the company to empower Lihirian women. However, while their intentions are good, there is a clear lack of capacity to support women in addressing the ingrained challenges that they face with modernity and mining. Although the company recently appointed an employee to specifically address women's issues, the role does not have a designated gender strategy, or a grassroots engagement strategy to guide future initiatives. This, coupled with daily operational constraints and a lack of resources, affects the company's ability to strategise on broader gender issues and concerns.

## Future opportunities

The study draws attention to areas which can be addressed by the company, local level government and the landowners association. It also presents opportunities that exist for the company to take a leadership role in supporting women's issues and concerns, to support a unified Lihir women's association and to aid in communication of conference and workshop outcomes and related information across the island groups, including a more strategic approach to community engagement more generally. The company could also play a key role in influencing the landowners association to appoint women's representatives to their organisation.

# Case report for Newcrest's Lihir Mine, Papua New Guinea

## 1 Research description

### 1.1 Fieldwork

As part of the broader research project, three researchers from the Centre for Social Responsibility in Mining (CSRM) from The University of Queensland visited Lihir in Papua New Guinea (PNG) for a week in May 2012 to undertake field-based research on gender dimensions of agreement processes. The Lihir Island Group is a cluster of four inhabited islands located in the Bismarck Archipelago, part of New Ireland Province of PNG. Like other places in PNG that are far from the capital city or provincial administrative centres, Lihirians have referred to their islands as 'las ples' in Tok Pisin, meaning 'remote and overlooked'. This outlook has changed somewhat since mining began, as through this industry Lihir has become much more connected to the outside world, and is now more involved in the global economy. The Lihir Islands are a distinct cultural and linguistic group, and mining activity in New Ireland Province is dominated by the operations in this island location.

Since 1995, the mining operation has had an agreement in place with the Lihirian community called the Integrated Benefits Package (IBP), which was the focus of the research. At the time of the research, the agreement was subject to a five-year review. A similar review was undertaken previously, commencing in 2000 and culminating in the Lihir Sustainable Development Plan in 2007, which provided a framework for implementation of the revised IBP Agreement. Further explanation is provided in the Background Context section below.

The researchers undertook a total of 19 interviews during the Lihir field visit. Of these, 15 interviews were conducted with individuals, the remaining four in focus groups; two with 2-3 participants and two with 12-15 participants. The male to female ratio was relatively even with slightly more females interviewed overall. Interviewees came from a range of locations and social groups across Lihir. The majority of people interviewed held one if not several formal positions within the church, community, women's organisations or company. The sample targeted adult clan leaders and, as such, did not capture the voice of youths, seniors and other community members.[3] Most interviews were conducted in the township of Londolovit within the Lease for Mining Purposes (LMP), either in the Lihir Mining Area Landowners Association (LMALA) or the company's Community Relations office.[4] The majority of participants either lived and/or worked on Aniolam, the largest island of the Lihir island group. However the researchers also visited an outer island and on the final day observed

[3] It is important to note that clans continue to provide the most immediate point of identity for most Lihirians. There are a number of clans and sub-clans on Lihir, which fall under two distinct moieties, and there is a sense of hierarchy within the clan system which is exacerbated in the present day mining context as particular clans position themselves more assertively regarding landowner's rights and access to benefits due to their geographical proximity to the mine. The research sample was not based upon clan affiliation and therefore did not attempt to gain a range of perspectives from different clan groups.

[4] The Community Relations office is located in town for ease of community access. Other management offices are located on the Special Mining Lease, a 10 minute drive by sealed road.

a meeting between the company and members of the women's groups in the harbour area of Aniolam.[5]

## 1.2 Method and limitations

During their time in the field, CSRM researchers applied a semi-structured interview protocol adapted to the Lihirian cultural context. Reflecting the scope of work as agreed with Newcrest, the interview protocol was oriented towards agreement processes rather than mining impacts, however a number of important issues surfaced during this research that warrant further investigation. Some interviewees were targeted for the research, with a snowballing technique applied to supplement the participant list. There were several opportunistic interviews undertaken, once the research was underway, as several local people had heard about the research and wanted to participate.

Each interview was led by Lihir cultural heritage specialist, Dr Kirsty Gillespie, using a combination of English and Tok Pisin. Dr Gillespie's pre-existing relationships and local networks significantly enhanced the research team's ability to interact with women and men from Lihir for the purposes of this research. The research analyst focused on instantaneous translation of Tok Pisin into English for the chief investigator. This meant that the natural flow of the conversation between the lead interviewer and interviewee(s) was essentially maintained.[6]

As with any rapid field research, there are several limitations worth noting. During the field visit some targeted interviewees were unavailable due to community obligations. Poor weather and transport limitations also prevented the research team from travelling to some of the more distant islands and from visiting communities on the other side of Aniolam. Finally the limitations of time in the field constrained the richness of information that may have come through 'storying', an important way of communicating within the Melanesian context.

[5] The largest island of the Lihir group is also known by the name 'Niolam' (this form of the name excludes the article).
[6] Most interview quotations provided later on in this report are translations of Tok Pisin.

# Part 1 – Background context

## 2 Papua New Guinea

### 2.1 Geography and economy

Located in the south-western Pacific Ocean, the Independent State of Papua New Guinea (PNG) occupies the eastern half of the island of New Guinea and approximately 600 islands scattered across a 463,000 square kilometre area. The population is estimated at seven million, with the majority (87.5 per cent) located in rural areas and a smaller urban-based population (12.5 per cent) distributed across Port Moresby (national capital), Lae, Madang, Wewak, Goroka, Mt Hagen and Rabaul.[7]

The population largely identifies as Melanesian, with small numbers of European, Australian and Asian immigrants. PNG is considered to be one of the most culturally and linguistically diverse nations in the world, consisting of several thousand communities divided by language, custom and tradition. While the country's official languages include Tok Pisin, English and Hiri Motu, another 800 indigenous languages are believed to exist.[8] It is estimated that over a thousand different cultural groups exist in PNG, each with different forms of cultural expression in art, dance, weaponry, costumes, singing, music, architecture and different ancestral belief systems. Many communities combine their Christian faith (more than 96 per cent of people indicate that they are members of a Christian church) with pre-Christian indigenous practices.[9, 10]

While PNG's economy is dominated by extractive industries, the informal agricultural sector supports livelihoods of the majority of the population.[11] The formal sector includes industries such as timber, coffee, cocoa and palm oil, however the extraction and exportation of minerals accounts for almost two-thirds of export earnings. In the past two decades, PNG has benefitted from resurgent commodity prices which have buffered the economy against the global economic crisis. Relative to other Pacific island countries, PNG has held a reasonably strong macro-economic position in recent years.[12] In 2010 PNG's gross domestic product was $US 9.5 million ranking 126 of 196 countries. In the same year, the economy expanded at its fastest pace since the resource boom of the early 1990s.[13]

### 2.2 History and politics

Until the nineteenth century, the island of New Guinea was a territory largely unknown to the wider world. The eastern half of the island (what is now known as Papua New Guinea, as opposed to the western half of the island which is known as Irian Jaya, or West Papua, and is a part of Indonesia) experienced German colonial rule in the north (New Guinea) and British colonial rule in the south

[7] Central Intelligence Agency (2012).
[8] Lewis (2009).
[9] U.S. State Department (2003).
[10] While data collection for the 2011 census has been completed, the results are yet to be released in the public domain. This report therefore draws upon data taken in the 2000 census.
[11] Agriculture currently accounts for 25 per cent of GDP and supports more than 80 per cent of the population.
[12] World Bank (2011a).
[13] World Bank (2011b).

(Papua). During World War I, Australia occupied the region and in 1920 was given a League of Nations mandate to rule. In 1945 the two states of Papua and New Guinea were combined in an administrative union. In 1975 PNG gained independence from Australia however the government is a constitutional monarchy, remaining part of the Commonwealth realm.[14]

PNG has three levels of government – national, provincial and local. Members of parliament are elected from 18 provinces, the Autonomous Region of Bougainville and the National Capital District. The Supreme Court, National Court, and local and village courts form the independent justice system. Recent national elections, despite adhering to a democratic system, have been fraught with electoral misconduct and violence. PNG continues to receive widespread criticism, both internally and externally, given its high levels of corruption, limited capacity to deliver on basic services, law and order and development to most of the country. [15] This had led to PNG being referred to widely (and controversially) as a 'failed state'.[16]

Women have historically been under-represented within PNG's formal political and legal spheres.[17] The government has not enforced specific quotas to ensure a critical minority in parliament. In 2009, 0.9 per cent of total seats in parliament were held by women (equating to a single seat).[18] Women are also under-represented in key decision-making institutions such as the higher judiciary. In 2007, for example, 7.3 per cent of judges were women.[19] These figures are consistent with other countries in the region. According to the United Nations Development Program (UNDP), women across Asia and the Pacific are under-represented in economic, political and legal institutions, which diminishes women's voice and power in public politics.[20]

## 2.3 Human development

Despite prosperous macro-economic performance, the 2011 Human Development Index ranked PNG at 0.466 i.e. in the 'low human development' category, holding the position of 153 out of 187 countries and territories.[21] Between 1980 and 2011, there were only marginal improvements in key HDI categories such as health, education and life expectancy. Life expectancy in PNG is 62.8 years with the population facing serious health challenges. Approximately 33 infants die each day from preventable illnesses, HIV/AIDS rates are drastically high and growing annually by 15 to 30 per cent. In addition, 58 per cent of the population still does not have access to safe drinking water or adequate sanitation. The education system faces a number of challenges, including lack of access for many young people to schools, low student retention and poor quality education.[22] Across PNG, 61

[14] Department of Foreign Affairs and Trade (2012).
[15] Transparency International (2010) reports high levels of perceived corruption in PNG.
[16] For more on the topic, see Hughes (2003).
[17] From 1975-2012 only four women had ever been elected into the PNG parliament. The successful election of three women in the June 2012 election is a sign of change. Women's increased participation in parliament has followed targeted capacity building programs supported by the United Nations Development Program. For more information see Pacific Women in Politics (2012).
[18] United Nations Development Program (UNDP) (2011, p. 4).
[19] In addition, the Papua New Guinea legal system has not been effective in addressing crimes of sexual violence against women. Zorn (2012, p. 164) argues that the "PNG courts are very ambivalent about rape" because the dominant sentencing rational continues to reflect the beliefs and values of judges from the colonial era and PNG's male-dominated communities.
[20] UNDP (2011, p. 3).
[21] UNDP (2011, p. 3).
[22] AusAID (2012).

per cent of all people aged 15 years and over are literate, compared with 94 per cent for the whole of the East Asia and Pacific region.[23]

The UNDP Gender Inequality Index (GII) provides a relative indication of gender inequality across a composite of indicators: reproductive health, empowerment and the labour market.[24] In 2011, PNG's GII was 0.674, positioning near the bottom end of the index at 140 of 146 countries. Statistics indicate that women in PNG face significant barriers on a number of fronts. For example, 12.4 per cent of adult women have reached a secondary or higher level of education in 2011 compared with 24.4 per cent of men. In terms of health, for every 100,000 live births, 250 women die from pregnancy-related causes and the adolescent fertility rate is 66.9 births per 1000 live births. While female participation in the labour market is high at 71.6 per cent compared with 74.2 for men, there appears to be no publically available data for the types of work men and women do, nor on discrepancies in pay rate. Although there are no comprehensive statistics, gender-based domestic violence is understood to be very high and a key concern for women in PNG.

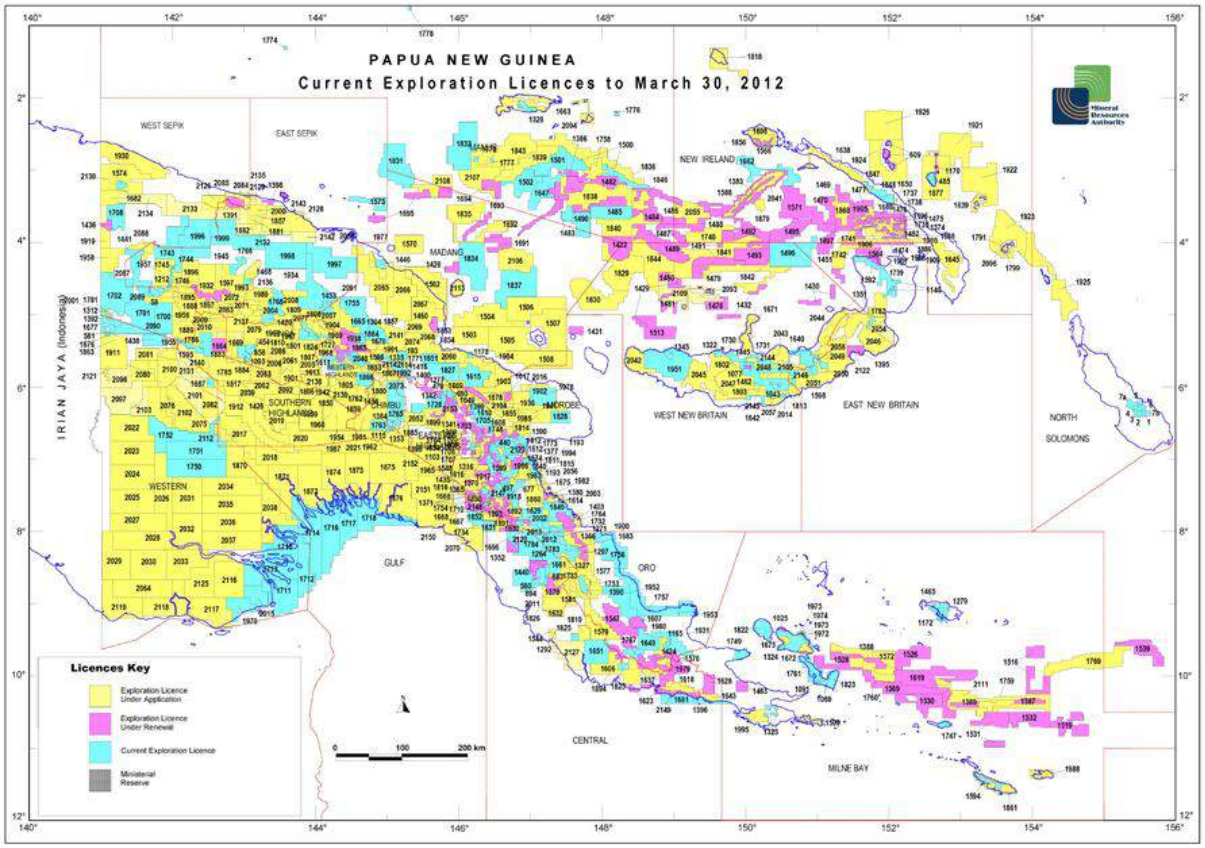
# 3 Mining and PNG

PNG is richly endowed with natural resources and has become a leading global producer of gold and copper. In 2008 alone, PNG recorded production rates of 2.1 million ounces of gold and 159,650 tonnes of copper.[25] PNG's large-scale extractive industry burgeoned in the early 1970s as a result of foreign direct investment in the sector. Within a decade, mining surpassed agriculture as PNG's largest source of export earnings, a trend which has continued to the present day.

At the time of writing there were eight commercial mines in operation: Lihir, Ok Tedi, Porgera, Simberi, Sinivit, Ramu, Tolukuma and Hidden Valley. Three mines had ceased operation: Panguna (Bougainville), Misima and Kainantu and at least three were in advanced stages of development, including Solwara, Yandera and Imwauna. In addition to mining operations, there are active and widespread exploration activities within the country. According to the PNG Chamber of Mines and Petroleum, at the end of the first quarter 2012, the Mineral Resources Authority recorded over 282 current exploration licences and renewals and over 394 outstanding applications spread throughout the country.[26] The largest extractive venture to date is the establishment of the LNG project in the Highlands, currently under construction and expected to be in operation from 2015. This project has a proposed pipeline that will traverse several provinces, affecting not only the Highlands but also the coastal regions.

The following diagram demonstrates the extent of mining exploration activities in Papua New Guinea.

[23] United Nations Educational, Scientific and Cultural Organization (2010).
[24] The Gender Inequality Index is a composite measure reflecting inequality in achievements between women and men.
[25] PNG Chamber of Mines and Petroleum (2012).
[26] PNG Chamber of Mines and Petroleum (2012).




Source: PNG Chamber of Mines and Petroleum (2012)

## 3.1 Mines and communities

Large-scale mining projects in PNG have precipitated cumulative and complex effects at the community level.[27] The PNG Chamber of Mines and Petroleum asserts that local populations benefit from mining investment through basic infrastructure and services including roads, education, medical facilities and employment.[28] In addition, most companies have developed specific policies and programs which aim to enhance positive local impacts from mine development, either as part of or in addition to benefits negotiated within the Development Forum (a round table process connecting companies, governments and communities over the topic of benefits arising from projects – discussed further below). In contrast, some non-governmental organisations (NGOs) and anti-mining lobby groups call into question the benefit of extractive industry projects in PNG. Many suggest that despite positive macro-economic indicators, the negative impacts of mining are most strongly felt at the local level, where communities experience inequities and disruption to their way of life, including displacement from traditional lands, in-migration, loss of food and water resources due to pollution, increased conflict, violence and other forms of significant social change and disruption.

[27] International institutions, scholars and a number of non-governmental organisations (NGOs) have been instrumental in documenting the social and environmental impacts of the industry.
[28] PNG Chamber of Mines and Petroleum (2012).

## 3.2 Agreements

The State of PNG is legally empowered to issue exploration and mining leases, however as an estimated 97 per cent of land is held under a complex customary tenure system, companies require the consent of entire landowning communities to proceed with resource development activities.[29] Ostensibly, communities hold a strong bargaining position in negotiations over resource developments and typically negotiate compensation at the Development Forum, which is required before the State will issue a mining contract.

The Development Forum is mandated under Section 3 of the *Mining Act (1992)* and continues to be the primary instrument for the negotiation of benefit-sharing agreements between developers, landowners and different levels of government. During the process, communities agree to grant a company access to land in exchange for a suite of benefits that typically include provisions for infrastructure, employment, business contracts and compensation, equity in development and royalties.[30] While there is evidence of community participation in Development Forums held during the past two decades, the national policy framework is considered lacking in any effective mechanism for ensuring implementation or tracking actual development contribution.[31]

Outside the Development Forum, the principal legislation for regulating environmental (and socio-economic) impacts of projects in PNG is the *Environment Act (2000)*, administered by the Department of Environment and Conservation. Social impact assessments, however, are the sole responsibility of the developer and are disconnected from the negotiation of compensation and benefit sharing agreements.

## 3.3 Women in mining

A number of major international institutions, NGOs and scholars have advocated 'women in mining' as a strategic focus within PNG government and corporate policy.[32] World Bank consultations have confirmed much of the existing research suggesting that men receive a disproportionately large share of project benefits through employment and compensation, while significant social and environmental impacts and risks are experienced by women and children. In response to these findings, the World Bank instigated a 'Women in Mining' (WIM) initiative which served to promote action on women's empowerment in mining communities and strengthen the social and economic status of women.[33] The WIM vision statement is as follows:

> *"A future of peace and prosperity resulting from improved quality of life and level of living where the quality of life is reflected in the extent to which women are able to make choices on issues affecting their lives and having the means to put these choices into actions."*[34]

As part of a broader program of technical assistance in PNG, the World Bank hosted a conference on community and sustainable development in 2002, where the gender dimensions of mining impacts

[29] Banks (2008, p. 24). For an alternative view on this statistic, see Filer (2011; 2012).
[30] Banks (2008, p. 25).
[31] Filer (2008), Filer (2012, p. 149).
[32] See for example, Wielders (2011) and Eftimie (2010).
[33] Eftimie (2010, p. 6).
[34] Department of Mining (2007, p. ii).

were discussed with industry and other stakeholders. The following year, the first WIM conference, also hosted by the World Bank, was held in Madang where government and company stakeholders committed to acting on improvements for women's social and economic position in mining areas. As a result, in 2005 the PNG Government established the WIM Steering Committee that leveraged advice from women in strategic positions within State departments, including from Mining, Planning, Agriculture, Community Development, Environment and Attorney General's office. In 2006, a five-year Women in Mining Action Plan was drafted for 2007-2012 with inputs from women's associations in different mining communities. The plan was endorsed and funded by the PNG government and considered to be a milestone national-level strategy for gender-based social inclusion in mining, however the current direction of this plan is unclear.

# 4 Mining and Lihir

The mine on Lihir is an open-pit cyanide-leach mine. Construction started in 1995 on the Lihir island of Aniolam, almost a decade after the first social impact study was completed, with the first gold pour in 1997. The current mine site is unique as it is located below sea level, and in an active volcanic caldera. The mining venture on Lihir has changed hands a number of times, with Newcrest Mining Ltd now the owner-operator following a merger with Lihir Gold Ltd in late 2010.[35] At the time of this research, the expansion of the Lihir plant site, known as the Million Ounce Plant Upgrade (MOPU), was well underway and due for completion by the end of 2013.

Newcrest is an international gold company and one of the world's lowest-cost gold producers with operations and projects also in Australia, Fiji, Indonesia and West Africa. The company is Australia's largest gold producer and a global top 10 gold mining company.[36] The company adheres to a number of international regulatory standards including the Global Reporting Initiative (GRI) and is a member of the Minerals Council of Australia (MCA).[37]

## 4.1 Mining and social change

Over several decades various studies have documented mining and social change within the Lihir Island Group.[38] This work highlights that local communities have experienced a range of direct and indirect impacts and benefits from mining. Drawing on this established body of knowledge and recognising that there are often complex interactions between different impacts, the following list provides a brief summary of some of the well-documented positive and adverse social impacts of mining on Lihir:

### 4.1.1 Positive impacts

- infrastructure in the form of new roads, houses, water, power, telecommunications, shopping and banking facilities
- improved education and health care services
- improved maternal and child health and increased life-expectancy

[35] For a historical overview of mine ownership at Lihir, see Bainton (2010, p. 16).
[36] http://www.newcrest.com.au/
[37] Newcrest (2011, p. 42).
[38] See Bainton (2010) for a comprehensive bibliography.

- economic development, particularly business development, employment opportunities and increased access to cash economy.

### 4.1.2 Adverse effects

- social and economic stratification (emergence of new inequalities across social groups and between geographical areas)
- in-migration, generating tensions between ethnic groups and an increased sense of civic insecurity, especially as a result of the high numbers of unemployed male migrants seeking new opportunities in Lihir
- increased violence and disputes over land, theft, and marital/family interference
- increased dependency on the cash economy leading to an abandonment of traditional practices and an increased reliance on store-bought goods
- high degree of local dependence upon the mining company to deliver all forms of social and economic development
- continued inflation of the cost of local goods and services
- geographic inequity, as the island where mining occurs (Aniolam) receives the majority of social and economic benefits
- increased alcohol and other drug consumption
- prostitution and related sexual health issues
- emergence of chronic lifestyle diseases
- rapid cultural changes.

Several existing studies have captured information relating to the gendered impacts of mining, with specific reference to women.[39] Key negative impacts that have a significant effect on women include:

- a rise in gender-based domestic violence as a result of alcohol and drug abuse
- rising prostitution rates among local and immigrant women in the island of Ariolam
- increasing rates of transmission of sexually transmitted and other diseases, including HIV/AIDS
- reduction of women's traditional status in customary activities, which has also resulted in diminished respect and a reduction in bargaining/negotiating power
- exclusion from negotiations around the agreement, and consequently a lack of project benefit and equal control over cash benefits/compensation monies
- exclusion from development planning processes within the local level government and at the ward or village level
- increased burden for both women and men in terms of finding time and resources to attend to family and community obligations.[40]

Notwithstanding immediate pressures related to day-to-day business and the MOPU project, there continues to be a weakness in management systems within the organisation around key community-

[39] See for example Macintyre & Foale (2004), Macintyre (2006), and Hemer (2011).
[40] For more information on some of these issues see Macintyre and Foale (2004, p. 247-9), and Banks & Bainton (2010, p. 29). On the issue of women's increased burden, see Macintyre (2006, pp. 137-9).

related issues such as the management of grievances, the tracking and implementation of obligations and agreements, the management of cultural heritage sites within lease areas and resettlement, all of which have resulted in ongoing demand for high levels of compensation from the community. Weak systems in a pressurised organisational context tend to constrain the Community Relations management team's ability to focus on longer-term, strategic and overarching priorities. Despite previous studies that have outlined the gendered impacts of mining on Lihir, the company continues to lack a comprehensive gender strategy.

# 5 The agreement

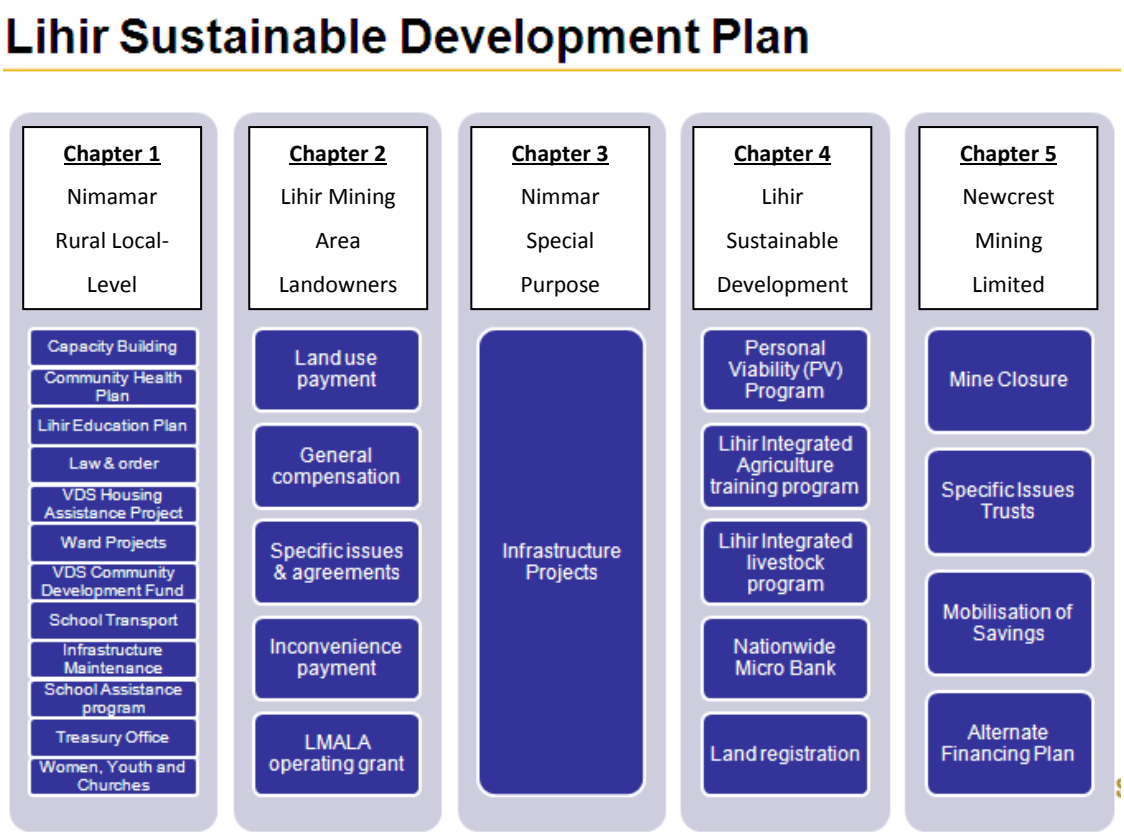
In 1993, a Development Forum was held for Lihirian leaders, government and company representatives in Port Moresby to discuss the distribution of equity over the Lihir mine project.[41] Negotiation meetings continued into the following year as Lihirians discussed the costs, benefits, rights and obligations arising from the project and bargained for unprecedentedly high compensation and royalty rates. In 1995, the Development Forum reconvened for the last time and an official agreement was formalised and signed.

The agreement encompassed provisions for compensation and benefit sharing between the government and Lihirian community with scheduled reviews of the content to proceed on a five-yearly basis. Within the review process, which commenced in 2000, a joint negotiating committee was commissioned by the local level government and the landowners association to represent landowners and Lihirians. In 2001 when the agreement was first reviewed, Lihirian landowners expressed dissatisfaction that the promises and obligations therein had not been fulfilled, and that the plan was inadequate, suggesting that it had not succeeded in addressing their development goals. It was not until 2007 that the company and landowners finalised an amended agreement and launched the 'Lihir Sustainable Development Plan'. [42] This plan outlined a 20-year partnership between the mining company, the Nimamar local level government and stakeholder communities specifically aimed at achieving sustainable development for Lihir.[43]

The local level government is the legally mandated body for administering and implementing social development programs. However, within the agreement framework, project areas were divided across five sections and managed by different stakeholder groups such as the landowners association, among others. The content of the plan covered a wide range of initiatives around capacity building, trust fund payments, compensation, training and localisation, infrastructure and utility development, town and village planning, commercial and contract management opportunities and social wellbeing. 'Women, Youth and Churches' were included as a specific program area within Chapter One and to be managed by the local level government. Each managing group has a council of representatives which decides on funding distribution and project priorities.

The below table illustrates the five sections that constitute the Lihir Sustainable Development Plan:

[41] Bainton (2010, p. 24).
[42] The agreement was informed by four overarching principles that suggest the development should be 'parallel' (mine and community developing at the same time), 'balanced' (equally distributed), 'sustainable' (long term, avoiding dependency) and 'stable' (with respect for Lihirian culture). For more information see the World Bank (2010, pp.164-5).
[43] The name 'Nimamar' is a conflation of the names of the four inhabited islands of the Lihir Group – Aniolam, Malie, Masahet and Mahur – and as such reflects the local level government's role to represent all islands within the group.




The current disagreement between the landowners association and the local level government about management of funds and programs under the development plan emerged after the signing of the LSDP in 2007. As a direct result of this dispute, the development plan's funds and program of work were, at the time of this research, effectively frozen.

# Part 2 – Findings from the field research

## 6 General views about women's involvement in agreement processes

### 6.1 Exclusion of women

There was a strong sense of frustration among women who participated in this research because they believed that they have been excluded from agreement processes and have not received fair distribution of benefits. They indicated that men increasingly exerted an unacceptable level of control over agreement processes and received a far greater proportion of the benefits.

> *"This is a matrilineal society, yet we aren't benefitting. They are making a huge profit on our ground and we don't see any good programs coming for us, the women. The company is consuming our land, yet not supporting us".*

As Lihir is traditionally a matrilineal society, women are afforded a certain value and status regarding the ownership of land both within their community and under PNG law. Land rights are passed through a woman's bloodline. However, it is important to note that this does not translate into women having a strong political voice in their local community, as the management of this land and the negotiations surrounding it are conducted by men, in particular a woman's brothers and uncles.[44] This arrangement extends to contemporary systems of ownership, management and value, as men continue to negotiate in the contemporary (mining) world on behalf of women.

Several women invoked the language of rights, suggesting that women's participation in agreement processes was indeed a 'right' that was being denied. It was not always clear whether this related to 'human rights' or 'customary rights', but either way, the language of rights was clearly invoked. Some men recognised these rights and also expressed concern that women were not involved in agreement processes.[45]

### 6.2 Gender and *kastom*

Without exception, the issue of women's influence and involvement in agreement processes was linked to *kastom*, which is a general Melanesian concept that refers to local traditional rules and understandings that inform how one should behave. While people's ideas of *kastom* and tradition will always vary, in Lihir there were quite divergent views about whether (and if so how) *kastom* should relate to the 'new ways' brought about by mining and modernity (both as it is played out in agreement processes and broader development processes). Despite this divergence, interviewees articulated a desire to see positive development combined with a strong local culture. The question was not about one or the other, but how the two fit together. While discussing education for example, one male interviewee explained:

> *"It's good for the women to get knowledge from outside ... but they must behave with respect for our tradition, our kastom."*

[44] See Filer and Mandie-Filer (1998) and Macintyre (2012, pp. 244-5).
[45] Recent work on women's rights in the Pacific, particularly Vanuatu, is relevant. See for example Jolly (1996) and Taylor (2008).

Many interviewees – male and female – suggested that more attention should be given to relating these two ontological systems within the context of the significant changes that had taken place on Lihir in recent decades. For example, females who are leaders in modern settings are required to act in different ways to females who are leaders in the customary sense, and it is not clear how these two systems can coexist effectively. Traditionally, women did not work collectively as they are required to do in community organisations, though they did (and continue to) work in groups consisting of lineage and clan relatives in *kastom* activities such as feasting. Neither did women traditionally speak publicly in front of mixed clan groups, but women's participation in agreement processes would most likely require this. It was suggested that men were misrepresenting *kastom* by claiming that women should not speak out, which served to diminish women's status within Lihir's matrilineal society.[46]

> *"Within kastom, men must sit down and talk with the women with status, but now they are twisting kastom. Before the women were allowed to talk when there are big decisions to be made ... it was always like this ... we had a system where the women can talk out within the clan."*

Many women believed that this manipulation of *kastom* affected women's ability to contribute to decisions that affected the community and clan, both within the clan and the public sphere. From this perspective, not only were the benefits and impacts unequally distributed among women and men, most women believed that their voices were being overlooked and ignored by men in power.

> *"I think here in Lihir it's upside down – the men, they do all the decision-making and they look down on us, the women, even though we have knowledge too."*

According to several company representatives, some Lihirian men asserted in agreement negotiations that women had no role at the negotiation table for the agreement as *kastom* dictated that this was a man's domain. Women expressed that they might be owners of the land, but men managed the land and therefore decided who was 'at the negotiating table' to make decisions. Generally speaking, women did not disagree that it was a man's role to manage land on behalf of their mothers and sisters. However, most interviewees explained that within the clan, while both men's and women's perspectives were important and must be heard, women were increasingly *"left out".* For one interviewee the existence of a matrilineal system should mean that women had the *"last say"* on important decisions within the clan.

> *"…with the agreement, we should have the last say [otherwise] the outcome will just be for the men's interests. And we, the women, will be left out."*

Many interviewees suggested that *kastom* should be adaptable to the current day context so that women could have more involvement in public processes outside the clan system, including agreement processes. Some women suggested that even if women were not at the negotiating table then there should be a women's representative body that "had a say" about the agreement.

[46] It is important to note that ideas about *kastom* are often articulated in particular ways for various political ends, by both men and women. This politicisation of *kastom* in Melanesia is extensively covered in anthropological literature.

It is vital to note that ideas of how things are done traditionally (in terms of *kastom*) are interpreted very differently between different clans and family groups of Lihir people, and between men and women. *Kastom* has a political application, that both men and women are not hesitant to interpret to suit their needs.

## 6.3 Protest and resistance

There were no women involved in any formal capacity for either the original agreement of 1995 or the 2000-7 review, either as representatives or signatories.[47] In response to this exclusion, in 2004, the women collectively asserted their right to participate in agreement negotiations via a formal letter to the local level government that outlined 40 development priorities and called for an inclusive, transparent and bottom-up agreement planning process. In addition to this letter, the women organised a public protest against the lack of benefits flowing to women and youth as part of the (then) proposed Lihir Sustainable Development Plan.[48] As one woman recalled:

> *"We marched from the waterfront ... we were yelling, 'Why did you leave us out in the agreement package?' We had been missed entirely. "*

As a result of the protest and other efforts by Lihir women to have their voices heard, the revised plan included a dedicated budget and program of work for Women, Youth and Churches. While the protest raised the issue of benefit flows, it did not address the lack of female representation within the formal negotiations. This protest appears to have been the only collective gender-based protest in relation to the agreement or any other mining-related matter.

## 6.4 Women and "speaking up"

Whatever the level of discussion – community-level or island-wide concerns – women are increasingly motivated to raise their voice because they perceive that since the first agreement in 1995, the men only *"talk, talk, talk and nothing happens"*. Women feel there has been little positive development in their communities as a result of this inaction on the part of men. There was awareness among interviewees of dysfunction within and between parties to the agreement and the degree to which this was stifling development and improved livelihoods. There were also several other drivers for women's increasing desire to speak up, including initiatives by the National Government to mandate positions for women in the political system (see below). Further, the Women in Mining initiative established by the PNG Chamber of Mines and Petroleum and the World Bank spurred some women to action. Although several Lihirian women had attended WIM conferences, those who did not attend said that what went on in the conferences was not always communicated to others (see below). In addition, it was not always apparent how the events benefited women at the grassroots level (leading some women to the conclusion that the events were a form political elitism that generated distinctions between women).

[47] Company representatives explained that some women were involved in signing related agreements, such as relocation agreements around the mining area where all relocates had to sign. The researchers did not have an opportunity to engage these women.
[48] See Hemer (2011).

## 6.5 Political complexity

Interviewees perceived that issues of governance, accountability, transparency and the nature of local politics on Lihir had stifled development for all of Lihir, including women.[49] While the company was embroiled in this system, interviewees did not see this as the fault of the company alone. However, they certainly hoped that the company would make good decisions and take action to improve the situation. The high level of complexity and dysfunction affected women in the sense that structural relationships between different women's organisations and representatives were not altogether clear and there were certainly divergent views about how different organisations should interact and relate to one another.

# 7 Parties to the agreement – women and representation

The researchers acknowledge that while formal representation is a key avenue for women's influence in agreement processes, it does not always equate to 'voice' (since women's representatives can feel intimidated even at the negotiation table) or relate to the level of informal influence.[50] Notwithstanding limited information on informal processes, the issue of formal representation was a key topic of discussion, largely because women recognised that they had been absent from the formal process. There was a strongly held view that women had a right to participate in formal negotiations in some way:

> *"We have to have women inside the [negotiating] team … we have knowledge too, but [at the negotiating table] they are just talking about the men's perspectives. We have something to say."*

Consequently, this section discusses interviewee perspectives on the level and type of women's representation and formal involvement within organisations that form the joint negotiating committee for the 2007 agreement, as well as the policy framework that underpins each organisation's approach to gender.

## 7.1 Company

The company has never appointed a woman of any culture to the negotiating table for the agreement. Women have been involved, but only in support or advisory roles (e.g. administration or legal counsel). The absence of women in senior ranks within the company and the mining industry more generally arguably makes it more difficult to appoint a woman for this role than a man. But in the context of this research, the absence needed to be noted.

More generally, the company does not have a gender strategy that underpins its approach to community relations and/or social development. The company has intermittently had a women's desk/officer as part of its Community Relations team, however, several interviewees commented that it was not entirely clear as to the level of focus this position was meant to have on gender issues, and these officers had been drawn into other more general work. At the time of the research,

[49] For more information on Lihir political structures see Bainton (2010).
[50] For example, O'Faircheallaigh (2011) highlights the engagement women have in the informal sphere, and this is an area that warrants future research in Lihir.

the company had appointed a new women's officer as part of the Community, Planning and Development team.[51]

Broadly speaking, the company was not viewed by women as 'preventing' the participation of women, but neither were they considered to be an enabler, as they had not set an example to other parties that women had a place at the negotiating table, by neither having one, nor actively encouraging or requiring others to do so.

## 7.2 Landowners association

Historically, the Lihir Mining Area Landowners Association executive and management has been the exclusive domain of men. There are no women in management roles within the organisation. Like the company, women are employed only in administration positions. A company representative directly involved in the original negotiations recalled that Lihirian men told the company that women had no role in negotiations over land or compensation under *kastom*. Recently, a woman was appointed to the Executive Committee. She explained that she was selected not because she was a woman but because she was a "maus meri" or a woman who was recognised as a good speaker. She did not always attend meetings because of obligations in her community, including the church, which she prioritised over mining business.

Some women believe that it is both necessary and possible for women to represent their community on the Executive and within management roles within the landowners association, but for most women this was not the key focus of their concern. Most women interviewed were focused on 'women's projects' so that they could secure a larger proportion of benefits that they could control. When asked, women indicated that if they were appointed to a senior role within the landowners association, they would focus the organisation's work on themes such as families, education, health, church and spirituality, and capacity building for the youth and business. Several also said that it would be important to have a critical mass of women in leadership positions, so that it was not a couple of women working alone with men. A critical mass of women would encourage women to speak out more and give strength to their cause.

## 7.3 Government

Women have never been elected into the local level government on Lihir, which is divided into 15 wards, each with a representative member. In the last election, several women ran for a seat for the first time, but none were elected. Several were planning to campaign in the upcoming election and were hopeful of being elected. Some of these women were interviewed as part of the research and they indicated that the support of their husbands enabled them to be politically active. They explained that there was a high degree of trust and mutual support between them and their husbands. Interviewees explained:

> *'Plenty of men don't want women to go out [into public work] because other men might flirt with them … we [women] must build trust. If my husband doesn't trust me, I can't do it."*

[51] The new women's officer was not on shift at the time of the research.

They explained that when men and women worked together to support each other, a lot could be achieved for the community. One woman emphasised this point in a metaphor:

> *" If I get a canoe to go to Namatanai (a town on another island) with my girlfriend, we won't make it. If we travel in the canoe with men by our sides we will get there."*

Following a national government directive, each local level government is required to appoint women's representatives (one for urban areas, two for rural areas such as Lihir). Lihir's local level government has appointed two such representatives and CSRM researchers spoke to one during the field visit. She said that until more recently, the two women had not fully understood agreement processes or their level of influence. In fact, they considered themselves to be 'backbenchers', but intended to be more active in the future.

A recently implemented national government gender strategy also requires wards to appoint women's ward coordinators. This official role has become important at the local level. There are clearly different degrees of functionality within each ward, with some coordinators reportedly not as effective as others. Many communities however utilise this function as a mechanism for raising issues and discussing local-level priorities, including those that relate to mining – from there pushing them upwards in the political system. These coordinators report on a regular basis to the local level government women's representatives. This function is seen as one of the most effective ways to date in which a collective women's voice can be heard. This is very important to note in the current context given that the local level government is a stakeholder in agreement-making on Lihir but that the landowners association has asserted a preference for a direct relationship with the company.

# 8 Organisations not party to the agreement

## 8.1 Women's organisations

Lihir has two women's organisations – Petztorme and, more recently, Tutorme. The formation of the latter organisation evolved from internal conflict present in the former.[52] Thus, Tutorme represents a breakaway group itself in conflict with Petztorme. These two organisations have been in conflict for several years, which has effectively hindered women's ability to advocate for greater involvement in agreement processes, and collaborate and secure funding for priority projects. Many interviewees indicated that this conflict had become evidence for some men that women could not lead and should not be politically active outside their community. In addition to the conflict between these two groups, both organisations have suffered from a lack of capacity and have mismanaged funds, providing further so-called proof of women's inabilities. However, not everyone used this as evidence, with one male interviewee commenting that:

> *"Women are good at making good decisions, keeping records ... they do so much in the community and in the church, we need to support that."*

The women's organisations also face other challenges in terms of representing ordinary members, especially those in the other islands.

[52] For more detail on the formation of Petztorme and the conflict surrounding the organisation, see Macintyre (2003).

> *"In the outer islands we don't know what they [the women's organisations] are doing. They are supposed to include us too but they don't. We are a little disappointed because we don't even know what's going on."*

In light of the apparent dysfunction within and between the two women's organisations, it should be acknowledged that prior to mining there were no Lihir-wide collective women's organisations. This goes some way towards explaining why the establishment of these organisations has proven a challenge. One woman explained:

> *"In the community the women will talk out, but then they go to town, when they are in a different place, they can't talk out (in public), they don't feel good."*

Men are not expected to unify along gender lines. Rather, they are embedded within organisational structures that are required by the state (and, traditionally, by the clan system) and so remain in positions of power, despite perceived or actual dysfunction. In contrast, women's organisations have to reach a level of functionality before being seen by other entities to be a 'valid' entity that can participate in and access the benefits of mining. Women have been told by the company that once they are unified, they will get access to a greater range of opportunities, some of which have been offered by the company itself (see Section 13).

Despite their issues, the prevailing view held by both men and women was that a single, functional women's organisation was an important mechanism for women to have a stronger political voice and to secure mining-related benefits from the agreement. Both women's organisations had agreed to a women's forum to be held in June 2012, where the two organisations would come together, settle their differences and unite so that all the women's programs could fall into one *"basket".* The basket is an important traditional metaphor in the Melanesian context. By using this metaphor, women evoked the notion that the basket should be full of food (programs) to nourish the entire community.

The women's forum is being driven by women and is being supported by the company's Community Planning and Development section within the Sustainable Development Department, with support from the women's officer who has been recently appointed. Women said that a newly united body could represent Lihirian women's interests into the future. It would be an entity that could receive funds, generate income through business enterprise and campaign on women's issues and other issues of interest to women.

Not everyone supports the concept of an independent women's organisation for Lihir. For example, one male interviewee indicated that an independent women's organisation that was not connected to the church would not succeed (church activities being the only precedent for women's organised work across clans). In this sense, he indicated that an independent women's organisation seeking political influence was the *"wrong way"* to be working:

> *"The women's organisations used to be in the church but now they are in a 'no man's land', and so because they are trying to stand up independent of the church we have problems."*

There were mixed views about the women's organisations and the level of attention given to 'the spiritual' in their operations. One female interviewee from the outer islands was concerned that:

> *"The women's organisations don't think of the spiritual side, they are thinking in the market and their projects, not the spiritual."*

Notwithstanding these issues, there was a strong view expressed by most interviewees that women should have a formal role at the negotiating table and in the management of the agreement and its implementation. The strongest suggestion was that the united women's organisation should be party to the agreement through the negotiating committee.

## 8.2 Churches

There was a strong sense that the church was, generally speaking, an enabler of women's participation in public life, particularly at the village level.[53] Women were very involved in church activities. Some interviewees, both men and women, thought it was important that the Council of Churches be involved in the agreement review as they felt that this institution would in some way reflect issues that were important to women.

> *"Churches weren't part of the last review but we are pushing to get churches as part of the agreement process this year."*

Interestingly, the Bible was used by some men to justify men's dominance over women. Women's narratives were very different – they referred to Christ rising from the dead and the fact that women were told first – recognition that women could be trusted before men. Also that Eve was made from the bone of Adam's hip – an indication that it came from his side, somewhere equal. This is an example of how religion, like *kastom*, can be interpreted in varying ways for political ends.[54]

# 9 Leadership

## 9.1 Women in leadership

There was much discussion among research participants of 'leadership' and, in particular women's leadership. The majority of men and women indicated that women's leadership was vital for positive development on Lihir. Some interviewees focused on leadership within the clan whereas others were interested in seeing female leaders become more prominent in the public sphere. Whatever the focus, there was agreement among both men and women that capacity building would help develop women's leadership capacity.

Interviewees explained that either women or men could be leaders within their community – gender did not matter as much as the quality of the leader. In Lihirian society, the first born child has status and is often looked to as a leader, regardless of gender.[55] Women who do not have traditional or

[53] The vast majority of Lihir people are members of the Catholic Church, with the second most represented church being the Uniting Church. There are other forms of Christianity on the islands, with a reported increase in interest in evangelical churches in recent times.
[54] For more on the relationship between church, gender and violence, see Eves (2012).
[55] The first born male has particular status and is the leader and inheritor of the matrilineal line, unless he does not display good leadership skills, in which he is usually superseded by a brother. Women are only the leader of the matriline if there are no suitable male leaders. For more information see Bainton (2010, pp. 85-6).

customary entitlement to lead but those who show natural talent can become leaders. In this sense, female leadership can be developed. Within the community, this is typically fostered through church work or youth programs. Women who complete their education are in a better position to lead as educated women and have greater scope to participate in the contemporary space.[56]

## 9.2 Pressure on female leaders

There was much discussion about the challenges that female leaders experienced once they developed a level of competency in modern political realms. Effective female leaders were expected to take responsibility for a broad array of responsibilities, committees and so forth, which placed great demand on their energy and time.

> *"We [the female leaders] get so much work, because we are women who talk out, so we get elected on everything."*

Female leaders are also expected to *"fill the gap"* where there is dysfunction. Researchers spoke to one woman who had taken 'unofficial' responsibility for the women's ward coordinator position because the incumbent in her village was not seen to be fulfilling her role. When researchers asked why there were not more female leaders, interviewees explained that it was difficult due to the workload and the trust issue, which at times resulted in violent backlash from husbands. An added complication was that women who worked away from their community were perceived to be put in situations where they could be sexually compromised.

In addition, unless they had good support from their family and their community, leadership could diminish a woman's capacity to keep gardens and pigs due to time constraints (also the case with paid employment). Being able to provide a largess of garden produce and pig meat was important in traditional feasting rituals, which in turn provided women with an important customary role and a degree of status. All these pressures influenced women's ability and willingness to take on a leadership role, particularly outside the traditional cultural system.

# 10 Engagement and participation

## 10.1 Importance of expression

While much discussion centred on the structural and macro-political dynamics of representation, there was also discussion about community-level participation and the involvement of women and how this influenced agreement processes. Generally speaking, women agreed that whether a leader or not, it was vitally important that women had a forum to express their feelings about mining and the agreement. At the community level, this was considered to be fundamental to wellbeing and good health. One woman observed:

> *"Sometimes women develop mental illnesses because of this. This kind of illness (e.g. depression, anxiety) is happening a lot, because they can't speak out."*[57]

[56] This appears to be in contrast to the situation for males. For more information on the challenges for male leadership roles see Bainton (2008).
[57] For more explanation on Lihir emotional states and how they are expressed, see Hemer (2013).

Women's groups, the women's ward coordinator position and other community-level processes were considered to be important mechanisms for women to come together to discuss issues and share perspectives about mining, including the impacts of associated social changes (such as in-migration, access to cash, alcohol, increases in prostitution and so forth – see also Section 12 below).

## 10.2 Company

Interviewees acknowledged that the company did undertake some community level engagement, but there was a general view that they had not engaged the community in a systematic and comprehensive manner with regard to agreement-making, but also more generally. One male interviewee said:

> *"In 2007 there was a review, but the women missed out. The consultation process was not good. The company went out and consulted with men and women together, but they should have done that separately ... done a proper assessment so that the women could speak out."*

When the company engages locally, it often holds open community meetings. Women explained that it was not always easy for women to speak out in front of the men, and that it would be good if there was more regular and direct engagement with women (separately from men) so that they could more readily express their views. Some women perceived that the company was aware of the barriers women faced in speaking out at public community meetings and assumed that by not actively engaging women separately from the men, the company was showing that it did not value women's interests and agendas. As a woman from one community said:

> *"We think it would be good if the company spoke to us separately. If they talk with us, we would know that they are thinking of us [and our issues]."*

There was a general sense that women and men were often concerned about similar issues, but researchers certainly found that when men were not present, women disclosed additional information about particular issues, such as incidences of prostitution in their communities, and health concerns such as the transmission of diseases such as HIV/AIDS during breastfeeding. Consequently, gender-segregated engagement as part of an overall community engagement plan warrants further exploration.

## 10.3 Landowners association

It was clear from the interviews that the landowners association has not sought to engage women as a discrete demographic in any way. There had been recent village level meetings held by the landowners association about the agreement and the current review. Women had been invited to attend and had raised issues, but there was no deliberate process for ensuring that women's perspectives were systematically captured. Like the company's consultation sessions, these sessions showed limited consideration of processes that enabled women to freely voice concerns, questions and aspirations. In this way these meetings functioned more as awareness sessions than actual consultations.

## 10.4 Local level government

As mentioned above, the local level government and ward structure has endeavoured to enable women's participation in political processes. The effectiveness of this process is dependent on the quality of village-level engagement and the relationship between the women's coordinator and their ward member. Ideally, this system should provide an avenue for women's perspectives from each ward to be elevated in agreement review processes, however, the local level government itself is currently being excluded from agreement processes by the landowners association. Finally, while the association is said to represent all landowners of Lihir, in practice the focus is on communities proximate to the mine and associated infrastructure (i.e. known as 'affected' communities). Women from more remote communities have even less chance of having their voices heard as part of agreement processes.

# 11 Other impacts/issues affecting women's participation

There are a number of additional impacts/issues affecting women's participation at the community level which in turn affects their ability to influence or participate in the agreement negotiation space in varying ways. As these issues are of direct concern to women's wellbeing and that of their families, a forum for women to discuss these concerns at the time of agreement-making may assist in finding a solution.

## 11.1 Cash economy

Many women explained that people's interest in voluntary community work had diminished since the advent of mining:

> *"Before [mining] people would help out, but now they want money to do anything. Before, we used to work together as a community."*

Women explained that the availability of cash meant that more men were drinking and getting drunk, avoiding traditional responsibilities and being violent to wives and other women in their families:

> *"The women are in the middle of all of this development on the island. The mothers have to look after the children and the house, while some men are drinking away the money."*

Women said that cash was also serving as a de-motivator for school attendance. Some young people no longer saw the point of studying to get a job to earn money because there was sufficient cash available to the community through royalties, compensation and other monetary flows. Some of the women commented that they felt they were losing control of their adolescent children when it came to education:

> *"The women and mothers are finding it hard to control the youths, all of the social issues are ruining the youth. We are finding it really hard to control this."*

## 11.2 In-migration

Largely based on the perception of available wealth, Lihir has experienced high-levels of in-migration from other areas of PNG as people seek to take advantage of the opportunities that mining brings. Almost every interviewee raised this as a significant mine-induced problem. One man said:

> *"You can see here how the mining has ruined everything. They [the company] don't have a good plan. Men are coming in from outside, they are changing everything, we are losing our ways."*

The company has recently developed an in-migration strategy and has been working with the community to address this issue. In the meantime, most women and some men remain concerned about what some called 'city ideas' – such as a growing drinking and drug culture and the associated increase in prostitution and related sexual and social health issues. There were reports of new areas being established in and around the mine town of Londolovit where men could pay for sex, and even reports of sex workers being taken from Londolovit to stay overnight on other smaller islands in the Lihir Group.

## 11.3 Health

While there have been well-documented positive effects on women's and maternal health since the advent of mining through the establishment of a hospital and health post, women are extremely concerned about the increase in prostitution and the transmission of sexual diseases including HIV/AIDS. A government health worker commented that there had been a recent increase in recorded cases of gonorrhoea in Lihir. She was surprised at the lack of availability of condoms within the mining area and held a strong view that without intervention, there would be an exponential increase in STDs and HIV/AIDS in Lihir in the future.[58]

## 11.4 Education

Education and literacy were considered by most interviewees to be key enablers of women's participation in community life, politics and agreement processes. Education provided women with 'power' and knowledge, which they could apply in everyday life, as well as in agreement processes. One interviewee explained:

> *"Education is changing things, in kastom we [women] couldn't rise up, but now with school, we can. When I see my [lesser educated] brother in a meeting, he will look to me for direction, or to input into decision-making."*

Certainly, education is a formal priority of the government, the Lihir Sustainable Development Plan and the company. Women agreed that increased education had led to improvements for the community, including girls. For women, numeracy and literacy were especially important (though this was not a women's-only issue). Interviewees cited cases where educated children were accessing household monies freely without retribution because their mothers were not able to read

[58] In considering the availability of contraceptives, one needs to take into account that the majority of Lihirians belong to the Catholic Church, where the use of contraceptives is not condoned. However, in the experience of one Lihirian female aid post worker, young Catholic men and women often frequent her clinic for contraceptives, and rarely refuse condoms when they are freely offered.

account balances to protect their financial interests. Women also said that it was becoming increasingly important to make written submissions to the mining company, such as for funding applications or to document concerns and grievances. They indicated that without literacy, many women were increasingly at a disadvantage in terms of these applications as well as managing their households.[59]

### 11.5 Support for women

Finally, there was a strong sense that women needed men's support in order to reach their potential, speak up when they want to be heard and build their capacity to manage money and implement projects that reflected their practical and strategic interests. Many of the women interviewed had the support of their husbands, but indicated that many others did not and that it was difficult for those women to speak up, even within their own household. Many of these women were subject to regular violence and abuse, and this was described as a "big problem". Interviewees indicated that it was important that men were educated about the importance of valuing women as leaders and partners in development.

## 12 Observations from the final day of research

On the final day of fieldwork CSRM researchers observed a meeting between:

- members of the two women's groups – although the majority of attendees appeared to be aligned with Tutorme, and the president of Petztorme was not in attendance.
- a representative of the company's agreement review team.
- a representative of Lihir Business Services (LBS).
- several representatives from the Community Relations Department.

The purpose of the meeting was to discuss the ownership and operation of a newly-renovated building at the waterfront, constructed by the company as part of the Lihir Sustainable Development Program. This building, in its pre-renovated form, had a history of being used by the women's organisation Tutorme as a sewing centre for business purposes.

In this meeting, chaired by the company representative, the new building was offered to the women's group (as one unified group) as a 'business opportunity'. Maps showing the layout of the building were presented to the women during the meeting – on this map the building was named 'Tutorme', with a room labelled 'Petztorme'. At the meeting the company announced that the women could manage the building and hire out the space to other groups such as LMALA for meetings in order to raise revenue. At the same time, it was suggested certain issues would have to be resolved, such as the conflict between the two women's groups and the mismanagement of funds by the women's groups in the past. The services of LBS were offered to the women to assist them in designing the required business plans (not the other issues). In sum, this business opportunity was made to the women "if they want it". The women accepted this offer even though the terms of the offer were not altogether clear. The women as a delegation then entered the premises for the first time to inspect their building. Company media staff in attendance documented

[59] See Macintyre (2012) for a discussion on women's education and other factors which serve to improve structural inequalities between men and women in the PNG context.

the meeting and the building visit in photos with a view to publishing the story in the local newspaper *Lihir i Lamel*.

While the offer was obviously made by the company with good intentions, it raises three key issues:

- The idea to own this building and operate it as a place for hire did not originate with the women themselves. There was no process to involve women in this decision – the meeting was the first time that women heard about the opportunity.
- The building was 'given' to the women as a unified group, which they currently were not, and as such there was no executive, no women identified to take negotiations forward. Indeed, actual ownership was not defined, nor were conditions of use (implied to relate to the venture's success and the resolution of issues listed above). Several key women were absent from the meeting (reportedly uninformed of it) which would most likely serve to inflame the current conflict and potentially inhibit future unification.
- Women present at the meeting could not be expected to decline the offer, despite the issues outlined above. The women commented that they were "glad that the company had not forgotten the women of Lihir". To refuse the offer would be to rebuff one of only a few public acknowledgements that the company considered women to be important to the future development of Lihir.

These issues should be taken into account as the company moves to support Lihir women in this and other business opportunities.

# Part 3 - Conclusion

## 13 Conclusion

In summary, this research confirms that women have largely been excluded from agreement processes on Lihir, either directly or indirectly. However, it is important to understand this instance of gender inequality in its broader cultural context.

### 13.1 At a national level

Gender inequality is a national issue in Papua New Guinea. Women have limited voice and power in politics. In the context of mining on Lihir, issues and challenges manifest themselves in particular ways with significant consequences for women and families, which have been documented in the field research, and also in prior studies referenced within this report. However, this situation is largely symptomatic of the dominant political narrative, rather than a particular response to mining on the islands.

The broader landscape of development in Papua New Guinea also needs to be taken into account. PNG has struggled to deliver development more broadly, an issue that has become all the more critical in the context of the resources boom. PNG's macro-economic position has remained strong, but inequalities between regions, groups and between men and women are well documented and ongoing. Issues of corruption and an apparent lack of capacity are issues that exist on a national level but also play out locally.

In terms of efforts to address some of the above issues, the Development Forum provides some potential, but also has its limitations. Generally, the forum is not linked to impacts, and is neither well regulated nor monitored. There is ostensibly little emphasis on gender or the needs of different groups; rather, the focus is on macro development and service delivery (e.g. infrastructure, health, education). In addition, there is little emphasis on community participation to set the forum's agenda. Generally speaking, the current politics of representation sees the male-dominated elite represented. There are few opportunities for women to participate, even indirectly or via proxy, in the process.

An important attempt at addressing problems experienced by women and the development process is the WIM Initiative, spearheaded by the World Bank. The WIM Five Year Plan framework remains a leading example of an explicit mining and gender strategy at the national level. However, it is a policy that is not built into regulatory drivers, so is therefore voluntary and companies are not bound by it. Also, as the strategy is high-level, it does not have adequate resonance on the ground. In Lihir, there was some frustration that the few Lihirian women who go to the WIM conferences do not report back about their experience to the other women in the community, especially those on the outer islands. This is not seen as a deliberate strategy, but reflects the difficulty of effective communication about the outcomes of the conferences.

At a company level, although Lihir women have participated in the WIM Initiative, Newcrest Lihir does not have a designated gender strategy, nor in fact a grass-roots engagement strategy, even though an employee was recently appointed to specifically address women's issues. Overall, the

daily operational constraints that affect the Newcrest Lihir Sustainable Development team has left little room for strategising on broader issues, despite more than a decade of sustained social study that has documented the significant social change experienced by the Lihir people. Efforts have been made by the company to empower women by providing them with business opportunities, as has been outlined in the report, however while these are seemingly good ideas with good intent, there is clearly a lack of capacity to support women in addressing the very ingrained and systemic challenges that they face which are not alleviated by modest enterprise initiatives.

## 13.2 At a local level

This study found that women generally felt excluded as a result of negotiations related to the mining on their lands. Existing studies surveyed as part of this research have documented Lihirian women's disenfranchisement as a result of mining in terms of the broad effect it has had on the community level, especially in relation to alcohol-induced violence, and an increased domestic workload for women. Some studies also show how women have benefitted from mining on Lihir, such as a vastly improved maternal health service, and increased access to education, training and employment. While this study reflects some of these findings, it does not focus on the effect of mining on Lihir but rather specifically on the processes affecting women's engagement in the agreement processes.

Out of the three major stakeholders involved in agreement processes (the company, the landowners association and the local level government), formal female representation was only apparent in one: the local level government. This representation however only occurred at the ward level through the establishment of a women's representative – these women had then to report to men who would carry their concerns forward. Thus, there was no direct line of communication for women's voices to be heard in agreement processes through this avenue.

Women's concerns at being left out of the agreement process included the fact that:

- women were not receiving their share of the benefits
- women and youth programs were not receiving financial support
- women were not receiving information about opportunities for development
- men (and some youths) were misusing the benefits through spending money on drugs, alcohol and other women.

Women clearly expressed that they would like to see:

- a critical mass of female representatives at the negotiating table
- female representation within the landowners association
- a united, effective women's association for Lihir
- opportunities for women's development through skills training, and business development
- greater attention paid to community engagement processes in order that women's experiences and perspectives on impacts and opportunities are heard.

In sum, while some of the concerns about women's involvement in mining agreements on Lihir can be viewed within the context of a broader trend at the national (and Melanesian regional) level, this study has drawn attention to the specific structures and nuanced features of the Lihir experience.

The study has drawn attention to areas which can be addressed by the local level government, the landowners association and the company. In particular, there is an opportunity for the company to take a leadership role in supporting women's issues and concerns, to support a unified Lihir women's association and to aid in communication of conference outcomes and related information across the island group, including a more strategic approach to community engagement more generally. The company can also play a role in influencing the landowners association to appoint women's representatives to their organisation. With an adequate and consistent commitment to co-operation and support between the company, landowners association and local level government for women's issues, Lihir women's aspirations for greater voice and agency can be reached.

# References


AusAID. (2012). Papua New Guinea Retrieved from http://www.ausaid.gov.au/countries/pacific/png/Pages/education.aspx.

Bainton, N., A. (2008). Men of kastom and the customs of men: Status, legitimacy and persistent values in Lihir, Papua New Guinea. *The Australian Journal of Anthropology, 19*(2), 194-212.

Bainton, N., A. (2010). Lihir Destiny: Cultural Responses to Mining in Melanesia (Vol. 5): ANU E Press.

Banks, G. (2008). Understanding 'resource' conflicts in Papua New Guinea. *Asia Pacific Viewpoint, 49*(1), 23-34.

Banks, G., & Bainton, N., A. (2010). Lihir Gold Mine - Plant Upgrade Proposal: Socio-economic Background and Initial Impact Assessment for Lihir Gold Limited: UNSW Global, Australia.

Central Intelligence Agency [CIA]. (2012). The World Factbook, East and Southeast Asia: Papua New Guinea. Retrieved from https://www.cia.gov/library/publications/the-world-factbook/geos/pp.html.

Department of Foreign Affairs and Trade [DFAT]. (2012). Papua New Guinea Country Brief. Retrieved from http://www.dfat.gov.au/geo/png/png_brief.html.

Department of Mining. (2007). Women in Mining National Action Plan 2007-2012. Retrieved from http://rimmrights.org/Documents/2007-Papua%20New%20Guniea-5%20year%20WIM%20action%20plan.pdf.

Eftimie, A. (2010). Engendering mines in development. A promising approach from Papua New Guinea *Asia and Pacific Region. Social Development Notes*. Washington DC, USA: World Bank, Oil, Gas and Mining Policy Division.

Eves, R. (2012). Christianity, Masculinity and Gender Violence in Papua New Guinea *State, Society and Governance in Melanesia, Discussion Paper 2012/12* (pp. 1-20). Canberra, Australia: Australian National University.

Filer, C. (2008). Development Forum in Papua New Guinea: Upsides and Downsides. *Journal of Energy & Natural Resources Law, 26*(1), 120-150.

Filer, C. (2011). New Land Grab in Papua New Guinea. *Pacific Studies, 34*(2), 269.

Filer, C. (2012). The development forum in Papua New Guinea: evaluating outcomes for local communities. In M. Langton & J. Longbottom (Eds.), *Community Futures, Legal Architecture: Foundations for Indigenous Peoples in the Global Mining Boom*. Oxford, UK: Routledge.

Filer, C., & Mandie-Filer, A. (1998). Rio Tinto Through the Looking Glass: Lihirian Perspectives on the Social and Environmental Aspects of the Lihir Gold Mine. World Bank. Washington DC. USA.

Hemer, S. (2011). *Gender and Mining: strategies for governing the development of women in Lihir, PNG*. Invited Plenary Paper, Mining and Mining Policy in the Pacific. Noumea, New Caledonia.

Hemer, S. (2013). *Tracing the Melanesian Person: Emotions and Relationships in Lihir*. Adelaide, Australia: University of Adelaide Press.

Hughes, H. (2003). *Aid has Failed in the Pacific* (Vol. 33): Centre for Independent Studies Sydney.

Jolly, M. (1996). " Woman Ikat Raet Long Human Raet O No?" Women's Rights, Human Rights and Domestic Violence in Vanuatu. *Feminist Review*, 169-190.

Lewis, M., P (2009). *Ethnologue: Languages of the World, Sixteenth edition*. Dallas, USA: SIL International.

Macintyre, M. (2003). Petztorme women: responding to change in Lihir, Papua New Guinea. *Oceania 74*(1/2), 120-131.

Macintyre, M. (2006). Women working in the mining industry in Papua New Guinea: a case study from Lihir. In K. Lahiri-Dutt & M. Macintyre (Eds.), *Women Miners in Developing Countries: Pit women and Others* (pp. 131-144). Aldershot, UK: Ashgrave.

Macintyre, M. (2012). Gender Violence in Melanesia and the Problem of Millennium Development Goal No. 3. In M. Jolly, C. Stewart & C. Brewer (Eds.), *Engendering Violence in Papua New Guinea* (pp. 239-266). Canberra, Australia: ANU E Press.

Macintyre, M., & Foale, S. (2004). Politicized ecology: local responses to mining in Papua New Guinea. *Oceania*, *74*(3), 231-251.

Newcrest. (2011). Newcrest Sustainability Report: Miner of Choice: Report 2011. Retrieved from http://www.newcrest.com.au//sources/index.htm.
O'Faircheallaigh, C. (2011). Indigenous Women and Mining Agreement Negotiations: Australia and Canada. In K. Lahiri-Dutt (Ed.), *Gendering the Field: Towards Sustainable Livelihoods for Mining Communities* (pp. 87-110). Canberra, Australia: ANU E Press.
Pacific Women in Politics. (2012). Papua New Guinea. Retrieved from http://www.pacwip.org/future-elections/papua-new-guinea/.
PNG Chamber of Mines and Petroleum. (2012). Mining in PNG. Retrieved from http://pngchamberminpet.com.pg/mining-in-png/.
Taylor, J. P. (2008). The Social Life of Rights: 'Gender Antagonism', Modernity and Raet in Vanuatu. *The Australian Journal of Anthropology, 19*(2), 165-178.
Transparency International. (2010). Corruption by Country/Territory: Papua New Guinea. Retrieved from http://www.transparency.org/country#PNG_PublicOpinion.
U.S. State Department. (2003). Papua New Guinea: International Religious Freedom Report 2003. Retrieved from http://www.state.gov/j/drl/rls/irf/2003/24317.htm.
United Nation Development Program [UNDP]. (2011). Papua New Guinea: HDI values and rank changes in the 2011 Human Development Report. Retrieved from http://hdrstats.undp.org/images/explanations/PNG.pdf.
United Nations Educational Scientific and Cultural Organization [UNESCO]. (2010). Regional literacy profile - East Asia and the Pacific Retrieved from http://stats.uis.unesco.org/unesco/TableViewer/document.aspx?ReportId=367&IF_Language=eng&BR_Region=40515.
Wielders, I. (2011). Listening to the impacts of the PNG LNG Project: Central Province, Papua New Guinea. Carlton, Australia: Oxfam Australia.
World Bank. (2010). Mining Foundations, Trusts and Funds: A Sourcebook. Washington DC, USA: World Bank.
World Bank. (2011a). Papua New Guinea Economic Briefing: Enjoying the opportunities and facing the challenges of resurgent commodity prices. Retrieved from http://siteresources.worldbank.org/INTPAPUANEWGUINEA/Resources/PNG_Econ_Update_April_2011.pdf.
World Bank. (2011b). World Development Indicators: GDP ranking Retrieved from http://data.worldbank.org/data-catalog/GDP-ranking-table.
Zorn, J., G. (2012). Engendering Violence in the Papua New Guinea Courts: Sentencing in Rape Trials. In M. Jolly, C. Stewart & C. Brewer (Eds.), *Engendering Violence in Papua New Guinea*. Canberra, Australia: ANU E Press.

The University of Queensland
AUSTRALIA

SMI CSRM
Centre for Social Responsibility in Mining

# MINING AND LOCAL-LEVEL DEVELOPMENT

## Examining the gender dimensions of agreements between companies and communities

Case report for MMG Sepon LXML

**Lao PDR**

November 2012

Australian Government
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# ACRONYMS

| | |
|---|---|
| CDF | Community Development Fund |
| CDU | Community Development Unit |
| CEDAW | Convention on the Elimination of All Forms of Discrimination Against Women |
| CSO | Civil society organisation |
| CSRM | Centre for Social Responsibility in Mining |
| DFAT | Australian International Aid Agency |
| DRC | Democratic Republic of Congo |
| EPL | Environment Protection Law |
| FDI | Foreign direct investment |
| GII | Gender Inequality Index |
| GPDA | Greater Project Development Area |
| HDI | Human Development Index |
| ICMM | International Council on Mining and Metals |
| LPRP | Lao People's Revolutionary Party |
| LWU | Lao Women's Union |
| LXML | Lane Xang Minerals Limited |
| MCA | Minerals Council of Australia |
| MDG | Millennium Development Goal |
| MNRE | Ministry of Natural Resources and Environment |
| NCAW | National Commission for the Advancement of Women |
| NGPES | National Growth and Poverty Eradication Strategy |
| NGOs | Non-government organisations |
| NLMA | National Land Management Authority |
| PDR | People's Democratic Republic |
| PRF | Poverty Reduction Fund |
| RLG | Royal Laos Government |
| SDTF | Sepon Development Trust Fund |
| SPDA | Sepon Project Development Area |
| SoSu | Social sustainability |
| VDF | Village Development Fund |
| SEDA | Sepon Expanded Development Area |
| WREA | Water Resource and Environment Administration |

# Executive summary

This report provides the outcomes of a study on the gender dimensions of agreement processes at Lane Xang Minerals Limited (LXML), a MMG Limited operation in the Vilabouly District in the Savannakhet Province of the Lao People's Democratic Republic (PDR). This report forms part of a broader research project funded by the Minerals Council of Australia (MCA) and Australia's Department of Foreign Affairs and Trade (DFAT) investigating the role of gender in agreement processes.

This case study was undertaken by two researchers from the Centre for Social Responsibility in Mining (CSRM) at The University of Queensland and a Lao specialist who was a former employee of MMG's Social Sustainability Department. The analysis draws on desktop research, a brief site visit during September 2012 and a series of interviews with villagers, government officials, mining company representatives, mass organisations and international non-government or development organisations based in the national capital, Vientiane. Village-level interviews were conducted in three villages involved in the Village Development Fund (VDF) scheme. Two of the villages selected were located in the Sepon Project Development Area (SPDA) and had participated in the VDF scheme for two years (as part of the original pilot). The third village was in its first year of the program.

## Research scope

This study focuses on agreements between MMG's Sepon operation and individual villages under the company's Village Development Fund (VDF) scheme, managed by MMG's Social Sustainability Department and endorsed by the district level of government. Currently the VDF is in its third year and includes a total of 23 villages. Broadly, the VDF aims to promote community decision-making, planning and management of village level development projects of communities within the footprint of mining operations. The scheme itself forms a small part of the operation's overall development program, but is significant from a gender perspective as it makes a deliberate attempt to involve women in governance and implementation of agreements. The whole-of-community approach to planning and benefit sharing is also of interest from a gender perspective.

Unlike other agreements that form part of this broader research project, VDF agreements are not based on formal recognition of land rights, nor are they part of a formal permitting requirement. They are loosely tied to impacts in the sense that the initiative was established for villages in the mine's 'impact footprint' that were excluded from other development initiatives.

## Background context

The VDF was initiated as a result of six villages within the mine footprint requesting a direct form of community development assistance from the company. This request was made to the company following a decision by the government to exclude the villages from the national Poverty Reduction Fund.[1] The reason provided to villagers for that decision was that they were located within an area

[1] Poverty Reduction Fund (PRF) was established by the Government of Lao PDR in 2002. It is one of the significant measures to support the national Five-Year Socio-Economic Development Plan (2011-2015). It targets the 47 poorest districts as identified by the Government of Lao PDR (Prime Minister's Office, 2012).

that had local infrastructure (electricity, health and education services, access roads etc.) and employment opportunities with the mine. The District Administration Authority had previously taken a decision to exclude those same six villages from projects funded by the Sepon Development Trust Fund (SDTF). The village chiefs and elders of the six villages disagreed with these decisions and contacted the operation's Social Sustainability (SoSu) Department to seek assistance to address the funding gap for their communities' development. A consultant external to the company explained to the CSRM research team that social impact assessments and other commissioned studies had already highlighted the need for participatory development processes, such as the VDF.

The Social Sustainability Department negotiated with the six villages on the form of assistance that would be acceptable to them. They wanted to determine how the funding was spent themselves and for the assistance to be provided to the village directly. The Social Sustainability Department undertook an internal process of research and consultancy in order to develop the VDF scheme and hired staff to implement the program. Relative to other initiatives managed by the Social Sustainability Department, the VDF has a moderate budget as the cash contribution is minimal and the primary investment relates to staff costs for supporting the process of building the capacity of villagers to manage the cash contributions.

## Summary of key findings

### The quota of 50 per cent female participation in the VDF Committee supports women's inclusion. While this level of inclusion is an important step forward, it does not guarantee full equality.

There was support for the quota for equal gender participation in the VDF Committee structure from all stakeholders involved – company, community and the state. Several women who had not been involved in village-level committees before said their involvement on the VDF Committee had been driven by the quota. This suggests that the VDF process meets a strategic need by increasing women's influence within the community, but the degree to which this is being realised has not been assessed.

Generally female VDF Committee members explained their role as one of 'support'. While the VDF scheme required equal participation of men and women on the committee and encouraged women's involvement, community men and women explained that it is more difficult for women to participate due to their roles and responsibilities in the family and community. Currently, there is no form of 'relief' provided for female VDF Committee members. While the VDF is committed to gender inclusion, gender is not applied as an explicit analytical tool for program planning or evaluation, or within the operation's broader program of community engagement and development.

### MMG's VDF staff members play a key role in facilitating a consensus-based process that includes women.

It was clear from talking to villagers and observing the interaction between VDF staff and villagers that the company plays an active role in the VDF scheme. As part of this, VDF staff members are focused on ensuring inclusive and consensus-based village-level decision-making processes. VDF criteria require staff to be inclusive during meetings – they ask women if they agree and invite them to share ideas, views and opinions at each stage of the process. Aside from this, the support provided by company staff is not gender-differentiated – men and women are both supported. The

gender balance of the VDF staff means that female staff members are involved at each stage of the process. While the company's support may not be gender-differentiated, many villagers reported that the staff helped them to understand why gender inclusion was important.

MMG's social sustainability team is aware of the ethnic diversity of local communities, but some believe that more effort could be made to understand gender roles and responsibilities within different groups and sub-groups, particularly as the expansion communities include a greater number of minority Mon Khmer families than Phou Tai. In recognition of this gap, the company had tried to recruit Brou speakers, but had not had much success in recruiting women.

### The VDF scheme addresses a 'benefit gap', but other gaps remain.

Most villagers understand that the VDF was designed to 'fill a gap' between the national Poverty Reduction Fund and the trust fund. However, they are increasingly conscious of 'development gaps' that the program does not address. For example, some villagers said that the VDF scheme did not address the needs of individuals and families who did not have access to jobs, did not own land and/or who relied on forest products for their livelihoods. In fact the program is designed not to privilege a particular group, but rather, benefit the community as a whole (including women and children).

Project selection processes and outcomes may be inclusive of women, but women's needs and specific perspectives are not currently given any particular priority. The longer-term aspiration for the VDF is that as villagers gain more experience, project decisions may move beyond a sole focus on infrastructure and towards other types of projects. Notwithstanding this aspiration, infrastructure projects are still needed and provide practical experience in managing development monies as well as establishing trust between company and community in the process.

### While VDF projects are perceived as valuable, the balance between 'impact' and 'benefits' is increasingly perceived as inadequate at least by some groups.

Villagers recognised VDF projects as broadly beneficial and discussion about mining impacts included acknowledgement of some of the benefits of mining. However, even those people who were positive about the VDF projects said that the company's overall approach to development was increasingly disconnected from its operational impacts. Additionally, some villagers were frustrated that livelihoods were not more integral to the company's impact management and benefit sharing strategy. Managers within the Social Sustainability Department are aware of these issues.

Operational pressures on the land access team means that they tend to focus on short-term problem solving and are not required to relate this to longer-term development outcomes. Several communities reported that they continued to lose forests as a result of acquisition and land disturbance activities. Forests provided an important source of food, medicine and everyday necessities. As a result, many people were concerned about the effect of mining on their forests. Several people indicated that the situation was most difficult for individuals and families not receiving benefits (e.g. via employment, compensation).

### The program's emphasis on process and relationships means that it may be vulnerable in the current organisational context.

As the outcomes of the VDF are not altogether tangible, the program is at risk of not being seen as valuable to the company. Several staff and managers reported that senior management tended to value more 'visible' forms of development, however these projects were not necessarily underpinned by a participatory or inclusive process or target impacted communities. Further as the funding amount is small relative to other benefit sharing programs, its importance is easily underestimated. Notwithstanding its size, the program provides a potential mechanism for community-driven development for the life of the mine and into closure.

## Conclusion and implications

This research confirms that the VDF agreements involve women in governance and implementation processes, and provide practical benefits for communities, including women. The scheme also offers some intangible benefits through community participation and women's involvement in formal representation on the VDF Committee. For some women, the scheme has provided a first opportunity for village-level representation. However, as the program is still relatively new, its longer-term impacts and potential for 'scaling up' are under consideration.

### Additional strategies for women's involvement

The research concluded that while the quota ensures female representation, the quality and extent of participation required additional strategies to ensure that female representatives were equipped to influence and that men and women supported transformation of gender roles and responsibilities in principle and practice.

While women are involved in the governance and implementation of the VDF, their involvement is limited by a range of structural factors that reflect the broader issue of gender inequality in Lao PDR. Notwithstanding these challenges, there is potential for the VDF to have a positive influence on gender equality, particularly if additional strategies are incorporated, such as:

- continuation of programs that support the education of women and girls, particularly in Brou-speaking communities
- participatory gender analysis that enables understanding of gender roles and responsibilities, with a view to agreeing strategies to provide women with relief from day-to-day responsibilities, further enabling participation in Committee work
- supporting female leaders, as well as encouraging formal representation
- encouraging female representation beyond the VDF, such as in village associations and other political structures more broadly.

### A platform for village-level development

Company efforts to ensure that the original terms of the VDF were agreed at community and district level prior to implementation has provided a stable platform for community-level participation and decision-making. This model could be further integrated into the operation's social development strategy as a mechanism for providing impacted communities with additional support through a

process that builds community capacity to handle the contributions. The potential for scaling up could be considered in future evaluation processes.

Staff capacity was identified as a critical factor for supporting community participation and women's involvement in the VDF scheme. The operation is encouraged to continue its attempt to recruit Brou-speaking staff, and women in particular.

The company has not formalised a long-term commitment to the VDF scheme and seems more inclined to support 'visible development'. A comprehensive evaluation that documents both the practical and strategic benefits of the VDF scheme, and the value the scheme offers by way of relationship building could be considered. The evaluation could also consider the benefit of linking the VDF scheme more clearly to impact mitigation strategies.

## Corporate leadership on gender and development

Beyond the VDF, the company does not have an explicit approach to gender and communities work. There is an opportunity for the company to demonstrate leadership in this area and be more proactive. Increased sensitivity to gender beyond the VDF will support the company's broader engagement and long-term development goals. In this vein, there is an opportunity for the company to engage with the development community, particularly in the context of the changing NGO landscape in Lao PDR, for example by connecting with the Gender and Development Association. Proactively linking with this group would demonstrate leadership in gender and development.

## VDF and impact management

Even those villagers who were positive about the VDF projects said that the company's overall approach to development was increasingly disconnected from its operational impacts. The VDF scheme and its benefits (tangible and intangible) will be at risk if operational impacts are not adequately managed. For example, some villagers are frustrated that livelihoods are not more integral to the company's impact management and benefit sharing strategy. These patterns of behaviour will undermine the VDF scheme over time.

As well as giving due attention to impact management, it is important that the operation continues to build its understanding of emergent development gaps, and ensure that certain groups do not 'fall through the cracks' due to the presence of the mine. For example, elderly women and other groups will need due consideration as the 'whole of community' approach to development may not always consider the changing nature of vulnerability in the context of mining.

## Knowledge base to support women's participation

The operation's knowledge and understanding of local communities is substantial. This understanding has been built through commissioned studies and through the work of knowledgeable staff (both Lao and non-Lao). However, this knowledge is not always linked to operational systems and strategies, such as land acquisition and impact management. It will be important to broaden this knowledge base as the mine expands and moves into new communities. This knowledge can be used to adapt and improve the VDF over time, including strategies to better support women.

# Case report for MMG's LXML operations, Lao PDR

## 1 About the study

This report documents the findings of village-based development agreements in place at Lane Xang Minerals Limited (LXML), a MMG Limited operation in the Vilabouly District in the Savannakhet Province of the Lao People's Democratic Republic (PDR).[2] The mine comprises open-pit copper oxide and gold oxide mines and commenced production in 2003. The estimated life of the copper and gold mines is 2020 and 2013 respectively. MMG is a mid-tier global resources company, with operations and projects in Australia, Democratic Republic of Congo (DRC), Canada and Lao PDR. The company seeks to align with international best practice standards. It is a member of the International Council on Mining and Metals (ICMM), the Minerals Council of Australia, the Mining Association of Canada, the Chamber of Mines of the DRC and other industry organisations.

## 2 Research description

### 2.1 Method and limitations

As part of the broader research project, two researchers from CSRM and a Lao specialist visited MMG Sepon LXML operations and three surrounding communities in September 2012 to undertake field-based research on gender dimensions of agreement processes. The Lao specialist had previously worked in the operation's Social Sustainability (SoSu) Department[3] and had pre-existing relationships with staff and villages. She had also worked in other social service and advocacy positions outside of the mining industry. Her relationships and local networks significantly enhanced the research team's ability to interact with women and men from the community for the purposes of this research.

During their time in the field, CSRM researchers applied a semi-structured interview protocol adapted to the Lao cultural context. Reflecting the scope of work as agreed with LXML, the interview protocol was oriented towards understanding gender aspects of governance of village-level development agreements associated with the Village Development Fund (VDF) scheme (outlined below). The research team sought the approval of the company and district government to conduct the research, as all of the interviews took place on the company's lease area. The company provided in kind support for the research including on-site accommodation, transport and staff support. The local researcher ensured that appropriate administrative and cultural protocols were followed. Villagers were not paid to participate in the research, although some food was provided as a reciprocal gesture as several village visits were conducted in the late afternoon and evening.

[3] The Social Sustainability Department consists of the teams for community development (including the VDF scheme), cultural heritage, complaints and grievances, and information, education and communication.

Most interviews were led by the chief investigator, generally via Lao translation but also in English where possible. Researchers observed two VDF Committee meetings as part of the annual evaluation process. Handwritten notes provide a record of field discussions. It was considered inappropriate to either tape record discussions or type into a computer to capture the discussion verbatim while in the field. CSRM researchers typed notes post-interview, with the Lao specialist checking and clarifying content and key quotes. Several of the interviews were time restricted as villagers had other commitments and responsibilities. Research that is less time constrained would better suit the context.

## 2.2 Sample

The researchers undertook 14 group and some individual interviews during the field visit, including with local community members, government officials, mining company representatives, mass organisations and international non-government or development organisations based in the national capital, Vientiane. Internal company interviews were conducted with the manager of the VDF scheme, in addition to managers in equivalent positions within the SoSu Department and several staff who support the VDF processes.

All village-level interviews were conducted in three of the villages involved in the VDF scheme. While a total of 23 villages had become involved in the program, time constraints restricted the number of villages that could be included. Two of the villages selected were located in the Sepon Project Development Area (SPDA) and had participated in the VDF scheme for two years (as part of the original pilot). The third village was in its first year of the program and had been included due to its increasing exposure to exploration activities. This village sits outside of the SPDA, but within the broader Sepon Expanded Development Area (SEDA).

During village visits, researchers spoke with a diversity of men and women, mostly in mixed groups, although there were some discussions with only men or women present. Group discussions were usually held with VDF Committee members. District officials and company representatives were often present, but did not actively participate in these discussions. The research team did not have the opportunity to speak with many villagers who were not formal members of the VDF Committee. One official meeting was conducted with the district-level administration's local development office.

In Vientiane, the Lao Women's Union (LWU) received the research team for an official interview. This mass organisation promotes a conservative role for women in Lao society (i.e. as a good citizen, good mother and prosperous family or 'cultural bearer'). The team also visited international development agencies and NGOs with explicit gender and development programs and policies. They also learned about the Gender and Development Association based in the capital, which is a non-profit organisation/network for development workers who focus on gender to connect and network. At this point there has been no direct engagement between this group and the mining industry.

# 3 Lao PDR – national context

## 3.1 Geography

The Lao People's Democratic Republic (Lao PDR) lies at the heart of the six-nation Greater Mekong Subregion. Lao PDR is the only landlocked country in South-East Asia, and is bordered by China,

Vietnam, Cambodia, Thailand and Myanmar (Burma). The Mekong River flows through Lao PDR and forms most of the border with Thailand.[4] The population is estimated at 6.5 million, with the majority (67 per cent) located in rural areas and a smaller urban-based population (33 per cent) distributed across Vientiane, Luang Prabang, Pakse and Savannakhet.[5] The country's official language is Lao. Other languages spoken include French, English and various ethnic languages. A large percentage of the population identifies with the Buddhist faith (67 per cent), a small minority with the Christian faith (1.5 per cent), and 31.5 per cent identify as either 'other' or 'unspecified'.[6]

## 3.2 Ethnicity

Lao PDR's population has four broad ethno-linguistic family groups, which represent approximately 55 per cent of the total population. These include the Lao-Tai (67 per cent), the Mon-Khmer (21 per cent), Hmong-Lu Mien (eight per cent), and the Chine-Tibetan (three per cent). These groups further include 49 ethnic groups, and some 200 distinct ethnic subgroups identified on the basis of language and other differences.[7] The ethno-linguistic family groups are geographically dispersed, and are sometimes categorised by where they live (lowlands, midlands or highlands) rather than by their linguistic family. The dominant ethnic group, Lao-Tai, predominately live in urban areas and high density and agriculturally productive lowland areas surrounding Vientiane and the Mekong corridor. The Mon-Khmer people generally live in midland rural areas of the north and south. The Hmong-Lu Mien people typically reside in the uplands and high mountains in the north and the Chine-Tibetan are found in the northern highlands areas.[8] There are numerous ethnic classification systems in Lao PDR and, depending on what system is used, the number of ethnic groups varies. An alternative classification based on geographical location classifies Tai-Kadai as *Lao Loum* or Lao people of the valleys (lowlands); Mon-Khmer as *Lao Theung* or the Lao people of the hillsides (midlands); and Tibeto-Burman and the Hmong-Mien as the *Lao Soung* or Lao people of the highlands.[9]

The ethnic minority communities within Vilabouly District, home of the LXML operations, comprise broadly of Phou-Tai and Mon-Khmer (Makong and Tri) speaking communities. The initial project site (SPDA) has mainly impacted Phou-Tai communities. The project expansion area (GPDA) will predominantly impact Mon-Khmer speaking communities.

## 3.3 Political history

Before it became a democratic republic, Lao PDR was known as Laos, and this name is commonly used today. Laos has roots in the ancient Lao kingdom of Lane Xang, established in the 14th Century. Lane Xang had influence reaching across present-day Thailand and Cambodia, as well as Laos. After centuries of gradual decline, Siam (Thailand) took control of Laos from the late 18th Century until the late 19th Century when it became part of French Indochina.[10] The Franco-Siamese Treaty of 1907

[4] Department of Foreign Affairs and Trade (2012).
[5] CIA (2012).
[6] CIA (2012).
[7] World Bank (2006).
[8] World Bank 2006 in King & van der Walle (2010).
[9] King & van der Walle (2010, p. 2).
[10] French Indochina was a French colony of four protectorates in South-East Asia established between 1860 and 1904. It covered the present-day territories of Lao PDR, Cambodia and Vietnam (including three Vietnamese regions Tonkin (North), Annam (Central), and Cochinchina (South)). The five colonial components of Indochina gained independence in 1954 (Chandler 2007).

defined the current border between Laos and Thailand.[11] During the 1950s Laos gained independence from France, but was soon immersed in the Vietnam War. It became a battlefield between the Royal Laos Government (RLG) and American bombers on one side and the Vietnamese and Lao communist parties on the other. Unexploded ordinances, including heavy bombs, rockets and cluster sub-munitions remain scattered in the ground today, including in and around MMG's LXML operation.[12] By 1973, economic crisis coupled with America's desire to withdraw from Indochina meant the RLG entered a coalition government with the Communist Pathet Lao Party.[13] In 1975, following American withdrawal of military and financial support and the continued presence of North Vietnamese troops, the RLG collapsed and Lao People's Revolution Party (LPRP) took control of the government.[14] Laos became the Lao People's Democratic Republic (Lao PDR) and socialism was institutionalised.[15]

Lao PDR is currently governed by a single-party system and ruled by the LPRP. Drawn from its Central Committee, the 11-member Politburo of the LPRP is the key decision-making body.[16] In December 1975, the LPRP established the Supreme People's Assembly (now known as the National Assembly) by a nationwide People's Representatives Congress[17] The National Assembly, which is elected by the public from a list of candidates approved by the party, meets twice yearly and is responsible for analysing proposed legislation.[18] Despite being classified as a democracy, there is very little civil society activity in Lao PDR. The existing non-government organisations (NGOs) are subsidiaries of international NGOs and are officially related to technology and science, or education. The government recently drafted new national legislation to enable national NGOs and civil society organisations (CSOs) to be established in the country.[19]

The Assembly First Legislature (1975) had 45 members, four of which were female.[20] Between 1990 and 2003, there was a three-fold increase in women's representation in the National Assembly with the figure now standing at 25 per cent, one of the highest rates in the region. Despite this, women still remain poorly represented elsewhere in political systems, including throughout government administration and the judiciary. The Lao Women's Union (LWU) is a government commissioned institution which supports Lao women's development and political mobilisation from central, provincial, district, village and organisational (schools, university, companies) levels.[21] Nevertheless, in rural areas, village councils and village chiefs handle everyday matters, yet only one per cent of village chiefs are women.[22]

Women are poorly represented in political systems, including throughout government administration and the judiciary. The Lao Women's Union (LWU) is a government commissioned

[11] CIA (2012).
[12] UXO LAO (2012).
[13] Evans (2002).
[14] Evans (2002).
[15] Department of Foreign Affairs and Trade (2012).
[16] Department of Foreign Affairs and Trade (2012).
[17] LAO People's Democratic Republic (2012).
[18] LAO People's Democratic Republic (2012).
[19] Byron *et al.* (2007).
[20] Lao People's Democratic Republic (2012).
[21] Only four mass organisations/movements are permitted under the 1991 Constitution, including the LWU. The other three mass organisations include: the Lao Front for National Construction, Lao Federations of Trade Unions, and Lao People's Revolutionary Youth Union (Byron et al., 2007).
[22] UN Women (2012).

institution which supports Lao women's development and political mobilisation from central, provincial, district, village and organisational levels.[23] Nevertheless in rural areas, village councils and village chiefs handle everyday matters, yet only one per cent of village chiefs are women.[24] In addition, in rural and remote areas women from an ethnic background are least able to participate in decision-making, in part due to lower literacy and education, and stronger cultural traditions.[25]

## 3.4 Economy

Lao PDR has been undergoing significant social and economic transformations since the introduction of outward market-oriented economic reforms in 1986. The economy has expanded on average by 7.1 per cent per year from 2001 to 2010, and is expected to grow by 7.6 per cent each year in 2011-2015.[26] In 2011, it reached a gross net income per capita of US$1,010 and, consequently, moved up from its lower economy income status to a lower-middle income economy.[27]

Lao PDR's economy is dominated by natural resources, with minerals, forestry, agriculture and hydropower comprising more than half the country's total wealth. Its only two large-scale mines account for more than 90 per cent of total national mining production.[28] The government has established a number of strategies to develop the mining and energy sectors to enhance economic growth and eradicate poverty by using mining revenue to further development. However, capacity to regulate the impacts of mining and distribute benefits remains a challenge, particularly where responsibility is devolved to the local level. The country's subsistence agriculture is dominated by rice cultivation in lowlands, which accounts for about 30 per cent of GDP and 75 per cent of total employment.[29]

### 3.4.1 Women's economic participation

Women represent more than 50 per cent of the working population and play important roles in agriculture, small businesses, provision of basic services (e.g. health and education), and manufacturing. Women in urban areas are largely employed in hospitality, information technology, business services and tourism (including commercial sex work).[30] Although women's equal participation in economic, political and social life is supported by international agreements and national laws and policies, gender disparities persist in everyday life. These gaps are often more pronounced among some ethnic groups and in rural regions. There are few publicly available statistics about women's employment in mining.

At an international level, Lao PDR is party to the international treaty on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and has taken steps to implement strategies of action from international conferences, including the Fourth World

[23] Only four mass organisations/movements are permitted under the 1991 Constitution, including the LWU. The other three mass organisations include: the Lao Front for National Construction, Lao Federation of Trade Unions, and Lao People's Revolutionary Youth Union (Byron, Porter & Serdan 2007)
[24] UN Women (2012).
[25] GRID (2005).
[26] World Bank (2012).
[27] World Bank (2012).
[28] ICMM (2011).
[29] CIA (2012).
[30] Asian Development Bank (2004).

Conference on Women in Beijing and the International Conference on Population and Development in Cairo. At the national level, Lao PDR has a legal framework to support women's empowerment and gender equality, including provisions under the 1991 Constitution and national laws (e.g. *Law on Development and Protection of Women 2004* and *Labour Law 1994*). Further, the national government has established a number of relevant institutions. For example, the National Commission for the Advancement of Women (NCAW) is a high-level body to coordinate and develop the implementation of a national policy and action plan to further women's advancement. One of the LWU's initiatives, the Gender Resource Information and Development Project, also conducts gender-related research and provides gender training throughout the country.[31]

Despite these laws and initiatives, in practice, implementation is often inhibited due to the "persistence of traditional practices ... and women's lack of awareness of their legal rights". [32, 33]

## 3.5 Human development

The 2011 Human Development Index (HDI) ranked Lao PDR's value as 0.524, i.e. in the 'medium human development' category, positioning the country at 138 out of 187 countries and territories.[34] Since 1990, Lao PDR has shown consistent improvement with a 39 per cent rise in its HDI. Life expectancy is 65 years. Health indicators, while relatively poor, are improving with better outcomes for infant mortality (48 per 1000 live births) and maternal mortality (405 per 100,000 live births) in recent years.[35] Lao PDR has also made good progress in relation to improved water supply and sanitation with an increase in access to improved water sources from 28 per cent in 1990 to 74 per cent in 2007.[36] Notwithstanding some improvements, in rural areas, 40 to 50 per cent of the population is without access to safe drinking water and 50 per cent lacks access to basic sanitation.[37] The country's national education budget allocations are among the lowest in the world and consequently educational statistics are poor. Although Lao PDR has made significant improvements in relation to Millennium Development Goal (MDG) two, achieving universal primary education, extending education to the 'unreached' (mainly rural) areas without accessible roads, has proven difficult.[38]

Gender inequality is prominent throughout the country. The UNDP Gender Inequality Index (GII) provides a relative indication of gender inequality across three dimensions: reproductive health, empowerment and economic activity.[39] The 2011 GII ranked Lao PDR at 0.513, positioning it 107 out of 146 countries. Statistics illustrate that women face a number of barriers in everyday life. For example, in terms of health, for every 100,000 live births, 405 women die from pregnancy related causes[40] and the adolescent fertility rate is 39.0 births per 1000 women aged 15 to 19.[41]

[31] ADB (2004).
[32] For example traditional practices related to early marriage, social pressure against women seeking divorce, and inheritance of some ethnic groups that favour men.
[33] Asian Development Bank (2004, p. xii).
[34] UNDP (2011).
[35] WHO (2012).
[36] AusAID (2010, p.11).
[37] DFAT (2012).
[38] DFAT (2012).
[39] The Gender Inequality Index is a composite measure reflecting inequality in achievements between women and men (UNDP, 2012a).
[40] WHO (2012).
[41] WHO (2012).

Economically, while female participation in the labour market is relatively high at 77.7 per cent compared with 78.9 for men, women's low levels of education hinder the ability to secure non-agricultural employment[42] other than within administrative and service sectors.

In Lao PDR, women suffer systemic disadvantage due to existing cultural attitudes, high average fertility rates, and associated roles and responsibilities in the community and family[43] such as domestic labour and maintaining the families' livelihoods and food security.[44] These roles and responsibilities often mean women and girls are provided with fewer opportunities to access education[45], resources and services[46]. Women from ethnic minority groups in remote rural highland areas are further disadvantaged due to the comparative isolation of their communities with limited infrastructure, and few, if any, services and resources.

Although female literacy and enrolment rates are significantly lower than for males, during the past decade some slow progress has been made. From 1995 to 2005, the gender gap was slightly reduced as female literacy rates increased at a greater rate (15.3 percentage points) than male literacy rates (nine percentage points).[47] More recently the number of girls per 100 boys in primary education rose from 77 in 1991 to 86 in 2006[48], but disparity still remains in higher education with 62 girls per 100 boys enrolled in tertiary education in 2009.[49] To fast-track improvement, a number of donors support long-term education programs, including DFAT, which is the largest grant donor of education assistance.[50]

Although there is an absence of data, the prevalence of gender-based violence is understood to be widespread yet largely 'hidden' in Lao PDR.[51]

## 3.6 Benefit sharing in the Lao PDR mining context

The government has established a number of strategies to develop the mining and energy sectors to enhance economic growth and eradicate poverty by using mining revenue for further development. The government has a short-term development plan (2007-2010) and a longer-term development plan (2011-2020).[52] Both strategies focus primarily on maximising mining investment and foreign direct investment (FDI) and, to a lesser extent, promoting the mining industry as a revenue source for development and poverty eradication.[53] Both strategies are in line with the National Growth and Poverty Eradication Strategy (NGPES) (2004).[54]

[42] UNDP (2011).
[43] UNDP (2012b).
[44] GRID (2005, p. 78).
[45] DFAT (2012).
[46] Asian Development Bank (2004).
[47] UNDP (2012b).
[48] UNDP (2010).
[49] UNDP (2010).
[50] DFAT (2012).
[51] UN Women (2012).
[52] Kyophilavong (2009, p.77).
[53] Kyophilavong (2009, pp. 76-77).
[54] THE NGPES is a national strategic framework under which all future Government growth and poverty eradication formers will be developed and implemented. The long-term development objective of the NGPES is to liberate the country from the least-developed country (LDC) 2020 (Greater Mekong Subregion Agricultural Information Network, 2012).

Lao PDR also has a number of existing policies, which are intended to promote and ensure community development benefits from mining. Existing policies include:

- *The Minerals Law (2008)* requires that investors contribute to community development funds (CDFs). CDFs can assist with the sharing of benefits and compensate community members who have been adversely impacted by mining operations. To ensure effective benefit sharing, the law requires that these CDFs are incorporated into the local development context and implemented in close consultation with communities.[55] The Draft of Implementing Decree on Minerals Law was approved by government in April 2011.[56]

- *Law on the Promotion of Foreign Investment (2004)* aims to promote and encourage foreign direct investment in a way that assists the country's modernisation and contributes to improving living conditions and overall development.[57]

- Decree 192 and Regulation 2432 and supporting Guidelines for Compensation and resettlement requires that companies "define the principles, rules and measures to mitigate adverse social impacts and to compensate damages that result from involuntary acquisition or reposition of land or fixed and movable assets". Decree 192 also acts to ensure that project-affected populations are compensated and assisted to maintain or improve incomes, livelihoods and living standards [Decree 192, Article 1].[58]

- Decree 112 Regulation for Environmental Impact Assessment (2010) requires provisions for assessments of protection of impact, protection of affected populations, including information disclosure requirements and grievance procedures.[59]

- *Environment Protection Law (1999)* and Regulation on Environmental Protection and Management (2000) outlines "principles, rules and measures for managing, monitoring, restoring and protecting the environment" [EPL 1999, Article 1] and are grounded in the concepts of sustainable development and public involvement.[60]

The new Ministry of Natural Resources and Environment (MNRE) was established in 2011 to oversee the proper use of resources and to develop and implement policies in relation to land and nature resource management. The ministry was established by merging the National Land Management Authority (NLMA) and the Water Resource and Environment Administration (WREA) and numerous other ministry portfolios, including geology and mines, and forestry management and protection.[61] Although the MNRE policy areas are yet to be defined, as the new ministry incorporated the NLMA it is likely that land matters and benefit-making mechanisms will fall under this ministry in the future.

The central government practices a financial distribution policy whereby richer provinces support the poorer ones.[62] Despite this, a mapping exercise[63] revealed that mining operations occurred in locations where residents are often "poorer than average, have a lower literacy rate and more often

[55] World Bank (2011).
[56] Ministry of Energy and Mines (2012).
[57] Gibson & Carlsson Rex (2010, p. 16).
[58] Gibson & Carlsson Rex (2010, p. 16).
[59] Gibson & Carlsson Rex (2010, p. 17).
[60] Gibson & Carlsson Rex (2010, p. 16).
[61] Yaphichit (2011).
[62] Yaphichit (2011).
[63] Fenton, Lindelow & Heinimann 2010

come from a non-Lao speaking ethnic group".[64] Such groups find it difficult to take advantage of project-generated opportunities (e.g., employment, skills development, small business start-up etc.) and tend to be more vulnerable to adverse social and environmental impacts.[65] Furthermore, mining often occurs in rural locations where residents derive a living from natural resources (e.g. forests, land, rivers, non-timber forest product, etc.) on a subsistence basis. As these resources become degraded and scarce, or their access is limited due to mining and other large-scale infrastructure projects, the resource supply of local and national economies becomes exhausted and households become increasingly vulnerable.[66]

# 4 LXML, impacts and benefits

## 4.1 LXML and the Vilabouly District

The Vilabouly District is home to approximately 36,000 people[67], and 2245 of these people reside within the Sepon Project Development Area (SPDA) impact area.[68] The population in the SPDA area is not homogenous. In 2001, two-thirds of the villagers were Lao-speaking Phou-Tai and the other third were Mon-Khmer-speaking Mah-Kong and Tri. Local communities refer to Mon-Khmer speakers as the 'Brou' ethnic group. The rural population to the west of the original SPDA – where the mine has extended its operations – is home to predominately Mon Khmer speakers.[69] In the past there was extremely limited mixing of the two ethnic groups, with villages either identified as Phou-Tai or Mah-Kong/Tri. This is changing, particularly in mine-impacted areas.

The Vilabouly District and the SPDA villages have undergone substantial changes since the commencement of mining more than a decade ago. The project has had relatively significant financial and other impacts. For example, between 2001 and 2009, the Phou-Tai and Makhong/Tri populations' annual income rose from US$80 to over US$480 and from US$33 to US$300, respectively[70]. As incomes rose, households purchased consumables and improved the quality of their housing (especially roofing). The mine has also had a number of adverse consequences on local communities, including in-migration, displacement and loss of natural resources, such as forests for foraging.

Despite government regulations and LXML recruitment measures discouraging opportunistic migration, to date there has been considerable in-migration to the villages near the mine and the district headquarters of Boungkham. Since 2001, the population of SPDA villages has almost doubled[71] and Boungkham has increased almost four-fold.[72] This influx has had some short-term effects within the SPDA, including a sudden growth of retailing and service activities in the area. For

[64] Fenton *et al.* (2010); Gibson & Carlsson Rex (2010, p. 5).
[65] Fenton *et al.* (2010).
[66] Fenton *et al.* (2010).
[67] Reimann & McGuire (2011).
[68] Jackson (2011, p. 29).
[69] Jackson (2011, p. 27).
[70] Jackson (2011, pp. 30-31).
[71] Jackson (2011, p. 34).
[72] Jackson (2011, p. 31).

example, Boungkham now has a market that attracts villagers from across the district and from neighbouring areas and provinces.[73]

The involuntary resettlement of two small settlements was undertaken in the mine impact area. To commence operations during 2001-2002, LXML relocated a number of households of the Nongkadeng Mai village. The relocation of another village in the mine impact area is attributed to government policy to amalgamate clusters of small villages to form larger administrative and service centres. The longer-term effects of resettlement and in-migration on traditional culture and practices is not yet known or comprehensively documented.

## 4.2 Benefits sharing

MMG Sepon LXML employs a number of different initiatives and mechanisms to enhance its development contribution. Benefits accrue to some community members through direct employment and vocational skills training (including via a local training centre).[74] A number of other development mechanisms have been established, including the Sepon Development Trust Fund (SDTF) for the provision of basic infrastructure, such as roads, electricity, education and health for the district. The SDTF has a fixed annual budget of US$750,000 and projects are implemented by the district, according to its five-year plan, and monitored by LXML.[75] LXML has also established a small business development program for the procurement of local goods and services. According to LXML, the program sourced more than US$2.2M worth of local goods and services in 2011. A US$1.9M micro-finance program has also been established, which will include a total of 48 villages in the area over five years. While not a direct benefit per se, the mine also provides compensation as a means to stream funds into the community in exchange for land access and/or acquisition.[76] The VDF scheme is a separate initiative that provides the Village Development Committee with cash and technical assistance to implement village-level community development projects.

More broadly, LXML has made significant contributions to the Lao economy. According to MMG, since the commencement of production (2003), the mine contributed up to 5.67 per cent of Lao GDP directly and up to an additional 2.56 per cent through indirect means (with a total impact of 8.23 per cent).[77]

# 5 Village Development Fund (VDF)

This study focuses on agreements between MMG's LXML operation and individual villages under the company's Village Development Fund (VDF) scheme, managed by LXML's SoSu Department and endorsed by the district level of government. Currently the VDF is in its third year and includes a total of 23 villages. Broadly, the VDF aims to facilitate community decision-making, planning and management of village-level development projects with communities near the mining operation. The scheme itself forms a small part of the operation's overall development program, but is significant from a gender perspective as it makes a deliberate attempt to involve women in

[73] Jackson (2011, p. 38).
[74] The Houaykong Training Centre provides training opportunities to residents of the mine's host communities in traditional handicraft production, livelihood skills, agriculture and village veterinary skills (MMG, 2012).
[75] MMG (2012).
[76] Jackson (2011).
[77] The Centre for International Economics (2010).

governance and implementation of the agreements. The whole-of-community approach to planning and benefit sharing is also of interest from a gender perspective.

The initiative makes available an amount of US$7,000-$15,000 for each village each year. With support from the SoSu Department's Community Development Unit (CDU) and government officers from the district administration, the villages elect a VDF Committee (by secret ballot) and identify ideas, community resources and priority needs for projects. After securing endorsement from the village at large, VDF committees then submit a project proposal to the company and district administration.[78] The project proposal (for each village) forms a plan for implementation of the agreed program of work.

The terms of each agreement outline specific requirements for participation of all community members and criteria regarding what the grant monies can be used for, timeframes, project monitoring and reporting (narrative and financial). The fund can be used for projects such as small scale village infrastructure; construction/renovation (e.g. fish pond, school extension, meeting hall etc.); livelihood development; training; building access roads and tracks; and/or improving water supply and sanitation. The major criterion is that the project must benefit the 'whole of community'.

The terms of the agreements themselves are not 'negotiated' as such – communities essentially 'sign on' to the overarching terms set out by the company and the government. Company representatives explained that there could be room to negotiate the conditions of individual agreements; to date this has not occurred. Unlike other agreements that form part of this broader research project, VDF agreements are not based on formal recognition of land rights, nor are they part of a formal permitting requirement. They are loosely tied to impacts in the sense that the initiative was established for villages in the mine's 'impact footprint' that were excluded from other development initiatives.

## 5.1 Background on the VDF

The VDF was initiated as a result of six villages within the mine footprint requesting a direct form of community development assistance from the company. This request was made to the company following a decision by the government to exclude the villages from the national Poverty Reduction Fund.[79] The reason provided to villagers for that decision was that they were located within an area that had local infrastructure (electricity, health and education services, access roads etc.) and employment opportunities with the mine. The District Administration Authority had previously taken a decision to exclude those same six villages from projects funded by the trust fund. The village chiefs and elders of the six villages disagreed with these decisions and contacted the operation's SoSu Department to seek assistance to address the funding gap for their communities' development.

Community representatives explained that the decision to exclude their communities from both sources of funding was made based on an inaccurate assumption. That is, that due to the close proximity to the mining operations, they were receiving a greater share of the benefits. They argued

[78] Anecdotal evidence suggests that the degree to which the district influences the process at the village level appears to vary from village to village.

[79] The Poverty Reduction Fund (PRF) was established by the Government of Lao in 2002. It is one of significant measures to support the national Five-Year Socio-Economic Development Plan (2011-2015). It targets the 47 poorest districts as identified by the Government of Lao PDR (Prime Minister's Office, 2012).

that their communities had lost more than other villages in terms of land and forest resources, and that they had received little support to develop their community and village infrastructure on the whole. Villagers also explained that they wanted their communities to develop but needed assistance to do so.

The SoSu Department negotiated with the six villages on the form of assistance that would be acceptable to them. They wanted to determine how the funding was spent themselves and for the assistance to be provided to the village directly. With these parameters, the department undertook an internal process of research and consultancy in order to develop the VDF scheme and hired staff to implement the program.[80] A consultant external to the company explained to the CSRM research team that social impact assessments and other commissioned studies had already highlighted the need for participatory development processes, such as the VDF.

## 5.2 Program components

Following the initial request in 2010, the SoSu Department developed and presented a process, criteria and other components of the VDF scheme to the six villages and district government. The key principles for project selection included:

- participatory needs assessment and decision-making
- whole-of-community benefit
- transparency
- projects that are achievable within one year.

The broad process included:

- whole-of-village meetings
- equal voting rights for men and women in open village meetings
- District administration office involvement through project endorsement, monitoring, final inspection and provision of technical assistance.

Initially, each project had a maximum funding amount of US$7,000. Minimum requirements for financial accountability, transparency, reporting and record keeping were also stipulated. All requirements are fully documented in a program plan and operating procedures, and form part of the village-level agreements.

Following the pilot, the VDF was reviewed and refined with input from specialist development consultants. One of the new design features was a requirement for each village to establish a dedicated committee in each participating village – the VDF Committee. This committee is in addition to the Village Administration Committee, which is the village-based decision-making mechanism for all villages in the area. A key requirement for participation in the scheme is that the VDF Committee has an equal number of male and female representatives.

A training package was developed and delivered to the VDF staff in the SoSu Department, who in turn worked with each VDF Committee to build their capacity to govern and implement the program

[80] The VDF scheme describes its methodology as 'community–driven', which is an approach increasingly favoured by development agencies for rural development work. Examples of this methodology include the Kecematan Development Program in Indonesia, the National Solidarity Programme in Afghanistan and the Lao Poverty Reduction Fund (PRF).

in accordance with the principles and requirements. The training package comprises information sessions which include topics such as the VDF rationale, tender processes, project selection and VDF Committee criteria, participatory planning, record keeping, reporting, monitoring and evaluation. Further to these sessions, the VDF Committee receives on-going support from the SoSu Department.

Relative to other company-funded development initiatives, the VDF has a moderate budget as the cash contribution is minimal and the primary investment relates to staff costs for supporting the process of building the capacity of villagers to manage cash contributions. Significant effort has been made to ensure that the VDF staff are trained, and capable of supporting the process, and each other. The manager deliberately built a gender-balanced team, with an equal number of male and female staff. Staff members are clear about their role in the program, the methods being applied and the purpose of the program in the company's 'mix' of development contributions. They are also trained in methods for eliciting participation of women and encouraging an inclusive process.

# 6 Key findings

This section focuses on understanding gender dimensions and women's perspectives on the VDF and documents the key findings from the fieldwork.

## 6.1 The quota of 50 per cent female participation in the VDF Committee supports women's inclusion. While this level of inclusion is an important step forward, it does not guarantee full equality.

During the research, one of the key topics of discussion was the quota for equal gender participation in the VDF Committee structure. There was support for the quota from all stakeholders involved – company, community and the state. District-level officials, for example, confirmed their support:

> *"Government policy supports the development of women in all aspects of society … so we think the quota is a good idea."*

Several women who had not been involved in village-level committees before said their involvement on the VDF Committee had been driven by the quota. Other committees do not have quotas of gender equivalence, and female representation is far less. There is a minimum requirement for village administration committees to have women represented through the LWU where there is one lead female representative and two deputies. One woman commented that because of her experience, she was able to help less experienced women and men in their role on the committee.

In the villages visited, women were observed attending VDF Committee meetings in equal numbers to men, but were not as 'active' during discussions. Community men and VDF staff (male and female) encouraged women to participate, although most women were reticent to do so. This may well have been due to the presence of the research team as 'outsiders'. However, one of the VDF workers explained that this was not unusual:

> *"During village meetings, men are the first to answer. Sometimes we have specific sessions with women where we ask for women's perspectives, without interference from the men."*

Holding separate discussions was not a standard part of the VDF process, as it was not always the case that women were reticent to speak up and participate in village-level processes. One man explained:

> *"Our wives are not shy. There is a group of strong females in this village who speak up during village meetings. Other women know this and they go to them so that their opinions can be heard."*

Having vocal women on village-level committees was one way to ensure that other women were able to have their views represented, recognising that one woman may not represent the views of all women. The research team recorded several instances where men represented women's interests, which women appeared to agree with. However, the extent to which men adequately represented women's ideas and perspectives was not confirmed during this research (by for example, talking to women in the absence of men).

One worker who had been with the VDF scheme from the pilot phase observed a change in the participation of several women involved in the VDF Committee:

> *"When we started the project, women weren't really that visible. Since then, their involvement and influence seems to have improved. For example, there are now some female deputies and one has even spoken at a district level meeting."*

This perspective suggests that the VDF process meets a strategic need by increasing women's influence within the community, but the degree to which this is being realised has not been assessed. The research design did not enable an exploration of the degree to which women influence within the family or the sub-community level. A deeper analysis, including the use of ethnographic methods (e.g. in-depth interviews, focus groups and participant observation) would be required to understand these and other social processes.

### 6.1.1 Limitations in literacy and numeracy

One female VDF worker explained that women could really only take up leadership roles (i.e. as the secretary, treasurer or deputy) if they were numerate or literate. Women's ability to read and/or write – which was less than men's – was a determining factor in their ability to actively participate in these official roles.

Beyond the committee, VDF workers also sought to engage other women. One female worker explained:

> *"Women who lack literacy and numeracy, we still get them involved. We spend a lot of time explaining the project to them. We also find out who has influence … who they listen to. We then try to get that person involved too. Maybe women are on the Committee, or maybe they are generally aware of the process. Even general awareness helps to hold others accountable."*

### 6.1.2 Women's traditional roles and responsibilities as limiting factors

At the village level, the primary role of women on the VDF Committee was described as community-level mobilisation, information dissemination and support. One VDF worker reported that, in practice, women were not selected for their leadership qualities, but because they are better known for getting things done:

> *"It's not that the community sees them as leaders, it's that they see them as people who can get things done. Because women are around during the day, they can keep an eye on the construction work."*

Female VDF Committee members explained their role as one of 'support'.

While the VDF scheme requires equal participation of men and women on the committee and encourages women's involvement, community men and women explained that it was more difficult for women to participate due to their roles and responsibilities in the family and community.

> *"When we look at families and communities in rural areas like ours, we see that women have all these tasks, and all this work that they need to do. We think it's good to encourage women to participate, but we also see that they don't have a lot of time to take on extra work like this. Women have many other things to do."*

The women and men in this village agreed that men were more able to 'move around' and go to meetings, whereas women's tasks were less flexible and more time bound, providing them limited flexibility in their daily routines.

Currently, there is no form of 'relief' provided for female VDF Committee members. Several international NGOs indicated that they had started to conduct participatory gender analyses so that villagers understood the relative workloads of women and men to increase their willingness to relieve women's burden. Increasingly these joint diagnostic processes were proving more effective than training in terms of increasing village-level understanding of gender and social stereotypes. While the VDF is committed to gender inclusion, gender is not applied as an explicit analytical tool for program planning or evaluation, or within the operation's broader program of community engagement and development. For example, there is a strong awareness among VDF staff that women's education and workload inhibits the quality of their participation in the VDF Committee, but there is no systematic analysis that provides an evidence base for this.

## 6.2 LXML's VDF staff members play a key role in facilitating a consensus-based process that includes women.

It was clear from talking to villagers and observing the interaction between VDF staff and villagers that the company played an active role in the VDF scheme. As part of this, VDF staff members were focused on ensuring inclusive and consensus-based village-level decision-making processes. However they did not control the process as one male villager explained:

> *"When the company came to talk to the community about the VDF they explained the criteria, the responsibility of the committee and the kind of people needed. They also*

*talked to elders, people on the Village Administration Committee and party representatives. These people nominated who they thought had the skills and the leadership qualities to take part. The company didn't decide for us. The committee members were voted in by the entire community."*

VDF criteria require staff to be inclusive during meetings – they ask women if they agree and invite them to share ideas, views and opinions at each stage of the process. Aside from this, the support provided by company staff is not gender differentiated – men and women are both supported. The gender balance of the VDF staff means that female staff members are involved at each stage of the process. One of the female VDF workers explained why this was important:

*"Lao women are shy to talk to men in general. When we go to the village, women have more to say to us – we have a lot of informal talk with them. We walk around to each house and see what their families are doing and we find something to talk about. We become familiar – we get to know them and they get to know us. They don't see us so much as outsiders then."*

Village women and men were positive about the role of the VDF staff, and particularly noted the benefit of having female staff.

While the company's support may not be gender differentiated, many villagers reported that the staff helped them to understand why gender inclusion was important. One male villager said:

*"In the beginning, we didn't really understand what to do. Then, after the company did the training, we agreed that it was important for women to be involved."*

A female villager agreed:

*"At first we didn't understand, but our elders said it would be good for us to be involved so we went along with it. It was really good."*

LXML's Social Sustainability team is aware of the ethnic diversity of local communities, but some believe that more effort could be made to understand gender roles and responsibilities within different groups and sub-groups, particularly as the expansion communities include a greater number of minority Mon Khmer families, than Phou Tai. One manager said:

*"Women's roles and participation in decision-making are different across the different ethnic groups. In Mon Khmer communities there are different gender relationships to Phou Tai and we don't really understand enough about that."*

In recognition of this gap, the company had tried to recruit Brou speakers, but had not had much success recruiting females. One male VDF staff member explained:

*"It's difficult to recruit [Brou-speaking] women. Most girls are married before they go to high school – they care for children and help with foraging. The Brou lifestyle and culture is not conducive to supporting education for girls. It's not part of village life and they don't see the benefit."*

Social Sustainability staff members are aware of a range of diversity aspects within local communities. One manager explained:

> *"There are also generational issues. There is a younger group coming up with a more cosmopolitan education and outlook. Their leadership styles and capabilities are different. We are going to have to work to ensure today's youth can access senior positions and do this in a way that doesn't mean the established leadership loses face. Gender runs through that. There are lots of factors to consider."*

## 6.3 The VDF scheme addresses a 'benefit gap', but other gaps remain.

Most villagers understand that the VDF was designed to 'fill a gap' between the national Poverty Reduction Fund and the trust fund. However, they are increasingly conscious of 'development gaps' that the program does not address. For example, some villages said that the VDF scheme did not address the needs of individuals and families who did not have access to jobs, did not own land and/or who relied on forest products for their livelihoods. In fact the program is designed not to privilege a particular group, but rather, benefit the community as a whole (including women and children).

Project selection processes and outcomes may be inclusive of women, but women's needs and specific perspectives are not currently given any particular priority. When asked whether men's or women's project preferences were selected, villagers and VDF staff both indicated that it was often ideas first raised by men that were usually chosen because they were perceived to have broader applicability (e.g. infrastructure projects that would benefit the whole community). The longer-term aspiration for the VDF is that as villagers gain more experience, project decisions may move beyond a sole focus on infrastructure and towards other types of projects. Notwithstanding this aspiration, infrastructure projects are still needed and provide practical experience in managing development monies, and establish trust in the process.

More broadly, people raised issues with the company's overall approach to benefit sharing, including local economic development. One woman said:

> *"Originally, the company said that it would purchase vegetables – all the surplus we could produce. After a while, the company changed its mind and said it would only purchase a small amount from each village. That wasn't worth it for us. Originally they said they would buy local – now they buy in Savannakhet."*

One of the male villagers said that the company's priority was cost efficiency not local economic development. He said:

> *"Take the local suppliers program … it looks good from the outside … but it's about protecting the company's reputation. When you look inside the program you see that the company only purchases from the people they know … they don't give opportunities to people they don't know … it's not a fair system."*

The operation recognises some of these issues exist, and has been putting some processes in place to try and address them.

The discussion in one village highlighted challenges that some people faced in leveraging other development opportunities, beyond the company. For example, men from one village explained that while they had ideas for generating income, it was hard to progress things:

> *"In our district, there is an agriculture bank, but they need security for a loan – house or land. But for us, we have no legal title. And if we can't pay, they take everything."*

People without assets are less able to generate wealth relative to those with assets and/or access to capital. The company's micro-credit program is aimed at addressing this gap – and is available to women – but there were some limitations. One villager explained:

> *"We can get microfinance, but to do that you must be part of a group, and it's really only for chicken or pig raising."*

## 6.4 VDF projects are perceived as valuable. However, the balance between 'impact' and 'benefits' is increasingly perceived as inadequate by at least some groups.

Any discussion about mining impacts included acknowledgement of some of the benefits of mining. For example, the Chair of one VDF Committee explained:

> *"There are advantages … if we look back, there have been roads, bridges, electricity … some people have gained employment and through employment they have gained skills that they can use outside the mine. Young people in particular are benefitting from employment, sometimes to the extent that they can fully support their families."*

Villagers recognised VDF projects as broadly beneficial. In one village that had installed a road and latrines, a resident commented:

> *"The road is very helpful. We're able to move around more easily and it's less muddy. Access through the whole village is easier. And now, our houses have latrines. Everyone is very satisfied."*

Even those people who were positive about the VDF projects said that the company's overall approach to development was increasingly disconnected from its operational impacts. Managers within Social Sustainability are aware of this.

One senior manager said:

> *"We've been asking: Are our development projects linked to mitigation strategies and plans that we've developed in our assessment of impacts? In a general sense we think they are, but it's not always clear how, and to what extent."*

Additionally, some villagers were frustrated that livelihoods were not more integral to the company's impact management and benefit sharing strategy. They explained that the company opened up discussion on the topic of livelihoods during permitting and ESIA processes, but failed to follow up once their permit was secure. In the context of an expanding operation, this is important. Again, some managers are aware of this. One said:

> *"Our approach to benefit sharing is increasingly undermined by our approach to land access and acquisition. Responsibility [for land access and acquisition] now sits in Vientiane – far removed from local realities and the dynamics at site. Plus, the land access process is done in a rush – we are always under pressure to get access to land to maintain production targets."*

VDF workers explained that the land access team focused on short-term problem solving and was not required to relate this to longer-term development outcomes. Several communities reported that they continued to lose forests as a result of acquisition and land disturbance activities. Forests provided an important source of food, medicine and every day necessities. One man explained:

> *"In the forest … the men set traps and catch fish, birds and lizards … women collect vegetables, bamboo shoots and all the detailed things for the household like broom grass …"*

Even villagers who were keen to reduce their reliance on the forest and live a more 'modern' life emphasised its importance. As a result, many people were concerned about the effect of mining on their forest. One man from a nearby village explained:

> *"Before [the mine], we were able to hunt as much fish and meat as we wanted … also collect fruits, bamboo, vines. What we have left are corridors and small plots of land. We can't use other village's forests – we would be fined. So, more and more we have to buy it from the market."*

Several people indicated that the situation was most difficult for individuals and families not receiving benefits (e.g. via employment, compensation). One older woman said:

> *"Someone like me … I'm too old to work. I can't get work at the mine. I don't have a source of income to buy food. Now if I need to buy something, I need to ask my family for money."*

Another woman said:

> *"The VDF doesn't help us with what we really need to live … or solve the problem of livelihoods."*

VDF staff members acknowledge this challenge and hope that as the scheme evolves, the focus on livelihoods will become more prominent.

## 6.5 The program's emphasis on process and relationships means that it may be vulnerable in the current organisational context.

As the outcomes of the VDF are not altogether tangible, the program is at risk of being seen as not valuable to the company. Several staff and managers reported that senior management valued more 'visible' forms of development. However these projects were not necessarily underpinned by a participatory or inclusive process or target impacted communities. Further as the funding amount is small relative to other benefit sharing programs, its importance is easily underestimated.

Notwithstanding its size, the program provides a potential mechanism for community-driven development for the life of mine and into closure. Nonetheless, the program itself is still quite new. One male villager said:

> *"The idea that we have projects that we determine is so new. Really, at this stage, we haven't thought beyond infrastructure, but maybe in the future we will think about other things."*

Currently, there is no long-term company commitment to the VDF. The program is a year-by-year commitment, and not tied to a life-of-mine or post-closure plan. Some villages are acutely aware of this situation.

More critically, the VDF is at some risk of being undermined by the project's expansion agenda. VDF company staff reported that villagers often raised land-related issues with them, or asked advice about how to raise a grievance. One female VDF company staff said:

> *"Sometimes they tell us things that we can't address directly, so we pass that information on to our team leader. We see our role as facilitating the messages going to the right people to address the issues."*

However, villagers are increasingly aware that VDF staff have little internal influence. One man explained:

> *"We work closely with the VDF staff from LXML … who see our lives and know what's going on here. Do these staff make decisions? Do managers listen to them? We don't think so. The other managers have a lot of knowledge about how to dig up dirt, but they don't understand the people who live here."*

There was broad agreement on this point.

# 7 Conclusion and implications

This research confirms that the VDF agreements involve women in governance and implementation processes, and provide practical benefits for communities, including women. The scheme also offers some intangible benefits through community participation and women's involvement in formal representation on the VDF Committee. For some women, the scheme has provided a first opportunity for village-level representation. However, as the program is still relatively new, its longer-term impacts and potential for 'scaling up' are under consideration.

## 7.1 Additional strategies for women's involvement

The key point of entry for discussing the gender dimensions of each village level agreement was the quota requiring equal numbers of men and women on the VDF Committee. The research concluded that while the quota ensured female representation, the quality and extent of participation required additional strategies to ensure that female representatives were equipped to influence and that men and women supported transformation of gender roles and responsibilities in principle and practice.

While women are involved in the governance and implementation of the VDF, their involvement is limited by a range of structural factors that reflect the broader issue of gender inequality in Lao PDR. The government's policy framework is supportive of gender equality, for example, but in practice, inequality is a systemic characteristic of Lao society – a trend which is more pronounced in rural and ethnic minority communities. Notwithstanding these challenges, there is potential for the VDF to have a positive influence on gender equality, particularly if additional strategies are incorporated, such as:

- continuation of programs that support the education of women and girls, particularly in Brou-speaking communities
- participatory gender analysis that enables understanding of gender roles and responsibilities, with a view to agreeing on strategies to provide women with relief from day-to-day responsibilities, further enabling participation in committee work
- supporting female leaders, as well as encouraging formal 'representation'
- encouraging female representation beyond the VDF, such as in village associations and other political structures more broadly.

## 7.2 A platform for village-level development

Company efforts to ensure that the original terms of the VDF were agreed at community and district level prior to implementation has provided a stable platform for community-level participation and decision-making. This model could be further integrated into the operation's social development strategy as a mechanism for providing impacted communities with additional support through a process that builds community capacity to handle cash contributions. The potential for 'scaling up' could be considered in future evaluation processes.

Staff capacity was identified as a critical factor for supporting community participation and women's involvement in the VDF scheme. The availability of female staff was important to women, particularly in informal moments of interaction. It will be important to maintain this gender balance in the future, particularly if the scheme 'scales up'. The operation is encouraged to continue its attempt to recruit Brou-speaking staff, and women in particular.

The company has not formalised a long-term commitment to the VDF scheme and seems more inclined to support 'visible development'. As the outcomes of the VDF are not altogether tangible, the program is at risk of not being seen as 'valuable' to the company. A comprehensive evaluation that documents both the practical and strategic benefits of the VDF scheme, and the value the scheme offers by way of relationship building could be considered. The evaluation could also consider the benefit of linking the VDF scheme more clearly to impact mitigation strategies.

## 7.3 Corporate leadership on gender and development

Beyond the VDF, the company does not have an explicit approach to gender and communities work. There is an opportunity for the company to demonstrate leadership in this area and be more proactive. Increased sensitivity to gender beyond the VDF will support the company's broader

engagement and long-term development goals. In this vein, there is an opportunity for the company to engage with the development community, particularly in the context of the changing NGO landscape in Lao PDR, for example by connecting with the Gender and Development Association. Proactively linking with this group would demonstrate leadership in gender and development.

## 7.4 VDF and impact management

Even those villagers who were positive about the VDF projects said that the company's overall approach to development was increasingly disconnected from its operational impacts. The VDF scheme and its benefits (tangible and intangible) will be at risk if operational impacts are not adequately managed. For example, some villagers are frustrated that livelihoods are not more integral to the company's impact management and benefit sharing strategy. They explained that the company only seemed to open up discussion on livelihoods during permitting and ESIA processes, but failed to follow up once their permit was secure. Additionally, villagers indicated that VDF staff were among those who knew the most about the adverse impacts that communities experience, but were the least able to influence internally. These patterns of behaviour will undermine the VDF scheme over time.

As well as giving due attention to impact management, it is important that the operation continues to build its understanding of emergent development gaps, and ensure that certain groups are not overlooked due to the presence of the mine. For example, elderly women and other groups will need due consideration as the 'whole of community' approach to development may not always consider the changing nature of vulnerability in the context of mining.

## 7.5 Knowledge base to support women's participation

The operation's knowledge and understanding of local communities is substantial. This understanding has been built through commissioned studies and through the work of knowledgeable staff (both Lao and non-Lao). However, this knowledge is not always linked to operational systems and strategies, such as land acquisition and impact management. It will be important to broaden this knowledge base as the mine expands and moves into new communities. This knowledge can be used to adapt and improve the VDF over time, including strategies to better support women.

# References


Asian Development Bank. (2004). Lao People's Democratic Republic: Gender, poverty and the Millennium Development Goals - country gender strategy. Manila, Philippines: Mekong Department and Regional and Sustainable Development Department.

AusAID. (2010). *Australia Laos Development Cooperation Strategy 2009 – 2015*. Canberra, Australia: AusAID. Retrieved from aid.dfat.gov.au/Publications/Documents/laoscountrystrategy-dec09.doc

AusAID. (2012). Laos, from http://www.ausaid.gov.au/countries/eastasia/laos/Pages/home.aspx

Byron, G., Porter, G. and Serdan, A. G. G. (2007). LAO PDR: Assessment of development results - evaluation of UNDP's contribution. New York, USA: UNDP.

Central Intelligence Agency (CIA). (2012). East and Southeast Asia: Laos, from https://www.cia.gov/library/publications/the-world-factbook/geos/la.html#top

Chandler, D. (2007). French Indochina. In T. Benjamin (Ed.), *Encyclopedia of Western Colonialism since 1450* (Vol. 2, pp. 502-507). Detroit, USA: Macmillan Reference.

Department of Foreign Affairs and Trade. (2012). Laos country brief, from http://www.dfat.gov.au/geo/laos/laos_brief.html

Evans, G. (2002). *A Short History of Laos - the Land in Between*. Crow's Nest, Australia: Allen and Unwin.

Fenton, N., Lindelow, M., & Heinimann, A. (2010). The Socio-Geography of Mining and Hydro in Lao PDR: Technical report on analysis combining GIS with socioeconomic data *Technical Note*. New York, USA: World Bank.

Gibson, D. and Carlsson Rex, H. (2010). Social Impact Mitigation from Hydropower and Mining in Lao PDR: examining potential for benefit-sharing approaches *Lao PDR Development Report 2009 on Natural Resource Management for Sustainable Development*. Washington DC, USA: World Bank.

Greater Mekong Subregion Agricultural Information Network. (2012). National Growth and Poverty Eradication Strategy, from http://laopdr.gms-ain.org/Z_Show.asp?ArticleID=44

Gender Resources Information and Development Centre (GRID). (2005). Lao PDR Gender Profile. Washington DC, USA: Gender Resources Information and Development Centre of the Lao Women's Union.

International Council on Mining and Metals (ICMM). (2011). Utilizing mining and mineral resources to foster the sustainable development of the Lao PDR. London, UK: International Council on Mining and Metals.

Jackson. (2011). The Sepon Gold and Copper Mine: Neighbours Past, Present and Future. Sepon, LAO PDR: LXML.

King, E., and van der Walle, D. (2010). Ethno-linguistic diversity and disadvantage. *Poverty and Development*. Washington DC, USA: World Bank.

Kyophilavong, P. (2009). Mining sector in Laos. *BRC Discussion Paper Series* (Vol. No. 18). Bangkok, Thailand: Bangkok Research Center, IDE-JETRO.

Lao People's Democratic Republic. (2012). Brief history of the National Assembly. From http://www.na.gov.la/index.php?option=com_content&view=article&id=54&Itemid=204&lang=en

Ministry of Energy and Mines. (2012). MIning and Investment Opportunity in Lao PDR. Department of Mines, Lao PDR.

MMG Limited. (2012). The Houaykong Training Centre from http://www.mmg.com/en/Our-Operations/Mining-operations/Sepon/Living-in-the-community/Community-programs/Houaykong-Training-Centre.aspx

Prime Minister's Office. (2012). Poverty Reduction Fund. *National Leading Board for Rural Development and Poverty Alleviation*, from http://www.prflaos.org/

Reimann, F., and McGuire, G. (2011). *Sustainably managing social investment in poor communities surrounding the Sepon operations.* Paper presented at the SRMining 2011: First International Seminar on Social Responsibility in Mining, Santiago, Chile, 19-21 October.

The Centre for International Economics. (2010). The economic impact of the Sepon mine. Canberra, Australia: Canberra Centre for International Economics.

United Nations Women. (2012). Lao People's Democratic Republic Factsheet, from http://www.unwomen-eseasia.org/docs/factsheets/04%20Lao%20PDR%20factsheet.pdf

United Nations Development Programme (UNDP). (2010). Lao People's Democratic Republic: Accelerating Progress Towards the MDGS. New York, USA: UNDP.

United Nations Development Programme (UNDP). (2011). Sustainability and Equity: a better furture for all. Washington DC, USA: UNDP.

United Nations Development Programme (UNDP). (2012a). Gender Inequality Index (GII), from http://hdr.undp.org/en/statistics/gii/

United Nations Development Programme (UNDP). (2012b). UNDP in Lao PDR, from http://www.undplao.org/about/aboutlao.php

UXO LAO. (2012). Lao National Unexploded Ordnance Programme, from http://uxolao.org/uxo%20problem.html

World Health Organisation (WHO). (2012). Lao PDR: Country Cooperation Strategy. New York, USA: World Health Organization.

World Bank. (2006). Lao PDR: Poverty Assessment Report (East Asia and Pacific Region). Washington DC, USA: World Bank.

World Bank. (2011). Lao PDR: Government partners with the mining sector to support local communities, from http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/EASTASIAPACIFICEXT/0,,contentMDK:23007191~menuPK:208943~pagePK:2865106~piPK:2865128~theSitePK:226301,00.html

World Bank. (2012). Lao PDR, from http://www.worldbank.org/en/country/lao/overview

Yaphichit, S. (2011). New minister to oversee proper use of resources. Retrieved from http://www.monre.gov.la/wrea/en/the-news/local-news/450-new-minister-to-oversee-proper-use-of-resources.html

THE UNIVERSITY OF QUEENSLAND
AUSTRALIA

SMI CSRM
Centre for Social Responsibility in Mining

# MINING AND LOCAL-LEVEL DEVELOPMENT

## Examining the gender dimensions of agreements between companies and communities

Case report for Rio Tinto Alcan Weipa

**Australia**

April 2013

Australian Government
Department of Foreign Affairs and Trade

Minerals Council of Australia

Commissioned by the
Minerals Council of Australia (MCA) and Australia's
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# ACRONYMS

| | |
|---|---|
| BMEA | Bauxite Mining Exchange Agreement |
| CSRM | Centre for Social Responsibility in Mining |
| CYLC | Cape York Land Council |
| DFAT | Department of Foreign Affairs and Trade |
| EBMPA | Ely Bauxite Mining Project Agreement |
| ECC | Ely Coordination Committee |
| ILUA | Indigenous land use agreement |
| MCA | Minerals Council of Australia |
| RTA | Rio Tinto Alcan |
| RTAW | Rio Tinto Alcan Weipa Pty Ltd |
| WCCCA | Western Cape Communities Coexistence Agreement |
| WCCT | Western Cape Communities Trust |
| WTA | Weipa Town Agreement |

# Executive summary

This report provides the outcomes of a study on the gender dimensions of agreement processes at Rio Tinto Alcan's Weipa (RTA Weipa) operation in Queensland, Australia. This report forms part of a broader research project funded by the Minerals Council of Australia (MCA) and Australia's Department of Foreign Affairs and Trade (DFAT) investigating the role of gender in agreement processes.

This case study was undertaken by two researchers from the Centre for Social Responsibility in Mining (CSRM) at The University of Queensland. The analysis draws on desktop research, a brief site visit during August 2012 and a series of interviews with Traditional Owner elders from the Northern and Central Western Cape regions, agreement implementation body employees, local female Traditional Owners, service workers (teachers, employment service providers, etc) and company personnel. Interviews were conducted in Weipa, Napranum and Mapoon.

## Research scope

This study focuses on the gender dimensions of agreement processes associated with the two existing company community agreements: the Ely Bauxite Mining Project Agreement (EBMPA or 'Ely' Agreement) and Western Cape Communities Coexistence Agreement (WCCCA). These agreements involve six and 11 Traditional Owner groups and were signed in 1997 and 2001, respectively.

The focus of the research was twofold; firstly to explore the opportunities and challenges associated with women's participation in the agreement including factors that enable or limit women's full participation, including availability of time, family responsibilities, capacity, employment and other community responsibilities; secondly, to investigate the changing gender dynamics of the agreements, focusing on issues of generational change including transitional representation and leadership, drivers and barriers to participation, and how these have changed since the inception of the agreements.

## Background context

The current RTA Weipa operation occurs under three Indigenous agreements: the Western Cape Communities Coexistence Agreement (WCCCA), the Weipa Town Agreement (WTA) and the Ely Bauxite Mining Project Agreement (EBMPA), corresponding to the leases that form the operation. The leases cover the region including the communities of Aurukun, Mapoon, Northern Peninsula Area, Napranum, Weipa and all lands between Mapoon in the north and Aurukun in the south. Within this region there are 12 recognised Traditional Owner groups representing the Indigenous people. These are the Alngith, Anathanangayth, Ankamuthi, Atambaya, Peppan, Taepadhighi, Thanikwithi, Tjungundji, Warranggu, Wathayn, Wik and Wik-Waya, and Yupungathi.[1]

These agreements formalise the relationship between the mine and Traditional Owners in terms of consultation, engagement and collaboration. Both agreements include provisions for benefit sharing

[1] The Northern Peninsula Area (NPA) and Hopevale communities also have traditional ties to the land contained within the mining lease area.

(including payments to trusts and funding for education and training), cultural heritage, cultural awareness, environmental protection and rehabilitation processes, plans for relinquishment of land, and governance structures. The agreements specify the commitments for all parties – RTA, Traditional Owner Groups, Shire Councils, the Cape York Land Council and, for the WCCCA, the Queensland Government.

## Summary of key findings

### Women have had significant involvement with the WCCCA and EBMPA Agreements, although there has not been a strategic focus on gender equality or women's empowerment.

All participants agreed that women's formal and informal participation in the agreements was significant in the negotiation of the agreements, as well as their ongoing implementation. Women were seen as strong representatives of community and country, and advocated for economic, cultural and environmental impact management and benefit sharing provisions to be included in the WCCCA and EBMPA. Opportunities for women's participation include agreement governance committees, representative elections, community and company-community consultations about benefit sharing and governance, applicants for funding and as beneficiaries of implemented programs.

Interviewees had a range of perspectives about why women's involvement has been significant and generally believe that it is the result of a number of factors, including:

- agreement processes (consultation, negotiation, ratification, continuing governance)
- historical context
- cultural context
- demographic context.

Although it was obviously a difficult and sensitive topic to discuss, some interviewees perceived that there was some level of disempowerment of men within the communities of the Western Cape, which had resulted in a lower level of men's participation in the formal administration of the agreements, as well as in other aspects of community life. Men's participation and influence, however, was not absent from the agreements. Interviewees were careful to note that there were several strong male leaders involved in the agreements, and their input was respected.

### Women's leadership has made a significant contribution to the shape of the WCCCA and EBMPA, and continues to play an important role today.

Interviewees recalled that a number of very high profile and strong women were key influencers of the agreements. Several Aboriginal and non-Aboriginal interviewees recalled the 'legacy' of these women, and the ways that they shaped the agreement. For example, some of the women (particularly the elders) involved in the agreements had very high profiles within the Western Cape, and some internationally. Often these women were influential leaders in many aspects of community life, including arts and culture, education, health and social services.

Interviewees who were familiar with the negotiation process of the WCCCA explained that the women involved played a key role in setting the agenda for negotiations at a broader level than

compensation for impacts. They pushed for a comprehensive consultation process for the purposes of understanding community aspirations and concerns and advocated for a focus on securing the economic, environmental, social and cultural future of Western Cape communities, rather than for cash benefits to individuals or clans.

## Current agreement guidelines and processes are blind[2] to the significant gender differences in roles and needs (both practical and strategic) in the community.

Projects funded by agreement trusts are targeted at a general level of poverty alleviation and local development without overt awareness or analysis of gender needs, roles and responsibilities. Some interviewees felt that the non-gender focused approach to project prioritisation was appropriate given that, in present day Western Cape communities, there were similar problems facing men and women.

Currently, the WCCCA has some processes for recording and reporting gender disaggregated data, but there is no systematic evaluation of gender in terms of benefit flows or strategic priorities. Some interviewees felt that, due to the criteria used for allocating funds, women's (broad) needs were prioritised.

## The most significant organising construct in terms of individual's perception of agreement benefits and/or satisfactory representation is the family or clan (rather than men or women).

Throughout the interviews, community members explained that they did not usually think about the agreements in terms of women and men, or individuals, but in terms of their family or clan, or more generally 'the community'.

Several interviewees explained that, for Traditional Owners, the value of the agreement was at least partially based on their experience of the negotiation process (i.e. whether they thought the process was respectful, had their voices heard, and accommodated their preferences in engagement methods), and how they perceived the relationship with the company. Traditional Owners had different opinions on the value of the WCCCA and EBMPA. Some preferred the agreement that had the lower dollar value (and less formal systems) over the agreement with the higher dollar value.

## Rio Tinto Alcan Weipa's policy and principles of relationship building, inclusion, respect and empowerment have impacted the content of the agreements and the participation of women and men.

The Communities Department personnel and management of RTA Weipa have a high level of awareness of the historical significance of women's participation, and have developed practices that have facilitated and enabled women's participation. So while gender has not been a defining factor in the operation's focus, company policies – based on building relationships, having meaningful dialogue, trust and respect – have resonated strongly with women, and women's focus on sustainable outcomes for their children.

[2] A gender-blind approach assumes gender is not an influencing factor in projects, programs or policy.

Women's priorities have aligned with Rio Tinto's in terms of pursuing enhanced outcomes in terms of empowerment and reducing dependency on company and government, and interviewees felt that this enhanced cooperation between the company and community, particularly women. The inclusive/empowerment approach of the Agreements has also enabled women and men to participate and benefit.

### The agreement governance structures have provided entry points for new female and male leaders to emerge.

One of the issues explored in the research was people's perception of the readiness of the next generation to take over implementing the agreement and representing their families. Many of the community members (elders and younger generations) agreed that this was a priority concern. Some interviewees remarked that they felt that the younger generations, both girls and boys, lacked interest in the agreements. The need for a new generation of leaders, however, was not only restricted to the agreements.

Interviewees agreed that they were starting to see some new people become part of the formal agreement processes. Some of these new leaders were men and some were women. As yet, there had not been a significant change in gender composition, but there was potential for this to change in the future.

### Some leaders in the community (particularly some women) have multiple roles including community, family and work responsibilities.

Several interviewees commented that some community leaders, particularly women leaders, were extremely busy and were often involved in a range of different committees, as well as having significant family, cultural and employment obligations. Many Aboriginal women commented that taking on the responsibility for family business was traditionally a woman's role, and many women felt strongly motivated to take on positions in the agreement governance structures as part of this family role.

Interviewees discussed the various forms of support they received to manage their high load of responsibilities. Women leaders generally commented that they felt supported by the committee and, for the WCCCA, the Western Cape Communities Trust (WCCT) administration office. This support included discussions, training, meetings, availability to ask questions and receive assistance with understanding their roles and responsibilities as committee members or directors.

## Conclusion and implications

The WCCCA is widely regarded as an example of leading practice in company-community agreements, and it is clear that the WCCCA and EBMPA are the main drivers of the company's formal engagement with Traditional Owners in the Western Cape. This research was able to confirm that women's formal and informal participation in both agreements has been significant in the negotiation and implementation phases. In particular, strong leadership by female Traditional Owners in negotiation processes and positions on the implementation committees have influenced the values and content of the agreements. The agreements have benefitted from having women

involved. The women have contributed to the long-term sustainability and empowerment focus of the agreements.

## Agreement success factors

This research found that women's participation was not a critical determining factor for implementing successful agreements, although in Weipa women's participation had had a positive effect on the strategic focus and governance of the agreements. Just as there were many factors that enabled women's participation in the agreements, there were many factors that contributed to the strength of the agreements and associated processes.[3]

While there are inherent challenges and complexities, overall the level of company and community commitment to the agreements – and ongoing implementation processes – has been central to the continued progress and success of the WCCCA and EBMPA.

## Gender dimensions

The research examined a range of factors that contributed to the equal or higher level of women's participation in many processes associated with the WCCCA and EBMPA. Within the community, women's participation in the governance of the agreements, and other formal processes, appears to stem from a number of cultural and historical gender dimensions. In combination with agreement processes, the role of external actors and company practices has led to an environment where women's participation is routine and women's voices are prominent.

Looking to the future, there is a range of issues in the Western Cape which have a gender dimension, and may therefore have an impact on the ongoing success and effectiveness of agreement projects and processes going forward. Using gender as an analytical tool may help improve the efficiency and relevance of programmatic responses to these issues.

## Supporting women's leadership

The positive influence of strong female leaders in the Western Cape cannot be denied, and both company and community are appreciative and respectful of these women's commitment to developing agreements for the long-term benefit of the community. For the WCCCA, current elders, committee members and company staff are keen to maintain the vision and values that came from the elders during the original negotiation process, particularly regarding the focus on 'whole of community' benefit, Traditional Owner decision-making, accountability and future generations.

Some female interviewees expressed the difficulty they experienced in managing their multiple roles and responsibilities across the family, cultural, community and employment spheres. Many women had significant home life pressures including some who were the sole income providers of large households. In response, those participating in agreement governance received leave allowances to attend meetings (if they were RTA employees) and the support of the Executive Office in training and administrative coordination.

[3] Several of these factors have been identified in other studies as contributing to the success of the WCCCA. See O'Faircheallaigh (2012) and to agreements more generally see Limerick *et al.* (2012).

## Future generations and emerging challenges

Given that mining has the potential to continue for another 40 years, the agreements will continue to develop and change as do the needs and aspirations of the Western Cape Traditional Owners. So far, the agreements have benefitted from the presence of many leaders, including female leaders, who were heavily involved in the original negotiations. Their presence has helped overcome many difficulties in implementation of the agreements through bringing to the fore the vision and values that informed the original negotiations. As new members of the community join the implementation committees it will be important to both maintain those values, while adapting to the values of the new generations. The formation of the 'honorary board' of elders who attend WCCCC meetings is an innovative development which will help the continuity of the agreement by connecting the generations.

The demographic and cultural characteristics of the Western Cape are substantially different from the time that the current generation of elders were raised. This will likely influence the gender composition of future committees and may result in other changes that impact agreement implementation. The current training for committee members is effective in reinforcing the responsibilities of representatives and explaining the history of the agreements, yet may fall short of understanding the concerns and aspirations of the upcoming generation and providing a link to previous generations. RTA and the agreement implementation bodies may benefit from monitoring the composition of the agreement governance committees and their ability to represent the broad interests of the communities.

## Gaps in knowledge identified

The researchers perceived that the Communities Department practitioners at RTA Weipa had a good understanding of the dynamics within the communities and had appropriate systems to support their practice. Still, this research identified some gaps in knowledge that may impact the continued success of the agreement. For example, there is a gap in understanding the gendered impacts of the agreements – whether men and women are benefitting differently, whether men's and women's rights and interests are being addressed and whether the agreement is increasing or reducing gaps in gender equality. There is also a gap in understanding whether there are differences in benefit or influence among different clans or families. Some interviewees perceived differences in status between these groups. If this is the case, the breadth of development impacts could be improved.

# Case Report for Rio Tinto Alcan's Weipa Operation, Australia

## 1 Research description

### 1.1 Fieldwork

As part of the broader research project outlined above, two researchers from the Centre for Social Responsibility in Mining (CSRM) from The University of Queensland visited the Rio Tinto Alcan Weipa's operation located in Cape York Peninsula for one week in August 2012. Field-based research focused on the gender dimensions of agreement processes associated with the two existing company community agreements: the Ely Bauxite Mining Project Agreement (EBMPA) and Western Cape Communities Coexistence Agreement (WCCCA).[4] These agreements involve six and eleven Traditional Owner groups and were signed in 1997 and 2001, respectively. Further explanation of the agreements is provided in the Background Context section.

The focus of the research was twofold, firstly to explore the opportunities and challenges associated with women's participation in the agreement including factors that enable or limit women's full participation, including availability of time, family responsibilities, capacity, employment and other community responsibilities. Secondly to investigate the changing gender dynamics of the agreements, focusing on issues of generational change including transitional representation and leadership, drivers and barriers to participation, and how these have changed since the inception of the agreements.

The researchers undertook a total of 18 interviews with 28 individuals during the field visit to Weipa. Of these, 14 interviews were conducted with individuals, the remaining 4 in small groups, each with around 3-6 participants. The majority of interviews were undertaken with community members, and included 19 Indigenous participants and 3 non-Indigenous participants.[5] The gender ratio was predominantly female (77%). Community representatives included, but were not limited to, Traditional Owner elders from the Northern and Central Western Cape regions, agreement implementation body employees, local female Traditional Owners, service workers (teachers, employment service providers, etc) and others. Company interviews were undertaken with 7 individuals with various levels of seniority and predominantly from within the Communities and Social Performance team. These interviews were with 1 Indigenous participant and 6 non-Indigenous participants. The male to female ratio was relatively even with slightly more females interviewed overall.[6]

[4] Originally two mining companies had been operating in the Western Cape region side by side, in 1999 one of these established an agreement with Traditional Owner groups entitled to the land on the mining lease (the EBMPA). Shortly afterward, the two mining companies merged, and the new, larger company then established a company-community agreement in 2001 which covered all Traditional Owner groups across both mining leases (the WCCCA). The creation of the WCCCA did not replace the EBMPA for Traditional Owner groups from the first mining lease; instead they participate and benefit from both.

[5] Indigenous participation is broken down into Australian Indigenous (16%) and local indigenous (84%).

[6] The company Indigenous participant is also a community member and was thus counted in both categories.

## 1.2 Method and limitations

During their time in the field, CSRM researchers applied a semi-structured interview protocol. This method was deemed to be the most appropriate data gathering technique providing researchers with the flexibility to develop rapport and gain rich data that provided insight into participants' experience. In addition, the semi-structured deep interviews allowed the researchers to explore emerging issues and themes as they arose during the data gathering phase.[7] Research participants were not representative across Traditional Owner groups, age or gender lines. Interviewees were initially recruited via company practitioner and community leader networks. A snowballing recruitment strategy was then adopted in order to generate additional participant input in the field. This recruitment strategy aimed to respect pre-existing company-community relationships and local-networks.

Interviews were undertaken by a female research team of Julia Keenan and Rebekah Ramsay from CSRM. Both researchers have several years of experience conducting field work in Indigenous and cross-cultural contexts. Notes were recorded during interviews and, with the consent of participants, the majority were recorded for the purpose of verifying transcripts during data analysis. As with any rapid field research, there are several limitations worth noting. Due to budget and time restraints, researchers were unable to visit communities in the far northern region (Northern Peninsula area) or in the south (Aurukun) effectively limiting the research sample to participants based in Weipa, Napranum and Mapoon. Traditional Owners living outside the Western Cape were not interviewed. During the field visit some interviewees were unavailable due to 'sorry business'[8] involving several families, or travelling away from Weipa for the duration of field work.

[7] For an example of another study adopting this methodology within the Western Cape region see Buultjens *et al.* (2010).
[8] 'Sorry business' refers to ceremonial and cultural practices related to funerals and mourning in Aboriginal culture.

# Part 1 – Background context

## 2 Indigenous Australia

### 2.1 Background

Indigenous Australians are the original inhabitants of the Australian continent and believed to have migrated to the region at least 60,000 years ago.[9] In the 1700s, the Indigenous population was estimated at between 318,000 and 1 million people. Today the Australian population sits at around 22.7 million with Indigenous Australians representing 2.5 per cent or 517,000 of the population.[10] Indigenous Australians are comprised of two distinct groups, Aboriginal people and Torres Strait Islanders. The Indigenous population is predominantly located in regional areas of Australia with 42 per cent living in regional centres and a further 27 per cent in rural and remote areas.[11] While Indigenous Australians represent a minority within Australian cities, in more remote areas of the country they form almost half of the population.

Prior to the arrival of Europeans in Australia, Indigenous groups hunted, fished and harvested off the land, moving around within their tribal boundaries.[12] At that time, the continent was inhabited by around 300 distinct Aboriginal nation-states, speaking around 750 different languages and dialects.[13] Their nomadic lifestyle enabled the groups to take advantage of seasonal changes and ensured that land, rivers and rock pools could regenerate. With the arrival of the First Fleet in January 1788, the British took formal possession of Australia. The basis in international law for the progressive take-over of the continent was the doctrine of *'terra nullius'* – land belonging to no-one. The declaration of *terra nullius* enabled the British to take possession of Australia without a treaty.[14]

The century following colonisation was marked by massacre, displacement and disease. Government policies forced Aboriginal people off their lands and onto missions or reserves where many were forbidden to speak their languages or practice cultural traditions. When the colonies federated as the Commonwealth of Australia in 1901, Aboriginal people were denied citizenship, and the population had fallen to less than 100,000.[15] From 1909 to 1969[16], under the White Australia and Assimilation policies, approximately one in three and one in ten Aboriginal and Torres Strait Islander children were forcibly removed from their families. In 1962 all Indigenous people were granted the unqualified right to vote in Federal elections and the 1967 Referendum overwhelming supported the motion to alter the Constitution in order to implement policies to benefit Aboriginal people. This period was marked by increased Indigenous activism, including significant steps in the Land Rights movement.

[9] Australian Government (n.d.).
[10] Australian Government (n.d. ).
[11] NSW Reconciliation Council (n.d. ).
[12] Australian Institute of Aboriginal Torres Strait Islander Studies (AIATSIS) (n.d.).
[13] In more recent times fewer than 200 languages remain in use (AIATSIS, n.d.).
[14] NSW Reconciliation Council (n.d.).
[15] Australian Bureau of Statistics (2006).
[16] This practice was also reported to take place both before and after this period.

## 2.2 Land rights, native title and agreements

A substantial body of literature exists on land rights, native title[17] and agreement-making within the Indigenous Australian context.[18] Litigation for the recognition of native title began in the 1970s, leading to the recognition of Indigenous Australians' legal interests in land. Significant acts of legislation include:

- *Aboriginal Land Rights* (*Northern Territory*) *Act* 1976
- *Aboriginal Lands Trust Act 1966* (in South Australia)
- *Native Title Act 1993* (Cth).

The passing of the *Native Title Act 1993*, along with subsequent amendments and case law, created a legislative framework for recognising and protecting native title, and for determining the terms for use and management of land and waters between native title groups and developers.[19] Under the Native Title Act, the Australian Government recognises that Indigenous men and women are equally entitled to claim legal recognition of rights in land, and many women have done so on behalf of their groups.[20] This creates legal entitlements and requirements for women claimants to be involved in agreements and reinforces Indigenous values that facilitate recognition of women's rights and responsibilities.[21]

The Native Title Act introduced two different processes for applications for mining and exploration: Indigenous land use agreements (ILUAs) and the 'right to negotiate' process. Both processes provide a framework for the negotiation of an agreement between mining companies, native title groups and other parties as appropriate. All parties are bound to the provisions of the agreement.[22]

ILUAs might cover:

- native title holders agreeing to a future act or group of future acts
- compensation for loss or impairment of native title
- how native title rights and interests coexist
- access to an area
- extinguishment of native title by surrender to governments
- framework agreements (i.e., agreements that define terms and conditions for future act negotiations, decision-making or other activities)
- the exercise of native title rights and interests.
- ILUAs can also cover cultural heritage issues, the provision of public works and infrastructure and employment
- and economic opportunities for native title groups.

[17] Native title is the recognition by Australian law that some Indigenous people have rights and interests to their land that come from their traditional laws and customs (National Native Title Tribunal, n.d.).
[18] See for example O'Faircheallaigh (1995; 2004) and Langton & Mazel (2008).
[19] ILUAs can also be negotiated outside of the native title process e.g. with unregistered claimants or where there has been a determination that native title has been extinguished (Buultjens *et al.* 2010).
[20] O'Faircheallaigh (2012).
[21] Bartlett (2004, pp. 524-32).
[22] National Native Title Tribunal (2011 p. 27).

# 3 Rio Tinto Alcan Weipa

## 3.1 History of the operation

The Rio Tinto Alcan (RTA) Weipa bauxite mine is located on the western coast of the Cape York Peninsula and is one of the largest mines in the world, with ore reserves covering an area of 3,860 square kilometres. Bauxite has been mined in Weipa since 1961 and has the potential to continue for at least another 40 years.[23] RTA Weipa operates on two mining leases, the ML7024 and ML7031 which were originally held by mining companies Comalco and Alcan South Pacific respectively (see Figure 1). Comalco was granted Mining Lease 7024 for the large scale development of the bauxite in 1957; the lease was for 84 years with an option to extend for a further 21 years. In 2000, Rio Tinto bought out Comalco, and the operation subsequently came under the management of Rio Tinto Aluminium in 2006. Alcan South Pacific was granted Mining Lease 7031 in 1965. The company has become a Rio Tinto Alcan operation after Alcan South Pacific and Rio Tinto Aluminium merged in late 2007.[24]

Bauxite mining at RTA Weipa involves the mining, crushing and processing of bauxite, and ore handling through port facilitates for transport to alumina refineries.[25] Available figures indicate that annual production of bauxite has significantly increased over time. During the first commercial year of production in 1964, approximately 450,000 tonnes of bauxite was shipped. Annual production has increased to more than 20 million tonnes of bauxite in 2011.[26] East Weipa and Andoom deposits are currently being exploited, and RTA has conducted a feasibility study to extend its mine operations into an area south of the Embley River and, at the time this research, was waiting for government approval. If successful, the South of Embley project will extend mine life by approximately 40 years depending on production rates. The project will progressively replace depleted bauxite reserves at the East Weipa and Andoom mining areas and maintain continuity of supply to two Gladstone alumina refineries (one fully owned by Rio Tinto Alcan, one 80% owned by Rio Tinto Alcan). The South of Embley project involves a staged increase in production up to 50 million dry product tonnes per annum.[27]

[23] Rio Tinto Alcan (2013).
[24] Klimenko and Evans (2009).
[25] Rio Tinto Alcan (2013).
[26] Klimenko & Evans (2009).
[27] Rio Tinto Alcan (2013).

**Figure 1: Rio Tinto Alcan Weipa Mining Leases: ML7024 and ML7031**

Source: Rio Tinto Alcan (2012b, p4).

## 3.2 History of the Western Cape communities

Radiocarbon dating of archaeological sites suggests that Cape York has been inhabited for over 35,000 years. Sites around Weipa, including substantial shell mounds or middens, date back 2500 years.[28] Prior to European settlement, the Western Cape was home to an Indigenous population thought to speak over 30 traditional languages.[29] The Indigenous population of the Western Cape reportedly stayed largely within its clan territory with occasional interaction from neighbouring groups. The earliest known European contact with Australia occurred in the Weipa region in 1606, when the Dutch ship, the *Duyfken*, explored the Western Cape coast.

The township of Weipa was established as a Presbyterian Aboriginal mission in 1898. The establishment of Presbyterian Church missions in the region from the 1890s drastically changed the way of life of the local Aboriginal people who were introduced to a sedentary village lifestyle. During the frontier period, one significant impact was the separation of families as many Aboriginal men were forcibly removed from their communities or recruited for labour. For example, some men were abducted to assist in the collection of *Beche-de-mer* and pearling at Albany Island from 1870 onwards, while others were recruited into the cattle industry, leaving women and children in the communities. Historians recount that the impact of mission life on Aboriginal people varied as a result of Mission superintendents who were given authority to shape individual experiences. For example a superintendent might change an individual's name or forbid them from speaking their traditional language or engage in traditional practices such as dance or song.[30] Church organisations gradually withdrew from the region in the 1960s, and communities came under the management of the State Government until 1988.[31]

### 3.2.1 Present-day Weipa

The present day Western Cape region includes the township of Weipa and the Aboriginal shires of Napranum, Mapoon and Aurukun. The community has strong links to communities located in the Northern Peninsula area including New Mapoon, Injinoo and Bamaga, on the tip of Cape York, where Mapoon residents moved to in 1963. There are several outstations located in the project area, and are maintained under one of the company-community agreements.[32] The outstations are mostly used in the dry season, and are highly valued by Traditional Owners as a means of connecting with their country and practicing their culture.

RTA operates the Weipa Town Authority[33] and is the primary economic contributor to the township and wider region, both directly and indirectly in terms of employment, infrastructure, housing and service provision. Weipa is the largest town in the Western Cape region with a population of 3334 residents of which 616 people (18.6%) identified as Indigenous in the 2011 Census. The Indigenous population in Weipa is comprised of relatively equal numbers of men (50.3%) and women (49.7%).[34]

[28] Rio Tinto Alcan (2012a, pp. 11-1).
[29] Wharton (2000).
[30] Wharton (2000).
[31] Rio Tinto Alcan (2012b).
[32] The WCCCA Agreement will be discussed in detail below.
[33] The services supplied through the Weipa Town Authority are of a similar nature to those supplied by local Councils throughout Australia, i.e. road maintenance, water supply, building control, town planning, public library services, a public swimming pool, parks, gardens, ovals and garbage collection.
[34] Australian Bureau of Statistics (2011a).

The workforce for RTA Weipa predominantly resides in Weipa. Aurukun and Mapoon are too distant for daily work commutes. Weipa has a lower proportion of Indigenous people than the other Western Cape communities however the majority of Indigenous employees tend to base themselves in Weipa rather than Napranum.[35] Private sector employment is relatively high in Weipa for both Indigenous and non-Indigenous people in comparison to that of the other communities, where government employment is dominant. Weipa has a large proportion of young to middle aged residents, of both sexes, predominantly between the ages of 25 and 45, the age range coinciding with the majority of the mining workforce.

Napranum is located 10km south of Weipa, and its proximity to Weipa means that residents have improved access to the region's centralised facilities. The population in Napranum was recorded at 817 people in the 2011 census, with 97 per cent identifying as Indigenous. The gender ratio is again relatively even with slightly more men (50.4%) than women (49.6%).[36] Napranum has a higher proportion of youth and children compared with Weipa. Napranum also has a higher proportion of people aged 60 years and over compared with Weipa explained in part, by the high proportion of working people living in Weipa.[37] Napranum was originally established as a Presbyterian mission in 1932. The church handed over control to the Queensland Government in 1966. During the 1960s people from other Aboriginal communities and the Torres Strait Islands settled at Napranum in search of work. Napranum Aboriginal Shire Council was established in 1989 and is the local authority.[38]

Mapoon, located 80km north of Weipa, had a population of 263 people in 2011, 90.4 per cent of whom identified as Indigenous. There were slightly more females (51.5%) than males (48.3%). The median age was 28 years. The community has a significantly high proportion of children, with 24% of the population aged below 14 years.[39] The community is administered by the Mapoon Aboriginal Council.[40] A Presbyterian mission was initially established in 1891 however in 1963 the residents were forcibly removed to a site which was named New Mapoon, and elsewhere. Recent data indicates that the population of Mapoon is gradually increasing as extended family members are migrating back to the area from New Mapoon, Cairns and other areas of Cape York. After a number of years of protest, some people returned in the mid-1970s and began rebuilding their original community. A small population stayed in New Mapoon and, in 2011, the community had a population of 289, comprised of 49.1% male and 50.9% females. The town is administered by the New Mapoon Aboriginal Council. All residents of New Mapoon identify as Indigenous Australians.

Aurukun, located 187km south of Weipa, was originally established as a Presbyterian mission in 1904, and is now administered by the Aurukun Shire Council.[41] The population was recorded at 1295 people in 2011 of which 92.1 per cent identified as Indigenous.[42] Like Napranum and Mapoon, the majority of the population are youth, aged between five and 24 years. The relatively young

[35] Rio Tinto Alcan (2012b).
[36] Napranum Aboriginal Shire Council (n.d.).
[37] Rio Tinto Alcan (2012b).
[38] Australian Bureau of Statistics (2011b).
[39] Australian Bureau of Statistics (2011c).
[40] Mapoon Aboriginal Shire Council (2013).
[41] Aurukun Shire Council (2012).
[42] Australian Bureau of Statistics (2011d ).

population in these communities has potential implications for the demand for social services and the provision of recreational and leisure facilities for young families due to their remote location.

### 3.2.2 Socio-economic background

Indigenous groups across Australia share a high level of social and economic disadvantage compared with non-Indigenous Australians, regardless of their location, cultural context and historical experience.[43] Many of the issues and challenges impacting the communities across the Western Cape region are similar to those faced by remote communities across Australia. These challenges include, but are not limited to, lack of available housing, need for quality education that leads to employment outcomes, access to health care facilities and complex stakeholder arrangements. The following section outlines specific social-economic data pertaining to the Indigenous population in the Western Cape region. Gender-desegregated data is not available through the Australian Bureau of Statistics with the exception of single-parent families, outlined below. Across the majority of socio-economic indicators for Aboriginal and Torres Strait Islander people of the Western Cape region, indicators for Indigenous residents in Weipa tend to show better outcomes compared with Aurukun, Napranum and Mapoon. For example, Weipa has a higher proportion of Indigenous people with post-secondary education qualifications than the other communities. Weipa also has the region's highest labour force participation rate of 79 per cent followed by Mapoon (66%), Napranum (48%) and Aurukun (47%).[44] The 2011 Census data indicates that the unemployment rate in Weipa (4.3%) and Mapoon (6.1%) was below or close to the state average of 6.1 per cent; however the Aurukun and Napranum communities had significantly high unemployment at 22.6 per cent and 19.8 per cent respectively. Unemployment rates have slightly increased since the 2006 Census.

Other issues affecting communities in the Western Cape region include alcohol[45] and drug-related harm[46], poor nutrition and hygiene, and a high incidence of separation and relationship breakdowns.[47] Napranum and Mapoon for example have a high proportion of one parent families; more than double the state average. Around 85 per cent of single parents in Aurukun, Napranum and Mapoon are female. While the Australian Bureau of Statistics does not produce gender-desegregated data on crime rates, alcoholism, drug use and employment within the communities, anecdotal evidence suggests that men are more likely to be incarcerated and face barriers to employment. Women are more frequently considered to be the primary carers of the family unit. In addition, the 2011 Census indicates that overcrowding is also a significant problem in at least some communities. The average number of people per household in Aurukun, for example, was 5.1.

The Western Cape region has community infrastructure and services which support Indigenous and non-Indigenous residents within the area. These include child care facilities; community support services which provide counselling to women and children experiencing family or domestic violence in the communities of Weipa, Napranum and Mapoon[48], aged care facilities; electricity,

[43] Limerick *et al.* (2012).
[44] Rio Tinto Alcan (2012d).
[45] Alcohol Management Plans (AMPs) are currently implemented across a number of communities in the Cape York including Aurukun, Napranum and Mapoon.
[46] Alcohol and drug related illnesses are common to both Indigenous and non-Indigenous communities in the Cape region. Rio Tinto Alcan (2012d.).
[47] Rio Tinto Alcan (2012d).
[48] According to Weipa Community Care Association, 2006 data showed that one woman was taken out of the community service provision area every month due to incidents of domestic violence. Weipa Community Care provides services to

telecommunications, water and waste infrastructure; transport facilities; health and emergency services; and educational facilities and services from prep to year 12. The Tropical North Institute of TAFE has a regional campus located in Weipa that also services the communities across the Western Cape region. Community infrastructure and services are largely based in Weipa and, despite efforts by the Queensland Government, RTA Weipa and community groups, many of the facilities are insufficient for the needs of residents within the region. For example, childcare facilities are based in Weipa, Napranum and Aurukun, however all centres currently operate at full capacity. The RTA Weipa Community Baseline Assessment conducted in 2008 identified shortage in childcare places as one of the priority concerns facing Weipa and its surrounding communities.[49]

## 3.3 RTA Weipa communities approach

RTA has established relationships, policies, procedures and structures to implement programmes and partnerships in the Western Cape region. RTA's parent company, Rio Tinto, designed an Aboriginal and Torres Strait Islander Policy in 1995, built on the foundation of company "recognition and respect for Aboriginal and Torres Strait Islander people".[50] The policy requires that in addition to seeking consultative mine development and land access agreements with Traditional Owners, the company and operating businesses support various capacity building programs for Aboriginal people. These include targeting education, training, employment, liaison and business development which are intended to improve indigenous opportunities at Rio Tinto businesses.

Rio Tinto requires all sites to develop Communities plans which specify local working arrangements, and are integrated with the site's operational planning and updated annually. These plans are informed by the Rio Tinto Communities policies and apply throughout the life cycle of the mining operation.[51] A key objective of the Rio Tinto Communities policies and standards is to "build enduring relationships with [their] neighbours that are characterised by mutual respect, active partnership and long term commitment".[52] The RTA Weipa operation has a dedicated Communities team of 12 staff who oversee implementation of the Communities plans and agreements, as well as other community and stakeholder engagement activities. Significantly, the team has a dedicated agreements specialist who oversees the agreements. Several team members are Traditional Owners from the Western Cape, with a mix of males and females.

Rio Tinto policy provisions require that gender, diversity and human rights considerations are integrated into the management and planning of all Communities work. In 2010, the company developed specific guidance for integrating gender considerations into Communities work which outlines tools and processes that sites can use to effectively achieve this aim.[53] Publically available documents indicate that RTA Weipa has a gender strategy in place as part of its cultural heritage management procedures, but not for Communities work more broadly.

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Napranum, including a healing service, and management of a women's shelter in Weipa to support domestic violence victims (Rio Tinto Alcan, 2012d).

[49] Rio Tinto Alcan (2012b).

[50] Harvey (2002).

[51] Rio Tinto (2007 ).

[52] Harvey & Brereton (2005, p.5).

[53] See Why Gender Matters: A resource guide for integrating gender considerations into Communities work at Rio Tinto. Available at: http://www.riotinto.com/documents/ReportsPublications/Rio_Tinto_gender_guide.pdf

RTA Weipa has demonstrated a commitment to providing local Aboriginal people with employment in line with company policy and as part of its company-community agreement commitments. According to RTA records, Indigenous employees accounted for 23% of RTA employees and local Aboriginal employees accounted for 12% of employees in 2012.[54] Female employment was about 23% for the total workforce and the Indigenous workforce. RTA Weipa has also invested in a number of capacity building initiatives to support the work-readiness levels of people living in Western Cape communities including the Local Aboriginal Traineeship Program and the RTA Destinations Program and the creation of an Indigenous Training and Development and Employee Support team was established in 2009.

# 4 Agreements

The current RTA Weipa operation occurs under three Indigenous agreements: the Western Cape Communities Coexistence Agreement (WCCCA), the Weipa Town Agreement (WTA) and the Ely Bauxite Mining Project Agreement (EBMPA), corresponding to the leases that form the operation.[55] The leases cover the region including the communities of Aurukun, Mapoon, Napranum, Weipa and all lands between Mapoon in the north and Aurukun in the south (see Figure 1). Within this region there are 12 recognised Traditional Owner groups representing the Indigenous people. They are the Alngith, Anathanangayth, Ankamuthi, Atambaya, Peppan, Taepadhighi, Thanikwithi, Tjungundji, Warranggu, Wathayn, Wik and Wik-Waya, and Yupungathi.[56]

These agreements formalise the relationship between the mine and Traditional Owners in terms of consultation, engagement and collaboration. Both greements include provisions for benefit sharing (including payments to trusts and funding for education and training), cultural heritage, cultural awareness, environmental protection and rehabilitation processes, plans for relinquishment of land, and governance structures. The agreements specify the commitments for all parties – RTA, Traditional Owner groups, Shire Councils, the Cape York Land Council and, for the WCCCA, the Queensland Government.[57]

## 4.1 The Ely Bauxite Mining Project Agreement (EBMPA or Ely Agreement)

The EBMPA was signed in September 1997 and amended in 1999 by Alcan South Pacific (now Rio Tinto Alcan). The signatories comprise six Traditional Owner groups, three Aboriginal shire councils (Napranum, Mapoon and New Mapoon), and the Cape York Land Council. In 1998, Alcan and Comalco partnered under an agreement called the Bauxite Mining Exchange Agreement (BMEA) to mine the Ely area. Following the acquisition of Alcan by Rio Tinto in 2007, the new entity, Rio Tinto Alcan Weipa Pty Ltd (RTAW) is now a party to the agreement and bound to implement all agreed actions, commitments and obligations.

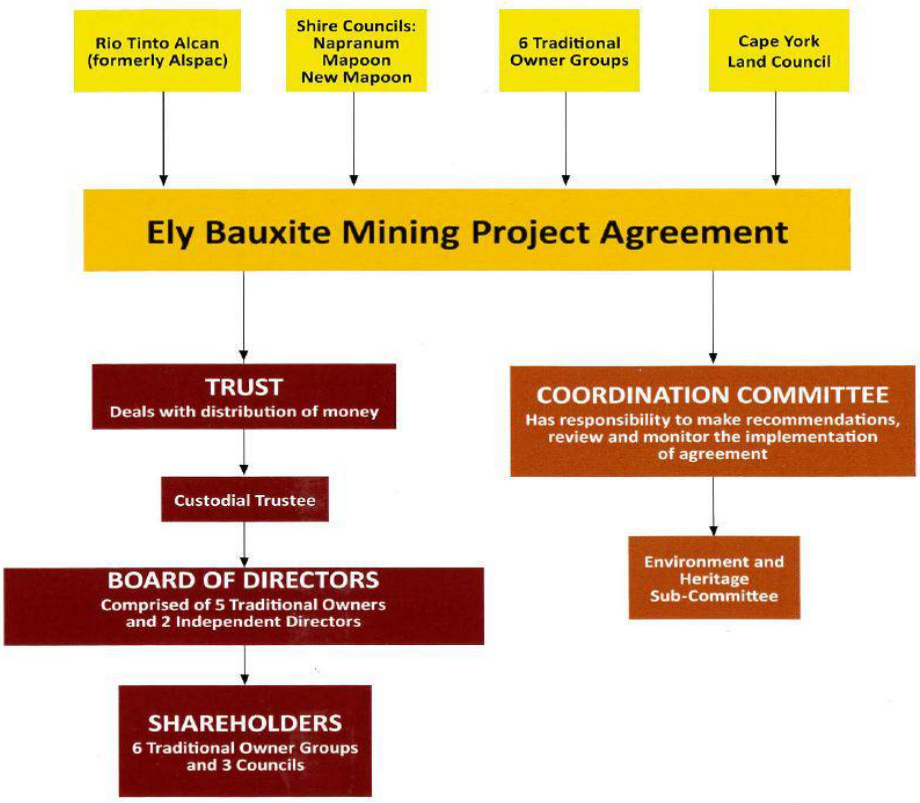
The agreement sets out the terms for development of the Ely Mining Lease, including company commitments to cultural heritage protection, cultural awareness training, community and business

[54] Data from Rio Tinto Community Relations (pers comm) (2013).
[55] Due to a range of factors, the research gathered more information about the WCCCA than the EBMPA. These included the short timeframe for field work, absence of key informants and confidentiality of the EBMPA.
[56] The Northern Peninsula Area (NPA) and Hopevale communities also have traditional ties to the land contained within the mining lease area.
[57] The Weipa Town Agreement is not discussed in this report as it does not cover the mining lease areas.

capacity building through employment, and education and training opportunities. Two distinct entities have been created in order to implement the agreement: the Ely Coordination Committee (ECC) and an Aboriginal Beneficiaries Trust (Ely Trust) (See Figure 2). Each have separate functions and operate independently. The ECC has a female chair and provides a formal consultation platform between Rio Tinto Alcan Weipa and representatives from the six Traditional Owner groups in the planning and decision-making processes. The trust on the other hand receives and distributes funds received under the EBMPA in line with clan guidelines which are confidential.

**Figure 2: Map of the Implementation Structure under the Ely Bauxite Mining Project Agreement**

Source: Ely Bauxite Mining Project Agreement Brochure, 2012.




## 4.2 The Western Cape Communities Coexistence Agreement (WCCCA)

The process leading to the WCCCA was initiated by the signing of a memorandum of understanding (MoU) between Comalco and the Cape York Land Council (CYLC) in 1995. Following this, there were several years of negotiation until the agreement was signed in March 2001 by Comalco (now Rio Tinto Alcan); 11 Traditional Owner groups; the Councils of Aurukun, Mapoon, Napranum and New Mapoon; the Cape York Land Council; and the Queensland Government.[58] The agreement was registered as an Indigenous land use agreement under the provisions of the *Native Title Act 1993 (Cth)* in August 2001.[59] The outcome of this agreement was a commitment by all parties to focus on issues relevant to the Indigenous community, and a range of provisions detailed in the box below.[60]

[58] Western Cape Communities Trust & Western Cape Communities Coordinating Committee (WCCCA) (2009a).
[59] Buultjens *et al.* (2010).
[60] Rio Tinto Alcan (2001).

Agreement provisions include:

1. Recognition and support for Traditional Owner groups and their claims for native title
2. Registration of the agreement as an Indigenous land use agreement (ILUA) under the *Native Title Act 1995*
3. Relinquishment now, and progressively of parts of the Comalco lease no longer needed for mining to the State Government for return to Aboriginal ownership
4. $2,500,000 each year (minimum) to Western Cape Communities Trust for projects benefiting Traditional Owner groups and the Western Cape communities. This amount may increase with increases in Weipa production and with higher aluminium prices
5. $500,000 annual Comalco expenditure on employment, training and youth educational programs, endorsed by the Western Cape Communities
6. The State Government contribution of about $1.5 million a year to the Western Cape Communities Trust for allocation to local community development projects and Traditional Owner proposals once the Agreement is registered as an ILUA
7. Cultural heritage surveys and site protection plans, and cultural awareness training for all Comalco staff and principal contractors in Weipa
8. Support for community development, Indigenous business enterprises and establishment of outstations on suitable areas of the mining lease.

Two bodies were created to implement the agreement (see Figure 3): the Agreement Coordinating Committee[61] and the Communities Trust. The Agreement Coordinating Committee is responsible for the implementation, monitoring, and review of the agreement. Importantly, the body must ensure that all parties meet their agreed obligations. As stated on RTA's website:

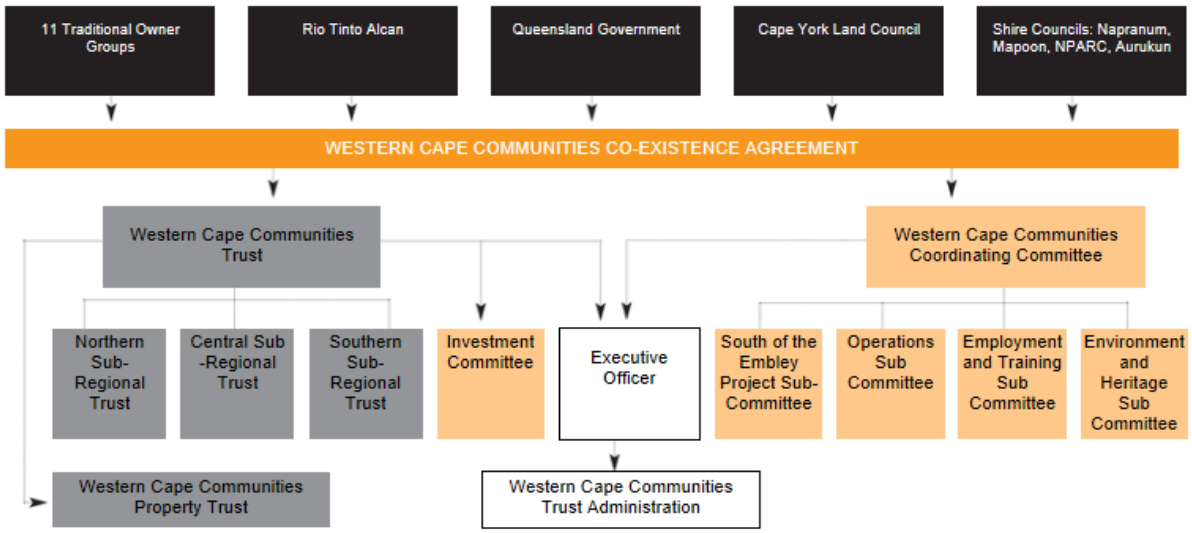
> *"[The] Co-ordinating Committee, comprised of two representatives from each Traditional Owner [g]roup across the lease area, a representative from each of the four community councils, and a representative from Comalco, State Government and the CYLC, will be established to deal with the day to day matters arising from the [a]greement. The committee will also consult with relevant Traditional Owners on issues such as land management, regeneration plans, environmental applications, and any review of the permit land access system."*[62]

The Communities Trust is run by a board of directors and designed to support the management of company and government contributions which amount to approximately $6M on an annual basis. Each year, around 60 per cent of these funds are placed in long-term secure investments. The remaining 40 per cent is divided and distributed into three sub-regional trusts, the Southern trust (Aurukun), Central (Napranum) and Northern (Mapoon, including New Mapoon), which oversee the management of community projects and funds. These sub-regional trusts have the independence to ensure that funds are used toward regional priorities. Importantly, however, the Communities Trust was negotiated as a 'charitable trust' and therefore funds must legally be used for community benefit, not individual benefit.[63]

[61] Known as the Western Cape Communities Coordinating Committee (WCCCC).
[62] Rio Tinto Alcan (2001 ).
[63] Native title payments into charitable trusts are tax-exempt. While use of charitable trusts increases the overall payment received by Traditional Owners, the funds can only be distributed for the purposes of community and charitable benefit.

In 2003, Comalco initiated a review of the agreement to evaluate its implementation, progress against stated goals, barriers to successful implementation and actions that could be taken to improve the administration and implementation of the agreement. The review identified a range of challenges, including many issues common to other land use agreements. For example, the reviewers found deficiencies in communication, planning, accountability, collaboration, and lack of administrative and governance skills.[64] The review involved extensive consultation, and was seen to be an important step in terms of the agreement's maturity. Following the review, many practices were reviewed and improved, and the agreement is generally perceived to have improved in its effectiveness.

**Figure 3: Implementation structure under the WCCCA**




Source: Western Cape Communities Trust & Western Cape Communities Coordinating Committee (2009b).

For example trust monies cannot be distributed to an individual who may wish to establish a business. For a full discussion on the benefits and limitations of charitable trusts versus other funding structures see Limerick *et al.* (2012, pp. 103-105).

[64] Langton (2006, pp.104-5).

# Part 2 – Findings from the field research

## 5 Findings

### 5.1 Women have had significant involvement with the WCCCA and EBMPA, although there has not been a strategic focus on gender equality or women's empowerment.

#### 5.1.1 Women's participation

All participants agreed that women's formal and informal participation in the agreements was significant in the negotiation of the agreements, as well as their ongoing implementation. Women were seen as strong representatives of community and country, and advocated for economic, cultural and environmental impact management and benefit sharing provisions to be included in the WCCCA and EBMPA. Avenues of women's participation included agreement governance committees, representative elections, community and company-community consultations about benefit sharing and governance, applicants for funding and as beneficiaries of implemented programs.

Interviewees had a range of perspectives about why women's involvement had been significant and generally believed that it was the result of a number of factors. Some of these factors were more pronounced for different communities (for example, the mission experience in Aurukun was very different to the experiences in Mapoon and Napranum). Some factors related to the agreements and Rio Tinto's approach, while others related to existing contextual factors in the community.

Factors that interviewees thought encouraged or enabled women's participation include:

- **Agreement processes (consultation, negotiation, ratification, continuing governance)** – Both agreements include processes of consultation and consent which encourage both women's and men's participation, as well as participation of older and younger generations. The motivation for inclusive consultation, particularly during the negotiation phase, came from within the Traditional Owner groups as well as from external actors. Among these were Cape York Land Council employees, historians, consultants and WCCT Administration employees. Interviewees perceived that external actors were initially, and have continued to be, supportive of women's participation and women leadership (even though they are mostly male).

- **Historical context** – The history of the Western Cape was central to all interviewees' discussion of participation in agreements. Women's experiences of mission life, of keeping families and communities together (often in the absence of men) and of participation in community institutions (e.g. local councils, committees and boards) were all discussed as factors that had enabled women's participation in the agreements. The mission experience was also seen to have contributed to women having the intercultural skills to represent their own and their community's interests to non-Indigenous people, as well as higher levels of literacy and numeracy. As one interviewee said:

*"The women were strong leaders in the community and they grew up together in the missions. They were the ones that have really kept the community together. They were taught to stick up for themselves in the mission. A lot of them were educated – the background that they had meant that they were not afraid to negotiate with the white men. All of those factors together placed them in an ideal position to negotiate with the mining company."*

Interviewees said that women's participation in the agreement came naturally as they had previous experience of governance roles in community institutions, prior to the start of agreement negotiations, even if these organisations had not been very influential. One female Traditional Owner said:

*"There was step before, when Weipa Aborigines Society formed (covering Weipa South community), and I remember sitting on that. I guess it operated in a way that gave us a little bit of a voice, but in the scheme of things, a voice that didn't reach very far."*

Women's participation in formal aspects of the agreement was considered to be particularly high in the northern and central sub-regions compared to the southern sub-region. Some interviewees thought that this could be because there was a higher level of disruption in traditional culture in Weipa, Napranum and Mapoon, compared with Aurukun.

- **Cultural context** – Men and women were described as having equally important, though distinct, cultural roles and responsibilities, and the leaders and decision-makers were traditionally those of 'elder' status. In the Western Cape, there were many female elders at the time of the negotiations and they were highly respected.

  *"I think the rights are very much the same between men and women. But the elders have more of a say. The elders that we have for the WCCCA are all women, not many men … A lot of the elders have passed away, a lot of them were very, very strong when they were alive, for the likes of Thanakupi. She was very strong when it came to reconciliation, the WCCCA and she was very well respected."*

- **Demographic context** – During the time of the agreement negotiations, the communities of the Western Cape were significantly gender-imbalanced. Men were frequently absent from communities for cultural and work reasons. They had, and continue to have, lower life expectancies than women.

  *"My grandfather didn't want to go to Weipa or Aurukun … they were walkabout people. They would want to visit their country then come back to the mission."*

  Women's consistent presence in communities, availability and capacity to negotiate was reflected in participation in the agreement. Many interviewees described women's leadership in terms of "stepping up" due to the absence of male leaders from the communities.

### 5.1.2 Men's participation

Although it was obviously a difficult and sensitive topic to discuss, some interviewees perceived that there was some level of disempowerment of men within the communities of the Western Cape, which had resulted in a lower level of men's participation in the formal administration of the agreements, as well as in other aspects of community life. The disempowerment of some men was perceived to be related to the loss of traditional male roles due to the impacts of colonialism and the post-contact history of the region, which were still felt in the present day. One interviewee explained:

> *"There's always a sense of grief in the community. Men traditionally held very strong roles, but they have been disempowered over time."*

Men's participation and influence, however, was not absent from the agreements. Interviewees were careful to note that there were several strong male leaders involved in the agreements, and their input was respected. Several of these men have since passed away. Current agreement committee members discussed learning about the agreements and being influenced in their decision-making by their fathers, uncles and brothers. While men's participation in formal committees or boards was lower than women's, men's participation tended to be higher than women's in meetings in their own communities, at smaller informal meetings and one-on-one consultations. Men were more likely than women to perform the on-the-ground clearances of cultural heritage sites, and had frequent engagement with Cultural Heritage staff.

Some women expressed the desire to support male participation and representation in the agreement governance committees. For example, one interviewee said:

> *"There are a few older men who are involved but many of the new members are the old ladies' kids, who are often boys ... they're interested to see men included too."*

Some interviewees perceived that men faced barriers to full participation in the agreement processes, particularly in formal processes. One committee member said:

> *"Some men are speaking up – but the level of education is a barrier because they don't always understand the content of the discussion. This is a barrier for men's participation – often times the men are not on the same page."*

## 5.2 Women's leadership has made a significant contribution to the shape of the WCCCA and EBMPA, and continues to play an important role today.

Interviewees recalled that a number of very high profile and strong women were key influencers of the agreements. Several Aboriginal and non-Aboriginal interviewees recalled the "legacy" of these women, and the ways that they shaped the agreement. These female "leaders" were not a homogenous group, but all were described as highly committed to social and economic welfare of their communities and were regarded as authority figures within their own family group or within the Western Cape more broadly. For example, some of the women (particularly the elders) involved in the agreements had very high profiles within the Western Cape – and some internationally. These women were spoken about as "role models" who were "strong" and "brave" and unafraid of

speaking up to represent their people and their country. Some of these women derived this status from their cultural and spiritual roles, their family heritage, personal qualities, education and experience. Often these women were influential leaders in many aspects of community life, including arts and culture, education, health and social services. Interviewees explained that elders gained their status through age, as well as by demonstrating their wisdom, good judgement and responsibility for their family group and community, often despite great challenges in their lives. Some women were very active in community justice, reconciliation and religious groups, and some women had pursued university education outside of the Western Cape or via correspondence.

The WCCCA has several elders who are "honorary members" of the board. These people (mostly women) have had a long association with the agreement (many were involved in the original negotiations) and sit in on WCCCA Board meetings with the representatives. This arrangement was instituted to give support to new board members to understand their roles, and out of respect for the knowledge of elders who had contributed in the early stages of the agreement. The honorary members do not have a decision-making role, but are available to comment on options and give counsel to the current board members. One elder explained her role:

> *"We sit in as elders; we give advice to the board. We also go out and give advice on cultural heritage, we tell them about a certain place that is significant or about a scar tree."*

One woman in particular, Thanakupi (also known as Dr. Gloria Fletcher-James, AO), was singled out by many of those interviewed as an influential, strong and widely-respected leader. Thanakupi was an internationally renowned ceramic artist, educator and Centenary Medal recipient.[65] She was born in Napranum, studied in Brisbane and Sydney and was involved in agreement negotiations, governance and other community work. Her strong sense of community led her to settle in Weipa where she founded a number of education initiatives including a preschool and holiday programs in order to pass on her knowledge about her country, to encourage cultural rejuvenation, reconciliation and community strengthening.[66] She was the last fluent speaker of Thanikwithi.

Interviewees repeatedly referred to her influence, and on trying to implement her vision for agreements that would focus on future generations. One female Traditional Owner said:

> *"I feel proud of Thanakupi, she always said, 'We're not here forever, and what we leave behind, that's the part of us that we want to leave. Do we want to leave a little bit, or more?' And I think of how many years she ran the Bouchat[67] holiday program – over 30 years – and doing the language program for school or kindy. Every kid in Napranum knows Thanakupi. Every kid in Weipa. And beyond…"*

Interviewees who were familiar with the negotiation process of the WCCCA explained that the women involved played a key role in setting the agenda for negotiations at a broader level than compensation for impacts. They pushed for a comprehensive consultation process for the purposes

[65] Awarded in 2001 for service to art, commitment to reconciliation and for children.
[66] In Wright (2006), Thanakupi was described as "always balancing her multiple roles as teacher, advocate and mentor, active in both the community and business sectors".
[67] Thanakupi established the Bouchat holiday program in 1991 to teach Indigenous and non-Indigenous children about her father's country, culture and art.

of understanding community aspirations and concerns and advocated for a focus on securing the economic, environmental, social and cultural future of Western Cape communities, rather than for cash benefits to individuals or clans. One interviewee recalled:

> *"Men were involved in the WCCCA Agreement also, but the women had a calming effect during the negotiations. The men would always stand up and say, my clan must get benefits. However some of the older strong women leaders would stand up and say, 'No, this is about lifting up everyone in the community'. Some of the women now, the leaders, have taken on board this mentality – about lifting up and taking care of the interests of all of the community."*

In agreement negotiations, women's role of "keeping families strong" was thought to translate into a broad focus on clan and community wellbeing, rather than the wellbeing of individuals.

> *"When the company came to negotiate the strongest leaders in the community were the women, they knew what their children needed. Unlike the men who often have an ego driving their interest – the women seem to have a real need because they have so many children."*

## 5.3 Current agreement guidelines and processes are blind[68] to the significant gender differences in roles and needs (both practical and strategic) in the community.

While there is a basic level of awareness of the variation within the community and company, projects funded by agreement trusts are targeted at a general level of poverty alleviation and local development without overt awareness or analysis of gender needs, roles and responsibilities. Some interviewees felt that the non-gender focused approach to project prioritisation was appropriate given that, in present day Western Cape communities, there are similar problems facing men and women. The need for a focus on poverty alleviation reflects the high level of social and economic disadvantage experienced disproportionately in Aboriginal communities.

While many community issues affect both men and women, interviewees raised a range of issues with a gender dimension including literacy, health, employment, financial independence, crime and childcare. These issues are dynamic and varied within the Western Cape (e.g. for younger/older men and women, etc). The gendered nature of these issues, and the programs and policies used to address them, will have implications for current and future generations.

Agreement governance processes do not currently require equal representation of the genders; however women and men have equal rights to vote for their representative on the various committees. Some interviewees thought that it would be good to have a requirement for equal representation of men and women, but most interviewees felt that it was unnecessary. They felt that families were electing the people that they felt could represent them best, and that the role of committee members was focused on representing the whole community's interest, and their families' interests, rather than the interests of men or women, or individuals. Some people felt that introducing in a gender quota would add an unnecessary and possibly unhelpful division.

[68] A gender-blind approach assumes gender is not an influencing factor in projects, programs or policy.

Currently, the WCCCA has some processes for recording and reporting gender disaggregated data, but there is no systematic evaluation of gender in terms of benefit flows or strategic priorities. Some interviewees felt that, due to the criteria used for allocating funds, women's (broad) needs were prioritised.

## 5.4 The most significant organising construct in terms of individual's perception of agreement benefits and/or satisfactory representation is the family or clan (rather than men or women).

Throughout the interviews, community members explained that they did not usually think about the agreements in terms of women and men, or individuals, but in terms of their family or clan, or to more generally to 'the community'. Interviewees suggested a number of reasons to explain this:

- importance of family relationships
- respect for elders as the leaders of families, holders of knowledge, decision-makers
- culture of kinship reinforced by native title process/agreement governance structure (e.g. governance committees requiring two representatives per clan).

When questioned, interviewees had a general feeling that women often experienced better outcomes than men because they had more access to agreement benefits. Several interviewees commented that they had observed that women often outnumbered men in traineeship programs. When asked why, interviewees explained that women were motivated by their role as primary care giver, and needed to service their practical needs related to childcare. One interviewee responded:

> *"Women are more responsible for the children; they want to put food on the table."*

### 5.4.1 Judging the "value" of the agreements

Both company and community interviewees explained that there was more to judging the "value" of the agreements than simply the dollar value. For the company, the value of the agreement was not simply in getting the legal boxes ticked in order to continue mining, but had a larger benefit in terms of framing the relationship with the Traditional Owners and increasing the level of collaboration for the development of the region. A strong and mutually beneficial relationship with Traditional Owners was seen to be key to Rio Tinto's operation in the Western Cape.

Several interviewees explained that, for Traditional Owners, the value of the agreement was at least partially based on their experience of the negotiation process (i.e. whether they thought the process was respectful, they had their voices heard, and their preferences accommodated in engagement methods), and how they perceived the relationship with the company. Traditional Owners had different opinions on the value of the WCCCA and EBMPA. Some preferred the agreement that had the lower dollar value (and less formal systems) over the agreement with the higher dollar value.

One company interviewee explained some of the factors that Traditional Owners considered important:

> *"Traditional Owners don't tend to evaluate agreements in the same way that we do. We might make a judgement based on the legal rights or monetary contribution ...*

*however the Traditional Owners place higher value on different things. They value, for example, the respectful process, the feeling that they got what they wanted, the contribution to traditional lifestyle, the historical perspective, and so on. So we shouldn't assume that we value the same things."*

There are men and women in the community who are not satisfied with either agreement, do not understand what benefits have come from the agreement (rather than government or other programs), or felt that the prioritisation of future generations (particularly in the WCCCA) was not addressing immediate needs (e.g. for cash, household goods or transport). As one Traditional Owner explained:

*"Sometimes, [pauses] sometimes [people seem satisfied with the company]. But then there are other times that you hear other things from the community, that some of them don't like Rio Tinto. Because a lot of the Traditional Owners complain, and they complain about, "We've got an agreement. We've got that much money, but why can't we get that money?" And that's one of the very difficult points. I say to them, it was our elders who made this agreement. They made it for our future generations, so there is nothing we can do about it. We have to work with the agreement."*

In terms of judging benefits, some interviewees expressed concerns that some families or clans were benefitting more than others, however it was not within the scope of this research project to analyse this dimension. We were also not able to ascertain whether there were perceived or real differences in benefit sharing between the northern, central, southern trusts.

Both company and community representatives acknowledged that currently there was an information gap about the WCCCA activities in the community because the Executive Officer position of the WCCT Administration had been vacant for some time so there had been less open community meetings than usual. With the number of different programs specified by the agreements, as well as the Regional Partnership Agreement and various government programs, there was some confusion about which money is paying for what, and if not actively managed (via community meetings and other information sharing processes) could lead to lack of confidence in community representatives and leaders.

## 5.5 Rio Tinto Alcan Weipa's policy and principles of relationship building, inclusion, respect and empowerment have impacted the content of the agreements and the participation of women and men.

The Communities personnel and management of RTA Weipa have a high level of awareness of the historical significance of women's participation, and have developed practices that have facilitated and enabled women's participation. So while gender has not been a defining factor in the operation's focus, company policies – based on building relationships, having meaningful dialogue, trust and respect – have resonated strongly with women, and women's focus on sustainable outcomes for their children.

Women's priorities have aligned with Rio Tinto's in terms of empowerment and reducing dependency on company and government, and interviewees felt that this enhanced cooperation

between the company and community, particularly women. The inclusive/empowerment approach of the agreements also enabled women and men to participate and benefit.

### 5.5.1 Relationship/benefit balance

There is a high level of consensus within the company about the overall approach to the agreements. All company interviewees described the agreements as the framework for the relationship between the company and the Traditional Owners, and that it was essential to maintain a balance between focusing on the strength of the relationship and ensuring benefits flowed to the community. Company interviewees noted that this had not always been the case:

> *"You need to focus on the relationship, but not at the expense of the benefit. This is what was happening at the end of 2006-7 so the company had to re-balance the focus between relationship and benefit."*

> *"Rio puts a lot of emphasis on the strength of the relationship – but have to ensure that benefits are received and perceived to be fair as well, otherwise it's just talk."*

Community members also commented on the relationship with RTA. For most interviewees, although there were points of dissatisfaction or disagreement, the recent relationship with the company was reasonably strong. Interviewees reported feeling respected, supported and having a good understanding of the agreements. Many commented that they had good communication with the Communities staff and that they were satisfied that the governance processes were allowing the Traditional Owners to have appropriate control over the direction of the agreements. Despite this, there were some Traditional Owners who expressed distrust of the company, and dissatisfaction with past actions. In particular, some Traditional Owners were frustrated that past promises had not been kept (particularly for the provision of goods) and with past poor practices. These past practices had prompted a review of the WCCCA and its structures in 2008. The subsequent revision of WCCCA processes has resulted in a far more functional agreement; however these past practices are still remembered by current Traditional Owners.

There was agreement by both company and Traditional Owners that there needed to be some accountability for, and control over, benefit flows to ensure that there were long-lasting benefits.

> *"There may also be the risk of money being squandered – so the company must negotiate. We can't control 100%, but we can't leave it. If money is just distributed it will be wasted, there will be nothing left for the next generation."*

Traditional Owners wanted to secure some certainty over where the money from the agreement would be spent to ensure benefits reached beyond the mine's life.

> *"We decided that every clan would get the benefit. I had heard about the Northern Territory agreements, where people just received handouts (cash) – they just wasted that money, but we wanted to make sure there would be something there for our children."*

### 5.5.2 Ownership of the agreement

There was strong agreement within the company about not taking credit for the work of Traditional Owners in implementing the agreement. The agreement implementation bodies (the WCCT and WCCCC) are designed to operate as independent and Indigenous-run organisations (with multi-stakeholder boards) and respecting this was seen to be critical to empowering Traditional Owners and maintaining a strong relationship. Sometimes this was in contrast to the company's desire to use the agreement for public relations. The Communities staff felt that doing this would undermine the empowerment of the Traditional Owners and had taken steps to make sure that the ownership of the agreements was kept by the Traditional Owners. One company interviewee said:

> *"You will see all of the work that [the Traditional Owners] have done. They have got all of the credit ... The company should not take that success as their own. The company should be supporting their success. This is a tension sometimes as upper management want – or rather, the company wants to promote the success of the agreement, but it is not the company's success, and it's important to respect that."*

### 5.5.3 Engagement with the agreements

While many interviewees acknowledged that a lot of work had been done to communicate with the community clearly, and provide training and support for committee members, some interviewees still felt that there was a gap in understanding for some parts of the community and committee members. One interviewee said:

> *"The company needs to come down and make things less complicated in terms of language – it is intimidating and disempowering for some people."*

On the other hand, some people felt that the training process for committee members and directors was helpful and had been effective in increasing engagement with the agreement, at least for some people. A female committee member said:

> *"It's a really good process – for me, it's a really good process. I guess it's good that more and more people know the process, and know how to apply for funds, and that part of it is helpful, and when we have things to talk about in the meetings, to know what questions to ask [is good]. Still it comes easier to some people than to others."*

Some interviewees expressed the belief that some people on the committees were not able to fully understand their roles.

> *"I just think it would be difficult for them to understand ... some of them are really limited in literacy and numeracy ... they lack decision-making skills ... I think their families nominated them on there..."*

## 5.6 The agreement governance structures have provided entry points for new female and male leaders to emerge.

One of the issues explored in the research was people's perception of the readiness of the next generation to take over implementing the agreement and representing their families. Many of community members (elders and younger generations) agreed that this was a priority concern.

> *"The elders that we have left on the WCCCA always bring up, that the younger generations need to start learning because they are not going to be around forever."*

Some interviewees remarked that they felt that the younger generations, both girls and boys, lacked interest in the agreements. One elder said:

> *"We talk with them at home, we ask them to come with us to meetings but they don't always come. A lot of kids aren't interested."*

The need for a new generation of leaders was not only restricted to the agreements. One elder noted that there had been a lot of progress in the community governance, and this could be drawn on by the next leaders in the agreement and other community roles:

> *"We need to think about how to move things forward. We just had a leadership program [for high school children] that recognised the new leaders in the community, and I was thinking that I hope they don't do it on their own and reinvent the wheel without some reflection on what has gone before. There has to be a link between the future, the present and what has gone before. A link to the elders and the future. And step forward in a sustainable way …"*

Interviewees agreed that they were starting to see some new people become part of the formal agreement processes. Some of these new leaders were men and some were women. As yet, there had not been a significant change in gender composition, but there was potential for this to change in the future. There is some support for increasing men's involvement:

> *"The ladies are wanting the men to stand up and be strong and 'take up their rightful place'. They select their sons over their daughters [to be nominated for the committees]."*

Some interviewees gave examples of younger generations being put forward as representatives by their families because of their education and perceived ability to advocate on behalf of their family in a formal setting:

> *"Sometimes younger clan members are put forward on the committees to be representatives. The younger ones are perceived by the elders to be able to talk to both worlds. They understand the expectations and cultural 'rules' within their own clan so they know the priorities. They also know the white man world and are able to work between these two worlds and represent their people."*

Passing down knowledge to future leaders and representatives was generally via nomination by elders, rather than self-selection. One woman who had formerly been on one of the WCCCA committees explained how she got involved:

> *"One year, one of the trust administration staff came down and explained that I had been nominated to represent my TO group by my elders. It was a total surprise to me, but they said that I was the right person for the job. It gave me a real boost of confidence that they chose me."*

Some elders had observed that there was some disagreement between the generations about the agreements, and indications that the priorities of the next generations may be shifting. One elder said:

> *"Some of the young people, they go to uni and then they think that the elders are out of touch or don't understand. They are probably right. They are not always respecting the elders."*

Many interviewees, though still felt that there was a high level of respect for the elders, and that their "legacy" needed to be recognised and continued. They were supportive of the honorary board of elders as one mechanism to pass on knowledge of the agreements, but felt that there was a larger story to be told outside of the committees which would benefit the Western Cape in general.

> *"We need to have steps forward in an achievable way and draw on past mistakes and successes. And I think about the past and when I was told about the story about when the mine came to Weipa and the government wanted the mine to move over the river, and my uncle said no we want to be part of this. We want to be involved. I draw straight from that story to think about how brave they were and how they got up and spoke their mind, and I think that the system that they were in they were never allowed to stand up and say anything."*

## 5.7 Some leaders in the community (particularly some women) have multiple roles including community, family and work responsibilities.

Several interviewees commented that some community leaders, particularly women leaders, were extremely busy and were often involved in a range of different committees, as well as having significant family, cultural and employment obligations. On the topic of having multiple roles, women said:

> *"It is challenging, because that's me to a tee – and every woman that sits on the committee – we're trying to have that involvement, but you're not only involved in one thing, you're involved in one thousand."*

> *"There's the coordinating committees, the trusts, the executive committees, volunteer work, the justice groups ... plus orders of service for funerals next week ... just helping out as much as possible, because I have phone, internet, everything…"*

*"It's extreme because you've got your home life, community life and work life too – it encompasses everything... And then you think, if it's not you who does these things, then who will? If you don't do it then people might struggle to get support or not get it done..."*

Many Aboriginal women commented that taking on the responsibility for family business was traditionally a woman's role, and many women felt strongly motivated to take on positions in the agreement governance structures as part of this family role. Some women were representatives in both agreements.

*"I think the women are the ones that are more willing to take on that responsibility, because the WCCCA is about looking after the family…that's our traditional role."*

Women commented that their ability to "get things done" and organise family matters gave them suitable skills for participating in agreement governance as representatives. They provided a point of contact between the company and community, and would ensure that the right people were consulted and that tasks were followed up on.

*"I'm the fixer [in my family], and I think a lot of Aboriginal women are the same. They are the fixers in the family. They make sure that everything gets done."*

Some women felt that when a woman was identified as a good representative of the family, who was able to bridge the company-community divide, they could become the 'default' representative of the family. Some women were extremely busy as a result of these family expectations and obligations.

*"When community feels they have someone who is a strong representative of their interests, they push them to be involved in everything."*

For some women, the pressure and expectations from family could be a barrier to participation.

*"Yeah I know, it's just so hard with all of the family politics... Don't want to put myself in that situation, if you make the wrong decision or even the right one, damned of you do, damned if you don't, I don't want to put myself in the situation."*

### 5.7.1 Support for women

Interviewees discussed the various forms of support they received to manage their heavy load of responsibilities. Women leaders generally commented that they felt supported by the committee and, for the WCCCA, the WCCT Administration office through discussions, training, meetings, availability to ask questions and receive assistance with understanding their roles and responsibilities as committee members or directors.

*"When I'm at that meeting my support is there, on that committee. On the outside, I know that support is there, through the exec officer, I know the support is there. But outside of this, support is family. If I need something, then I will rely on family."*

Several of the women on the agreement committees also work for Rio Tinto (as do men). In order to assist its employees performing their responsibilities as representatives, they are able to take a limited number of days off per year to attend meetings.

# Part 3 - Conclusion

## 6 Conclusions and Implications

The WCCCA is widely regarded as an example of leading practice in company-community agreements, and it is clear that the WCCCA and the EBMPA are the main drivers of the company's formal engagement with Traditional Owners in the Western Cape. This research was able to confirm that women's formal and informal participation in both agreements has been significant in the negotiation and implementation phases. In particular, strong leadership by female Traditional Owners in negotiation process and positions on the implementation committees has influenced the values and content of the agreements. The agreements have benefitted from having women involved as they have contributed to the long-term sustainability and empowerment focus of the agreements.

### 6.1 Agreement success factors

This research found that women's participation was not a critical determining factor for implementing successful agreements, although in Weipa women's participation had a positive effect on the strategic focus and governance of the agreements. Just as there were many factors that contributed to enabling women's participation in the agreements, there were many factors that contributed to the strength of the agreements and associated processes.[69]

For both agreements, some of the key supporting factors include:

- the legislative framework for recognising Indigenous rights and interests
- corporate policies favouring agreements, local benefit sharing, inclusive engagement and empowerment of Traditional Owners
- self-determination and leadership from the Traditional Owners throughout negotiation and implementation
- site-level standards and systems for community relations
- skilled company staff working exclusively on agreement negotiation and implementation.

For the WCCCA, there were some additional supporting factors, including:

- mature governance structures with appropriate capacity building, support for implementation, accountability processes and strategic vision
- input of external guidance and expertise (e.g. from the CYLC, State Government, agreement implementation body staff, anthropologists and historians).

While there are inherent challenges and complexities, overall the level of company and community commitment to the agreements – and to making them succeed – has been central to the continued progress of the WCCCA and EBMPA.

[69] Several of these factors have been identified in other studies as contributing to the success of the WCCCA. See O'Faircheallaigh (2012) and to agreements more generally see Limerick *et al.* (2012).

## 6.2 Gender dimensions

The research examined a range of factors that had contributed to the equal or higher level of women's participation in many processes associated with the WCCCA and EBMPA. Within the community, women's participation in the governance of the agreements, and other formal processes, appears to stem from a combination of cultural and historical gender dimensions. In combination with agreement processes, the role of external actors and company practices, this led to an environment where women's participation was routine and women's voices were prominent.

There is some evidence, however, that the different gendered experiences may have led to lower levels of men's participation. While men were not excluded from the process, their presence on representative committees tended to be lower, particularly in the Northern and Central sub-regions. This fact alone may not mean that men's views are not represented. There is a strong focus on representation of the community's interests in decision-making, however it was unclear from the research to what extent this occurred in agreement processes.

There are a range of issues in the Western Cape which have a gender dimension, and may therefore have an impact on the potential success and effectiveness of agreement projects and processes going forward. Some of these issues are barriers to development and are therefore relevant to the agreements. Examples of these issues include domestic violence and family breakdown, and issues with childcare, employment, education, health and wellbeing, empowerment and leadership. Some interviewees perceived that the problems facing men and women were often similar – which may be true – however all of these issues have intersecting causes and consequences, including for gender. Using gender as an analytical tool may help improve the efficiency and relevance of programmatic responses to these issues.

## 6.3 Supporting women's leadership

The positive influence of strong female leaders cannot be denied, and both company representatives and community members are appreciative and respectful of these women's commitment to developing agreements for the long-term benefit of the community. For the WCCCA, current elders, committee members and company staff are keen to maintain the vision and values that came from the elders during the original negotiation process, particularly regarding the focus on 'whole of community' benefit, Traditional Owner decision-making, accountability and focus on future generations.[70]

Female committee members saw their roles in implementing the agreements as valuable and generally felt supported by the training and assistance provided. Some female interviewees, however, expressed the difficulty they experienced in managing their multiple roles and responsibilities across the family, cultural, community and employment spheres. Many women had significant home life pressures; including some who were the sole income providers of large households. Additionally, women known to be leaders were frequently nominated as representatives by their clan or community, and it was not uncommon for the same individual to be

[70] For the EBMPA, there are some suggestions that there is support for bringing the agreement more in line with the WCCCA (in terms of transparency, accountability, governance, focus, etc) when the agreement is re-negotiated in 2017. The short time frame for the research prevented the researchers from investigating whether this view was widely held.

on several community committees. Being involved in agreement governance requires a substantial time commitment, and both company and community interviewees felt that sometimes the quality of participation in governance processes could be impacted because committee members did not have enough available time. Extra leave allowances for RTA employees and the support of the Executive Office in training and administrative coordination provided some relief to those participating in agreement governance.

## 6.4 Future generations and emerging challenges

Given that mining has the potential to continue for another 40 years, the agreements will continue to develop and change as the needs and aspirations of the Western Cape Traditional Owners change. So far, the agreements have had the benefit of the presence of many leaders, including many female leaders, who were heavily involved in the negotiations. Their presence has helped overcome many difficulties in implementation by strongly holding onto the vision and values that informed the negotiations. As new members of the community join the implementation committees it will be important to maintain those values, while adapting to the values of the new generations. The formation of the 'honorary board' of elders who attend WCCCC meetings is an innovative development which will help the continuity of the agreement by connecting the generations.

The demographic and cultural characteristics of the Western Cape are substantially different from the time when the current generation of elders were raised. This will likely influence the gender composition of future committees and may result in other changes that impact agreement implementation. For example, women have been able to move between advocating for their family or clan to advocating for the community as a whole. Interviewees perceived that this was related to the women having grown up together in the missions and sharing similar concerns and aspirations. The extent to which the practice of broad representation will continue in the next generation of leaders warrants further thought. For example, some elders suggested that the youth of today might focus more on individual or family benefit.

The current training for committee members is effective in reinforcing the responsibilities of representatives and explaining the history of the agreements, yet may fall short of understanding the concerns and aspirations of the upcoming generation and providing a link to previous generations. RTA and the agreement implementation bodies may benefit from monitoring the composition of the agreement governance committees and their ability to represent the broad interests of the communities. Reconfiguration of the criteria for committees (such as a gender equal quota) and training may support maintenance of the values and vision of the agreements in the future.

## 6.5 Gaps in knowledge identified

The researchers perceived that the Communities practitioners at RTA Weipa had a good understanding of the dynamics within the communities, and had appropriate systems to support their practice. Still, this research identified some gaps in knowledge that may impact the continued success of the agreement. For example, there is a gap in understanding the gendered impacts of the agreements – whether men and women are benefitting differently, whether men's and women's rights and interests are being addressed and whether the agreement is increasing or reducing gaps in gender equality. There is also a gap in understanding whether there are differences in benefit or influence among different clans or families. Some interviewees perceived differences in status between these groups. If this is the case, the breadth of development impacts could be improved.

# References


Aurukun Shire Council. (2012). *Council*. Retrieved from http://aurukun.qld.gov.au/council/

Australian Bureau of Statistics. (2006). *Year Book Australia 2006; Aboriginal and Torres Strait Islander population.* Retrieved from http://www.abs.gov.au/ausstats/abs@.nsf/94713ad445ff1425ca25682000192af2/bfc28642d31c215cca256b350010b3f4!OpenDocument

Australian Bureau of Statistics. (2011a). *2011 Census QuickStats: Weipa*. Retrieved from http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/315011403?opendocument&navpos=220

Australian Bureau of Statistics. (2011b). *2011 Census QuickStats: Napranum*. Retrieved from http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/ILOC30300702?opendocument&navpos=220

Australian Bureau of Statistics. (2011c). *2011 Census QuickStats: Mapoon*. Retrieved from http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/ILOC30300701?opendocument&navpos=220.

Australian Bureau of Statistics. (2011d). *2011 Census QuickStats: Aurukun*. Retrieved from http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/SSC30072?opendocument&navpos=220

Australian Government. (n.d.). *Our Country*. Retrieved from http://australia.gov.au/about-australia/our-country

Australian Institute of Aboriginal Torres Strait Islander Studies [AIATSIS]. (n.d.). *Indigenous Australia: Here and Now*. Retrieved from http://www.aiatsis.gov.au/news/docs/IAHereNow/IA.pdf

Bartlett, R. (2004). *Native Title in Australia*. Sydney, Australia: LexisNexis Butterworths.

Buultjens, J., Brereton, D., Memmott, P., Reser, J., Thomson, L., & O'Rourke, T. (2010). The mining sector and Indigenous tourism development in Weipa, Queensland. *Tourism Management, 31*(5), 597-606.

Harvey, B. (2002). *New Competencies in Mining: Rio Tinto's Experience.* Paper presented at the Council of Mining and Metallurgical Congress, Cairns, Australia.

Harvey, B., & Brereton, D. (2005). *Emerging models of community engagement in the Australian minerals industry.* Paper presented at the UN conference on engaging communities, Brisbane, Australia.

Klimenko, V., & Evans, R. (2009). *Chapter 29: Bauxite mining operations at Weipa, Cape York: a case study*. Sustainable Minerals Institute, University of Queensland Retrieved from http://nalwt.gov.au/files/Chapter_29-Bauxite_mining_operations_at_Weipa.pdf

Langton, M. (2006). *Settling with Indigenous People: Modern treaty and agreement-making.* Annandale, Australia: Federation Press.

Langton, M., & Mazel, O. (2008). Poverty in the midst of plenty: Aboriginal People, the resource curse and Australia's mining boom. *J. Energy Nat. Resources L., 26*, 31.

Limerick, M., Tomlinson, K., Taufatofua, R., Barnes, R., & Brereton, D. (2012). *Agreement-making with Indigenous Groups: Oil & Gas Development, Australia*. Centre for Social Responsibility in Mining, Sustainable Minerals Institute, University of Queensland Retrieved from http://www.csrm.uq.edu.au/Portals/0/docs/Agreement-making-with-Indigenous-Groups.pdf

Mapoon Aboriginal Shire Council. (2013). *Mapoon History*. Retrieved from http://www.mapoon.com/37.html

Napranum Aboriginal Shire Council. (n.d.). *An Introduction to Napranum History* Retrieved from http://www.napranum.qld.gov.au/community/napranum-history

National Native Title Tribunal. (n.d.). *Exactly what is native title?* Retrieved from http://www.nntt.gov.au/Information-about-native-title/Pages/Nativetitlerightsandinterests.aspx

National Native Title Tribunal (NNTT). (2011). Developing Indigenous Land Use Agreements: A guide for local government. From http://www.nntt.gov.au/news-and-communications/documents/developing indigenous land use agreements - a guide for local goverment.pdf

NSW Reconciliation Council. (n.d.). *Introducing Indigenous Australia*. Sydney: Retrieved from http://www.daa.nsw.gov.au/publications/Fact%20Sheets.pdf

O'Faircheallaigh, C. (1995). *Negotiations between mining companies and Aboriginal communities: process and structure*. Canberra, Australia: The Australian National University, Centre for Aboriginal Economic Policy Research.

O'Faircheallaigh, C. (2012). Women's absence, women's power: Indigenous women and negotiations with mining companies in Australia and Canada. *Ethnic and Racial Studies*, 1-19.

O'Faircheallaigh, C. (2004). Native title and agreement-making in the mining industry: focusing on outcomes for Indigenous Peoples. *Land, Rights, Laws: Issues of Native Title, 2*(25), 1-12. Reconciliation Network. (2007). *Stolen Generations Fact Sheet*. Retrieved from http://reconciliaction.org.au/nsw/education-kit/stolen-generations/

Rio Tinto. (2007). *Communities Policy*. Retrieved from http://www.riotinto.com/sustainabledevelopment2011/pdf/communities_policy.pdf

Rio Tinto Alcan. (2001). *Western Cape Communities Co-existence Agreement Background Information.* Retrieved from http://sales.riotintoaluminium.com/freedom.aspx?pid=294

Rio Tinto Alcan. (2012a). *Environmental Impact Statement for South of Embley Project: Section 11 Cultural Heritage*. Retrieved from http://www.riotintoalcan.com/documents/Operations_SoE_2011_EIS-V2-S11-CulturalHeritage_EN.pdf

Rio Tinto Alcan. (2012b). *Environmental Impact Statement for South of Embley Project: Section 16 Social Impact Assessment*. Retrieved from http://www.riotintoalcan.com/documents/Operations_SoE_2011_EIS-V3-S16A-SocialImpact_EN.pdf.

Rio Tinto Alcan. (2012d). *Supplementary Report to the Environmental Impact Statement for South of Embley Project Appendix 6: Draft Social Impact Management Plan*. Retrieved from http://www.riotintoalcan.com/documents/SoE_Appendix6_part1.pdf

Rio Tinto Alcan. (2013). *Weipa*. Retrieved from http://www.riotintoalcan.com/eng/whatweproduce/1803_weipa.asp.

Western Cape Communities Trust & Western Cape Communities Coordinating Committee [WCCCA]. (2009a). *Background*. Retrieved from http://www.westerncape.com.au/background.html.

Western Cape Communities Trust & Western Cape Communities Coordinating Committee [WCCCA]. (2009b). *Structure*. Retrieved from http://www.westerncape.com.au/structure.html.

Wright, S. (2006). Thanakupi: First Hand in Weipa, Brisbane and Sydney. *Art Monthly, Summer (196)*, 36-39.

Wharton, G. (2000). Mission Time: A Guide to Queensland Presbyterian Church Records Relating to the Gulf Missions at Aurukun, Mapoon, Mornington Island, Weipa and the Thursday Island Mission Agency, 1891–1978. Brisbane, Australia: PCE Press.

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The University of Queensland
AUSTRALIA

SMI CSRM
Centre for Social Responsibility in Mining

# MINING AND LOCAL-LEVEL DEVELOPMENT

## Examining the gender dimensions of agreements between companies and communities

## Project summary report

December 2013

Australian Government
Department of Foreign Affairs and Trade

Minerals Council of Australia

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# ACRONYMS

| | |
|---|---|
| CLC | Central Land Council |
| CSR | Corporate social responsibility |
| CSRM | Centre for Social Responsibility in Mining |
| DFAT | Department of Foreign Affairs and Trade |
| FPIC | Free prior and informed consent |
| MCA | Minerals Council of Australia |
| PNG | Papua New Guinea |
| WCCCA | Western Cape Communities Co-existence Agreement |
| WIM | Women in Mining |

# Project summary report

## 1 Introduction

This is the project summary report of a two-year program of research undertaken by the Centre for Social Responsibility in Mining (CSRM), funded by the Minerals Council of Australia (MCA) and Australia's Department of Foreign Affairs and Trade (DFAT). The research sought to explore the gender dimensions of agreements between local communities and Australian mining companies operating domestically and offshore, and the related local-level development outcomes.

Gender equality is a core goal of the international community and a key consideration in any development process. As the mining sector maintains its commitment to sustainable development, discussions about how to better integrate gender into policy and practice have started to emerge. There is increasing recognition that the male-dominated nature of the mining industry has unconsciously excluded women from its engagement and development processes. Studies such as this signal that the industry is willing to more carefully consider the gender dimensions of its policies and practices. Other actors too are thinking through the challenges and opportunities of gender integration in mining, including the Australian Government's overseas aid program.

The relationship between the mining sector and its contribution to local-level development has gained attention, influence and importance in recent years – in developed and developing countries alike. This is attributable to a number of factors including:

- the overall magnitude of the resource sector in many economies
- a renewed focus on public-private partnerships for development
- the growing global footprint of resource extraction industries
- increases in social investment by the resources sector
- greater recognition of indigenous rights and human rights more broadly
- increased awareness about the negative impacts of mining on local populations
- the evolution in impact management and benefit-sharing practices in mining.

Through voluntary and regulatory mechanisms, the interface between mining companies and local-level development continues to evolve. An increasingly common mechanism for shaping company-community relationships and local development outcomes is the negotiated agreement. Agreement processes are influenced by gender dynamics which in turn influence local-level development outcomes. The gender dimensions of agreement processes are the focus of this research.

Past research suggests that engaging with a diversity of women and men and supporting gender equality – whether in mining and agreement processes or more broadly – promotes inclusive local development processes and outcomes. Supporting gender equality can also bring benefits to business, including:

- stronger relationships with local communities
- a reduced risk of conflict escalation due to exclusion or unnoticed negative impacts
- improved standards of living for employees, their families and local communities

- reputational benefits leading to access to land, resources and capital
- compliance with legal and regulatory requirements
- access to a broader range of knowledge and skills
- more sustainable outcomes due to women's focus on family and community wellbeing.

There are numerous opportunities for better connecting contemporary thinking around mining and agreement processes with emerging knowledge from the development sphere, specifically in relation to gender. This is not to say that development sector thinking can be applied without adaptation, but that the channels for shared learning could be strengthened. Given that the mining industry's focus on gender is relatively new, the development field has much to offer the resources sector in terms of understanding what works and what fails in relation to gender inclusion across a range of topics. Experiences from developed countries, such as Australia and Canada where agreement practices are more established, also offer fertile ground for shared learning.

## 1.1 Report outline

This project summary report includes the following sections:

1. Introduction
2. Practice highlights
3. Aims and assumptions
4. Background context
5. Research activities
6. Aggregated findings
7. Advancing change and 'next steps'

The report appendices also include a list of key tools and guidance for practitioners, and a list of opportunities for further research.

# 2 Practice highlights

This research project highlights that there is room for improvement in terms of gender equality in mining and agreement processes. However, a range of good practices were identified during the research. Industry practice that supported both women's and men's participation in agreement processes is summarised in Table 1. While the main focus of the research was industry practice, the case studies highlight a range of external factors that have the potential to support women's involvement in agreement processes. The research also found a number of areas for improvement. These are also listed below.[1]

[1] More detailed findings are presented in Section 6 of this report, the practitioner perspectives study and the three case reports.

**Table 1: Summary of existing industry practice that supports women's involvement in agreement processes**

| Innovative practice | Details | Further detail |
|---|---|---|
| **Agreement provisions that support capacity building for implementation** | Training in administration and governance for newly established community organisations<br>Providing funding for third-party facilitation to enable communities to develop their own decision-making processes to feed into agreement processes<br>Support for community engagement and consensus building activities, including community visioning and building community (and company) knowledge of the diversity of needs, aspirations and knowledge within the community | Practitioner perspectives study |
| **A principled and cooperative focus in agreement negotiation and implementation** | Agreement processes based on inclusion, mutual understanding and with a long-term relationship focus supported processes that engage with the diversity of communities | Practitioner perspectives study |
| **Documenting women's cultural knowledge** | For the dual purposes of data gathering and positioning women as a group with distinct rights, interests and knowledge | Practitioner perspectives study |
| **Company staff with high-level skills in community engagement methodologies** | Including understanding of gender issues and inclusive engagement techniques which are suitable for the local context | Practitioner perspectives Study |
| **Broad-based social monitoring and social studies to help understand mining impacts and social change** | Inclusion of gender disaggregated data | PNG case report |
| **Engagement with women's representative groups** | Consideration of the role of women's organisations in a mining context | PNG case report |
| **Quota for female representation** | Quotas for women's participation in agreement governance committees with some associated support | Lao PDR case report |
| **Entering into and implementation of voluntary agreement where not required by national law** | Community development process which enables the inclusion of women's needs and interests | Lao PDR case report |

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|---|---|---|
| **Ongoing support from company staff to address capacity issues and support participatory processes** | Providing time off for company employees who sit on agreement committees<br><br>Companies employing staff skilled in capacity building and empowerment to support community representatives who may lack experience in administration, or lack high levels of literacy and numeracy | Lao PDR case report<br><br>Australian case report |
| **Awareness of gender dimensions of culture and context among staff** | Staff with responsibility for land access and agreement processes demonstrating high levels of awareness about gender, which translate into practice | Australian case report |
| **Intergenerational advice and coaching to incoming community representatives** | Formal and informal advice and coaching to community representatives from prior-serving representatives. For example, past agreement committee members remain 'honorary members' and attend committee meetings to provide support and advice for current committee members. | Australian case report |

Across the board, there were a range of contextual factors that determined gender dynamics and the level of women's inclusion. Actions and initiatives by non-company actors also had implications for agreement processes. The table below captures examples of initiatives that sought to support social inclusion and community participation which, as the research has highlighted, may promote gender equality in agreement processes. Further details are provided in the practitioner perspectives study and the three case reports.

**Table 2: External factors that have the potential to provide broad support for gender equality in agreement processes**

| Theme | Details | Example or research location |
|---|---|---|
| **Government** | | |
| **Agreement legislation** | Requiring agreements between mining companies and indigenous or local peoples | Practitioner perspectives study |
| **Legislation requiring consultation** | Specifying requirements for consultation with all community members (or specifies inclusion of minority/marginalised groups or women) | Philippines |
| **Funding** | Enabling communities to engage in or receive expert advice on agreement negotiations or associated processes | via representative bodies in Australia and the Canadian Environmental Assessment Agency Participant Funding Program |
| **Recognition of indigenous peoples' rights** | Via ratification of the UN Declaration on the Rights of Indigenous Peoples or alternative means | Australia, Canada, New Zealand, the United States and 144 other states |

| | | |
|---|---|---|
| **Women's representation in local government** | For example, by special measures such as the national directive to appoint women's representatives to local governments/wards | PNG case report<br>Lao PDR case report |
| **Government mandated institutions representing women's issues** | To support women's development and political mobilisation at all levels of government | Lao PDR case report – Lao Women's Union |
| **Tax incentives for communities to spend on development** | Via establishing charitable trusts for agreement payments in order to avoid taxation (and limit options for expenditure to purposes with community benefit)[2] | Australian case report |
| **Non-government** | | |
| **International NGO projects focused on raising awareness of gender issues** | Such as participatory gender analyses in support of livelihood projects | CARE/DFAT-funded livelihood projects in Lao PDR |
| **National-level gender and mining networks** | To raise attention to issues related to women and mining and create opportunities for shared learning | Women in Mining initiative established by the PNG Chamber of Mines and Petroleum and the World Bank |
| **Advocacy for women in mining as a strategic focus** | In order to develop national level strategic plans within government and corporate policy from major international institutions, NGOs and scholars | PNG Women in Mining Initiative, Oxfam's Listening to the Impacts of the PNG LNG Project |
| **Agreement ratification processes** | Legislative or regulatory processes for ratification of negotiation processes by an external party (e.g. to ensure community consent, good faith negotiation) | Via representative bodies and the National Native Title Tribunal in Australia and the review boards in Canada. |
| **Negotiation methodologies** | Detailing methodologies for inclusive engagement by negotiation facilitators | Internal policies and guidelines of the Central Land Council in Australia |
| **Indigenous organisation policies on gender equality** | Providing a community level position on gender equality and a champion for attention to gender issues | Qikiqtani Inuit Association |

[2] Native title payments into charitable trusts are tax-exempt. While use of charitable trusts increases the overall payment received by Traditional Owners, the funds can only be distributed for the purposes of community and charitable benefit. For example trust monies cannot be distributed to an individual who may wish to establish a business. For a full discussion on the benefits and limitations of charitable trusts versus other funding structures see Limerick *et al.* (2012, pp. 103-105).

| | | |
|---|---|---|
| **Design of engagement processes** | Indigenous representative bodies ensured appropriate engagement processes for inclusive participation | Cape York Land Council in the Australian case report |
| **Parties to the agreement** | Include local and state governments and representative bodies, promoting an integrated approach to development | Parties to the agreements in the Australian case report include the company, traditional owner groups, shire councils, the Cape York Land Council and, in one case, the Queensland Government. |

The tables above highlight practice that supports women's involvement. There were a range of other practices that were not as supportive. Consistent patterns that the researchers observed throughout the current work included:

- lack of gender-sensitive planning for agreement consultation, negotiation, representation, program design and implementation
- omission of gender considerations in policy frameworks and operational systems including assurance, monitoring, evaluation and reporting frameworks
- low awareness of gender-sensitive methodologies among some industry practitioners and other institutional actors
- lack of clarity about the role of mining in addressing gender inequalities in community engagement and development
- little data captured on different gender roles and responsibilities within existing community engagement and development work
- lack of internal influence of communities practitioners ultimately resulting in operational plans that reproduce or exacerbate gender inequalities
- lack of commitment to redress inequalities inherent in company-community relations or the broader society.

The research findings also capture exceptional examples of women's agency that surfaced during the research process. In some instances, women had:

- led very large and complex negotiations
- ensured effective implementation of agreement conditions
- managed multi-million dollar community trusts and many other roles.

To take on these roles women overcame systemic barriers to participation including historical and cultural factors. They advocated for family and community interests, shared their knowledge and influenced the contents and outcomes of agreements. Many women performed these roles in addition to their work as caregivers, wage earners and providers. The researchers also found examples of strong and effective support for women's involvement from some men, company employees and consultants involved in agreement processes although, again, these were exceptions.

# 3 Aims and assumptions

The commissioning of this research jointly by the MCA and DFAT re-affirms the importance of gender in the mining and development context. The findings will help to guide industry and other stakeholders towards agreement processes that integrate gender as an analytical frame and gender equality as a strategic goal. The research will also be of interest to development agencies working in the mining context, governments as regulators or partners to agreements, and community groups in their engagement with the mining industry.

For the purposes of this research, agreement processes include negotiation, implementation and monitoring of agreements. The overarching aim of the research was to identify factors that influenced the achievement of gender equality in agreement processes and outcomes. The research also sought to understand how these factors influenced women's economic and development capacity in different mining contexts.

The premise of the research is that exclusion or under-representation of women or men's needs, rights and/or aspirations in mining and agreement processes will negatively impact the equitable distribution of compensation and development benefits and long-term sustainable development.[3] Gender exclusion also runs the risk of mining disproportionately impacting women or men. While a gender perspective was applied in this research, the researchers' focus prioritised the perspective of women. The authors and commissioning bodies acknowledge the importance of including men in agreement processes and development initiatives. However, this project comes from the perspective that men are dominant actors in mining and agreement processes and women's voices and perspectives are – in the main – under-represented.

# 4 Background context[4]

Agreements negotiated between mining companies and indigenous communities or other land-connected peoples are increasingly promoted as practical mechanisms for impact management and benefit sharing – including in contexts where agreements are not mandated by law.[5] Among other things, agreements serve to formally recognise and frame the relationship between mining companies and local people. These mechanisms are central in determining how, and to whom, potential benefits from mining projects flow and how impacts are managed. Such processes also determine the mutual obligations and objectives of mining companies and communities and so provide potential to elevate local interests in the project design and development process.

Agreements are most common in jurisdictions that provide legal recognition of customary land rights, including Australia, Canada, PNG and Peru.[6] In some cases, agreement legislation provides state recognition of the right of Indigenous, First Nations or Aboriginal peoples to share in the wealth derived from their traditional homelands.[7] In other jurisdictions, companies and communities

[3] While gender is a key determinant of agreement outcomes, it is by no means the only one. There are many other aspects that influence whether agreements deliver outcomes at all, let alone equitable or sustainable benefits.
[4] The background context section of this report is largely based on the conference paper: Keenan, J. C., Kemp, D. L. and Ramsay, R. B. (2013). *Company-community agreements, gender and development.* Presented at the World Mining Congress, Montreal, 11-15 August 2013.
[5] O'Faircheallaigh (2012), World Bank (2012).
[6] O'Faircheallaigh (2013).
[7] O'Faircheallaigh (2010).

are entering into agreements voluntarily, largely because of their potential to provide stability to business operations via broad-based community support.

Agreement processes are most commonly associated with indigenous peoples. The current research employs a broader characterisation; that is, any form of company-community engagement that incorporates:

- a negotiation process
- identification of beneficiaries
- formalisation of commitments
- defined process for implementation.

This suite of agreements carries a variety of names, including: community development agreements, Indigenous land use agreements, impact and benefit agreements, participation agreements, benefit sharing agreements or partnership agreements.[8]

Growing interest in agreements is related to their potential to simultaneously serve as a mechanism for addressing multiple objectives, including:

- enabling community-level consultation in the development processes
- demonstrating broad-based support or free prior and informed consent (FPIC)
- providing a level of certainty to agreement parties about land access, compensation and development contributions
- clarifying expected outcomes and consequences for non-performance
- reducing business, environmental and social risk
- enabling early engagement in order to manage disagreement and conflict
- contributing to positive local-level development.[9]

Before describing the research and presenting the findings, a brief background is provided in the sub-sections below on the key debates in 'gender and mining' and 'mining and agreements' that have informed the research. Key insights from the gender and development literature are also provided.

## 4.1 Gender and mining

Few industries generate the kind of social, environmental and economic change at the pace, scale and intensity as mining.[10] While these changes are often investigated at a social or community level, differences between women's and men's experiences are often obscured.[11, 12] Impact assessment processes do not always pay adequate attention to gender dynamics and the kind of mining-induced social change that contributes to inequalities between women and men.[13] This 'blindness' to gender

[8] Brereton, Owen & Kim (2011).
[9] Brereton *et al.* (2011); O'Faircheallaigh (2012).
[10] Hilson (2012).
[11] Eftimie, Heller & Strongman (2009).
[12] For a discussion of the use of the term 'community' in the mining sector, see Department of Resources Energy and Tourism (DRET) (2006, p. 4).
[13] Lahiri-Dutt (2012).

renders disproportionate impacts invisible and can prevent inclusive and equitable access to development opportunities.

There is an expanding body of research that focuses on the intersection between mining and gender. This research contributes to the understanding of how existing gender biases impact both communities and companies, and of how reducing or removing inequalities can contribute positively in terms of development (i.e. the 'development case') and in terms of business values (i.e. the 'business case'). The development case for gender equality in business relates to empowerment and equality being valuable goals themselves, and also valuable in terms of efficiently and effectively achieving sustainable development goals including poverty reduction and economic development.[14]

Women's employment in mining is the most prominent example of a gender equality agenda in the industry in which the 'business case' is clear – shortages of skilled labour mean there is an advantage to be gained in widening the potential labour pool.[15] In contrast, the business case for gender equality in community development has typically been insufficient to drive a focus on gender in policy and practice. Some suggest that this may be due to industry focus on short-term business returns at the expense of long-term business and industry viability. Long-term factors appear to be better understood at the corporate level of the mining sector where contributing to development and supporting gender equality are considered part of the overall strategy to maintain profitable access to resources.

Scholarly research on the topic of gender and mining has served to raise awareness about the roles, responsibilities, burdens and experiences of women and men in mining contexts.[16] Women have always been linked to mining in a variety of roles, including:

- as small-scale or artisanal miners
- direct and indirect employment in industrial-scale mining
- representing and leading their people in mining negotiations and/or resistance movements
- as regulators, advocates and activists
- as mothers, sisters, aunts and carers of miners.[17]

Despite women's longstanding involvement, mining is still considered a characteristically 'masculine' industry where power and profit largely resides with men. The industry and its related institutions (e.g. governments and state agencies) tend to reproduce this inherent gender bias which reinforces a male-centric view of development that can exclude women from exercising agency in relation to mining developments and its impact on livelihoods.[18] Research confirms that gender is a critical consideration in the industry's ability to advance sustainable development goals.

By applying gender as a 'lens', it becomes possible to differentiate between the changes and impacts experienced by different women and men and how these impacts alter gender roles and relationships over time. While a gender lens is important, a simple, binary, male-female distinction

[14] UN Women (2011).
[15] Grosser (2009).
[16] Lahiri-Dutt (2011).
[17] Gibson & Kemp (2008).
[18] Lahiri-Dutt (2011), Macintyre (2011), Robinson (1996).

can homogenise the differences among women and men.[19] The concept of 'gender' should be understood in its fullest sense as a dynamic and mutable social construction of relationships between women and men which is experienced and performed differently depending on intersecting factors and systems. A gender lens is not a generic division of 'women' and 'men'.[20] The researchers have taken an 'intersectional' approach to gender in this work.

Other researchers have used an (intersectional) gender lens to investigate the social changes brought about by mining and the realities of women's experience in these contexts. Gerritsen and Macintyre (1991); Gibson and Kemp (2008); Lahiri-Dutt and Macintyre (2006); and Moretti (2006), among others, provide substantial reviews of existing literature. This literature confirms an overwhelming gender bias in mining. According to this research, women are more likely to be negatively impacted by mining (e.g. through loss of land, including for home gardens, and increased domestic responsibilities as men gain mining employment). At the same time, women are usually less able to access mining benefits (e.g. employment and training, local business opportunities). Furthermore, gender inequality is considered to be the most persistent challenge to poverty.[21] The researchers argue that these dynamics affect the industry's ability to advance its sustainable development goals. As the World Bank suggests, "better understanding of [the] gender aspects of the extractive industries could improve development outcomes in impacted communities, as well as improving the economic and social sustainability of [extractive industry] projects".[22] Without attention to gender, company claims of contributing to sustainable development must be questioned.

Research on the gender dimensions of mining and company-community agreements is limited to only a very few studies. Nonetheless, these studies suggest that agreement processes can reproduce and exacerbate existing gender inequalities and present barriers to women's full and equitable participation in development. While there seems to be agreement about mining's gender bias, several scholars call into question simple interpretations of women as 'passive' agents or 'victims of mining impacts'.[23] These scholars argue that generalised interpretations deny women's agency in responding to mining development.[24] In fact, there are several documented examples of women being active agents in influencing the content and process of mining agreements.[25] The researchers acknowledge these pre-existing studies in their exploration of the gender dimensions of agreements and women's participation in and influence over agreement processes.

## 4.2 Company-community agreements

Mining company-community agreements are increasingly seen as a key component of the industry's commitment to sustainable development.[26] Supporters of agreements argue that they provide an opportunity for indigenous peoples and others to shape the conditions for resource extraction on their lands therefore redistributing the balance of power that has otherwise served to undermine

[19] Hankivsky (2005), Squires (2005), Walby (2005).
[20] Dankelman (2002), Mikkelsen (2005), Parmenter (2011).
[21] Duflo (2011).
[22] Eftimie *et al.* (2009, p. 1).
[23] Lahiri-Dutt (2011), Lahiri-Dutt & Macintyre (2006), Langton & Mazel (2008).
[24] Mahy (2011).
[25] O'Faircheallaigh (2012b).
[26] O'Faircheallaigh (2012a).

and marginalise indigenous peoples, ignore their rights and exclude them from opportunities for development.[27] From a mining company perspective, having an agreement in place is seen to:

- secure access to land for the duration of the project
- satisfy regulatory or legislative requirements
- define expectations and mutual obligations
- reduce exposure to legal action.[28]

Industry leading practice guides suggest that 'inclusion' should be a guiding principle for agreement processes if agreements are to contribute to strong and resilient relationships.[29] While essential, the notion of inclusivity (or lack thereof) is a contested concept in agreement negotiation and implementation, particularly when it relates to representation.[30] The challenge of negotiating and implementing an inclusive agreement capable of delivering development outcomes, while also ensuring that risks and impacts are managed, is a complex and difficult task. This is particularly so if communities, companies, governments or other actors lack the will or capacity to meaningfully engage in agreement or other community engagement processes. Fair and equitable distribution of risks and benefits of mining is a particular challenge and issues of inclusion and exclusion are a central component. This research focuses on different aspects of inclusivity in agreement processes and, in particular, the gendered nature of representation and leadership.

In viewing agreement processes through a gender lens, it remains important to conceptualise agreements as an ongoing process rather than simply the conditions that are reached in the agreement contract.[31]

The process includes:

- agenda setting
- consultation
- consensus building
- awareness-raising and planning
- formal discussions that occur at the negotiation table.

These sub-elements provide many opportunities for gender inclusion or exclusion. A point about agreement processes that is not always well understood is that negotiation does not end at the signing of an agreement – agreements continue to be shaped as they are implemented and may be modified to redress gender imbalances as they emerge. Understanding agreements as a process, rather than an outcome, is critical to understanding their utility and contribution to sustainable development.[32] Similarly, company policies and practices can shape agreement processes, as can the involvement of third parties such as land councils or representative bodies. All these processes have been taken into account in the current research.

[27] O'Faircheallaigh (2013).
[28] ICMM (2010).
[29] ICMM (2010).
[30] O'Faircheallaigh (2013).
[31] O'Faircheallaigh (2002; 2004).
[32] AIATSIS (2008, pp. 36-38), Allbrook & Jebb (2004), Langton & Mazel (2008).

In mining, the practice of agreements is rapidly evolving. Early agreements focused primarily on compensation for land use. More recent agreements also bring into focus aspects of relationship and trust building along with benefit sharing and management of mining-related impacts. Successful implementation of agreement commitments has important implications for the degree to which agreements address the diversity of a community's needs and aspirations and therefore how the outcomes contribute to sustainable development. Other progress includes an increase in the level of transparency and accountability embedded in agreement processes, as well as improvements in governance structures and long-term planning. While not the only influence, the industry's uptake of sustainable development and corporate social responsibility (CSR) has influenced the use and characteristics of agreements. In this evolving space, there is potential to better integrate gender as an analytical frame and gender equality as a strategic goal in the process of mining and sustainable development.

In summary, it is an undisputed fact that sensitivity to gender delivers long-term health, education and local development outcomes.[33] Despite this and the industry's ongoing commitment to sustainable development, a number of key factors remain unexplored in debates about mining, agreements and development. These include:

- women's participation in agreement processes
- the gender distribution of agreement benefits
- the extent to which impacts and benefits influence economic inclusion.

This research engaged each of these issues and the findings are summarised in this report. As there is little to no guidance for companies, government or communities in terms of applying a gender lens in mining and agreement processes, a series of 'next steps' has been provided for the industry to consider as it continues to engage with the challenges of sustainable development and respecting human rights.

# 5 Research activities

The Minerals Council of Australia (MCA) and Australia's Department of Foreign Affairs and Trade (DFAT) commissioned the Centre for Social Responsibility in Mining to undertake this research project over two years. Dr Deanna Kemp, CSRM Deputy Director, Industry Engagement and Community Relations, and Ms Julia Keenan, CSRM Research Officer co-led the research, with inputs from a range of others. Ms Therese Postma, Assistant Director, Social Policy, from the MCA provided oversight of this unique research partnership between the Australian mining industry's peak body and Australia's overseas aid agency. Ms Postma convenes the MCA's Gender, Mining and Communities Dialogue and the reference group for this project.

[33] World Bank (2012).

This research was undertaken in three phases applying a qualitative, multi-method approach as described in Table 3.

**Table 3: Overview of study phases**

| Phase | Methods |
|---|---|
| **Phase one: Practitioner perspectives study** | Literature review<br><br>Individual interviews with agreement practitioners<br><br>Preparation for case studies |
| **Phase two: Case studies** | Individual or small group semi-structured interviews with company, government and community representatives<br><br>Participant observation of company-community interaction<br><br>Document review (e.g. agreements, policies, plans, procedures, monitoring data etc.) |
| **Phase three: Project summary report** | Aggregate analysis across Phases 1 & 2<br><br>Feedback from participating sites with opportunity for comment<br><br>Consultation, finalisation and communication. |

Phase one of the research focused on establishing the context for gender within mining and agreement processes. The research team conducted an extensive literature review to identify pre-existing studies and other relevant resources. This review provided a basis for the practitioner interviews, case studies and this aggregate analysis. A full list of references is provided for each component of the study. A list of key tools that offer practical utility for the industry is provided following the case reports.

The first phase also included interviews with specialist practitioners who had been directly involved in the mining sector and had experience with agreement processes. Interviewees had worked with agreements in Australia, Canada and Papua New Guinea (PNG) and, to a lesser extent, in Latin America (Peru), the USA, the Solomon Islands, Indonesia, Lao PDR, Mongolia and Ghana. These interviews provided helpful insights about mining, gender and agreements processes and highlighted critical issues to consider in phase two. While the interview protocol canvassed a range of agreement processes, there was an overall focus on negotiation which largely reflected the experience of interviewees. It was not possible to explore agreement implementation or outcomes in great depth with this particular group.

Although interviewee observations and opinions were occasionally conflicting, a range of general trends emerged. The practitioner perspectives study is organised around the following themes:

- factors that influence women's involvement
- women's inclusion/exclusion in benefit sharing
- the challenge of involving women in agreement processes
- industry capacity for engaging gender in agreement processes
- strategies for increasing women's participation.

Phase two involved three mining industry case studies in Papua New Guinea (PNG), Lao PDR and Australia. The case studies enabled the research team to examine examples of agreement processes in country-specific contexts. Case studies identified some innovative practice as well as a broad range of challenges. All three case studies were approved by the three participating companies for public dissemination as part of this research project. Companies agreed to share these reports on the basis that doing so provided a basis for improving gender, agreement and development practice.

The case studies sought to identify the extent to which the industry and other parties considered gender within agreement processes and how gender impacted these processes, primarily in relation to the following factors:

- women's experience of involvement or exclusion
- the impact of involvement or exclusion
- outcomes (direct, indirect, flow-on) of agreement-making
- perceptions (women's and men's) of development benefits as a result of agreement-making, including issues of gender equality and equity.

Site selection was dependent on a range of considerations, including:

- the priorities of the MCA and DFAT
- the level of access that the research team was able to negotiate at each case study site
- approval from agreement implementation bodies.

Operations were approached to participate based on the following criteria:

- there was an agreement between the mine and the local community or particular groups within a community
- that agreement was central to the relationship
- the agreement was a critical mechanism for managing impacts and development benefits.

Aside from these criteria, the aim was to select cases with variation across regulatory frameworks, companies, commodity and type of agreement (e.g. land access, profit sharing and compensation agreements).

**Table 4: Summary of case study characteristics**

| | Papua New Guinea | Lao PDR | Australia |
|---|---|---|---|
| **Site** | Lihir | Sepon | Weipa |
| **Company** | Newcrest | MMG | Rio Tinto |
| **Commodity** | Gold | Copper and gold | Bauxite |
| **Type of agreement** | Land access and benefit sharing | Benefit sharing | Multi-party Indigenous land use agreements |
| **Stage of mine life** | Operation | Operation | Operation |
| **Research focus** | Women's participation in past agreement processes | Women's participation in community development governance | Women's influence in agreement processes, role in agreement governance and generational change |

The approach to data collection used for each case study was negotiated ahead of the site visit between the company, site personnel, the CSRM research team, local researchers and participants. Researchers in each study were sensitive and responsive to the situation on the ground and local sensitivities, including engagement with 'at risk' groups. The research teams developed interview protocols to guide discussions and adapted protocols as was relevant to each interviewee or group. Interviewees were also able to direct the discussion to the topics that were most relevant to themselves and those that they felt comfortable discussing.

CSRM lead researchers Dr Kemp and Ms Keenan were familiar with all three sites from prior studies. Additionally, for the two international sites, in-country specialists were appointed. The participating company, the MCA, DFAT and CSRM jointly agreed on these appointments. In-country specialists were involved in:

- coordinating consultations with community members
- advising on the need to adapt research protocols to suit the local culture
- providing in-country cultural briefing and support
- leading discussions and interviews with local people, where appropriate.

In-country specialists and local site representatives are also involved in the 'feedback loop' in which aggregated findings were provided to research participants.

The MCA's Project Group and DFAT representatives provided feedback on all project elements including the practitioner perspectives study and phase two research protocols. Companies had an opportunity to respond to their respective case study reports to clarify points and provide comments before the drafts were finalised, shared with the reference group and included in this report.

## 5.1 Ethics

This study adheres to the guidelines of the ethical review process of The University of Queensland. The research team had processes in place to ensure ethical conduct across a range of dimensions including participant recruitment, involvement of indigenous peoples, data collection strategies, disclosure of personal information, risks to participants and researchers, voluntary participation,

informed consent, privacy and confidentiality of responses, anonymity, gatekeeper approval, secure storage of data, conflicts of interest and participant feedback. The approach to fieldwork was tailored to each case study with the assistance of company personnel and in-country specialists to ensure that culturally-specific considerations were understood.

The research team referred to the *National Statement on Ethical Conduct in Human Research (2007)* and the National Health and Medical Research Council and Australian Institute of Aboriginal and Torres Strait Islander Studies codes of ethics for research with Indigenous people. The research teams also consulted with other researchers with prior experience working in similar contexts for advice about how to approach this research to ensure ethical conduct.

## 5.2 Limitations

A limitation of site-specific research is that findings cannot necessarily be generalised to other contexts. This is particularly true in this study because the selection of case study sites was restricted to locations where the research team was able to negotiate access. Nonetheless, common insights and lessons have been drawn from each case and included in this summary report. Due to the need to select case study sites that were safe for fieldwork, the research does not provide insight into agreements in socially or politically volatile contexts. This remains an opportunity for further research.

The research surfaced more information about agreement negotiation and implementation than it did on agreement outcomes. The negotiation phase sets the foundation for the relationship between company and community and is therefore relevant to the contents of the agreement itself, as well as people's perceptions. Agreement contents and implementation structures are also documented for legal reasons providing accessible data for researchers. In contrast, data on development outcomes as a direct result of agreement processes is more limited. Development contributions from mining are complex, contingent on a range of external factors and rarely well tracked. This research was not designed to collect primary data on agreement outcomes so the researchers were unable to accurately determine the extent to which development outcomes could be attributed to an agreement or broader development contributions from mining and/or other processes.

It also became clear that more time in the field would be beneficial for developing a deeper understanding of the development contribution of agreements from a range of perspectives, including developer, community, regulator and other development agents and agencies. While a useful contribution has been made through this research, there is clearly more work to be done.

# 6 Aggregated findings

In order to present a detailed set of findings in a logical order, the data have been organised around four key headings, starting with findings that are specific to agreement processes then advancing to the more general and conceptual. The headings are as follows:

**Table 5: Outline of data presentation**

| Section | Title | Contents |
|---|---|---|
| **6.1** | **Agreement processes and principles** | Challenges of effective agreement implementation<br>Gender analysis<br>Awareness of gender biases<br>Inclusion principles<br>Special measures for equality in participation<br>Community self-organisation |
| **6.2** | **Operational systems and practitioner skills** | Community relations management systems<br>Baseline knowledge and ongoing monitoring<br>Practitioner skills |
| **6.3** | **Broader policy context** | Corporate policies<br>Government policies and legislative frameworks<br>Community institution commitments<br>Policy-practice links |
| **6.4** | **Supporting sustainable development** | Alignment of agreements with broader development frameworks<br>Need for further evidence of link between gender equality and business goals. |

The importance of ensuring that women as well as men's perspectives, knowledge and interests are central to agreement processes and the broader context of company engagement and development policy and practice are examined in the next four sections. Lessons are drawn from the data as well as existing industry and development literature to suggest a range of opportunities for bridging the gap between current and leading practice. Opportunities for improving mining industry practice are outlined in Section 7, 'Advancing change'.

## 6.1 Agreement processes and principles

### 6.1.1 General challenges of effective agreement implementation can affect gender equality

As outlined above, agreements involve a complex array of structures and processes that are negotiated in order to formalise and implement specific commitments. With each aspect of agreements potentially impacting or being impacted by gender relations, there are many opportunities for the inclusion or exclusion of women's as well as men's perspectives, interests and knowledge. On top of this, the general challenges of effective agreement implementation can determine the degree to which these processes can be inclusive. The practitioner perspectives study in particular highlighted the following issues:

- inequity in power and resources of mining companies and communities
- limited availability of skilled negotiators

- time pressures to sign agreements
- an absence of legal rights for communities or weak enforcement
- a lack of attention to agreement implementation and governance
- complexity in the agreement and limited availability of information.[34]

In fact, many of these factors can exacerbate inequalities for marginalised women and men as benefits are captured by those with more power. For example, in the PNG case study, several company representatives reported that some Lihirian men had asserted that women had no role at the negotiation table for the agreement as *kastom* dictated that this was a man's domain. Women explained that while they might be owners of the land, men managed the land and therefore decided who was 'at the negotiating table' to make decisions. Generally speaking, women explained that it was a man's role to manage land on behalf of their mothers and sisters. However, most interviewees said that within the clan, while both men's and women's perspectives were important and needed to be heard, women were increasingly "left out".

### 6.1.2 Gender inequality in agreement processes occurs where gender analysis is absent or disconnected

Throughout the research, participants found it difficult to explain gender differences and dynamics in agreement processes. This indicated a lack of gender analysis[35] either as part of agreement processes or of agreement outcomes. Gender considerations were sometimes given attention with respect to consultation or employment, although there was little examination of whether women's and men's rights, needs and interests were advanced or upheld by agreement processes. None of the case study sites had undertaken such an analysis. This absence of analysis was most acutely observed in monitoring and evaluation of benefit distribution. None of the case study sites examined the gender implications of benefit sharing programs, instead measuring and reporting benefit sharing at a community level only (if at all). Attention to monitoring and evaluation of gender in the negotiation and implementation phases of agreements would contribute to the prevention and reproduction of existing gender biases.

### 6.1.3 Awareness of gender biases among parties involved in agreement processes is essential for gender equality

This research calls for a nuanced understanding of gender that is responsive to the local context and engages with the challenges of prioritising gender, rather than avoiding it because it is a 'difficult' or potentially 'disruptive' issue. One suggested approach is for practitioners to generate support for gender-sensitive processes by raising participant's awareness of gender dynamics including:

- parties to the negotiation
- community members

[34] See practitioner perspectives report, Section 3.3.3 for further discussion.

[35] March, Smith & Mukhopadhyay (1999, p.19) explain that gender analysis: *"…explores and highlights the relationships of women and men in society, and the inequalities in those relationships, by asking: Who does what? Who has what? Who decides? How? Who gains? Who loses? When we pose these questions, we also ask: Which men? Which women? Gender analysis breaks down the divide between the private sphere (involving personal relationships) and the public sphere (which deals with relationships in wider society). It looks at how power relations within the household interrelate with those at the international, state, market, and community level".*

- negotiators
- cultural advisors
- representative bodies such as land councils or band councils[36]
- observers and legal advisors
- regulators
- other parties involved in the agreement process.

If women's participation in formal or public processes is inhibited by cultural or other norms, practitioners may seek out women's opinions in other forums.

Men's support for gender equity and women's empowerment can also be a strong contributor to improving women's participation and influence and help to reduce the risk of backlash. The Lao PDR case study included the involvement of men with this dynamic in mind. Skilled practitioners also worked with men to generate support for women's involvement, where appropriate.

### 6.1.4 Principled approach to inclusion in agreement processes can support gender equality over the longer term

Successful agreements are underpinned by principles that support a strong and respectful relationship between the company and community. This is opposed to a purely legal or transactional approach to agreements. Clearly articulated principles can have a positive effect by emphasising inclusiveness as fundamental to agreement processes. Principles can also maintain the long-term vision of an agreement, while being responsive to changes in community dynamics. This was certainly a key factor supporting women's involvement in the Western Cape Communities Co-existence Agreement (WCCCA) in the Australian case study. Although gender was not a focus of the agreement processes, the principles underlying the agreement – relationships, dialogue, trust and respect – supported women's participation and involvement in representation structures.

Conversely, this research suggests that gender inequality in agreement processes and outcomes is greatest where agreement processes are not based on a clear set of principles, but the existing status quo. For example, practitioners reported that where negotiation occurred only with established leadership (particularly if that leadership is not representative or consultative), women's rights and interests had been systematically overlooked. In the PNG case study, women did not have a direct line of communication into agreement governance processes and felt that their experiences, perspectives and interests were not adequately represented. For example, some women explained that it was not always easy for them to speak out in front of the men in open community meetings and that it would be good if there was more regular and direct engagement with women (separately from men) so that they could more readily express their views. As a result of the study, the relevant company has begun to discuss how to address this gap.

### 6.1.5 Special measures such as quotas can improve women's representation but do not guarantee empowerment

The Lao PDR case study shows how companies can stipulate gender requirements in agreement processes. In this case, the company set quotas for women's participation in agreement governance

[36] A local-level First Nations' legal unit of government in Canada.

committees at 50 percent. This requirement was instituted because the company wanted to support women's involvement in decision-making processes. The company also felt that women's involvement was unlikely to happen without direct intervention. Importantly, all stakeholders – company, community and the state – supported a quota system. Community development staff from the operation then had a mandate to provide support for women's inclusion in meeting processes.

As agreement processes are negotiated on a site-by-site basis, some operations may find that they are unable to stipulate or 'require' gender equity or women's empowerment programs. This does not have to be a barrier to raising the issue and promoting practices that are supportive of women's and men's rights, needs, aspirations. In cases where gender equality is not required, other processes can promote inclusion more generally. For example in the Australian case study, the agreement implementation body and the company engage in comprehensive training for governance committee members which focuses on the responsibility that they have to consider the needs of the broader community. That said, there was no monitoring of how well decisions addressed the broad interests of the communities.

### 6.1.6 Community capacity to self-organise can influence women's ability to participate in agreement processes

The capacity of the community to self-organise and mobilise also has an influence on men's and women's ability to participate in processes that can incorporate and respond to the diversity of needs and interests within a community. Certainly, the coaching provided by the staff in the Lao PDR case study is an example of the kind of support that can be provided, noting that support for self-organising did not extend past this particular program.

In some cases, supporting women's capacity to participate, and even mobilise collectively, may be an effective avenue for empowerment. A broader study examining women's formal and informal decision-making influence and processes suggests that women may prefer expressing their individual perspectives as a collective voice.[37] As capacity is very low in some contexts, a long-term commitment is needed. Good process is to support capacity building for participation in agreement processes, particularly for long-life mines.

## 6.2 Operational systems and practitioner skills

### 6.2.1 Community relations management systems can play a key role in supporting (or hindering) agreement processes

Management systems and processes that are put in place to cover operational issues play a key role in supporting (or hindering) agreement processes. Across the three case studies, management systems for community relations and development generally included activities related to – but were not specific to – agreements. These activities were aimed at:

- understanding the local context (i.e. baseline studies)
- analysing potential impacts and benefits (i.e. social impact assessments)

[37] World Bank (2012, pp. 181-2).

- implementation plans (i.e. cultural heritage management plans)
- monitoring and evaluation activities.

Some of these processes were required by regulation and others were part of a company's internal standards or lender assurance processes. How these systems were linked to agreements varied. While they all have potential application to agreement processes, in the main, these activities were not integrated into agreement processes.

This study found that gender considerations were rarely embedded within community relations management systems, with the exception of employment and, on occasion, local procurement strategies. On the whole, organisational systems and processes did not integrate gender as a core element of community relations management systems such as decision-making, planning and/or evaluation. Where data was collected, it was often partial. For example, where disaggregated data was collected about the number of women present at meetings, analysis of whether inclusive processes produced equitable outcomes was only available anecdotally. Gender disaggregated data will become increasingly important as the industry becomes more attuned to agreement implementation and outcomes. Over time, companies will be held more accountable for the legacies they leave, particularly in the case of long-life mines. Companies will need to demonstrate that they have not maintained or exacerbated gender inequality via longitudinal studies.

In the Lao PDR case study, women's participation in the village implementation committee was monitored. However, even when participation was recorded as 'equal', women described their role as 'support' and explained that it was difficult for them to participate equally due to a lack of previous experience, lower education levels and competing household responsibilities. Company monitoring systems did not capture this kind of data although it was generally known by staff. Despite these challenges, agreement committee members said that their understanding of the importance of women and men being involved in decisions about development had increased because of the quota system and the training provided by the company.

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

Agreements are long-term commitments. As such, there is a need for robust systems and methods for building knowledge as agreements and associated relationships evolve. This includes, for example, undertaking baseline and other studies in the early stages of operation in addition to monitoring and evaluation through the course of the agreement. In depth knowledge of local context and culture (and how these change) is considered essential to understanding gender dimensions of agreement processes. In PNG, Newcrest has a comprehensive program of social monitoring in place and collects gender-disaggregated data across a range of factors including health, education, socio-economic status and so forth. This program has been in place for more than a decade providing the company with access to important temporal data. This data is not, however, well connected to agreement processes.

The Australian case study shows that the demographic and cultural characteristics of the Western Cape have changed substantially since the current and previous generation of elders were raised. This will have implications for the agreement process. The current and previous generations are

perceived to have a strong collective identity and similar values related to historical conditions. Younger generations have more diverse experiences and values which may impact their aspirations and interests and, therefore, their perception of the value of the agreement. This in turn may require adjustment or reorientation of the agreement itself. Understanding baseline conditions and monitoring these changes over time is essential for ensuring that the agreement implementation process adapts to change between generations, including changes in gender dynamics.

Understanding and monitoring the gender dimensions of context and culture allow for process and program design that considers the rights, experiences and knowledge of both women and men. For example, cultural heritage management protocols at the Australian case study site are very specific about the need to understand both women's and men's knowledge of the significance of areas to be disturbed by mining-related activities. At this site, women and men have gender-specific knowledge of the landscape and protocols about who has authority to make decisions about particular areas. Consideration of these factors helps to put the principle of inclusive engagement into practice.

In cases where women's participation in decision-making is not routine, this 'foundation knowledge' can serve a strategic purpose by demonstrating women's capacity to engage and highlighting the benefits of a comprehensive understanding of impacts and opportunities for agreement implementation and development outcomes. A monitoring and evaluation program can then track increases or decreases in the capacity of different groups of men and women and other impacts over time.

Building a solid understanding of community context and then monitoring changes over time helps companies recognise the many causes of vulnerability and marginalisation in communities, including gender. As the Australian case study revealed, this can also include men's disempowerment. A solid understanding can also help companies identify how other factors intersect with gender such as class, race, poverty level, ethnic group and age. In the Lao PDR case study, for example, company personnel recognised that among the ethnic minority families, women's roles and participation were often different from the majority group. The company had tried to recruit female staff from the minority group, which was difficult, in order to better engage with this sub-group of women. Staff also recognised that there were generational differences in development aspirations and responses to mining and had to ensure that the needs of each group were understood.

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

The design and execution of inclusive community relations and development processes requires skilled practitioners who can identify how gender relationships are negotiated within community and how issues of inequality are framed in a particular culture and political discourse. Practitioners must understand how to raise and monitor issues of gender equality without causing further division or conflict within a community putting already vulnerable people at even more risk. This was certainly the case in PNG where some mine staff were conscious of the risk of gender-based violence. The research found several examples where the mining industry was working carefully and creatively to build inclusive agreement processes. However, these examples were largely reliant on practitioners with in-depth understanding of community dynamics or with a special interest in gender, rather than organisational systems that required a gender focus.

The variation of gender issues across the case studies makes it difficult to define what 'appropriate' or 'best practice' engagement would involve. Local context will determine this. For example, while women were often excluded from agreement governance committees, the Australian case study found that women had always played a significant role in leadership and governance. Many Aboriginal women commented that taking responsibility for family business was traditionally the women's role and they felt motivated to take on positions in agreement governance structures. Several interviewees commented that some community leaders, particularly women leaders, were extremely busy and were often involved in a range of different committees as well as having significant family, cultural and employment obligations.

## 6.3 Broader policy context for prioritising gender

Achieving gender equality is not the sole responsibility of any single organisation or institution. A range of institutions contributes to ensuring inequality is addressed and gender equality achieved. This section summarises findings relating to the broader policy context. This includes company, government and non-government policies as well as the policy frameworks of community institutions such as native title representative bodies or land councils in Australia.

### 6.3.1 Corporate policies can contribute to the promotion of gender equality in agreement processes

Most companies have made commitments to gender equality via sustainable development and CSR policies. As members of industry organisations, the three case study companies were committed to the International Council on Mining and Metals' (ICMM) Sustainable Development Principles and the MCA's Enduring Value Framework, both of which have expressly recognised the corporate responsibility to 'respect' human rights. Human rights provides an important framework for ensuring that the rights of women and men are equally respected. Corporate policy commitments should be supported by a range of practical activities. Connecting policies and on-the-ground initiatives to ensure a practical impact remains a challenge.

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

Government policies and regulatory frameworks contribute to the 'enabling environment' for advancing gender equality in agreement processes. The research findings suggest that government support or requirements for inclusive engagement influence a company's consultation, participation and representation of women in agreement processes. In the practitioner perspectives study, interviewees suggested that government policies and regulatory frameworks related to mining that require open and participatory engagement processes enabled women's involvement in agreements where otherwise they would have been excluded. They reinforced the point, however, that simply running a participatory process was not sufficient for ensuring that women participate, that their participation was equal or that women are were to influence outcomes.

Where enabling policies and frameworks existed, practitioners said they were sometimes used as a lever to advocate internally for gender inclusion in negotiations with community representatives. Legal compliance was a key driver, along with the business case.

### 6.3.3 Commitments by community institutions to gender equality are influential

Community institutions may also influence agreement processes by embedding gender into community visions, policies, constitutions and planning processes. One example from Canada is the Qikiqtani Inuit Association's initiative for promoting women's leadership and gender equality. Among other things, this involves employing a women and elders coordinator to advocate for these groups on a wide range of issues.[38]

The policies of community institutions have also been used to set standards for community consultation, including as part of agreement processes. For example, the Central Land Council (CLC) in Australia requires that women and men are informed and their rights and interests understood by holding both joint and separate meetings for women and men. The CLC also ensures that its staff members have a good understanding of gender issues and cultural constraints for women and men. The CLC employs both female and male staff and encourages formal and informal engagement techniques. Policies regarding engagement process and staffing can make a significant difference in advancing gender equality. The CLC also has policies for assessing whether the requirement of 'group consent' has been reached. This policy of validating consent is underpinned by a range of methods and protocols for consultation with women and men to ensure inclusion in decision-making.

### 6.3.4 Unfamiliarity with policies for and commitments to gender equality can hinder uptake of gender-sensitive practice by agreement parties

Participants in this research project had mixed levels of awareness of how their respective institutional context and policy environment would support a gender perspective or ensure that equitable processes were applied in agreement processes. Practitioners involved in agreement processes need to be aware of the degree to which the full range of laws, customs, cultures, policies and commitments are supportive of gender equality or serve to undermine gender inclusion. As discussed in the PNG case study, the World Bank instigated a Women in Mining (WIM) initiative in partnership with the PNG Chamber of Mines and Petroleum which served to promote action on women's empowerment in mining communities.[39] There remains, however, a disconnect between national-level policy and local-level implementation which was a constraint to progress in gender equality in this case. Nonetheless, the initiative provides an example of how partnerships can work to raise the profile of gender and mining and provide an important platform for action. Other partnerships are also important for keeping gender on the agenda including the collaboration between the MCA and DFAT to commission this research.

## 6.4 Supporting sustainable development goals

### 6.4.1 Alignment of agreements within broader development frameworks that support gender equality can have a flow-on effect to agreement processes

Agreements with indigenous or land-connected peoples are increasingly aligned with poverty alleviation and community development goals. The case studies did highlight, however, that alignment with broader (e.g. national/regional) development plans could be strengthened. In this

[38] Qikiqtani Inuit Association (QIA)
[39] Eftimie (2010, p. 6).

context, collaboration and partnerships will become more important to ensure that synergies and linkages are established. This will include collaboration with government agencies, international aid agencies and NGOs to ensure that mutually supportive strategies can be forged.

As the mining industry takes greater account of local-level development and continues to move beyond a land access and compensation focus in agreement processes, there also needs to be a corresponding shift in the approach to negotiation. Conventional approaches to negotiation can be adversarial and may limit the development of joint visions and co-responsibility for agreement implementation. As many research participants noted, a shift in orientation from adversarial to relationship-building approaches tended to improve the alignment of agreement content and process with community development objectives including gender equity and empowerment. In the context of short-term business pressures and the limits inherent in legal processes, strategic development goals cannot be overlooked.

Frameworks and methodologies from the development sector are increasingly recognised as relevant for understanding context and supporting mining and local-level development. There are opportunities for adaptation, extension and/or revision of gender-sensitive development methodologies within agreement processes. One such methodology is asset-based community development,[40] another is the sustainable livelihoods approach.[41] Frameworks and techniques routinely applied in the development sector that may be useful in mining agreement processes include techniques for:

- setting the agenda
- including diverse interests, including women and men
- identifying(material and non-material)
- supporting joint visioning processes, identifying common interests.

In the practitioner perspectives study, interviewees suggested, for example, that documenting women's cultural knowledge could be useful for the dual purposes of data gathering and positioning women as a group with distinct rights, interests and knowledge. Participatory methodologies used in the development sector would certainly help to facilitate women's legitimate input into agreement processes. Several interviewees noted that these types of 'lead in' processes that made women visible and built their capacity to contribute to discussions had helped to promote an inclusive process.

### 6.4.2 Evidence of the link between gender equality and business goals needs to be strengthened

Across the research projects, participants said they often had difficulty articulating a 'business case' for gender in community relations and development. They indicated that a business case for women's employment was relatively easier to convey because there were often clear benefits for the business (e.g. enlarging the labour pool in the context of skills shortages) that were supported by data.

[40] Owen & Kemp (2012).
[41] Department for International Development (1999).

Although the importance of gender inclusion for poverty reduction is widely accepted by parts of the industry (e.g. through commitments to the Millennium Development Goals), practitioners find themselves having to argue for funding to support inclusive participation because the short-term benefit to the business is not always clear to decision-makers. Internal arguments that assisted practitioners to influence decision-makers to support gender-sensitive agreement practice included the potential for agreements to:

- enhance the effectiveness of community engagement which would help to minimise potential for conflict and interruptions to operations
- ensure more effective and efficient community development programs which would increase the impact of community investment
- increase the likelihood of achieving sustainable community benefits
- improve standards of living which would result in a larger local labour pool
- enhance the rigour of risk management processes which would increase stakeholder confidence
- enable access to capital through being able to demonstrate alignment with the UN Guiding Principles on business and human rights.[42]

The reliance on business case arguments to justify community development expenditure, especially at the operational level, needs careful consideration to ensure that long-term goals and human rights are not overlooked. While there may be instances where gender-based exclusion may pose an immediate risk to an operation, efforts to improve gender equality may be perceived to be a cost to the business in the short-term rather than a case for immediate action. It is important that practitioners build a clear case for action and that managers are aware of business responsibilities and opportunities with respect to gender equality. In most cases, presenting evidence to support the case for gender inclusion is the key to securing support. Sex-disaggregated monitoring and evaluation can assist in this regard, particularly if development outcomes are routinely monitored as a part of agreement processes.

[42] Ruggie (2011).

# 7 Advancing change: Practical 'next steps' for integrating gender into agreements

This report has canvassed a range of issues that influence gender in agreement processes and associated local-level development. Many of the challenges outlined in this research sit beyond the responsibility of the mining industry alone. A range of actors and institutions can contribute to ensuring gender inequalities are not maintained or exacerbated by company-community agreement processes in mining. While progress on gender equality can be slow and difficult, it is possible to identify a range of practical opportunities to harness the power of agreements for improved gender and development outcomes. Listed below is a series of practical actions that could enhance progress on gender equality.

There is no formula or standard set of recommendations that can be prescribed for organisations ready to commit to promoting gender equality. Different actors should take steps appropriate to their mandate, position and ability to influence. The change management process will vary according to context and local circumstances. In some contexts, change may be sporadic to start with and build momentum over time. Moving towards gender equality will require concerted focus on corporate change alongside development of an enabling environment such as improved regulatory frameworks that support gender equality in agreement processes. This series of next steps is not sequential but offers a range of possible actions in any given context.

| Undertake and utilise gender analysis | |
|---|---|
| **Next steps for industry** | **Next steps for other actors** |
| Conduct a gender analysis and/or gender impact assessment of agreement processes prior to negotiations to enhance sensitivity to gender issues and opportunities for remedying gender biases. These studies should consider gender and its intersection with other factors in addition to how agreement processes impact and support women's practical and strategic interests. Any gender analysis should also ensure that the diversity of women's perspectives is reflected in the analysis.<br><br>If early analytical work was not completed, gender analysis can be useful at any stage of an agreement or mining project. Agreement negotiation is ongoing and needs to respond to change. Understanding change from a (intersectional) gender perspective at any point in an agreement process would improve the potential for positive outcomes.<br><br>Gender analysis should feed into design of agreement processes to facilitate inclusion. The appropriate allocation of time, resources, location of consultation, style of engagement and levels of support can significantly impact on women's and men's participation and influence.<br><br>Gender analysis should highlight opportunities for achieving gender equality at a strategic level such as in relation to land ownership and use, agreement regulation, and levels of political representation beyond agreements. Companies should engage with other actors to address strategic and systemic challenges.<br><br>Gender analysis will also help to determine whether 'special measures' such as quotas to ensure gender equality are appropriate. Companies should ensure that additional strategies for participation complement special measures rather than undermine progress toward gender equality.<br><br>Ensure that monitoring and evaluation captures gender-disaggregated data and tracks agreement outcomes and impacts that are relevant to both women and men's interests. This data will help practitioners to make a case for gender equality by linking agreement processes to mainstream business benefits. | Given the importance of gender analysis, other parties including government agencies, NGOs, foreign aid agencies, multi-lateral institutions and other civil society groups could consider collaborating with companies to undertake gender analysis.<br><br>If collaboration is not possible, other actors could be engaged as independent peer reviewers of company-led gender analysis.<br><br>Governments can proactively provide gender disaggregated data, where available, to companies for the purposes of encouraging and supporting gender analysis.<br><br>Government agencies, NGOs, foreign aid agencies, multi-lateral institutions and other civil society groups may be able to offer companies practical guidance in undertaking gender analysis and associated engagement methodologies, particularly if they have been working within that context for some time and have grounded knowledge of gender and other social processes. |

| Improve operational-level competency in gender | |
|---|---|
| **Next steps for industry** | **Next steps for other actors** |
| Companies can conduct gender training for community relations and development staff, senior decision-makers and other company personnel who engage externally.<br><br>Companies can hire community relations personnel on the basis of skills in gender and cross-cultural sensitivity rather than using generic competency criteria.<br><br>Ensure that knowledge about gender built through agreement processes informs core business activities such as employment, supply chain, land access and acquisition and project design. The agreement process and mainstream business must be mutually reinforcing.<br><br>Companies can support internal gender champion(s) to drive forward and embed consideration of gender to help support the necessary cultural shift that enhances operational practice. Note that both women and men can be champions for gender equality.<br><br>Organisations can improve their performance by building internal capacity, 'buying in' specialist advice or both. External specialists can provide valuable support to enable staff involved in agreement processes to improve their skills, capabilities and confidence to understand and respond to gender dynamics. | Other parties can consider offering gender awareness training for company personnel, particularly those people nominated as gender champions.<br><br>Other organisations might consider sharing selection criteria for positions requiring gender expertise. |

| Build capacity for inclusive engagement in agreement processes | |
|---|---|
| **Next steps for industry** | **Next steps for other actors** |
| Companies can reach out to government agencies and civil society groups to support programs for women's leadership.<br><br>Companies can also support education programs in mining communities particularly in relation to the rights of land-connected and indigenous peoples. These initiatives need to provide support for women and men of different social and economic status. | Civil society groups and government agencies can partner with companies on initiatives to build the capacity of men and women to participate equally in agreement processes. Ideally, this would occur in the early stages of mine development and throughout the agreement implementation process.<br><br>Civil society groups can help to ensure that attention is called to cases where gender has led to exclusion from engagement processes and support communities to raise the voices of the excluded in the public domain, without inciting violence.[43] |

[43] An example of this type of work is the *Listening to the impacts of the PNG LNG Project* and other projects commissioned by Oxfam Australia. See Weilders (2011) and http://resources.oxfam.org.au/?r=655

| Strengthen coverage of gender policies and commitments | |
|---|---|
| **Next steps for industry** | **Next steps for other actors** |
| Companies should consider making a clear policy commitment to gender equality and/or inclusion in community engagement and development practice, including agreement processes.<br><br>Any public position should be approached carefully to ensure that women do not suffer backlash at the local level. Companies should engage other parties (i.e. government, NGOs and civil society groups) and are encouraged to seek a broad range of views on the appropriateness of public statements.<br><br>In addition to a public position on gender equality, companies can review key policy arenas (e.g. social performance, human resources, health and safety, procurement etc.) for gender bias. By incorporating gender as an essential element in these policies, a broad commitment to gender inclusion can be fostered. An organisation-wide review of existing policies is a tangible way to start the process of integrating gender into sustainable development policy and practice.<br><br>Future revisions of industry-wide sustainable development principles, commitments and/or guidance can ensure that gender is profiled as an important issue. | Governments, international institutions, foreign aid agencies and NGOs can work together to ensure that aspirational national policies for social inclusion and gender equality are applied at the local level, particularly at the sub-national level.<br><br>Encourage companies to integrate gender into their policy frameworks, through a stand-alone policy or position statement, or a review of existing frameworks. Provide advice and feedback where possible. |

| Enhance regulatory frameworks to support gender equality | |
|---|---|
| **Next steps for industry** | **Next steps for other actors** |
| Companies can engage with governments about existing regulatory frameworks and indicate where greater clarity would support a more gender inclusive approach to local-level engagement and development processes, including for agreements. | Governments can ensure that equal rights for women and men are recognised and upheld in legislative or regulatory frameworks for mining development approval.<br><br>Governments may specify a requirement for consent processes that require consultation with women and men.<br><br>Governments can require that companies consider gender in foundation studies such as social baselines and social risk and impact assessments. They can also require that findings inform agreement practice.<br><br>Governments can review the degree of gender equality in a range of relevant areas including land titling and usage rights, compensation and social development contributions and make appropriate adjustments.<br><br>NGOs can advocate on behalf of communities where regulatory frameworks that support gender equality are not in place. |

| Enhance knowledge exchange about gender inclusion | |
|---|---|
| **Next steps for industry** | **Next steps for other actors** |
| As the industry makes progress on gender inclusion, organisations such as the MCA have an ongoing opportunity to commission additional studies that consider other challenges and innovations to help companies understand what gender inclusive practice looks like across a range of areas. | Multi-stakeholder dialogues and forums can provide opportunities for shared learning and should be supported. For example, the MCA's Gender, Mining and Communities Dialogue has been a productive forum for shared learning between researchers, government agencies, consultants, companies and civil society on the topic of gender and agreement processes.<br><br>There is an opportunity to extend knowledge exchange about gender and mining across other topics such as local-level conflict, resettlement, and processes of FPIC, for example. |

| Link agreements to sustainable development goals | |
|---|---|
| **Next steps for industry** | **Next steps for other actors** |
| Develop and implement a gender-inclusive, grass-roots engagement strategy that enables diverse groups to express their views about the impacts and potential benefits of mining in their area.<br><br>Companies can seek to align agreements with local, regional, national and global development goals and priorities (e.g. MDGs, UN Declaration on the Rights of Indigenous Peoples, IFC Environmental and Social Performance Standards, the World Bank Safeguard Policies). Better alignment can enhance the industry's contribution to sustainable development through the cumulative effect of having multiple agreements that are not only driven by local-level negotiations, but are also reflective of broader goals. | Ensure that industry actors are aware of broader development goals and priorities at the local, regional, national and global level to enhance opportunities for alignment. |

Progress in mining, gender and agreement processes and their associated local-level development outcomes will be made when there is alignment across policy and practice. The target of gender equality will only be possible with concerted effort and commitment from all parties – companies, industry bodies, governments, international aid agencies and civil society. The mining industry has an opportunity to lead change towards this goal.

# References


AIATSIS. (2008). *Native Title payments and benefits: Literature review*. From http://www.aiatsis.gov.au/ntru/docs/researchthemes/developmenttax/taxation/taxlitreview.pdf

Allbrook, M., & Jebb, M. A. (2004). *Implementation and resourcing of native title and related agreements.* Perth, Australia: National Native Title Tribunal.

Brereton, D., Owen, J., & Kim, J. (2011). Good practice note: Community development agreements. *EI SourceBook*. Dundee, UK: Centre for Energy, Petroleum and Mineral Law and Policy (CEPMLP), University of Dundee.

Dankelman, I. (2002). Gender, environment and sustainable development: Understanding the linkages. In Gender Society and Development Editorial Team (Ed.), *Natural resource management and gender: A global source book* (pp. 13-21). Amsterdam, Netherlands: KIT (Royal Tropical Institute).

Department for International Development. (1999). *Sustainable livelihood guidance sheets.* Sussex, UK: Department for International Development.

Duflo, E. (2012). Women's empowerment and economic development. *Journal of Economic Literature, 50*(4), 1051-1079.

Eftimie, A., Heller, K., & Strongman, J. (2009). Gender dimensions of the extractive industries. *Extractive Industries and Development Series No. 8,* Washington DC, USA: The World Bank.

Gibson, G., & Kemp, D. (2008). Corporate engagement with indigenous women in the minerals industry: making space for theory. In C. O'Faircheallaigh & S. Ali (Eds.), *Earth Matters: Indigenous Peoples, the Extractive Industries and Corporate Social Responsibility* (pp. 104-122). Sheffield, UK: Greenleaf Publishing.

Grosser, K. (2009). Corporate social responsibility and gender equality: women as stakeholders and the European Union sustainability strategy. *Business Ethics: A European Review*, *18*(3), 290-307.

Hankivsky, O. (2005). Gender vs diversity mainstreaming: A preliminary examination of the role and transformative potential of feminist theory. *Canadian Journal of Political Science, 38*(4), 977-1001.

Hilson, G. (2012). Corporate Social Responsibility in the extractive industries: Experiences from developing countries. *Resources Policy, 37*(2), 131-137.

International Council on Mining and Metals (ICMM). (2010). *Good Practice Guide: Indigenous Peoples and Mining.* London, UK: International Council on Mining and Metals.

Keenan, J. C., Kemp, D. L. and R. B. Ramsay. (2013). Company-community agreements, gender and development. Presented at the World Mining Congress, Montreal, 11-15 August 2013.

Lahiri-Dutt, K. (Ed.). (2011). *Gendering the field: Towards sustainable livelihoods for mining communities*. Canberra, Australia: ANU E Press.

Lahiri-Dutt, K., & Ahmad, N. (2012). Considering gender in social impact assessments. In F. Vanclay & A. M. Esteves (Eds.), *New directions in social impact assessments: Conceptual and methodological advances*. Cheltenham, UK: Edward Elgar.

Lahiri-Dutt, K., & Macintyre, M. (2006). *Women miners in developing countries: Pit women and others*. Burlington, USA: Ashgate Publishing.

Langton, M., & Mazel, O. (2008). Poverty in the midst of plenty: Aboriginal people, the 'resource curse' and Australia's mining boom. *Journal of Energy & Natural Resources Law, 26*(1), 31.

Limerick M., Tomlinson K., Taufatofua R, Barnes R. and Brereton D. 2012, *Agreement-making with Indigenous Groups: Oil and Gas Development in Australia*. Brisbane, Australia: Centre for Social Responsibility in Mining, The University of Queensland.

Macintyre, M. (2011). Modernity, gender and mining: Experiences from Papua New Guinea. In K. Lahiri-Dutt (Ed.), *Gendering the field: Towards sustainable livelihoods for mining communities* (pp. 21-32). Canberra, Australia: ANU E Press.

Mahy, P. (2011). Sex Work and Livelihoods: Beyond the 'Negative Impacts on Women'in Indonesian Mining. In K. Lahiri-Dutt (Ed.), *Gendering the field: Towards sustainable livelihoods for mining communities* (pp. 49-66). Canberra, Australia: ANU E Press.

March, C., Smith, I. and Mukhopadhyay, M. (1999) *A guide to gender analysis frameworks,* London, UK: Oxfam.

Mikkelsen, C. (2005). Indigenous Peoples, Gender, and Natural Resource Management. Copenhagen, Denmark: Danish Institute for International Studies, DIIS.

O'Faircheallaigh, C. (2002). Implementation: The forgotten dimension of agreement-making in Australia and Canada. *Indigenous Law Bulletin, 5*(20), 14-17.

O'Faircheallaigh, C. (2004). Evaluating agreements between indigenous peoples and resource developers. In M. Langton, M. Tehan, L. Palmer & K. Shain (Eds.), *Honour among nations? Treaties and agreements with indigenous people* (pp. 303-328). Melbourne, Australia: Melbourne University Press.

O'Faircheallaigh, C. (2010). Aboriginal-mining company contractual agreements in Australia and Canada: Implications for political autonomy and community development. *Canadian Journal of Development Studies/Revue canadienne d'études du développement, 30*(1-2), 69-86.

O'Faircheallaigh, C. (2012a). Community development agreements in the mining industry: An emerging global phenomenon. *Community Development*, *44*(2), 222-238.

O'Faircheallaigh, C. (2012b). Women's absence, women's power: Indigenous women and negotiations with mining comoanies in Australia and Canada. *Ethnic and Racial Studies*, *36*(11), 1789-1807.

O'Faircheallaigh, C. (2013). Extractive industries and Indigenous peoples: A changing dynamic? *Journal of Rural Studies, 30*, 20-30.

Owen, J. R., & Kemp, D. (2012). Assets, Capitals, and Resources Frameworks for Corporate Community Development in Mining. *Business & Society*, *51*(3), 382-408.

Parmenter, J. (2011). Experiences of indigenous women in the Australian mining industry. In K. Lahiri-Dutt (Ed.), *Gendering the field: Towards sustainable livelihoods for mining communities* (pp. 67-86). Canberra, Australia: ANU E Press.

Piálek, N (2008). "Is this really the end of the road for gender mainstreaming? Getting to grips with gender and institutional change" in *The challenge of development alternatives: Can NGOs make a difference?* edited by S Hickney, A Bebbington, and D Mitlin. London, UK: Zed Books.

RET. (2006). Community engagement and development. *Leading Practice Sustainable Development Program for the Mining Industry (LPSD)*. Canberra, Australia: Department of Resources, Energy and Tourism (RET).

Robinson, K. (1996). Women, mining and development. In R. Howitt, J. Connell & P. Hirsch (Eds.), *Resources, nations and indigenous peoples* (pp. 137–151). Melbourne, Australia: Oxford University Press.

Ruggie, J. (2011). UN Guiding Principles on Busines and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework. Retrieved from http://ohcr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

Squires, J. (2005). Is mainstreaming transformative? Theorizing mainstreaming in the context of diversity and deliberation. *Social Politics: International Studies in Gender, State & Society, 12*(3), 366-388.

UN Women. (2011). *The gender dividend - a business case for gender equality*. New York, USA: UN Women.

UN Women. (2012). *The Millennium Development Goals Report: Gender Chart 2012.* New York, USA: UN Women and the UN Statistics Division for the Inter-Agency and Expert Group on MDGs Indicators.

Walby, S. (2005). Gender mainstreaming: Productive tensions in theory and practice. *Social Politics: International Studies in Gender, State & Society, 12*(3), 321-343.

Wielders, I. (2011). Listening to the impacts of the PNG LNG Project. http://resources.oxfam.org.au/?r=655

World Bank. (2012). *World Development Report 2012: Gender Equality and Development Outline.* Washington DC, USA: World Bank.

# Appendix A: Opportunities for further research

Across the literature review, practitioner perspectives study and the three case studies, the research highlighted a number of areas for future research. Some of these opportunities related specifically to the topic at hand, whereas others were broader in scope. The top 10 opportunities for further research are outlined below:

## Agreement-specific research

- The research highlighted the need to develop a better understanding of gender provisions in existing agreements and associated legislation in a range of contexts and across a number of jurisdictions. This knowledge would have enabled, for example, the research team to compare and contrast the case studies along these lines. As it stands, there is no existing repository of knowledge relating to the content of agreements and the degree to which they contain provisions for gender.

- Across the three case studies, there was a need for clearer information on the distributive aspects of agreement benefits including in relation to other flows of income (e.g. compensation for land and other impacts, business opportunities, employment income and so forth). A study of this nature would assist in putting agreement benefits and their distribution into a broader context.

- As this research project progressed, it became clear that deeper and longer-term research is required to build a fuller understanding of the gender dimensions of mining and agreement processes. Sustained research in particular locations would provide additional insights, facilitate in-depth knowledge-building and provide greater clarity of the potential roles that different actors might play in specific contexts.

## Research focused on women's participation in agreement processes

- There is a need for research that establishes clearer links between women's participation in initiatives outside agreement processes as a pathway to participating in mining and agreement processes. In the PNG case study, for example, it was clear that the sub-national political processes offered potential for enabling women in representative roles. Follow-up research on processes that appeared to support women's participation would give companies, governments, NGOs and civil society groups a better sense of how to enable women's participation in agreements, including across generations.

- Women's leadership has contributed greatly to agreement design and implementation in many cases. Methods to support the development of female leaders, particularly those involving both men and women, could contribute understanding about empowerment processes as well as issues related to intergenerational change. Documenting examples of women's leadership would involve learning about women's negotiation and leadership strategies and highlighting women's roles in resource development.

## Research that more substantively engages men

- The current research was cognisant of gender dynamics but focused on women's experiences. There is an opportunity to broaden this to better account for men's experiences as well as women's. The Australian case study in particular was an important reminder that men can also be marginalised and under-represented in some contexts for a range of important reasons.

## Impact-related research

- Across all three case studies, it was clear that there were significant disconnects between (i) agreement processes and (ii) other foundational processes such as social baseline studies, social impact and risk assessments. While gender may have been included in these studies, findings and recommendations did not necessarily translate into agreement processes and vice versa. Research identifying where, and how, these process can better connect is important so that companies and governments can better define policies and procedures that support gender equality.

## Research about the gender dimensions of mining and development more broadly

- There is a need for research that focuses on gender dimensions of mining, and development outcomes more generally, over the life of the mine. Each of the three case studies highlighted a range of important considerations from in-migration and sexual health issues in the PNG case to poverty alleviation outcomes in the case of Lao PDR. Currently, there is little to draw from current literature, especially in terms of efforts aimed at having positive impacts on communities. This in turn highlights the importance of improving monitoring and evaluation efforts of agreement outcomes as well as development outcomes more broadly.

- There is a range of other topics that relate to gender and agreement processes that were not covered by the current research but which are directly related to it. For example, conflict, FPIC, grievance mechanisms, human rights, workforce participation, economic development, roles of national and sub-national governments and community health among others topics.

- The focus of this research was largely directed towards operational-level dynamics. A broader scope could explore a greater range of institutional, economic and cultural factors and explore their interaction with operational-level processes. This would further improve understanding of how agreements can best be designed and implemented to achieve long and short-term corporate and community development goals. A more expansive scope may also help to shed more light on the question of appropriate roles of corporate, community, government and non-government actors in the context of mining and development.

# Appendix B: Selected guidance materials

### *Why Gender Matters*

http://www.csrm.uq.edu.au/publications/171-why-gender-matters

In recent times Rio Tinto, and the broader resources sector, has recognised the critical role that gender plays in the social dynamics of local communities. This provides a framework for integrating gender into community relations and development work. The guide includes case studies from a number of Rio Tinto sites from across the globe and a background on existing knowledge about gender and mining.

### *Women, Communities and Mining: The Gender Impacts of Mining and the Role of Gender Impact Assessment*

http://resources.oxfam.org.au/?r=460

This report informs mining company staff of the potential gender impacts of mining projects and introduces some tools and approaches that they can use to conduct a gender impact assessment of these projects. These tools should be of particular interest to community relations advisors as they are designed to help incorporate gender into community assessment and planning tools including social baselines studies, social impact assessments and risk analysis, community mapping exercises and monitoring and evaluation plans.

### *Good Practice Guide: Indigenous Peoples and Mining*

http://www.csrm.uq.edu.au/publications/169-indigenous-peoples-and-mining

This guide was developed by the ICMM to help its members and other mining companies navigate through the complexities associated with mining near indigenous communities. It highlights good practice principles, discusses the challenges in applying these principles at the operational level and provides real-world examples of how mining projects have addressed these challenges. It also explores the cost of getting it wrong.

### *IBA Community Toolkit*

http://www.ibacommunitytoolkit.ca/index.html

The IBA Community Toolkit is a free resource for First Nation, Inuit and Métis communities in Canada considering impact and benefit agreements such as those with mining companies. While the toolkit focuses on the mining industry, many of the issues and processes addressed in the toolkit are relevant to agreement-making in other industry sectors and contexts, including protected areas, oil and gas, hydro and forestry. The goal is to help communities, negotiators and consultants to achieve positive agreements for Aboriginal communities.

### *Why Human Rights Matter*

http://www.csrm.uq.edu.au/publications/382-why-human-rights-matter

This 'how to' publication, co-authored by Rio Tinto and a team from CSRM, provides guidance on engaging inclusively, undertaking human rights due diligence and integrating human rights into CSP planning processes. The guide also provides insight into Rio Tinto's corporate human rights framework and how the business can continue to build enduring and positive relationships with communities. This guide also includes case studies, tools and checklists that elaborate on various aspects of business and human rights.

### *Community Engagement and Development*

http://www.csrm.uq.edu.au/publications/173-community-engagement-and-development

The Leading Practice Sustainable Development Program for the Mining Industry is an Australian Government initiative which has produced a series of internationally-recognised handbooks on various topics.