Reality Check

The gender dimensions of the impact of multinational companies' operations in fragile and conflict-affected areas – Guidance for research

"In the name of 'gender equality', the development industry has entrenched tired and limiting stereotypes and left untouched the deep structures of privilege and power."

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The aim of this paper is to explore some of the gender dimensions of multinational companies' operations in fragile and conflict-affected areas by highlighting several issues across the extractive and agroindustry on a thematic level. Although the particular manifestations and conditions are highly dependent on the local context, the paper aims to give guidance and to facilitate a learning process for civil society organisations (CSOs) working towards better outcomes for local communities and workers impacted by the operations of multinational corporations (MNCs) in conflict-affected areas. By highlighting some gender dimensions and providing a set of questions for further field research, the paper will help CSOs to assess the activities of MNCs through a 'gender lens'.

Introduction

Private sector and gender in conflict-affected areas
In conflict-affected areas private sector engagement is promoted by the development agendas of governments and international institutions alike. Economic development is considered as an essential element for achieving human well-being, and businesses can bring about employment, infrastructure, technology, education, knowledge transfer and ultimately stability and peace.[2] However, both conflict and multinationals have specific impacts for different people on the ground, including on their human rights. Men, women, boys and girls are affected in distinct ways – with each having different vulnerabilities, needs and capacities.

Researching the impacts of multinationals
When MNCs operate in conflict-affected areas, they can have positive and negative impacts on the contexts, including on the human rights and economic dynamics. Through their operations, some private sector actors have been linked to the violation of human rights, and the most severe of these violations often occur in conflict-affected states.[3] Although human rights principles are universal, including of course women's rights, in practice the way these rights are experienced is highly gendered.

CSOs worldwide are researching the impacts (both negative and positive) of multinationals on human rights and the natural environment and try to influence companies, sectors, governments and international institutions to change practices, implement policies and adopt stronger laws and regulations to minimise harmful impacts and maximise positive impacts.

For CSOs researching these impacts, it is important to realise the differently gendered impacts of MNC operations. Depending on their ethnicity, religion, gender, class, sexual orientation, marital status, location and ability, women and men can be privileged in some ways and disadvantaged in others. This privilege also defines which voices are heard and which are silenced, who exercises power and who does not, hence it is of paramount importance to look beyond the superficial. It is vital to bear in mind who you do or do not speak to, and where you obtain your information from in order to comprehensively identify and analyse the different perspectives and reach a nuanced understanding of the complex local realities.

This paper is published in the context of SOMO's programme on Multinational Corporations in Conflict-Affected Areas. This four-year programme, funded by the Dutch Ministry of Foreign Affairs, aims to empower local NGOs and communities to critically analyse the impact of the private sector in conflict-affected areas, and to ensure that companies are held to account for corporate misconduct. The programme aims to influence policies at various levels to ensure that multinational enterprises and their suppliers make a positive contribution to post-conflict reconstruction.

The five countries on which SOMO's programme is focusing – the Democratic Republic of Congo (DRC), Liberia, Sierra Leone, South Sudan and Colombia – have been chosen as the geographical focus, but many of the challenges and insights also apply equally in other conflict-affected areas. The paper, which was jointly written by International Alert and SOMO, is based on desk research. The draft version was reviewed by SOMO's partners in the focus countries. The paper starts by outlining the concepts of gender in relation to conflict and MNCs. Subsequently, it examines gender dimensions in practice, especially related to key issues of employment, company-community engagement, and security. Then it provides recommendations for researchers and CSOs on how to include gender dimensions in their work. The paper concludes with a list of questions that can be used as a guiding tool to add gender dimensions to the analysis of the impacts of MNC's operations in conflict-affected areas.

Gender aspects of MNC impacts

Gender-relational approaches

The concept of gender extends beyond the biological differences between the sexes and refers to the roles, activities, and responsibilities connected to being a woman or man. Gender norms define what behaviour is considered acceptable for women and men, as well as those who do not identify as either. These norms are often linked to access to power and decision-making, the exercise of violence, and the perception that certain activities, such as external income-creating roles, are more valuable than others such as domestic child-rearing responsibilities. Although these gender norms are socially constructed, enabling them to change depending on the context, they are much more complex than common stereotypes that for instance label women as helpless victims of male perpetrators' violence.

Gender identities

As gender relations vary from one context to another, the political, socio-economic and cultural dimensions of the context concerned, as well as its historical and geographical positioning, must be considered when examining the different patterns of gender relations. Gender identities are shaped by the interplay between gender and other identity markers such as age, social class, sexuality, disability, ethnic or religious background, marital status or urban/rural setting. The social construction of these identity markers are related to the (re)production of social relations of power and inequality and are therefore of crucial concern. Different individuals do not necessarily share the same priorities and needs by virtue of being of the same gender: an urban, unmarried, elite young woman may share more interests with an urban, elite young man than with a married woman from a marginalised group in a rural setting.

Importance of gender sensitivity

The term 'gender' has been used for various development activities primarily focused on women. However, a gender-relational approach goes beyond 'simply add women' methods and considers the impacts and needs of men, women, transgender and intersex people of all ages. Including both women and men in the due diligence of companies as well as in the analysis of MNC impacts will achieve a more comprehensive understanding of the context, in order to better understand and mitigate problems arising as a result of a lack of gender sensitivity in their policies or the implementation thereof. As the 2012 World Bank Development Report on Gender argued, closing gender equality gaps is not only the right approach from a moral standpoint, it is also smart from a business perspective, as this can enhance productivity, improve development outcomes for the next generation and make institutions more representative.[4] The UN Guiding Principles on

Business and Human Rights (UNGPs) also highlight gender dimensions.[5] As conflict may exacerbate gendered inequalities and vulnerabilities, attention to the gender dimensions is particularly important in the context of fragile or conflict-affected areas.

Gender and the impacts of MNCs in a conflict context

Gender shapes the roles people take on within their communities and within MNC operations, which can influence both the types of benefits they can access from MNC operations as well as their vulnerabilities to adverse impacts. In general, MNC operations in conflict-affected areas risk having greater negative socioeconomic impacts on women compared to men. They are seen to "dramatically multiply inequality gaps in their society" including on gender lines.[6] Predominant gender hierarchies tend to accord more power and privileges to men rather than women, which causes gender inequalities in the form of structural violence, for example, in unequal access to land rights, or legal disadvantages in matters of inheritance, marriage and divorce. This contributes to the under-representation of women in key political processes from elections to peace negotiations, as well as in post-conflict economic development processes in which MNCs can play a key role. Conflict can exacerbate or shift preexisting gender inequalities in access to land, resources or economic opportunities, and the arrival of MNCs can influence these conflict dynamics.

Furthermore, women's unequal status within their communities frequently prevents them from accessing the formal jobs created by the arrival of MNCs and participating in negotiations and dialogue about MNC operations, resettlement, compensation or corporate social responsibility (CSR) activities.[7] In conflict-affected settings, governments may lack the capacity and resources to deliver services to affected communities, which may instead look to MNCs to

deliver these services. However, it is not the responsibility of businesses to replace state services, and doing so can weaken the role of the state. Managing community expectations in this context is therefore a particular challenge for MNCs and states. If not handled well, it can drive tensions and undermine stability.

Changing roles of men and women

Society ascribes different values to men and women's varying roles, with male roles often valued more highly than those of women. This is especially true for women's reproductive work in the domestic roles, which is often neither appreciated as work nor financially rewarded. An example of the unequal valuing of similar work is artisanal mining in Sierra Leone. There diamond mining is considered men's work and is socially valued more highly than gold mining, which is considered women's work.[8]

Societal gender identities are co-constructed and maintained by families and communities, thereby socialising the next generation into them. Since breaking gender roles is taboo within society, the stigma and negativity around such behaviour assists in enforcing adherence to these gender roles. However, gender norms are not immutable but rather change over time, especially during times of conflict and post-conflict economic development. In conflict-affected situations, such as in situations of displacement, it may be increasingly difficult for men to fulfil the gender role of provider and protector as traditionally expected of them, potentially leading to behavior that is harmful to themselves (through, for example, substance abuse, risk-taking activities, depression or suicide) or those close to them. This can shape their reaction to the entry of MNCs and can lead to protests, which risk turning to violence in conflict contexts.

Gender impacts in practice

This chapter looks into the nexus between gender, MNCs and conflict in the areas of employment, company-community engagement, and security. These are three thematic areas that are key to national and global discussions about private sector investments, and where applying a gender lens provides a more complex understanding of local dynamics. For example, a World Bank (WB) study found that extractive industry operations can have comparatively disadvantageous impacts on women in affected communities. This is because women are often less able to access employment opportunities and have less voice in decisions about social investment. At the same time, women are often relatively more affected by the negative consequences such as increased caring duties, domestic chores, and reduced yields from traditional subsistence livelihoods.[9] This is compounded in conflict-affected areas, where

women and men experience conflict impacts differently and have different vulnerabilities and agencies vis-à-vis violence. A gender blind analysis would miss these dynamics.

This section concentrates on extractive and agro-industry sectors, as these are two of the most important economic sectors in the focus countries of DRC, Colombia, Liberia, Sierra Leone and South Sudan.

Employment

The possibility of employment is often a key argument used by proponents of extractive industries as well as agroindustries, in portraying these sectors as positive drivers for development, which is particularly needed in areas where job markets have been limited by years of conflict. These proponents range from national and local government officials to community leaders and members, MNCs themselves, or individuals with private sector interests who anticipate some economic advantage, whether in the shape of direct or indirect employment, supply chain, revenues or social investment. However, perceptions of likely jobs and social investment are often not realistic and the inflated expectations of local communities can turn to disappointment when the anticipated benefits fail to come through. This creates a potential source of tension between local communities, governments and MNCs, as well as resentment and tensions within communities between those who can access the benefits and those who do not experience benefits but suffer from, for example, price inflation and loss of traditional livelihoods. In volatile conflict situations, these tensions can erupt into conflict and lead to violence. A recent report by Chatham House concludes that "promotion of extractive-led development as a means to peace in conflict-affected situations carries inherent risk. Even with significant financial and technical assistance and concerted multi-stakeholder efforts, there is no guarantee that resource development will contribute to peace. (…) Even a 'do no harm' approach in line with conflict-sensitive guidelines may inadvertently fuel conflict."[10]

Employment issues related to extractive industries
Large-scale mining tends to be a largely male-dominated sector, with women rarely exceeding 10% of the workforce.[11] Despite some notable exceptions, the management of most MNCs remains male dominated. Broadly speaking, women tend to be more able to access jobs in business support roles, which are frequently at the bottom of the pay scales in menial or administrative roles, or in the assorted support services associated with large workforces: cleaning, cooking and catering. There are differences between different industries, with oil and gas production involving lower numbers of highly skilled workers and mining requiring higher numbers of low-skilled workers.

Limiting factors for women's employment opportunities
There are several factors that can form barriers for local women accessing jobs in the industry at all levels (particularly skilled jobs). In part this can be due to lack of education and skills at local levels (in places where access to this is gendered). However, gender expectations and perceptions also play a role in this. Jobs in the extractive industry are frequently viewed as "men's work", and organisational culture and workplace practices are masculinised, forming barriers to women. This is despite the fact that women are active in artisanal mining and in associated support roles in some contexts.[12] Conflict dynamics can exacerbate this by adding security concerns to the economic concerns that influence the education that boys and girls can access,[13] or restricting mobility. Both oil and mining MNCs increasingly use dedicated business strategies on diversity and inclusion to address this, although these are very long-term processes, especially for highly skilled roles that require specialist training.

During conflict there can be a hardening of gender norms, which valorise 'warrior' masculinities and 'mother of the nation' femininities over other types of masculinities (such as more nurturing masculinities). Similarly, in current large-scale mining companies, a particular type of masculinity (a 'tough' form of hypermasculinity – dominant, in control, less open to feedback or dialogue) tends to be practised to the exclusion of other forms of masculinities ('softer', more caring, supporting, communicative or safety conscious) and femininities, which also has consequences in the organisation of work, safety and workplace cultures[14]. Gender and mining expert Dean Laplonge flags up the limitations of number-focused "Women in Mining" efforts that focus on increasing the number of women employed in mining, which can lead to resentment by both male and female employees.[15] He calls for a broader shift in terms of how gender is under-stood and enacted in mining: accepting and welcoming multiple and fluid types of masculinities[16] and femininities, which would not only improve workforce diversity but also company performance and safety by encouraging better communication, mutual support and risk management.

In addition, shift patterns requiring working away from home for weeks at a time affects staff's fulfillment of gender roles in the household. This could prevent women from taking on these jobs, or it could affect the household gender relations if the husband/father is away for extended periods of time. In a recent report, WoMin argues that mining companies shift the responsibility for the payment of services, such as medical care and worker rations, by drawing on the cheap or unpaid care of women.[17] Without this domestic work, their male partners would not be able to work in the mining industry because they would not be fed, cared for, or the next generation of workers would not have been raised.

Employment issues related to agro industries

In general, agroindustries such as palm oil, cocoa or rubber plantations, or cut flowers, tea and coffee, tend to have more mixed workforces. However, similarly to the extractive industry, it is predominantly men who fill the management roles.[18] Apart from low wages and questionable working conditions, women workers can be exposed to sexual harassment by colleagues and supervisors. One of the negative effects of women taking on external economic roles outside of the house is that the domestic and child-caring duties then often fall to their daughters, which has the potential of interrupting their schooling and chances in life. Food security is also linked to access to lands, with land conflicts often figuring among the root causes of violent conflicts and access to land being highly gendered.

Gender differences in the supply chain for both industries

The issue of employment does not only relate to direct employment with MNCs, but also to the various supply chains and support services surrounding them: providers of uniforms, cleaning and catering services, provision and maintenance of machinery and infrastructure, etc. Often women produce agricultural products at a small scale, while MNCs seek large-scale providers that can offer guaranteed quality, delivery, economies of scale and meet health, safety and environmental standards. MNCs tend to subcontract larger national companies for support services as these offer better value for money due to economies of scale and more standardised quality. Women tend to primarily work in the informal sector and smaller enterprises that struggle to obtain these larger contracts.

Company-community engagement: consultations and negotiations

Company-community engagement encompasses consultation processes around consent, the negotiation of resettlement and compensation, as well as the decision-making around social investment and access to benefit. The key question for company-community engagement is how affected communities are consulted by MNCs, in the context of immense differences in access to information and power.

Gendered impacts on food security

Gender inequalities can block women's access to land[19] and exclude them from negotiations for compensation, which could lead to future challenges such as access to water in resettlement areas. Female-headed households are liable to be overlooked in compensation talks focusing on male heads of household, whether these are widows, same-sex couples, second wives or wives remaining behind when husbands emigrate for economic reasons or join armed forces (both of which are often gendered expectations of men as providers or protectors of the family), or flee the fighting or forced conscriptions. The gendered impacts can be invisible – this includes impacts on all the dependents, not just those directly affected. WoMin's research established that up to 60% of food gets put on the table by women whose men work in mines across sub-Saharan Africa, so any environmental consequences affecting subsistence agriculture (such as water pollution or scarcity, dust, aerial spraying of fertilisers or pesticides) will substantially impact food security.[20] Women are predominantly subsistence farmers and therefore are key to food security. This means that negative environmental impacts affect women disproportionately.

Equal participation of men and women

For women, even if invited, participation in community discussions may only be possible at certain times that do not clash with childcare/domestic duties, or at locations that are accessible without endangering their security (i.e. not requiring walking after dark or to insecure areas). Depending on the cultural context, separate meetings for men and women may be more appropriate if women's views are sidelined in mixed meetings. However, where this is done, it is important that women's priorities are considered equally alongside men's priorities (to avoid subsequent re-prioritisation by elite groups). Where women join mixed forums, the discussion should include both their voices (personal needs) and women's issues (strategic gender needs), and ensure that women and men of different socioeconomic backgrounds or marginalised groups can raise their voice (e.g. younger people, widows or minority groups). Trying to ensure that due compensation or benefits reach all members of the communities can be difficult for both CSO and MNCs, but failure to do so risks marginalisation and tensions that could lead to conflict.

It is also important to note the issue of free, prior and informed consent (FPIC) in relation to the gender dimension. Without going into the technical details and while recognising that too often communities are told that FPIC applies to them when it doesn't, which can put them in an adversarial position, it is important to note that the inclusion of a gender perspective and the participation of indigenous women is essential in FPIC processes, as well as the participation of children and youth as appropriate.[21] More specifically related to conflict, the role of FPIC needs to receive special attention in a conflict context so that indigenous groups are benefiting from private sector development. The inclusion of FPIC as a crucial element of conflict-sensitive business practices is expected to have a positive impact on Indigenous People's that are affected by companies' operations, as argued in a forthcoming Swisspeace paper.[22]

Security

Security issues are key concerns for communities, MNCs and governments alike. In conflict settings, one of the risk areas relates to national security forces assigned to provide security for MNCs, yet committing or being perceived to commit human rights abuses. In DRC in October 2004,[23] for example, Anvil Mining appeared to have allowed the Congolese armed forces to use its vehicles during an operation to suppress a small rebellion in Kilwa. However, during this operation over 100 civilians died as a result of military action amidst broader human rights abuses including rape and pillaging that temporarily displaced an estimated 40,000 civilians. This incident had strong gender components, with the small, new group of rebels consisting mainly of ill-equipped young men and indications that they were externally manipulated into this attack.[24] Moreover, the majority of those killed or summarily executed were men and boys. Allegations that company trucks were used to transport pillaged goods and corpses affects community perceptions of the company by linking it to human rights abuses, and it further undermines community trust in the state, security forces and extractive companies. The Voluntary Principles on Security and Human Rights address issues of complicity in equipment transfers and safeguards for handling use of public security where there is a risk of past violations of human rights,[25] although it does not directly reflect on gender dimensions. Even though the Voluntary Principles have their limitations, especially their voluntary nature and the challenges of holding companies to account,[26] those companies that have integrated the Voluntary Principles in their policies are aware of these issues and should actively address them to ensure that incidents like the one mentioned above do not occur.

Sexual and Gender-Based Violence

Sexual and Gender-Based Violence (SGBV) issues are increasingly highlighted as an important gender concern in conflict situations, and also arise both within MNC operations amongst employees, as well as in the general area affected by their operations. Sexual harassment is a frequently raised issue particularly in agro-industries with the predominantly male management structures and largely female staff. Within the extractive industries, this is less of a workplace issue, although one recent instance of sexual violence was the rape and murder of a 27-year-old female belt operator who was working underground at the AngloAmerican Platinums Khomanani Mine near Rustenburg in South Africa.[27] So while SGBV is not an issue for extractives in all contexts, where it is an issue, it is a highly problematic one.

The 'boomtown effect'

Broader community security considerations include the so-called 'boomtown effects'. There are no exact data on this, but reports indicate that extractive operations are often accompanied by increases in extramarital affairs, family breakdowns, teenage pregnancies, sexually transmitted infections (STIs) including HIV/AIDS, as well as gambling, domestic violence, SGBV and substance abuse.[28] The influx of a mostly male, cash-rich workforce is probably a contributing factor, as are the changes in gender roles discussed above. These boomtown effects cause concerns to communities, government and MNCs alike. In terms of HIV/ AIDS, a World Bank Policy Research Working Paper concluded that migrant miners aged 30-44 are 15% more likely to be HIV positive, and women whose partner is a migrant miner are 8% more likely to become infected.[29]

Human rights defenders

Another serious issue is the lack of security for community leaders and human rights defenders engaged in legitimate protests against MNC extractive industries or agro-industries. The Special Rapporteur on the situation of Human Rights Defenders to the General Assembly emphasised that human rights defenders are often portrayed as being against development per se, instead of against specific projects with specific environmental and social impacts. For example, Somos Defensores counted 366 aggressions against and 78 assassinations of human rights defenders in Colombia in 2013, with land right defenders among the most targeted.[30] Women human rights defenders face specific threats including but not limited to SGBV, but these are rarely addressed by local, national or international authorities.[31]

Recommendations & Research Questions

In the debate around private sector and conflict, too little attention has been paid to the gender perspective. This is despite the fact that the private sector and conflict have specific impacts on different people on the ground. Men and women, boys and girls, transgender and intersex people are affected in distinct ways. Each have different vulnerabilities, needs and capacities, also depending on other identity markers such as age, sexuality, religion, ethnicity and ability. While strongly dependent on the local context, women often experience comparatively more negative and fewer positive impacts than men with the presence of agroindustry and extractive industry operations as a result of their gender and unequal status within society. Not only do women have less access to employment opportunities in MNC operations, but their voices and opinions are also frequently marginalised during consultations and negotiations processes. Furthermore, in conflict contexts, MNCs operate in climates of insecurity in which communities, particularly women, are exposed to threats of physical and sexual violence, with perceptions varying between MNC associated security forces contributing to increased security in some areas and in others, increases in human rights abuses

and SGBV. Nuanced research is therefore needed to understand the local dynamics to identify entry points for programming by civil society, governments and MNCs, for which some potential (although by no means exhaustive list of) questions are offered below as a starting point for further research.

Recommendations for researchers and CSOs

These recommendations are made in recognition of prior gender inequalities disadvantaging certain types of women, and certain types of men, which require conscious actions to ensure that the benefits of MNCs reach all stakeholders and negative impacts are managed and mitigated. The first step for all actors should be to approach their analysis from a broader, holistic gender perspective.

Employment

CSOs can provide support and training to community members (including on their rights or employment or business development skills, for example, supporting young women to obtain scientific or vocational qualifications) where the government does not have sufficient capacity due to conflict or where conflict has led to dysfunctional or absent educational systems. They have a vital role to play in monitoring the compliance of governments and companies. Support to local government functions on company compliance or community training may also be useful where capacity does not exist due to long-running conflict. CSOs should monitor the following:

☐ The impacts at the local level by working with local communities and supporting advocacy to local and national governance structures.

☐ That MNCs' social impact baseline studies include the specific gender roles at household level. On-going monitoring and regular assessments of changes to the baseline data would help to document changes in gender roles and flag up negative impacts on gender roles, possible increases in gender inequalities or domestic violence. This could then provide entry points for remedial action by communities, local government or civil society.

☐ If MNCs and their subcontractors hire with both gender and conflict sensitivity in mind (for example, avoiding perceptions of employment being more accessible for some conflict parties than others), that they maintain gender-sensitive human resources policies and working environments, and ensure gender-disaggregated data (on hiring, recruitment, complaints and retention) are collected by their monitoring processes. Examples of implications of a more gender equitable workforce are flexible working hours, maternity/paternity policies, childcare/ crèche, anti-sexual harassment policies,

anti-discrimination and diversity policies[32], and operational considerations regarding uniforms, barracks and separate toilet/shower facilities.

☐ If governments require local content policies[33] as part of the concession agreements, that these are gender equitable and that existing gendered labour laws are adhered to.

Additionally, as women tend to primarily work in the informal sector and smaller enterprises that struggle to obtain larger contracts, CSOs could encourage governments to work with MNCs to support smaller local organisations, including working with women producers to team up into larger cooperatives to access larger contracts, by provision of credit and trainings.

They could also lobby governments to work with MNCs to ensure that local people, including women, can access better paid jobs including management roles, which will require investment in education and training, or possibly quotas in hiring systems. This requires a long-term approach to improving opportunities for women and should be recognised as such. Civil society should also encourage governments to require MNCs to report on their staff and social impact using gender- and age-disaggregated data.

Company-community engagement

CSOs can contribute by building the capacities of communities, especially of marginalised members, and support them throughout in engaging effectively and confidently with MNCs and monitoring and advocating for MNC and government delivery of promises. This impact monitoring should take into account the gender dimensions. Civil society can inform communities about their rights, as well as about what to expect from MNC activities and operations in their area. They can also facilitate consensus-building to enable more unified negotiations with MNCs or governments, and can ensure that information dissemination on company operations is effective for example by translating it into non-technical language or consulting women on how best to disseminate information to them. Furthermore, CSOs should monitor:

☐ If MNCs conduct a careful gendered mapping of the context and key conflict issues before conducting community engagement.

☐ If MNCs take into account gender dimensions when monitoring their impacts of MNCs.

☐ If MNCs avoid assumptions about community needs, interests and concerns, and instead work with communities and government to jointly identify investment priorities and timeframes, with regular and transparent

monitoring meetings involving all members of the community. Women's priorities should be considered equally with men's priorities. Specific efforts should be made to include women in the initial consultations, ongoing compensation/resettlement negotiations and subsequent monitoring mechanisms. Depending on the cultural context, this may require separate meetings for men and women. Participation should extend beyond older elite women to include representatives from marginalised groups, socioeconomically disadvantaged groups and people of all ages. This should be done in a way this is mindful of pre-existing conflicts between groups as identified in the context mapping to avoid exacerbating tensions. Such inclusive processes require time, which may cause delays to MNC commercial development timelines, but this should not be prioritised over meaningful processes.

☐ If MNCs analyse as part of the ongoing assessments how environmental impacts may specifically and/or disproportionately affect women, especially in contexts where food security relies on subsistence agriculture and is predominately the women's role.

☐ That MNCs clearly document and communicate transparently on the scope of MNC operations, impacts, employment potential and social investment. This is crucial to help manage expectations and avoid the spread of rumours and misinformation.[34] This will include translating important information into local languages, disseminating it to all sections of the community and ensuring it is accessible to illiterate community members. Gender considerations here might be the difference in access to education for women and men and therefore varying rates of literacy, or gendered access to resources such as radio or print media. The communication channels should be two-way,[35] allowing community members to ask questions and raise concerns. CSOs should assess how these are working, what the barriers might be for different groups and address them.

Finally, the government is also an important actor in consultation processes because it needs to ensure that national and regional social development/investment happens in positive ways and in accordance with local needs (including women's). In the event of MNC withdrawal, the government and communities would need to jointly find other ways of moving forward. In conflict-affected settings, the state may be more or less absent and government capacities to do so may be limited, possibly leading to inflated expectations placed on MNCs to deliver services. The government should require MNCs to fulfil national and international standards in their engagement with communities and monitor their compliance. The government should lead on consultations as it should be accountable

to its citizens, although in conflict contexts it may lack the capacity to do so. The task of civil society is to monitor this and also to monitor if the government respects communities' legitimate rights to protest where this happens, and avoid the criminalisation of legitimate protests and human rights defenders, particularly women human rights defenders.

Security

Civil society researching the impacts should be cognisant of the gender dimensions of the security situations including which groups feel unsafe, which groups protest actively and which groups are at risk of engaging in violence. They can support communities in advocating with governments and MNCs based on their monitoring and evidence base of changes in security, and can play an important role in building trust between MNCs and communities to enable communities to provide information about security, human rights and SGBV to MNCs to feed into security and human rights assessments. This could include raising awareness and supporting the implementation of existing international standards like the Voluntary Principles on Security and Human Rights. Civil society should monitor:

☐ The security situation including SGBV and STIs, including HIV/AIDS, particularly in relation to in-migration. CSOs can play an important role in supporting survivors of SGBV and in providing direct support or referrals for medical, legal, economic or psychosocial support.

☐ That MNCs, as part of their baseline social assessment, establish prevalence for the main gender relevant issues in the specific context and use this information to shape their security planning and community engagement strategies. This will not be limited to sexual violence, but include targeted violence against men or forced recruitment. Violence is often rooted in the specific socioeconomic contexts, so an understanding of the local nuances, conflict drivers, actors and the composite effects is key.

☐ Compliance with the Voluntary Principles on Security and Human Rights and other international standards that relate to security.

☐ The role of non-state actors and their links or perceived links to MNCs in security matters.

☐ If MNCs raise awareness about and discourage their staff and subcontractor staff to contribute to the boomtown effects, as well as about human rights, prevention of substance abuse and SGBV.

☐ If MNCs follow up any complaints consistently and avoid impunity by drawing visible consequences for perpetrators.

Governments are ultimately responsible for the security of their citizens, including from SGBV. CSOs could lobby governments to fund awareness raising in schools to prevent boomtown impacts such as increases in teenage pregnancies and substance abuse. Civil society should also monitor that governments ensure that their own security forces, as well as all corporate security contractors, respect the human rights and women's rights of their citizens.

Research questions for investigating gendered impacts of MNCs

For researchers and CSOs doing research on MNCs operating in conflict-affected areas, the following questions may be useful to incorporate in future research, including fact-finding missions. By considering these questions, the impacts of MNCs on human rights can be assessed more comprehensively. These questions are not an exhaustive list but should be considered as prompts to trigger more detailed reflection on the dynamics.

Employment

Types of jobs
- Are men and women employed in different sectors?
- If they are offered different types of jobs, is this due to cultural reasons or due to unequal access to the education and skills required?
- If men and women perform similar jobs, are they paid equally?
- If the skills required are not available in the local area or accessible to both genders, could training be offered to open up the employment opportunities to local communities equitably?
- Do shift patterns impact gender roles at the household level? How?
- Is there a history or current practice of forced recruitment or forced labour in the area?

Migration
- Is the workforce sourced from local communities, or is it a primarily migrant workforce? What kinds of skill sets are required? If employees are migrants, are they predominantly single young men, or women working away from their children?

Social and environmental impacts
- Is subsistence agriculture being adversely affected by environmental impacts of industry such as pollution, the construction of roads, heavy traffic and the use or pollution of water? Does this affect women and men differently?
- How can companies and/or governments monitor this to minimise harmful impacts and increase positive impacts?

- How is the presence of MNC and subcontractor staff affecting gender roles and social relations in informal secondary employments such as illegal bars or in sex work?

Company-community engagement

Consultations
- If applicable, is there free, prior and informed consent (FPIC) facilitated by the MNCs? How are consent consultations organised?
- Which men and which women negotiate on behalf of the community, and how do they consult or feedback to the men and women in the community?
- Who gets a seat at the table? Who translates? Men and/or women? Which men/women?
- In public consultations, how are the processes gendered? Are there any social norms preventing women or certain men (old, young, or from specific marginalised groups) from speaking or being heard when they speak? How can meaningful participation be achieved?
- Are these norms different depending on people's age, ethnic origins, socioeconomic class?
- How are the views of women integrated into this consultation?

Property and land
- Are decision-making processes related to MNC's mitigation of negative impacts and maximisation of positive benefits, as well as compensation for property and land, negotiated and agreed at individual house-hold level, or jointly at community level?
- How do gendered patterns of land ownership impact who negotiates resettlement or compensation; for example, if land is owned by men but used by women, do both participate in the discussions? If water use is managed by women, how is access to water included in the negotiations?
- How can the power differentials be engaged with constructively?[36]
- Are particular groups, such as the elderly, youth, women, widows, people with disabilities (including those injured during violent conflict), or certain marginalised ethnic groups included with equal voice in decision making? How can factors marginalising them be overcome in joint meetings?

CSR
- Is gender considered in relevant company policies on human rights, business ethics, CSR and community engagement and procedures such as due diligence, CSR and community engagement? How are these policies and procedures implemented and monitored regularly?

- How could plans and practices be amended if the monitoring reveals unintended impacts, such as increases in domestic violence accompanying the provision of small business grants to women, or increases in prostitution and gambling after cash transfer programmes? Is MNC and government monitoring data collected and analysed disaggregated by gender and age as part of regular M&E procedures?
- How do the changes impact gender equality, positively or negatively?

Security[37]

General security issues
- What are the security issues at stake? How are these gendered?
- Whose security needs are prioritised? Does this affect men, women, boys and girls differently?
- Do the communities have different security concerns than the MNCs?
- Do these security concerns predate the MNC operations or have they been exacerbated by them?

Private security
- How do MNCs employ private security forces or do they rely on state security forces, or do they use both for different purposes? Do they employ women or men? Where are they recruited from? What is their reputation in terms of human rights or SGBV?
- How are state security forces cooperating with MNC private security forces, for example, through in kind-support such as vehicles or fuel?

- Are these arrangements laid out transparently in an official agreement or Memorandum of Understanding (MOU) or, if such mechanisms do not exist, how are security arrangements agreed and communicated?

Armed forces and local conflicts
- Are there armed groups, whether national forces or militias or rebel groups involved in the areas of MNC operations, or in the running of mining operations themselves (as in the case of DRC)? Are these primarily drawing from one gender, age and ethnic group, or do they represent various stakeholders? How does this influence engagement with different sections of local communities?
- How do potential tensions or discontent over MNC operations feed into pre-existing conflict dynamics, ethnic divisions or gender inequalities?
- Have there been clashes and conflicts with local communities? If so, what sections of the community are involved – e.g. mainly younger men or older women?
- How does this affect women and men differently; does it affect the youth differently to the older generation?

Sexual violence
- Are there links to increases (or possibly decreases) in SGBV in the affected areas?
- Is there baseline information about sexual violence – both against women and girls, and against men?

Endnotes

1   A. Cornwall, "Why gender equality by numbers will never measure up," The Guardian, 26 March 2015, <http://www.theguardian.com/global-development/2015/mar/26/why-gender-equality-by-numbers-never-measure-up-mdg3-stereotypes> (18 September 2015).

2   For example, the Organisation for Economic Co-operation and Development (OECD) emphasises the importance of boosting economic growth in fragile states, and the International Finance Corporation (IFC) invested US$ 948 million in conflict-affected areas in 2014 as "economic growth and employment are critical in reducing fragility". The World Bank has committed to increasing investment in conflict-affected areas by 50%. See OECD, "States of Fragility 2015," 2015; and IFC in "Fragile and Conflict Situations," April 2015. See also Porter Peschka, "The role of the Private Sector in Fragile and Conflict-Affected States." World Development Report 2011, Background Paper, 2011; and Department for International Development (DfID), "Stabilization through Economic Initiatives: private sector development." Issue note, 2000.

3   Jennifer Zerk, "Corporate Liability for gross human rights abuses. Towards a fairer and more effective system of domestic law remedies." Report prepared for the Office of the UN High Commissioner for Human Rights, 2013, p. 29.

4   The World Bank, "World Development Report 2012: Gender Equality and Development," Washington DC, 2012, https://siteresources.worldbank.org/INTWDR2012/Resources/7778105-1299699968583/7786210-1315936222006/Complete-Report.pdf

5   The UN Guiding Principles advise that: "Guidance to business enterprises on respecting human rights should… advise on appropriate methods, including human rights due diligence, and how to consider effectively issues of gender, vulnerability and/or marginalization, recognizing the specific challenges that may be faced by indigenous peoples, women, national or ethnic minorities, religious and linguistic minorities, children, persons with disabilities, and migrant workers and their families." http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf, p.5f.

6   J. Scott et al, "Extracting Lessons on Gender in the Oil and Gas Sector," The World Bank, 2013, p.2.

7   Ibid.

8   Diamond mining requires more initial investment, to which men have more access; it is seen as more physically demanding; and last but not least, because of the potential for a big find with a transformative, life-changing impact. Meanwhile gold mining provides less but more stable income for the daily family sustenance. R. Pijpers, "When diamonds go bust: contextualising livelihood changes in rural Sierra Leone", Journal of International Development 23, pp.1068-1079, 2011.

9   B. Ward with J. Strongman, "Gender-Sensitive Approaches for the Extractive Industry in Peru: Improving the Impact on Women in Poverty and Their Families," Washington DC: The World Bank, 2010.

10 Chatham House, "Investing in Stability – Can Extractive-Sector Development Help Build Peace?," p.3; https://www.chathamhouse.org/sites/files/chathamhouse/field/field_document/20150619InvestingInStabilityBaileyFordBrownBradley.pdf (9 December 2015).

11 A. Eftimie, K. Heller and J. Strongman, "Gender Dimensions of the Extractive Industries: Mining for Equity." The World Bank, 2009.

12 This varies depending on context. In DRC there are strong taboos around women in artisanal mines, while this is more common in gold mining in Sierra Leone or among communities of Afro descent in Colombia (interview with project partners, Nov. 2014).

13 In addition to the conflict impact on the education and health sectors in terms of damage to physical infrastructure, reducing funding flows and resulting in skilled staff being displaced.

14 D. Laplonge, "So you think you're tough? Getting serious about gender in mining," Middletown, USA: Factive, 2014.

15 Men may perceive women hired under this framing as benefiting from special treatment or taking away jobs from men, while women feel this singling out hampers their integration with employees or makes them feel they have to work harder to prove themselves. Ibid.

16 This would result in "providing opportunities for men, in particular, to display their masculinities in ways that are not violent, aggressive, destructive or damaging to their own or other's safety and wellbeing". Ibid, p.37.

17 WoMin is a regional project based in South Africa. Established in 2013, it focuses on issues related to women, gender and extractivism, see: http://womin.org.za/; African Women Unite Against Destructive Resource Extraction (WoMin), "Women's unseen contribution to the extractives industries – Their unpaid labour," 2014.

18 The exact composition of the labour force, land ownership and gender dynamics depends on the specific context and can vary greatly within the same country.

19 UNWOMEN estimate that only 9% of women in conflict and post-conflict countries own land, cited in Women for Women International, "The Woman is a Tractor: Marginalised women's inadequate access to land in South Kivu," London: Women for Women International, 2014.

20 African Women Unite Against Destructive Resource Extraction (WoMin) (2014). Secretariat of the UN Permanent Forum on Indigenous Issues, undated. Free Prior and Informed Consent.

21 Elements of a Common Understanding; http://www.humanrights.gov.au/sites/default/files/content/social_justice/conference/engaging_communities/fpic_brochure.pdf.

22 M. van Dorp and K. Kuijpers, unpublished draft, "Multinational companies, conflict sensitivity and FPIC: a case study from Colombia;" Contribution to Swisspeace Working Paper (forthcoming).

23 This is based on the reports by MONUC and Front Line Defenders. MONUC, "Report on the conclusions of the Special Investigation concerning allegations of summary executions and other human rights violations perpetrated by the Armed Forces of the Democratic Republic of Congo (FARDC) in Kilwa (Katanga Province) on 15 October 2004", http://www.raid-uk.org/sites/default/files/monuc-final-report.pdf; and MONUC, Kinshasa, and Action Contre l'Impunité pour les Droits Humains et al (2007), "Kilwa Trial: a Denial of Justice", http://www.raid-uk.org/sites/default/files/chronology-kilwa.pdf.

24 MONUC found several indications implying that the incident was not organised locally but came about through external manipulation, with suspicions of high ranking military officers involved in this manipulation,

though MONUC was unable to produce hard evidence to prove this.

25 Established in 2000, the Voluntary Principles on Security and Human Rights (VPs) Initiative is a multi-stakeholder initiative involving governments, companies, and non-governmental organizations (NGOs) that promotes implementation of a set of Principles that guide oil, gas, and mining companies on providing security for their operations in a manner that respects human rights. http://www.voluntaryprinciples.org/

26 SOMO, Multinationals and Conflict – International principles and guidelines for corporate responsibility in conflict-affected areas, p.47; http://www.somo.nl/publications-en/Publication_4165/

27 News24.com, "Woman raped in Amplats mine changing room," 2015; http://www.news24.com/SouthAfrica/News/Woman-raped-in-Amplats-mine-changing-room-20150310

28 Interviews with CSOs in Peru, Colombia and Bogota in June 2011, as well as studies including GenderAction, "Boomtime Blues: Big oil's gender impacts in Azerbaijan, Georgia and Sakhalin," (2006), Washington DC: Gender Action; and B. Ward with J. Strongman, "Gender-Sensitive Approaches for the Extractive Industry in Peru: Improving the Impact on Women in Poverty and Their Families." Washington DC: The World Bank, 2010.

29 L. Corno and D. de Walque, "Mines, Migration and HIV/AIDS in Southern Africa." Policy Research Working Paper Series. Washington, D.C.: The World Bank, p. I, 2012.

30 Michael Lohmuller, "Rise in Colombia Human Rights Murders linked to Neo-Paramilitaries," Insight Crime, 26 February 2014, http://www.insightcrime.org/news-briefs/rise-in-colombia-human-rights-activists-murders-linked-to-neo-paramilitaries (18 December 2015).

31 Alejandra Ancheita, "The challenges for women defenders working on business and human rights," International Service for Human Rights, 24 November 2014, http://www.ishr.ch/news/challenges-women-defenders-working-business-and-human-rights (18 December 2015). This includes 'particularly virulent harassment, defamation and stigmatization campaigns…, in which their respectability and credibility as a woman defender, women, mother, or citizen are derided' and response actions sidelining their agency and capacities. United Nations General Assembly (2015) Report of the Special Rapporteur on the situation of human rights

defenders. http://www.un.org/ga/search/view_doc.asp?symbol=A/70/217

32 To ensure all these written policies have practical implementation measures, this should include grievance mechanism which demonstrate that complaints raised are sufficiently addressed and where a crime has been committed, the prosecution of the perpetrator is supported.

33 There is no universal definition of local content. What is important is to assess the economic development needs of a country and to use that knowledge to determine an appropriate focus because the value of the policy depends upon its capacity to deliver economic benefits. First, governments may opt to focus on stimulating inputs from communities in the vicinity of natural resource projects in order to alleviate rural poverty. On the other hand governments may opt for a nationwide entrepreneurial development approach for the small- and medium-sized enterprise sector. Finally, governments may choose to promote regionally integrated policies that are aimed at capturing collective value and boosting regional competitiveness instead. See: S. Khama (2012), "Local Content Policies in Sub- Sahara's Minerals, Oil and Gas (MOG) Sector", http://www.africaprogresspanel.org/wp-content/uploads/2013/09/2012_DISCUSSION_DOCUMENT_Local_content_policies_in_sub_Saharas_minerals_oil_andgas_sector_ENG.pdf

34 For example, rumours of specific benefits, e.g. that all families in affected communities would receive a car from the company or that everybody would be employed on high salaries, can spread easily and lead to disappointed expectations.

35 For instance, this could include access to non-judicial complaints mechanisms, clear contact points, free-phone numbers, email addresses and social media pages, local offices with staff speaking local languages, and internal company protocols on how to deal with complaints consistently to avoid giving the appearance of biased treatment. Judicial grievance mechanisms would be the government's responsibility.

36 For example a team of lawyers representing the MNC may have an intimidating effect on illiterate landowners unsure about their legal land titles in contexts where land tenure is contested and displacement common due to conflicts.

37 For additional prompts, refer to the Voluntary Principles Implementation Guidance Tool checklists bearing in mind how these matters may affect women and men, boys and girls differently. See http://www.voluntary-principles.org/wp-content/uploads/2013/03/VPs_IGT_Final_13-09-11.pdf

Colophon

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