

**ASSESSMENT OF THE IMPACT OF INDUSTRIAL MINING ON WOMEN IN MINING OPERATIONAL AREAS OF BO, BONTHE, MOYAMBA AND KONO DISTRICTS IN SIERRA LEONE**



*Tailings from the mining operations of Koidu Limited in Koidu City, Kono District*

“Women play a special role in the natural resources sector, both as participants and as beneficiaries of the resources. Accordingly, it should also be emphasized that the strategy and objectives of each sub-sector will specifically include gender analysis and compensatory and other mechanisms to ensure that equal benefits accrue to men and women. Government would also ensure the use of human rights-based approach in mainstreaming gender to address violations”.

*Government of Sierra Leone Poverty Reduction Paper 3, 2013-2018.*



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## **Abbreviations and Acronyms**

CDA- Community Development Agreement

CDC- Community Development Committee

CDF- Community Development Fund

CGG- Campaign for Good Governance

CSR- Corporate Social Responsibility

DACDF-Diamond Area Community Development Fund

MMMR- Ministry of Mines and Mineral Resources

MP- Member of Parliament

NGO- Non-Governmental Organization

NMA- National Minerals Agency

PHC- Primary Host Community

## **EXECUTIVE SUMMARY AND KEY RECOMMENDATIONS**

Sierra Leone is one of the poorest countries in the world, with some of the worst social indicators in the world. Women who constitute 50.9% (with youth consisting the highest) of Sierra Leone's population, bear the brunt of the country's terrible poverty profile. Although they are the lynchpin of Sierra Leone's economy; the link between minerals extraction with ambitions to transform women's socio-economic profile has not been fully understood or discussed. The situation with women around extractives remains the same as in the past. Part of the challenge is that no purposive attention is being paid to gender considerations in all of the regulatory and policy options that are being taken for the sector. Discourses around extractives in Sierra Leone has been dominated by issues of fiscal management and broader policy failures that reflects badly on what the country gets for development and service delivery investment. Such discourses however, are of limited use in seeking to frame a link between minerals extraction with ambitions to transform women's socio-economic profile.

What is needed is a purposive look at where women stand as a social category, around extractive activities at the community-impact level. The proposition is made against the background that a historic pattern of abuse of the rights of women. The need for a purposive look at where women stand as a social category around extractive activities at the community-impact level is therefore what this study responds to.

Consequently, this study seeks to explore how the operations and behaviours of the mining companies are negatively or positively impacting the rights of women in the respective districts. The study assesses the impact of corporate mining on women with a view to availing the evidence regarding the impact of the corporate mining on women and their livelihood conditions, the legal framework's support or limitation for protecting women and citizens' rights; and providing concrete and actionable recommendations on how women's rights and interests could be better protected in communities hosting corporate mining

### **The legal framework's support for women around extractives**

There have been significant improvements to the legal, policy regulatory regime for mining; covering broader range of issues including environmental protection, sharing benefits with mining communities, and transparency in disclosure of monies received by government from mining activities, among other. Across the different categories of laws, there is little mention of provisions specifically for women. In a few exceptions, a representative of the Women's Forum sits on the board of the Sierra Leone Local Content Agency.

### **Poverty in the mining districts**

All of the four districts where the three big mining companies are operating have high levels of poverty. All of the four districts have poverty headcount of between 50% and 70%. Moyamba has the highest poverty headcount 70.8%. Bo district has the lowest at 50.7%. Two other indicators of the severity of the conditions in the four districts are the poverty gap and food poverty. Moyamba has the highest poverty gap in the country, at 24.2%. It implies that the poor

in Moyamba can only meet 76% of their basic needs. Food poverty runs across the four districts, with Kono and Moyamba having the highest at 51%. Informal subsistence economic activities account for livelihood sources for the vast majority of people in the four mining host-districts. Agriculture, gathering and petty trading generally constitute the bulk of informal subsistence economic activities. (the biggest challenge in these mining communities is safe drinking water, sexual exploitation by mine workers leading to teenage pregnancy and school dropout, health challenges connected with STIs with Kono ranking as one of the highest and fastest growing rate of HIV and AIDS infection).

### **The three companies' promotion of their legal and policy obligations**

The three fundamental aspects of companies' local content obligations are to promote employment of locals and procurement of goods and services from them; as provided for in the Sierra Leone Local Content Agency Act, 2016; and obligations to promote corporate social responsibility(s). The three companies are implementing the local content act. However, in the areas of employment, training, and procurement of goods and services from locals, the three companies local content performance is having very little or no impact on women. In the area of employment, women make up only an insignificant fraction of the three companies staff; employed mainly in clerical and administrative support roles; in all the three companies.

In the area of Corporate Social Responsibility, Sierra Rutile Limited, Sierra Minerals-Vimetco, and Koidu Diamonds are meeting their legal and policy obligations. The three companies signed Community Development Agreement (CDA) with their Primary Host Communities (PHCs) last year; and have all made first payment of development grants between February and March 2018. In the CDA arrangement, provision is specified for women's voice to be directly heard regarding community development priorities. In Kono however, Koidu Limited has vehemently denied to meet to its legal obligations to the Koidu City council; thus depriving the council of a vital source of revenue needed by the council for development and service delivery activities.

### **The companies' proactive action to positively impact women's entitlements**

The three companies have over the past five years made various investments to benefit their communities; including building feeder roads, markets, schools, and primary health posts. Feeder roads and markets in particular, benefit women most, by supporting agricultural activities which women dominate as livelihood sources. Sierra Rutile Limited appears to have done more than the two other companies in building infrastructure that benefits women directly or indirectly over the past ten years.

The number of community-benefit facilities provided by VIMETCO and Koidu Limited appear to be small. In fact, not a single health infrastructure has been built by Koidu Limited. The only health post that is existing was relocated from one of the communities and no extra facility was added to it. Schools were similarly relocated. The distance is costing the women more because

fares have doubled from the main market to the relocated community, thereby making it uncomfortable for women to move on their normal activities. During the 2014-2016 Ebola crises, the main referral hospital in Koidu only received a small amount of support. Since then, nothing has been done to improve condition of the referral hospital.

### **The socio-economic benefits of the presence of the mining companies to women**

Collateral benefits for women around the operations of the three companies are very limited. The permanent and casual wage jobs that the three companies are providing locals are vital stimulators of consumption. Key businesses that are being kept afloat from the consumption stimulated include food vending, tele-centers, pubs, video centers and merchandise trading. The business opportunities that company wages are promoting are not favouring women. With the exception of merchandise trading and food vending, businesses like tele-centers, pubs, and video centers are all dominated by male youths in all the four mining host-districts. The three companies offer contracts from time to time to local businesses and individuals. These contracts are usually for skilled or semi-skilled services. The problem however, is that men dominate the skilled and semi-skilled-technicians and artisans businesses. No direct support has been given to any local private businesses, either in the relocated community or the main town.

### **The benefits of community-managed minerals rents to women**

There is no publicly available literature on the Community Development surface rent managed by Members of Parliament, the surface rent payments to Local Councils, and the Community Development Agreement. Two studies however, that have looked at the Diamond Area Community Development Fund, found general weaknesses in accountability and transparency; which ultimately hampers the development and service delivery good outcomes. It is in the circumstances where the development and service delivery good outcomes from community-level extractives rent schemes are low; that or women's rights and entitlements are compromised.

### **The negative socio-economic impacts of the companies' operations on women mining**

All of the three companies' operations are causing the discomfort for women directly. For instance, in Kono, vast area of land and swamp on which women used to farm now falls into the company's concession. The swamps nearby a popular place called 555, and the land around Monkey hills were particularly mentioned as key places that were livelihood sources that have been lost. Neither Koidu Limited (nor predecessors) ever paid compensation for such losses. At both Sierra Minerals-Vimetco, and Sierra Rutile, dredge mining by the two companies have been laying waste arable land on which community people depend for farming; which is the main livelihood activity. Wasted arable land, firstly, reduces the amount of land available to the community for farming. Secondly, as the amount of land reduces in the immediate vicinity of the community, people travel afar for farming activities. It is women who bear the brunt of livelihood disruptions caused by mining disturbances to the land.

In Kono, Koidu Limited did some re-settlement of households in the immediate vicinity of the company's operations; but has largely failed to meet its entire obligation in that regard. The three companies have over the past decade resorted to increased securitization of community relations. It is common to see at all the three mining companies, armed sentries manning sensitive posts, and Police vehicles roaming their properties. Since mining resurged in the country from 2008/2009, incidents of violence involving Police high-handedness have risen. In one incidence for instance, in 2012 at the iron ore mining company of African Minerals Limited, one person was killed when the Police responded to a workers' protest over pay conditions. Such occasional general atmosphere of violence impacts women psychologically.

### **The issues to address**

All of the three industrial miners are not known to have perpetuated or caused violations of abuse of women's rights through calculated acts or systemic operational failures. But there are challenges with protecting and promoting women's rights around industrial extractive activities emanating from a number of factors. There is firstly, no guidance in law as to how the companies could promote and protect women. Secondly, local community capacity to exert women's rights considerations in extractive activities is generally weak. Part of the problem is that while there are many grassroots that have been mobilized and sensitized on community benefits issues and mining impacts, what has been lacking in such mobilization and sensitization efforts is a purposive focus on building community capacity to exert women's rights. Thirdly, while the direct payment of extractives rents to communities for development activities is a welcome addition to good sector governance, a major problem is that there are no laid-down guidelines regarding administrative and fiscal accountability procedures for all the community-level rent streams. Until the accountability and transparency requirements around community-level extractive rents are in place, no proper discussions can be held about how women's rights and entitlements are secured.

### **Promote agenda for ring-fencing women's centered project for CDA investments**

NMJD should work with the respective Community Development Committees (CDCs) and the mining companies in the three districts to specify and ring-fence projects for women's social and economic empowerment.

### **Promote more women development and rights contents in the country's laws and policies**

Civil Society Organizations should take advantage of opportunities that are coming up for reform of development of laws and policies in the extractives sector to capture issues of women's rights around minerals extraction.

### **Pursue opportunities for women around local content**

In the absence of gender-specific provisions in the Local Content Act, Civil society should work with the Sierra Leone Local Content Agency to develop and implement a programme to open opportunities for women around companies' local content obligations.

### **Provide training in gender responsive development for those who bear duty for community extractives rents**

Government and Civil society should provide training in gender responsive development for those who bear duty for the various community-level benefit schemes.

### **NGOs and CBOs to take on extractives' socio-economic issues and human rights issues**

NGOs and CBOs should be oriented and mobilized to see damage to water sources, disruption of livelihood resources, shelter discomforts, and such other challenges caused by mining operations as issues of social and economic rights.

### **Work to increase women representation in community structures in charge of extractives rents**

Advocacy should be pursued by civil society to increase the number of women in community structures that handle extractives revenue for local level development activities; in particular the Chiefdom Committee, which at the moment has only one woman.

### **Co-ownership of natural resources**

Government's revision of mining instruments (policies, laws and regulations) should demonstrate willingness on a decision for SHARED OR CO-OWNERSHIP of the mineral wealth (local communities and the State). People should not be seen or referred to as squatters in their own habitat.

## **1.0 OVERVIEW OF THE COUNTRY CONTEXT AND INTRODUCTION**

Sierra Leone is one of the poorest countries in the world, with Gross National Income of \$735.<sup>1</sup> Sierra Leone has some of the worst social indicators in the world. According to government statistics 56% of the populations live below the poverty line. Life expectancy is 45 years. Infant mortality is said to be 116 per 1,000 live births. And for every 100,000 live births, 890 women die from pregnancy related complications. According to the most recent Sierra Leone Demographic and Health Survey, 39% of Sierra Leonean households get their drinking water from non-improved sources, including rivers and stream.<sup>2</sup> Only 10% of households in the

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<sup>1</sup> [Data.un.org/CountryProfile.aspx?crNameSierra%20leone](http://Data.un.org/CountryProfile.aspx?crNameSierra%20leone)

<sup>2</sup> Sierra Leone Demographic and Health Survey 2013. Statistics Sierra Leone, Ministry of Health and Sanitation, and ICF International. July 2014.



country use an improved toilet facility that is not shared.<sup>3</sup> Women, who constitute 50.9% of Sierra Leone's population, bear the brunt of the country's terrible poverty profile. The majority of women in Sierra Leone are employed in agriculture, petty trading and artisanal mining.

In the Poverty Reduction Strategy Paper 3, the national development and poverty alleviation policy document, a commitment is made to strategically make the exploitation of extractives relevant to improving the socio-economic lot of women. Specifically, the document says that "women play a special role in the natural resources sector, both as participants and as beneficiaries of the resources. Accordingly, it should also be emphasized that the strategy and objectives of each sub-sector will specifically include gender analysis and compensatory and other mechanisms to ensure that equal benefits accrue to men and women. Government would also ensure the use of human rights-based approach in mainstreaming gender to address violations".<sup>4</sup> From the review of literature, it is the first time in the history of Sierra Leone and in framing a country development agenda that a purposive desire has been expressed to leverage minerals wealth for women's socio-economic rights.

Discourses on Sierra Leone's minerals have been dominated by two issues; namely the deliberate mismanagement of the sector by the political elite for private ends; and the criminal exploitation of diamonds and the associated human rights abuses and violence during the country's civil war between 1991 and 2002. The narratives thereof have emphasized organized crime, weak institutional and regulatory capacity, and militarization and violence in the context of a failed state.

Under multi-party democratic dispensation in the last two decades however, the context from which such discourses emerged have changed. The country depends largely on extractives to turn around her economic and social profile. Minerals are the life-line of Sierra Leone. A resurgence of mining activities in 2008 demonstrated the potential of the minerals sector for economic transformation. The rise in minerals export for instance, was estimated to have moved economic growth to an estimated 12.2% in 2012. When policy choices and implementation in the extractives sector fail, the economy suffers badly. This means that many forces, including government, opposition parties, civil society and local community actors are more focused on debating regulatory efficiencies, fiscal management, and the benefits of mining to communities. Essentially, in this changed context, converting extractive rents into both sustainable development and improved living standards for the majority of the population however remains a critical challenge for the country.<sup>5</sup>

Minerals extraction is the lynchpin of Sierra Leone's economy. It is therefore understandable that a desire has been expressed by government to link minerals extraction with ambitions to transform women's socio-economic profile. Discourses around extractives in Sierra Leone has been dominated by issues of fiscal management and broader policy failures that reflects badly

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<sup>3</sup>Ibid.

<sup>4</sup>Government of Sierra Leone. Agenda for Prosperity 2013-2018.

<sup>5</sup>Richard Fanthorp and Christopher Gabelle. Political Economy of Extractive Governance in Sierra Leone. July 2013.

on what the country gets for development and service delivery investment. Such discourses however are of limited use in seeking to frame a link between minerals extraction with ambitions to transform women's socio-economic profile.

What is needed is a purposive look at where women stand as a social category, around extractive activities at the community-impact level. The proposition is made against the background that a historic pattern of abuse of the rights of women. The need for a purposive look at where women stand as a social category around extractive activities at the community-impact level is therefore what this study responds.

## **2.0 OBJECTIVE AND PURPOSES OF THE STUDY**

The objectives of this study are to explore how the operations and behaviours of the mining companies are negatively or positively impacting the rights of women in the respective districts. The study assesses the impact of corporate mining on women with a view to:

- (i) Availing the evidence regarding the impact of the corporate mining on women and their livelihood conditions
- (ii) What the legal framework is a support or limitation for protecting women and citizens' rights
- (iii) Providing concrete and actionable recommendations on how women's rights and interests could be better protected in communities hosting corporate mining

## **3.0 SCOPE, METHODOLOGY AND LIMITATIONS OF THE STUDY**

### **3.0.1 Scope of the study**

The study is a preliminary attempt to address gaps in existing literature on women and extractives in Sierra Leone. In general, extractives sector literature in Sierra Leone is short on content on women or gender analysis. A couple of studies in recent time such as Aisha Fofana Ibrahim and Institute for Governance Reform (2016) have made some contributions in highlighting gender dynamics. The study on the assessment of women in corporate mining environments adds to what should be seen as an emerging interest in investigating women and extractives.

The study is primarily qualitative and largely exploratory; intended to instigate further probe and discourses of the issues raised. The study's methodology of desk review and interviews of key informants therefore does not provide quantitative depth regarding findings.

The study's issues for investigation and interrogation and the framework of analysis directly respond to Oxfam's Africa Against Poverty (AAP) Project background and objectives. The

overarching objective of Oxfam's Economic and Social Justice Programme is to work in collaboration with the state, the private sector and Civil Society to create an enabling environment whereby natural resources are exploited to protect mining communities, respect their fundamental rights and for the benefit of all.

### **3.0.2 Methodology**

The study used a mix of literature review, and Key Informant Interviews.

**Desk Review** was done to reveal the general issues with women's rights around mining, in historical perspective; avail the evidence as to what obtains today in terms of nature and scope rights enjoyed or violated; policies of government and companies regarding promoting women's rights; and profile of the nature and scope of mining companies' Corporate Social Responsibility (CSR) to date.

**Key Informant Interviews** were done in the three mining districts specifically to avail the experiences of women around the activities of the mining companies, development needs of women; attest the scope, nature and legacy of the companies CSR, the changing community dynamics regarding community rights; and garner ideas on the way forward.

The majority of the key informants interviewed were women. Mining company officials, and officials of Non-Governmental Organizations (NGOs) involved in advocacy around extractives were also interviewed to bring out perspectives and factual data from their vantage formal positions.

### **Issues Discussions Meetings with Representatives of Stakeholders**

One meeting was held in the immediate vicinity of each of the three industrial mining companies; that brought together representatives of various community stakeholders to discuss the research issues. The meetings were held at Koidu (for Koidu Limited), Mogbemo (for Rutile), and Walihun (for VIMETCO). The purpose of the meetings was to broaden the sources of corroborative evidence, views and perceptions around the research issues. The participants represented the different categories of community stakeholders, including land owners, women and youth groups, traditional authorities, representatives of the mining company, and ordinary folks.

## **4.0 OVERVIEW OF EXTRACTIVES LEGISLATIONS AS THEY BEAR ON WOMEN**

The areas in extractives sector regulations and policy from which women's rights considerations and provisions can be extrapolated are clustered for the purposes of this report as follows:

*Core legislation:* The Mines and Minerals Act, 2009, is the core legislation for the organization and regulation of all mining activities in the country for the sector; establishing the National

Minerals Agency as the key sector institution, covering environmental protection, licensing rules and fees, revenue collection terms, and community benefit schemes among other issues. The Mines and Minerals Act, lays out the overarching objective of government regarding how industrial-scale mining in particular should benefit local communities. The law says that a holder of small or large-scale mining license shall assist in the development of communities affected by their operations to promote sustainable development, improve the general welfare and quality of life of the people; and shall recognize and respect their rights.<sup>6</sup>

*Environmental management:* the Environmental Protection Agency Act, 2008 established the Environmental Protection Agency as the main body for protecting the environment in all sectors. The Environmental Protection (Mines and Minerals) Operational Regulations, 2013, directly applies to mining activities; to ensure that they are carried out in a sustainable manner. The regulations specify how the environmental and social impacts of mining are to be identified and addressed.

*Revenue collection and management:* The Public Financial Management Act which was passed into law in 2016 deals with minerals revenue. Part 5 of the bill establishes the Transformational Development Fund, and the Intergenerational Savings Funds; and sets the fiscal rules for their management. The two funds are meant to guarantee that revenue from mining boom translates into transformative and sustainable development outcomes across generations of Sierra Leoneans.

*Land ownership and land use:* The key legislations regarding land ownership, acquisition and use for any reason including mining are the Non-Citizen (Interest in Land) Act, 1966; and the Provinces Land Act, 1966.

*Local Content:* The Mines and Minerals Act, 2009 and the Petroleum Act, 2011 hold provisions for mining companies to promote local content. It says in the Mines and Minerals Act, 2009 that corporate miners shall give preference to Sierra Leone products, Sierra Leoneans for employment.<sup>7</sup> These provisions however merely implore mining companies to give consideration to employing qualified nationals and promoting their businesses. In 2016, government finalized and adopted the Sierra Leone Local Content Agency Act as the comprehensive framework for facilitating economic linkages between foreign direct investment and local skills and businesses, for increased domestic participation and private sector-led economic development.<sup>8</sup> A representative of the Women's Forum sits on the board of the Sierra Leone Local Content Agency.<sup>9</sup> The Sierra Leone Local Content Agency Act 2016 calls for the establishment of the Sierra Leone Local Content Development Fund for the purposes of projects and programmes and activities that are directed to the Sierra Leone local content in

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<sup>6</sup>The Mines and Minerals Act, 2009. Section 138.

<sup>7</sup> Ibid. Section 163 and 164.

<sup>8</sup> Sierra Leone Local Content Policy. May 2010

<sup>9</sup> The Sierra Leone Local Content Agency Act, 2016. Section 4.

the industries covered by the Act.<sup>10</sup> The Act called for greater access to be given to credit, market information and access to water to small-holder farmers to boost productivity.<sup>11</sup>

*Extractives rents sharing and Corporate Social Responsibility:*

For community-level control of extractive rents, the Mines and Minerals Act, 2009 makes specific provisions for direct payments from mining activities for the purposes of promoting sustainable development, and enhancing the general welfare and living standards of the locals. The four rents schemes are surface rents to Local Councils, surface rents for constituency development fund, and Community Development Agreement (CDA). Mining companies pay land lease surface rent on terms agreed with land owners. 15% of the surface rent paid by a mining company goes to the District Council 15%, Paramount Chiefs 15%, Chiefdom Administration 10% and Constituency Development 10%.<sup>12</sup>The payments made to Local Councils and for Constituency Development are for development and service delivery investments for community benefits.

Another scheme for sharing extractives rents with communities for development and service delivery activities is the Diamond Area Community Development Fund (DACDF). The DACDF was formulated as a cabinet decision in December 2001. DACDF payments are made as a percentage of diamond export revenue; distributed to mining chiefdoms on the basis of their share of artisanal licenses.

The CDAscheme is the biggest framework for community development for the extractives industry. The Mines and Minerals Act, 2009 obliges small and large-scale mining operationsto enter into a CDA with the community primarily hosting their operations; referred to as the Primary Host Community(PHC).<sup>13</sup>A mining company, whose mining operations exceed certain stipulated limits, is required to have a Community Development Agreement with the Primary Host Community.<sup>14</sup>The company should pay a minimum threshold of 0.01% of annual turnover as CDA funds. CDA funds are meant for development activities, and it is only when minerals production starts and a company begins to make profit that CDA payment is made.

*Participation in international good practice initiatives:* Civil Society and development partners have worked together and achieved Sierra Leone's participation in key regional and international good extractives sector governance initiatives; such as the Kimberly Process, the African Mining Vision, the Extractive Industries Transparency Initiative (EITI), and the African Initiative on Mining, Environment and Society. Sierra Leone is also signatory to other

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<sup>10</sup> Ibid Section 29.

<sup>11</sup>Ibid. Section 37 (4).

<sup>12</sup>The Mines and Minerals Act, 2009.

<sup>13</sup>The PHC is the single community mutually agreed on by the miner and the Local Council. This is usually the community where the mining is taking place.

<sup>14</sup>The Mines and Minerals Act, 2009.Section 139.

international instruments and framework that bear on land use; including the Tirana Declaration, and the International Convention on Economic, Social and Cultural Rights.<sup>15</sup>

## **5.0 DISTRICTS POVERTY PROFILES**

Sierra Leone is one of the poorest countries in the world; with some of the worst human development indicators. However, while they are all poor, the country's 14 administrative districts differ in their poverty profile. All of the four districts where the three big mining companies are operating have high levels of poverty. These four districts have poverty headcount of between 50% and 70%.<sup>16</sup> Moyamba has the highest poverty headcount 70.8%. Bo district has the lowest at 50.7%. Two other indicators of the severity of the conditions in the four districts are the poverty gap and food poverty. Moyamba has the highest poverty gap in the country, at 24.2%. It implies that the poor in Moyamba can only meet 76% of their basic needs. Food poverty runs across the four districts, with Kono and Moyamba having the highest at 51%.

Informal subsistence economic activities account for livelihood sources for the vast majority of people in the four mining host-districts.<sup>17</sup> Agriculture, gathering and petty trading generally constitute the bulk of informal subsistence economic activities. Formal employment is generally low in the four districts. Although agriculture and trading generally accounted for the bulk of informal subsistence economic activities, in Kono however, artisanal mining, trading, skilled and semi-skilled-technical and artisan services, and prostitution<sup>18</sup> are also significant livelihood sources. Outside of work with a mining company, smaller formal activities as livelihood sources are largely limited to teaching, health personnel, and clerical employment with NGOs.

## **6.0 THE COMPANIES' PROMOTION OF SOCIO-ECONOMIC BENEFITS AS LEGAL AND POLICY OBLIGATIONS**

There are two aspects of companies' legal obligation regarding promotion of community-level socio-economic benefits. First, there is the obligation to promote employment of locals and procurement of goods and services from them. This is provided for in the Sierra Leone Local Content Agency Act, 2016.<sup>19</sup> The second aspect of companies' legal obligation regarding

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<sup>15</sup>The Tirana Declaration was issued following a meeting in May 2011 in Tirana, Albania on "securing land access for the poor in times of intensified natural resources competition", which 150 representatives of CSOs, social movements, governments, international bodies, and grassroots organization attended.

<sup>16</sup>Government of Sierra Leone. Agenda for Prosperity 2013-2018.

<sup>17</sup> Livelihood is the stock and flow of cash and food to meet basic needs. See Jennifer Elliot. An Introduction to Sustainable Development. The Developing World. Routledge. London and New York. Page 64.

<sup>18</sup> "Hustling" as understood generally in the country, and as garnered from the communities, refers to the daily hunt for casual labour or such other informal work opportunities for livelihood. In the big towns hustling includes lorry-park touts, prostitutes, market touts, and petty-thieves. Men also use the synonym 'battle'.

<sup>19</sup>The Sierra Leone Local Content Agency Act, 2016.

promotion of community-level socio-economic benefits is in the area of corporate social responsibility. The biggest framework for promoting benefits for Sierra Leoneans, particularly locals is the CDA.

Sierra Rutile Limited, VIMETCO, and Koidu Limited are implementing the local content act. However, in the areas of employment, training, and procurement of goods and services from locals, the three companies' local content performance is having no impact on women. Part of the problem as one company official explained, has to do with the nature of the mining; where job types heavily disfavor women. In the area of employment, women make up only a tiny fraction of the three companies staff; employed mainly in clerical and administrative support roles; at all the three companies. A handful of local women are also employed by senior company executives as house-helpers and maids.

In the area of Corporate Social Responsibility, Sierra Rutile Limited (ILUKA), Sierra Minerals Holdings Limited (VIMETCO), and Koidu Limited are meeting their legal and policy obligations. The three companies signed CDA with their PHCs last year; and have all made first payment of development grants between February and March 2018. The CDA conveys the greatest space for communities to negotiate and fund their development priorities. In the CDA arrangement, provision is specified for women's voice to be directly heard regarding community development priorities. The contents of the projects chosen by the PHCs were not available for review to see the extent to which they show concerns for women.

In Kono however, there is tussle going on between Koidu Limited and the Koidu City Council; from the refusal of the company to pay property rates. Koidu Limited has vehemently denied to meet to its legal obligations to the Koidu City Council; forcing the erstwhile council under Saa Emerson Lamina to take the matter to the High Court. Koidu City Council lost the case, and went on to appeal the judgement. This is a source of loss of vital revenue needed by the council for development and service delivery activities.

## **7.0 THE COMPANIES' PROACTIVE ACTION TO POSITIVELY IMPACT WOMEN'S RIGHTS**

Outside of specified provisions in law, CSR has been the key way through which the three companies have been voluntarily supporting women's socio-economic rights in the communities hosting their operations. The three companies have over the past five years made various investments to benefit their communities; including building feeder roads, markets, schools, and primary health posts. Feeder roads and markets in particular, benefit women most, by supporting agricultural activities which women dominate as livelihood sources.

Sierra Rutile Limited appears to have done more than the two other companies in building infrastructure that benefits women directly or indirectly over the past ten years. In 2012 the company opened the Jackson and Devon Anderson Technical Institute in Imperi chiefdom. In the same year, the company sponsored vegetable gardening greenhouses for the community

women. The company also built a Primary Health Unit in Upper Banta chiefdom. In 2015, Sierra Rutile built residential quarters for nurses in Sembahun, Bagruwa chiefdom. Other community infrastructure built by the company over the past ten years have included a primary school at Vaama village, and a water well at Foindu village; all in Upper Banta chiefdom.

The number of community-benefit facilities provided by VIMETCO and Koidu Limited appear to be small. Key informants interviewed including local authorities and civil society activists in Kono district say the company's support to community infrastructure was not impressive. Similar sentiments were expressed by key informants from the area, regarding VIMETCO's support towards community infrastructure.

## **8.0 INCIDENTAL SOCIO-ECONOMIC BENEFITS TO WOMEN AS A RESULT OF THE COMPANIES' PRESENCE**

Collateral benefits for women around the operations of the three companies are very limited. The collateral benefits community people and key informants envisaged would be expanded business opportunities and auxiliary employment. The permanent and casual wage jobs that the three companies are providing locals are vital stimulators of consumption. Key businesses that are being kept afloat from the consumption stimulated include food vending, tele-centers, pubs, video centers and merchandise trading. These businesses are visible in all the communities in the immediate vicinity of the three mining companies. The business opportunities that company wages are promoting are not favouring women. The presence of the three companies has resulted in expanded businesses for women in the communities only in the areas of merchandise trading and food vending. With the exception of merchandise trading and food vending, businesses like tele-centers, pubs, and video centers are all dominated by male youths in all the four mining host-districts.

The three companies offer contracts from time to time to local businesses and individuals. These contracts are usually for skilled or semi-skilled services. The problem however, is that men dominate the skilled and semi-skilled-technicians and artisans businesses.<sup>20</sup>

## **9.0 THE BENEFITS OF COMMUNITY-LEVEL EXTRACTIVES RENTS TO WOMEN**

Four schemes have evolved since 2001, for direct payments to communities of extractives rents for the purposes of promoting sustainable development and improved living standards in mining communities. The four schemes are surface rent to Local Councils, surface rent for

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<sup>20</sup>Interview of Osman Lahaj, Community Relations Manager, Sierra Rutile. 16 March, 2018.



Constituency Development Fund, the DACDF made to Paramount Chiefs, and CDA. Surface rent payments and the CDA are provided for in the Mines and Minerals Act, 2009.<sup>21</sup>

Literature on any aspect of the community-level extractives rents schemes is very scanty. There is no publicly available literature on the Community Development surface rent managed by Members of Parliament (MPs), the surface rent payments to Local Councils, and the CDA. The lack of literature on the CDA is understandable given that it was only at the end of 2017 that three mining companies signed up CDAs.

Two studies have however, looked at the DACDF, from which some insights could be cleaned regarding the management and impact of community-level extractives rents sharing schemes. One study in 2010 suggested that concerns were persistent regarding management and utilization of the DACDF.<sup>22</sup> Another study by the Local Government Association in 2015 also raised concerns that desired impact of the DACDF scheme was been compromised by a lack of accountability and transparency.<sup>23</sup> The two studies found general weaknesses inimical to accountability, transparency and ultimately the intended development and service delivery good outcomes. A study by the Local Government Association highlighted some points to illustrate these challenges. For instance, a Treasury Clerk reported that when he took over in 2013 in Sandor chiefdom, there were no records of surface rent payments for the previous year.<sup>24</sup> According to the study, duty bearers in the chiefdom also said that the DACDF monies collected for the years 2011-2015, only the DACDF money collected for 2011 was used by the chiefdom. The rest was kept in the bank.

As a general pattern, community people hardly knew the full amount of DACDF payments made to a Paramount Chief or Constituency Development funds payments made to MPs. From the key informant interviews, lack of accountability and transparency around community-level extractives rent are worse for Constituency Development funds paid to MPs. Only in one constituency in Kono district did the past MP endeavor to disclose constituency Development funds he receives. In all the other places in the four districts, the study did not come across any key informant who could narrate the development impact of their MPs' use of Constituency Development funds. It is in the circumstances where accountability and transparency around community-level extractives rents schemes are low; that considerations for women's rights and entitlements are compromised.

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<sup>21</sup>See section 34A in the Mines and Minerals Act, 2009 for the distribution of surface rent payments. 15% and 10% of the total surface rent payment agreed between the company and the community are paid to the Local Council and for Constituency Development respectively.

<sup>22</sup>NMJD in partnership with IBIS. Mining Revenue Streams and their impact on communities affected by mining in Sierra Leone. October 201.

<sup>23</sup>Local Government Association. Assessing the impact of the Diamond Area Community Development Fund and mining surface rent on the development in Kono district and Koidu New Sembehun City Councils. July 2015.

<sup>24</sup>Ibid.

## **10.0 SOCIO-ECONOMIC CONSEQUENCES COLLATERALLY IMPACTING WOMEN**

### **Disturbances to land leading to livelihood losses that's not been compensated**

All of the three companies' operations are causing the discomfort for women directly. In Kono, vast area of land and swamp on which women used to farm now falls into the company's concession. The swamps at a nearby place called 555, and the land around 'Monkey hill' were particularly mentioned as key places that were livelihood sources that have been lost. The mines and minerals Act puts obligations on mining companies to pay compensation for such losses. Although Koidu Limited paid for crop losses, such payments were inadequate because of discretionary pricing by the company.

Sierra Rutile's dredge mining has been laying waste arable land on which community people depend for farming; which is the main livelihood activity. Wasted arable land, firstly, reduces the amount of land available to the community for farming. Secondly, as the amount of land reduces in the immediate vicinity of the community, people travel afar for farming activities. Thirdly, it was reported that every year in both Kono and the areas where Sierra Rutile Limited operates, a child drowns in pools and lakes created by the mining companies' operations. This does not only put serious physical and mental drain on the farmers, but also takes their products far away from markets. It is women who bear the brunt of livelihood disruptions caused by mining disturbances to the land. In the Moyamba and Bonthe districts where the company operates, once rice farming cycle ends, it is women who continuously use the land for a variety of farming activities; including year-round market gardening; the main source of extra livelihood cash.

The Mines and Minerals Act, 2009 provides that mining companies pay compensation for damages to crops on land that is being mined. It emerged from meeting to validate this report that the law is being flouted primarily as a result of non-uniform application of the payment scheme and fees. VIMETCO for instance was still paying the old prices for crops even though these were revised upwards in 2016.<sup>25</sup> VIMETCO in fact, only paid crop compensation money in 2017.<sup>26</sup>

In 2017, the Israeli owned Pluto Mining company began construction on the Congo bridge in Koidu, in 2017. It turned out that it was a pretext under which the company was actually mining diamonds. When the people began to protest the mining activity, commuting in the area became very difficult for people as a result of security deployment by the company. Women, who trade agricultural goods by trekking between Koidu and other towns and villages, using that route, were heavily affected.

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<sup>25</sup>Contribution at the report validation meeting, from participants from the mining area where VIMETCO operates.

<sup>26</sup> Ibid.

### **Psychological harm to women resulting from rock blasting**

Until 2017, Koidu Limited's open-cast mining system included blasting rocks. The felling of rocks on buildings and the vibrations caused, were of serious concern to communities in the vicinity of the company's operations. The company undertook some re-settlement of houses that were in the immediate vicinity of the company's operations. However, as the mining expanded, the impact of the blast, extended to more homes, including those outside the perimeters of the company's concessions. To date, the company has not been able to fully address the resettlement entitlements of the majority of households. According to participants at the meeting to validate this report, Koidu Limited (and its predecessor) only re-settled about 457 houses out of 760. This means that there are people still living in Koidu Limited's operational areas, under hazardous conditions. CSOs and community leaders continue to express their discomfort with the way the company has pursued its resettlement obligations. The discomfort caused by the open-cast mining however, has greatly reduced since Koidu Limited began under-ground mining in 2017.

### **Disturbances to water sources**

The mining operations of VIMETCO and Sierra Rutile are causing disturbances to streams and rivers that are the primary water sources in the communities. The disturbances come mainly in the forms of chemical or mud pollutions. As water sources are compromised, it is women who bear the brunt; because in these rural areas the primary responsibility to fetch water for household use lies with women and girls. At the meeting to validate this report, it came out clearly from participants that access to good and usable water was a big challenge in the communities hosting VIMETCO and Sierra Rutile's mining operations.

### **Psychological harm to women from increased securitization of community relations**

The three companies have over the past decade resorted to increased securitization of community relations. Company officials say this is a response to increased sources of threats from within the communities; including theft and vandalism as a way of public protest. It is common to see at all the three mining companies, armed sentries manning sensitive posts, and Police vehicles roaming their properties. "Sometimes, the Police come into our towns and villages on intelligence gathering".<sup>27</sup> A community activist involved with mineral rights advocacy suggests that the problem with the Police presence is that they are government paid workers receiving extra incentives to do private work for mining companies.<sup>28</sup> It is women who feel the psychological discomfort most, because they are not used to interacting with Police.

Since mining resurged in the country from 2008/2009, incidents of violence involving Police high-handedness have risen. In one incidence in 2012 at the iron ore mining company African

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<sup>27</sup> Interview of A.M. Kamanda, Chiefdom Speaker, Gbense. 8 March, 2018

<sup>28</sup> Interview of Mohamed Ngakui, Imperi Youths Committee. 22 March, 2018

Minerals, one person was killed when the Police responded to a workers' strike over pay.<sup>29</sup> In December, 2012 in Kono, two people were killed in similar circumstances; causing the then Vice President to visit the area.<sup>30</sup> In the situation in Kono, the Police resorted to arresting people, including women arbitrarily. Such occasional general atmosphere of violence impacts women psychologically. Illustrating a worrying pattern of reliance on security forces, in 2012 Sierra Rutile Limited used the Police to enforce the payment of surface rent and crop compensation. VIMETCO have military personnel as part of the company's security posture.

## **11.0 GAPS AND UNATTENDED ISSUES**

All of the three industrial miners are not known to have perpetuated or caused violations of abuse of women's rights through calculated acts or systemic operational failures. The challenges with protecting and promoting women's rights around industrial extractive activities emanate from a number of factors.

There are firstly, no considerations in policy for purposive promotion of women's rights in the three companies. None of the three companies has guidance as to how to promote and protect women; either by policy statement, or administrative staff. It is as a result that CRSs from which best promote women's socio-economic rights are markets and feeder roads.

The absence of guidance in the country's laws regarding how to promote women's rights around extractives also compounds the problem. The general statement of principle in the Poverty Reduction Strategy Paper 3, regarding women and natural resources is welcome new development. However, the key opportunities for framing guidance on how to promote women's rights around extractives laid in the Local Content Act, 2016, and the Mines and Minerals Act, 2009. These opportunities were missed. What is required statutory and policy as entry points for corporate miners to respond specifically to women's rights.

In addition to the lack of policy and regulatory guidance on the part of government and miners, local community capacity to exert women's rights considerations in extractive activities is generally weak. Part of the problem is that while there are many grassroots that have been mobilized and sensitized on community benefits issues and mining impacts, what has been lacking in such mobilization and sensitization efforts is a purposive focus on building community capacity to exert women's rights.

While the direct payment of extractives rents to communities for development activities is a welcome addition to good sector governance, a major problem is that there are no laid-down guidelines regarding administrative and fiscal accountability procedures for all the community-level rent streams. There are general principles in the Local Government Act, 2004, obliging Local Councils to promote accountable and participatory governance. There are however, no

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<sup>29</sup>switsalone.com15468\_sierra-leone-police-fire-on=African-minerals-workers-on-strike

<sup>30</sup>bb.com/news/world-africa-20781940

reporting and auditing obligations around the Constituency Development surface rent paid to MPs. Until the accountability and transparency requirements around community-level extractive rents are in place, no proper discussions can be held about how women's rights and entitlements are secured.

It is worth pointing out the promise that extractives rents managed at community level hold for promoting women's entitlement. Over the past three years, NMJD has been able to engage Paramount Chiefs and chiefdom Councils on the need to invest part of their DACDF proceeds on women's needs.<sup>31</sup> Through such engagement, some DACDF recipient chiefdoms started giving out micro-credit loans specifically to women. The monies have been used to either start businesses or expand existing ones; as vital sources of income generation.<sup>32</sup>

## **12.0 CONCLUSIONS AND RECOMMENDATIONS**

### **Conclusions**

Significant developments have taken place in extractives governance over the past decade in Sierra Leone. There have been significant improvements to the regulatory regime, covering broader range of issues including environmental protection, sharing benefits with mining communities, and transparency in disclosure of monies received by government from mining activities, among other. Sierra Leone is aligning extractives practices with international principles. In this vein, Sierra Leone has achieved participation in key regional and international minerals sector governance initiatives; including the Kimberly Process, the African Mining Vision, the EITI, and the African Initiative on Mining, Environment and Society.

The transformative impact of the unfolding developments in the sector little or no attention is being paid to transparency in collection and disclosure of rents by community-level actors. The situation with women around extractives remains the same as in the past. Part of the challenge is that no purposive attention is being paid to gender considerations in all of the regulatory and policy options that are being taken for the sector. It should be pointed out that, even though Sierra Leone is participating in a number of international extractives governance partnerships, none of them put obligations regarding the promotion of women issues. This means that the country on its own accord has to innovate and instigate approaches and considerations for protecting women around extractives. In respect of such innovation and instigation, the following recommendations are made.

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<sup>31</sup> The information was provided by Abu Brima, Executive Director, NMJD, during preparatory discussions for this study.

<sup>32</sup> Ibid.

## **Recommendations:**

### **1. Sierra Leone parliamentarians to form a mining caucus of MPs from the mining enclaves**

NMJD should work with Members of Parliament from mining areas to form a caucus in Parliament. The caucus's brief would include raising awareness among fellow parliamentarians on challenges in mining communities, defending mining communities' interest, investigating issues around mining that require parliamentary action, among others.

### **2. Promote agenda for ring-fencing women's centered project for CDA investments**

The Government of Sierra Leone should step-up urgent measures to work with the respective CDCs and the mining companies in the three districts to specify and ring-fence projects for women's social and economic empowerment. Women are included in the CDCs in the primary-host communities; as per the legal requirement. Being a new structure however, women may not yet have the experience, training and confidence to articulate and push gender considerations in the projects chosen for CDA investment.

### **3. Promote more women development and rights contents in the country's laws and policies**

Civil Society Organizations should take advantage of opportunities that are coming up for reform of development of laws and policies in the extractives sector should be used to capture issues of women's rights around minerals extraction. NMJD should create an agenda for improving contents in laws and policies on women's development and rights. Such an agenda should include mapping upcoming legislative and policy reform opportunities; and facilitating debate and consensus as to the types of improvements desired.

### **4. Pursue opportunities for women around local content**

NMJD should work with the Sierra Leone Local Content Agency to develop and implement a programme to open opportunities for women around companies' local content obligations. In the absence of gender-specific provisions in the local content law, dialogue is required among critical stakeholders as to how opportunities for women could be pursued around mining companies' local content obligations.

### **5. Train local actors responsible for community-benefits schemes, in gender responsive development**

Government and civil society should provide training in gender responsive development for those who bear duty for the various community-level benefit schemes. Such duty-bearers would include members of the Community Development Committees (CDC) responsible for the CDA; the MP who receives the Constituency Development Fund, and the Paramount Chiefs who manages rents on behalf of their chiefdoms.

## **6. Mobilize human rights NGOs and CBOs to take on extractives as human rights issues**

NGOs and CBOs should be oriented and mobilized to see lack of water, disruption of livelihood resources, shelter discomforts, and such other challenges caused by mining operations, as human rights issues. Damage to water sources, disruption of livelihood resources, shelter discomforts, and such other challenges caused by mining operations are all issues of social and economic rights.

## **7. Work to increase women representation in community structures in charge of extractives rents**

Advocacy should be pursued by civil society to increase the number of women in community structures that handle extractives revenue for local level development activities. This is particularly relevant for a structure like the Chieftdom Committee, which at the moment has only one woman.

## **8. Co-ownership of natural resources**

Government's revision of mining instruments (policies, laws and regulations) should demonstrate willingness on a decision for SHARED OR CO-OWNERSHIP of the mineral wealth (local communities and the State). People should not be seen or referred to as squatters in their own habitat.

### **List of some key people interviewed**

- Abdulai Khanja Jalloh, Programme Officer, Institute for Governance Reform. 3<sup>rd</sup> April, 2018.
- Chief Fengai Bockarie, Gbense Chiefdom, 8<sup>th</sup> March, 2018.
- A. M. Kamanda, Chiefdom Speaker, Gbense. 8<sup>th</sup> March, 2018.
- Madam Betty Gbanabom, 16<sup>th</sup> March, 2018.
- Mohamed Jabbie, Chairman, Movement of Kono Youth, 8<sup>th</sup> March, 2018.
- Mohamed Ngakui, Imperi Youth Committee. 22<sup>nd</sup> March, 2018.
- Osman Lahai, Community Relations Manager, 16<sup>th</sup> March, 2018.
- Sahr Kpendema, Programme Officer, Campaign for Good Governance, 7<sup>th</sup> March, 2018.
- Sheku L. I. Sheriff, Mining Engineer-Kono District, 8<sup>th</sup> March, 2018.
- Thomas Mboka, Land Owners Federation, Imperi Chiefdom, 16<sup>th</sup> March, 2018.
- Peter Momoh, Senior Citizen, Bumpeh-Gao Chiefdom.



## Bibliography

- Campaign for Good Governance. National Resource Governance Projects Report, May 2017.
- Government of Sierra Leone. Agenda for Prosperity- The Road to Middle-Income Status 2013-2018
- Not Sharing the Loot-An investigation of tax payments and corporate structures in the mining industry of Sierra Leone. DanWatch. October 2011.
- Ian Smile, Lans Gberie, and Ralph Hazleton. The Heart of the Matter- Sierra Leone Diamonds and Human Security. January 2000.
- Larry Diamond and Marc F. Plattner. Democratization in Africa. Johns Hopkins. Baltimore.
- Ransoming the State: Elite Origins of Subalter Terror in Sierra Leone; in Review of African Political Economy No. 81:349-366. 1999.
- Richard Fanthorpe and Christopher Gabelle. Political Economy of Extractives Governance in Sierra Leone. July 2013.
- An Impact Audit Study on the Diamond Area Community Development Fund prepared by the Network Movement for Justice and Development. October 2006.
- Network Movement for Justice and Development. Report of a Study of Social Movements in Sierra Leone.
- Network Movement for Justice and Development in partnership with IBIS. Mining revenue streams and their impact on communities affected by mining in Sierra Leone. October 2010.
- Local Government Association. Assessing the impact of the Diamond Area Community Development Fund on the development in Kono district and Koidu New Sembehun City Council. July 2015.
- Network Movement for Justice and Development. Good Governance Practices Short-changed in Sierra Leone? An analysis of the performance of Local Councils. Budget Oversight Committee and Procurement Units in Bombali, Kono, and the Western Area. November 2009.
- Sierra Leone Extractive Industry Transparency Initiative. Second Reconciliation 2008-2010. February 2016
- The Sierra Leone Local Content Act, 2016
- The Mines and Minerals Act, 2009
- The National Minerals Agency Act, 2012



### **Our Vision**

A just and self-reliant society (Sierra Leone) where women, men, children, youth, persons with disability and communities are conscientized and live in dignity without fear and discrimination especially on grounds of sex, race, faith, socio-economic and political orientation.

### **Our Mission**

The Network Movement for Justice and Development is a Sierra Leonean civil society organization that engages in advocacy and strengthens/ enhances the capacity of civil society organizations and right holders to effectively engage women, men, children, communities, government and other actors for the transformation of society.

### **Slogan**

**“We see the things that are and say why.....  
We dream of things that are not and ask why not”**

**For further information kindly contact:**

**Network Movement for Justice and Development (NMJD)**

**22C Collegiate School Road,**

**Off Wilkinson Road, Freetown.**

**Tele: +232-76-645-314**

**Email: [nmjdsl@nmjdsl.org](mailto:nmjdsl@nmjdsl.org)**