

## FEMINIST NATURAL RESOURCE GOVERNANCE FOR A JUST TRANSITION:

### 18-POLICY IMPERATIVES<sup>1</sup>

Nearly 3.5 billion people live in countries rich in natural resources.<sup>2</sup> In 2018 total rents from oil, gas and minerals in developing countries were worth just over USD 290 billion, about double the USD 150 billion of global Official Development Assistance for that same period.<sup>3</sup> Yet the COVID-19 pandemic has laid bare the reality that economies reliant on resource extraction have not lived up to promises of sustainable development. Lack of access to water and sanitation services, to health care and hospitals, and to emergency relief services are putting communities living in the shadows of extractive projects at tremendous risk. And women and girls are dealing with the fallout.

The climate crisis tells us that our dependence on fossil fuel must end. As the world warms at an unprecedented pace, governments and companies need to act to rapidly phase out fossil fuel production in line with the scientific consensus to not exceed 1.5°C of warming. But it is almost certain that mining activity will only increase as the transition to renewable energy intensifies global demand for minerals. Women's rights and gender justice will hang in the balance. The accountable, rights-based governance of extractive industries has never been more paramount.

Advancing women's rights vis-à-vis extractive industries requires an intersectional and transformative feminist natural resource governance agenda that centers the leadership and lived realities of women and frontline communities. Such an agenda seeks to close the power differentials born of economies based on resource extraction that have emerged from interlocking systems of capitalism, colonization, imperialism and militarism.<sup>4</sup> This agenda demands that principles of equity and respect for human rights, especially the rights of women and girls, underpin natural resource management. It honors the rights of nature and recognizes that women and communities may oppose mineral resource extraction as we advance a just transition to a low-carbon world.

From gender-based violence, to unpaid care work, and rights to land and livelihoods – the oil, gas, and mining sector is a major perpetrator of women's rights violations, particularly of Indigenous women. Women and girls continue to experience devastating impacts, while enjoying minimal benefits, including access to the economic opportunities generated by and around extractive projects.<sup>5</sup> Women are largely

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<sup>1</sup> This policy agenda was originally developed in 2020 by the Working Group on Gender Justice and Extractive Industries (Development Gateway, FEMNET, NRG, Oxfam, PWYP, and World Resources Institute), in consultation with feminist organizations and other CSOs working on natural resource issues. It was submitted to the Action Coalition on Economic Justice & Rights, part of the UN Women's Generation Equality Forum. By endorsing this document, you are adding your voice to the list of actors calling for the realisation of this feminist natural resource governance agenda. It will be open for signatures until 31 March 2022.

<sup>2</sup> <https://www.worldbank.org/en/topic/extractiveindustries/overview>

<sup>3</sup> <https://www.oecd.org/development/development-aid-drops-in-2018-especially-to-neediest-countries.htm>

<sup>4</sup> Feminist Green New Deal Principles: <http://feministgreennewdeal.com/principles/>

<sup>5</sup> <https://openknowledge.worldbank.org/handle/10986/18236>

excluded from decision-making and policy formulation in a system of natural resource governance that is riddled with structural gender inequality.

In this moment of global reckoning; as we face the intersecting crises of a global pandemic, widespread economic devastation, worldwide uprisings against racial injustice, and a burning planet saddled by climate change, our global community must take a stand. Do we have the courage to seize this moment and decide – once and for all – that we will no longer tolerate the injustices of inequality; that our transition to a low carbon economy will be *just*, and that it will be driven by women and frontline communities – especially women of color, Indigenous women, gender diverse people, people from the Global South, migrant and refugee communities, and youth? Or will we perpetuate the status quo?

We, the undersigned organizations, call for governments, regional governance bodies, extractive industry companies and industry associations, donors, and international finance institutions to enact the laws, policies, and practices necessary to guarantee the following for resource extraction:

1. **FPIC.** Free, prior, informed consent with gender equity is obtained from impacted Indigenous and other local communities through an inclusive, whole-of-community approach that respects the rights of women – in all their diversities – to meaningful participation and the right of Indigenous Peoples to self-determination. FPIC processes are culturally and linguistically appropriate and consent is established before and during all key phases of extraction and prior to significant changes linked to the extractive project. Robust gender power analysis of the local context, that includes indicators on the gendered impacts of resource extraction, can inform inclusive FPIC processes. Concurrently, the right of communities to withhold consent is respected and established mechanisms deter potential reprisals and ensure that resource extraction does not occur.
2. **COMMUNITY CONSULTATIONS.** The meaningful participation<sup>6</sup> of women, especially Indigenous women, is ensured in consultations carried out by governments, companies or civil society in communities impacted by extractive industries so that women’s strategic gender interests and the policy imperative of realizing women’s rights drives decision-making. Adequate benefit-sharing arrangements are reached through community consultations that prioritize the leadership of rural and Indigenous women. Consultations are also designed to ensure women’s safety and agency.
3. **IMPACT ASSESSMENTS.** Intersectional gender impact assessments of extractive industry projects are mandated, involve broad public participation and the public disclosure of information, and are carried out by independent entities. Assessments can be standalone or integrated into other impact assessment processes (human rights, social and environmental or other assessments) and are conducted ex ante, periodic and ex post through processes that guarantee broad and diverse participation of impacted women and communities. Such assessments should identify the impacts of extractive industry projects on women, men, girls, boys, and gender diverse groups, as well as on gender power relations at all levels (individual, household, and community), and include, among others, impacts on women’s livelihoods, access to and control of resources, Indigenous cultural sites and practices, unpaid care work, and sexual, reproductive,

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<sup>6</sup> “Meaningful participation goes beyond counting women to include women’s ability to exercise voice, engage in leadership, and influence decision-making.” [https://assets.oxfamamerica.org/media/documents/Accountable\\_to\\_Whom\\_researchbackgrounder.pdf](https://assets.oxfamamerica.org/media/documents/Accountable_to_Whom_researchbackgrounder.pdf)

and maternal health. All assessments are informed by intersectional gender analysis and include impact mitigation measures and do-no harm project alternatives.

4. **COMPENSATION & LAND AND TERRITORY RIGHTS.** Expropriation and involuntary resettlement are avoided; women's land and territory rights, and rights to access communal lands and natural resources are respected and secured; and women's land usage is identified and included in valuation assessments regardless of whether women hold formal land titles. Land-for-land exchange is prioritized and compensation aims to improve or, at a minimum, restore livelihoods and food security. Compensation programs do not exclusively focus on heads of households.
5. **PARTICIPATION IN THE WORKFORCE.** The right of women and gender diverse people to non-discrimination is respected by governments and extractive industry companies. Legal and regulatory barriers prohibiting women from working in extractive industries are removed, gender pay gaps addressed and gender-equitable human resource policies adopted (such as hiring policies and practices, paid parental leave, childcare benefits, and gender-specific worksite facilities and equipment). Governments ratify ILO Convention 190 on eliminating gender-based violence in the world of work and companies adopt zero-tolerance policies for sexual harassment and gender-based violence.
6. **LOCAL PROCUREMENT.** Women, minority and Indigenous-owned businesses are prioritized in the extractive industry supply chain, including for services that diverge from those often associated with women-owned businesses, like catering and cleaning. Good practices include: transparent and accessible procurement processes; implementing the local procurement reporting mechanism;<sup>7</sup> expressly designing procurement to reach women and facilitate their participation; identifying and tracking how much business is awarded to women-owned businesses; analyzing whether existing procurement criteria disadvantages women-owned businesses; setting targets for the percentage of contracts (or spend) awarded to women-owned businesses, and supporting businesswomen's access to training, finance, capital and networks.
7. **POLITICAL PARTICIPATION.** Women's political participation in natural resource governance is guaranteed, including in decision-making over the use of natural resources and revenues from extractive industries, as well as in global, national, and local policy-making in pursuit of a just transition to a low-carbon economy. Quotas or other policies and incentives are adopted to ensure gender-balanced representation in decision-making, and mechanisms are put in place to ensure women's meaningful participation. The political participation of women's rights organizations in natural resource governance is supported through adequate funding, logistical support and technical training.
8. **GENDER-RESPONSIVE MANDATORY DUE DILIGENCE.** Companies conduct gender-responsive due diligence throughout their supply chains, identifying and addressing gender-based human rights risks. States adopt mandatory human rights due diligence laws that are gender-responsive. The legally binding treaty on transnational corporations and human rights currently being developed at the United Nations adopts an intersectional gender analysis and women's rights approach.<sup>8</sup>

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<sup>7</sup> <http://miningsharedvalue.org/mininglprm>

<sup>8</sup> [https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session6/OEIGWG\\_Chair-Rapporteur\\_second\\_revised\\_draft\\_LBI\\_on\\_TNCs\\_and\\_OBEs\\_with\\_respect\\_to\\_Human\\_Rights.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTransCorp/Session6/OEIGWG_Chair-Rapporteur_second_revised_draft_LBI_on_TNCs_and_OBEs_with_respect_to_Human_Rights.pdf)

9. **WOMEN'S SEXUAL & REPRODUCTIVE HEALTH.** Women's rights to sexual, reproductive, and maternal health are respected and progressively realized, including by mitigating against environmental pollution (including, for example, infrastructure maintenance and updated response plans to prevent environmental contamination). Increased risks to sexually transmitted diseases including HIV/AIDS are addressed. Women's health services receive adequate budget allocations and investments, with specific programs where necessary to address the health impacts caused by extractive industries.
10. **GENDER-BASED VIOLENCE & HUMAN TRAFFICKING.** Measures are in place to address, mitigate, and end gender-based violence, violence against women and girls, human trafficking and sexual exploitation<sup>9</sup> in communities affected by extractive industry projects. Such measures address the fact that women face intersecting forms of discrimination, and that Indigenous women are particularly at risk of gender-based violence.
11. **PROTECTING WOMEN HUMAN RIGHTS DEFENDERS.** The rights of women human rights defenders (WHRDs) are safeguarded and their security and protection is ensured by States and extractive companies, with the higher risks faced by women who experience intersecting forms of discrimination, such as Indigenous women, taken into account. Families of murdered or persecuted WHRDs have access to legal counsel and judicial remedy. State-led and state-complicit defamation campaigns no longer occur, WHRDs are no longer criminalized and states investigate and prosecute WHRD attackers.
12. **ACCESS TO JUSTICE & REMEDY.** Women and communities impacted by extractive industries have access to effective, safe and accountable grievance mechanisms and judicial remedies that are gender responsive and recognize the power imbalance between extractive industry companies and members of local communities. There is protection from gender-based violence and reprisals. Women and communities impacted by extractive industries can seek accountability of extractive industry companies domiciled in other countries through binding formal mechanisms, transnational legal proceedings, independent non-judicial complaints mechanisms, specialized investigative mechanisms, and UN treaty bodies, in line with general recommendation No. 28 on the core obligations of State parties of the Convention on the Elimination of All Forms of Discrimination Against Women. States recognize their extraterritorial obligations to ensure companies in their jurisdictions respect the rights of women when operating abroad.<sup>10</sup> Perpetrators are brought to justice and women whose rights have been violated receive just and swift compensation and rehabilitation.
13. **ARTISANAL MINING.** Artisanal women miners have access to safe and decent jobs and their role in the supply chain is recognized. They are protected from gender-based violence; can engage in mercury-free gold mining; have access to finance and training, and are supported in accessing the formal market, for instance receiving training in certification processes. Any state effort to formalize ASM through legislation is based on intersectional gender analysis and carried out in consultation with women artisanal miners and women's rights organizations.
14. **REVENUE ALLOCATION.** The fiscal regimes governing the allocation of revenues are gender responsive and the allocations themselves at both national and local levels promote gender

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<sup>9</sup> Note that human trafficking and sexual exploitation are distinct from sex work

<sup>10</sup> <https://www.wilpf.org/cedaw-committee-recognises-extraterritorial-obligations-towards-human-rights-for-sweden/>

equality and advance women's rights. Gender budgeting and the earmarking of public resources for programs and services that promote gender equality are two mechanisms that support this.

15. **TAX JUSTICE.** Illicit financial flows are eliminated so that states can mobilize maximum resources from extractive industries for sustainable development and to advance gender equality. Corporate tax evasion and avoidance, such as trade misinvoicing, is deterred through measures such as: country-by-country reporting, automatic exchange of information, public disclosure of beneficial ownership, eliminating the practice of transfer pricing, and cracking down on tax havens. Just, progressive and adequate tax rates are levied on oil, gas and mining companies.<sup>11</sup>
16. **GENDER RELEVANT & GENDER DISAGGREGATED DATA.** Natural resource governance and extractive industry data that is routinely collected is disaggregated by gender and other social identifiers, such as age, race, and Indigenous status, among others. Data and information that can be used to advance gender equity and women's rights in the context of extractive industries is publicly disclosed and made accessible. Examples of highly relevant data that should be gender-sensitive include: existing land and resource uses and rights; extractive contracts; beneficiaries of compensation, local content contracts, and training opportunities; employment figures (including occupational level); social payments; subnational transfers; project-level payments; and health indicators including sexual and gender-based violence and reproductive health.
17. **ACCESS TO DATA.** The management of the extractive sector is based on the principles of transparency and accountability. Data and information relating to natural resource governance and extractive industries is publicly available and made accessible at community, national, and regional levels, particularly to women and communities impacted by extractive industries. Communication and dissemination plans take into account the range of gender-based barriers to accessing, understanding, and using information, including language and literacy, and how these barriers differ based on age, race, Indigenous status, sexual orientation, and other social identifiers.
18. **JUST TRANSITION & THE CLIMATE CRISIS.** The transition to a low-carbon economy happens swiftly and equitably, with a focus on protecting the rights of women, communities and environments from the impact of the potential growth in demand for minerals used in renewable energy technologies. An accountable transition plan, developed through broad-based consultation, for women and communities dependent on economic activities linked to the extractive industries, is in place. States, companies and civil society take gender-responsive actions to reduce the climate impacts of mining, oil and gas extraction, and support communities with climate adaptation. All decisions on resource extraction and the role revenues from extractive industries play in local, and national and regional economies are made in line with the Paris Agreement.

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<sup>11</sup> <https://www.globaltaxjustice.org/en/latest/global-campaign-tax-justice-extractive-industry>

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