



Advancing women's land and resource rights.

CÔTE D'IVOIRE INCLUSIVE DEVELOPMENT APPROACH CREATES THE SPACE FOR WOMEN TO BENEFIT FROM ARTISANAL MINING

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INTRODUCTION

Mining is a potential driver of economic development. Even among detractors there is often a belief that benefits from mining, if done "right", can help improve the lives and livelihoods of impacted communities. Mining – done in both small-scale artisanal activities and large-scale commercial projects -- can pose challenges and opportunities for women and men. However, women often bear an unequal burden of the negative impacts from mining and go without a share of benefits if they accrue to or are made available to stakeholders.

Today, there is growing, but still limited, attention among donors, civil society, governments, and the private sector to the importance of understanding mining-related gender dynamics and how they might influence a mining project's potential to harm women or improve their well-being. There is much to be learned at both the macro and micro levels. At the higher level, what standards for best practices exist? What are the enabling conditions that can prompt gender dynamics to be taken into consideration at the start of small-scale or large-scale mining projects and continue throughout longer term operations? What are the primary challenges to embracing best practices and creating a landscape that provides for the enabling conditions? At the grassroots, given the ever-varying and complex social, economic, and political realities, what specific measures can be taken to ensure that women are seen, benefit from mining activities, and (in all cases) are not harmed by mining activities?

With support from the Ford Foundation, Resource Equity undertook three case studies done in Peru, Papua New Guinea, and Côte d'Ivoire.¹ The case studies represent different kinds of actors, funders, geographies, and political and cultural contexts; a range of stages in the project lifecycle; and diverse objectives and project approaches. Each study included desk and field-based research and relied upon strong collaboration with local partners. All three of the case studies are summarized in a synthesis report, which was published by Resource Equity in November 2019.² At the time of publication, case study collaborators, donors, practitioners, and civil society representatives convened to present and discuss findings.

¹ The case studies addressed projects that are in the mining sector. However, much of the analysis could also be applicable to extractive resource projects more broadly.

² Elisa Scalise, *Women, Land, and Mining: Effective Strategies for Improved Global Practice: Synthesis Report Based on Findings from Three Global Case Studies from Côte d'Ivoire, Papua New Guinea, and Peru* (Resource Equity, 2019), available at <https://resourceequity.org/promising-practices-gender-extractives/>.

This Côte d'Ivoire case study reviews strategies that were used for achieving gender equity in a bilateral donor-funded project. The project, Property Rights and Artisanal Diamond Development Project (PRADD II), was funded by USAID and illustrates good practices at the intersection of artisanal mining and customary land tenure systems. Artisanal mining in this report refers to alluvial diamond mining usually undertaken by individuals, families, or groups using very basic equipment, such as sieves and pans. It is labor intensive earth digging and removal in riverbanks followed by washing gravel to find diamonds, often in an 'informal' way, on land that is neither licensed nor regulated for the mining activities.³ PRADD II covered two areas of the Côte d'Ivoire—Tortiya and Séguéla—where artisanal diamond mining takes place.

METHODOLOGY

This case study is organized in sections. The first section briefly describes the project's context, looking at the situation of diamond mining and land tenure in the areas studied and provides a brief analysis of the relevant legal framework. It then goes on to discuss in more detail the PRADD II project activities and specific strategies employed to address gender equity. It ends with a discussion of gender-related results and some analysis of factors that contributed to their success.

The case study included an extensive review of PRADD II (Côte d'Ivoire) documents on project design, strategy, assessments (inception, baseline, progress, quarterly and annual reports to the funder of the project), and end-line briefs. Document review also included the project implementation guidelines from USAID (e.g. USAID Washington Declaration Framework Implementation Guide), as well as the guidelines developed internally for inclusivity and the gender strategy prepared by the project staff. Project technical staff also compiled periodic reports on implementation progress about beneficiary selection, which were also reviewed. Document review provided information about project strategy, design, and implementation. In-depth interviews were conducted with seven staff persons of the PRADD II project, including the Country Director and the Deputy Country Director, responsible for the overall management and implementation of the project. Interviewed program implementation technical staff included the Gender Focal Person, Livelihoods Advisor, Governance Advisor, and Mapping Advisor. Finally, two field agents responsible for implementation coordination in the two project sites of Séguéla and Tortiya were interviewed. At the project sites, the chiefs responsible for local government were also interviewed. Working with a French interpreter, focus group discussions (FGDs) were conducted in Séguéla with 54 respondents (one group of 15 men at Foroka Township, one mixed group of 22 males and females at Foroka Township, and three groups of women – nine women at Donna Village, nine at Foroka Township, and 14 in Sokoure Village). In Tortiya, there were 32 FGD respondents at Naikara Village (six women in one group, ten in a mixed group, and 15 men in a final group). Interviews and FGDs provided information on the practical roll-out of the project and the experiences of change amongst the beneficiaries.

CONTEXT

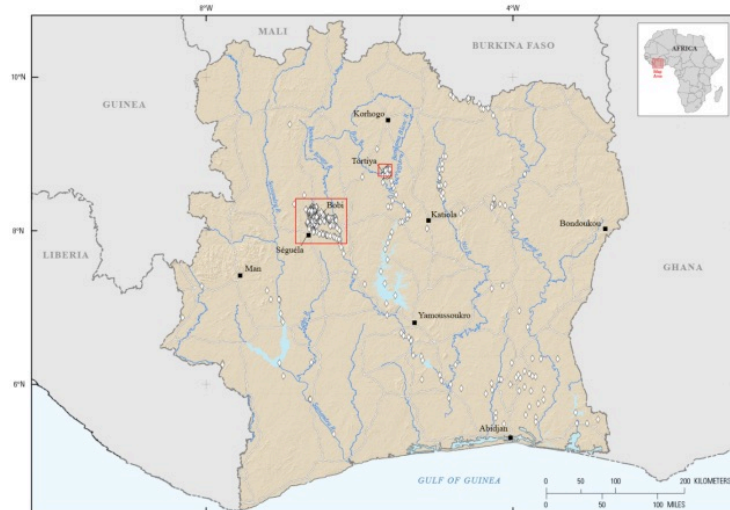
Diamond Mining in Côte d'Ivoire

Côte d'Ivoire is a post-conflict country emerging from over a decade of instability, beginning with a *coup d'état* in 1999, followed by a rebellion and partition of the country in 2002, and then years of negotiation ending in a violent post-electoral crisis in 2010/2011. Currently, the Côte d'Ivoire mining and quarrying sectors account for about five percent of the GDP. Artisanal gold mining has expanded in recent years and

³ Keep Giving Diamonds, Diamond Mining and Artisanal Mining, <https://keepgivingdiamonds.wordpress.com/diamond-mining-and-artisanal-mining/>.

is mostly done without legal sanction. Although it has a smaller base of diamond resources than neighboring countries, Côte d'Ivoire produced between 275,000 and 400,000 carats annually between 1996 and 2001 (before the civil conflict began in 2002). In 2002, the UN Security Council voted to ban Ivoirian diamond imports from the country because of their association with gun trafficking and militia funding.⁴ This ban was lifted in 2014, in compliance with the Kimberly Process. The two biggest diamond-producing areas are Séguéla and Tortiya, which are both in the northern half of the country as shown on Figure 1.

Figure 1. Map of Diamond Mining Sites and Project Sites in Côte d'Ivoire



Source: PRADD Project Inception Report 2011

Before the war, seasonal agriculture supplemented diamond mining activities. Revenues from mines financed agricultural inputs, and agricultural production fed miners on the sites. Diamond mining provides economic occupations for some women, especially in the service industry (e.g., restaurants, small businesses). Men provide most of the labor for the artisanal diamond mining activity in Côte d'Ivoire, working as mining artisans, collectors, and managers of purchasing offices.

Diamond mining is still a key sector of the local economy. Despite the decline in activity since the embargo, mining continues and causes significant degradation of the environment and impacts the availability of land. At present, diamond mining supplements the incomes of the local economy, mainly supported by agriculture, livestock, and trade. All diamond mining in Côte d'Ivoire is artisanal. The mining and quarrying sectors currently account for about five percent of the GDP. Artisanal gold mining has expanded in recent years and is mostly done illegally (without legal sanction). An estimated 95 percent of artisanal miners

⁴ During the conflict, diamond resources fell into rebel hands and the government of Côte d'Ivoire suspended exploration and sales of diamonds. As evidence emerged that diamonds were helping purchase arms—which constituted a classic case of conflict diamonds as defined by the Kimberley Process (the international mechanism that prevents rough diamonds from fueling conflict)—the United Nations, under recommendation from the Kimberley Process, imposed an embargo in 2005. The embargo did little to prevent smuggling, since Ivoirian diamonds infiltrated legal chains in Ghana, Guinea, Liberia, and Mali. In 2013, Côte d'Ivoire demonstrated an impressive capacity to carry out effective reforms in the artisanal diamond mining (ASDM) sector and needed support to lift the UN embargo on export of its diamonds in 2013. USAID and the European Union funded a technical adviser to help Côte d'Ivoire become compliant with the Kimberley Process, which it achieved in November 2013, paving the way for the lifting of the UN embargo for Côte d'Ivoire.

either do not apply for, or do not receive, required government licenses before starting to dig.⁵ In 2012, some local authorities began banning artisanal mining in an effort to regulate the informal industry and prevent degradation of agricultural land.⁶

Overview of the Project

The Property Rights and Artisanal Diamond Development Project (PRADD II) was established to support the government of Côte d'Ivoire in implementing mining best practices and promoting good governance of the mining sector through the Kimberley Process (KP). The project objective was to increase the number of alluvial diamonds entering the formal chain of custody, while improving the benefits accruing to diamond mining communities. The PRADD II project was funded by USAID and the European Union and implemented by Tetra Tech (a USAID contractor) in Côte d'Ivoire and Guinea. It ran for five years and was followed by PRADD projects that ran from 2007-2013 in Central African Republic, Liberia, and Guinea. The overall project budget was \$19million (USD).

The premise of the PRADD II approach is the theory that secure property rights (for land containing high-value natural resources) can create positive incentives for miners to be better stewards of the land and more openly transact through transparent channels. The theory is based on the assumption that, when artisanal miners' rights to prospect and dig for diamonds are formal and secure, they are more likely to sell through legal channels, enabling the government to track the origin of diamonds and prevent them from fueling conflict. Formalization of mining claims also helps to clarify the rules governing access, use, and transfer of rights. This appeals to owners of the land and prospective land investors.

In addition to clarifying property and access rights, the project aimed to help reduce conflicts, increase investment, and improve environmental management, which are all seen as being essential to building sustainable livelihoods in mining communities. Diversifying livelihoods helps miners move away from income and livelihoods dependency, which can drive them into exploitative hand-to-mouth arrangements with illicit actors.

PRADD II considered the artisanal diamond mining sector a driver of economic outcomes. During boom periods of diamond extraction, the rural economy often flourishes, but when diamonds are mined out or when prices fall due to international market forces, the local economy often suffers or collapses. To mitigate this, PRADD II encouraged household income diversification in the project areas by providing technical and material support to small groups of highly motivated women. On the surface, the project interventions appeared unrelated to diamond mining, which is mainly conducted by men.

LEGAL FRAMEWORK FOR MINING AND LAND

Mining

The few laws that govern mining in Côte d'Ivoire include the Mining Code of 2014 (the Code),⁷ and various decrees and orders that govern implementation,⁸ setting of fees, royalties, and taxes,⁹ and renewal procedures for licenses.¹⁰ Under the Code, all minerals belong to the state (Art. 3). Pertinent to this case

⁵ *Ivory Coast Gold Production to Double by 2013*, Mining Review, Jul. 29, 2011, <https://www.miningreview.com/top-stories/ivory-coast-gold-production-to-double-by-2013/>.

⁶ USAID, 2015: Côte d'Ivoire Property and Resource Governance Profile.

⁷ Law No. 2014-138 dated Mar. 24, 2014.

⁸ Decree No. 2014-397 (2014).

⁹ Order No. 2014-148 (2014).

¹⁰ Ministerial Decree No. 002/MM/CAB (2016).

study, the Code establishes that semi-industrial and artisanal authorizations (permits) are delivered by the Mining Minister, and all persons that seek to engage in artisanal mining, even those with state-recognized surface rights to the land in question, must obtain a permit from the state to conduct mining activities (Art. 5).

Only those with Ivorian nationality and cooperative companies with majority Côte d'Ivoire entity participation are authorized to engage in artisanal mining (referred to as non-industrial) (Art. 65), and authorization grants the holder exclusive right to the subsurface minerals (Art. 68). The authorization is valid for four years, is renewable (Art. 67), and is limited to 25 hectares (Art. 69). The beneficiary of the mining authorization may not interrupt work on arable land without authorization from the occupants or lawful occupants (Art. 70).¹¹ After the authorization period has ended, land damaged by the mining must be restored (Art. 71). Rights to artisanal mining are not transferrable or assignable (Art. 72).

The Code contains specific provisions on rights to surface land in relation to subsurface rights (Arts. 127-130); however, they mostly pertain to fair indemnity and some compensation for loss of investment value in land.

Several other agencies and groups play a role in mining. The National Society for Development of the Mining Industry (*Société pour le Développement Minier de la Côte d'Ivoire*, or SODEMI) is a joint public-private partnership that conducts mineral research for the government and conducts mining operations directly and in partnership with private investors. The Department of Geology updates the geological and thematic maps of the country. The Department of Environment, in cooperation with the Department of Mines, reviews the environmental impact assessment studies and environmental management plans that are a required part of exploitation permit applications.¹²

Land

The 1998 Rural Land Law creates a framework to clarify who owns rural land (not just who is an occupant or lawful occupant as defined by the Mining Law). The principal statutory forms of tenure in Côte d'Ivoire are:

- i. Land certificate. Legal persons in possession of a land certificate are allowed a transitional form of tenure under the 1998 Rural Land Law. Within three years following the issuance of a certificate, the Ivorian certificate-holders must apply for a definitive land title. Non-Ivoirians may apply only for an emphyteutic lease. During the three-year period, rights under the certificate may be sold or leased.¹³
- ii. Freehold rights. Persons holding title to a parcel of land have freehold rights and are deemed to own the land. Only the state, public entities, and Ivorian individuals are eligible to own rural land. A land title may be sold to other Ivoirians or passed on to heirs. The property may be leased, but not sold, to non-Ivoirians or private companies.¹⁴

¹¹ These are defined in Mining Code, Art. 1 as follows: "land occupant" is the natural person or legal entity who/which has developed a plot of land, and "lawful land occupant" is the natural person or legal entity who/which obtained authorization from the Authorities to occupy a plot of land or who/which, by use for generations, occupies a plot of land.

¹² Tetra Tech, *Artisanal Diamond Mining Sector Assessment in Côte d'Ivoire: Consultancy Report* (Prepared for USAID, 2012), available at http://usaidlandtenure.net/sites/default/files/USAID_Land_Tenure_Artisanal_Mining_Assessment-Report_Cote_percent20d'Ivoire.pdf.

¹³ USAID, *supra* n. 8.

¹⁴ *Id.*

- iii. Emphyteutic lease. Under the 1998 Rural Land Law, a lease of this kind entitles holders to heritable and alienable tenure rights of 18 to 99 years duration. While lease-holders do not own the land, they own everything built and produced on it. This is the most secure form of tenure available to non-Ivoirians.¹⁵

The 1998 Rural Land Law, as modified by decrees, envisioned that by 2019 Ivoirians with customary rights to land would register their land and obtain an individual land title. Non-Ivoirians would obtain emphyteutic leases. After 2019, theoretically, the customary land tenure system would be supplanted by a formal system.¹⁶ In practice, this has not happened and it was reported that, by 2014, only 306 out of estimated demand of 500,000 for individual land titles had been issued.¹⁷ Another source reports that, by October 2016, only 3,000 land certificates had been issued throughout the country out of an estimated 1 million rural plots, meaning that only 0.30 percent of certifiable land had been formalized. The source adds that there have been only 100 cases of certificates being transformed into title, and no rural leases had yet been formalized by October 2016.¹⁸

Customary Land Tenure in the Case Study Areas

The traditional land tenure systems are similar in both Séguéla and Tortiya but vary in some key aspects, largely for historical reasons.

In Séguéla, customary tenure plays a strong role in the management and governance rules of land. While land is considered collective, it is owned by a unique person or group of persons who are known to be the first occupants. The representative of this first occupant is the land chief (*chef de terre*). The customary land ownership is passed on from generation to generation between male members of the family. The land chief manages the land on behalf of male community members, acts as guarantor of land governance, and supervises land allocation to those in need for mining or agriculture, either indigenous family members or “outsider” communities, organized into foreign-born and non-native Ivoirian communities.¹⁹

An important land management principle under this customary scheme is that land can never be bought and sold. However, customary leases and rent for mining or agricultural activities are possible with permission from the land chief in agreement with the village chief and main family members who hold a specific portion of land. However, the land must revert to the community/family at the end of the lease or cessation of the activity for which the lease was granted.²⁰

¹⁵ Chauveau, Jean-Pierre. 2007. La loi de 1998 sur les droits fonciers coutumiers dans l’histoire des politiques foncières en Côte d’Ivoire: Une économie politique des transferts de droits entre autochtones et étrangers en zone forestière. (The 1998 law on customary land rights in the history of land politics in Côte d’Ivoire: a political economy of rights transfers between autochthones and strangers in the forest zone; in French). In *Enjeux fonciers et environnementaux. Dialogues afroindiens*, Institut Français de Pondichéry, 2007, pp.155–190. Pondichéry.

<http://www.dhdi.free.fr/recherches/environnement/articles/chauveaufoncier.pdf>

¹⁶ Léon Désiré Zalo, *Country Case Study: Ivory Coast*, paper presented at World Bank Regional Workshop on Land Issues in Africa and the Middle East (April 29 – May 2, 2002), Kampala, Uganda.

¹⁷ Freudenberger M., Thiam Bocar, Cathberine Picard, Sabine Jiekak, and Terah DeJong, (*Property Rights Conundrums in Artisanal and Small-Scale Mining: Experiences from USAID projects in Cote D'Ivoire, Guinea, and the Democratic Republic of the Congo*, Paper prepared for the presentation at the land "2015 World Bank Conference on Land and Poverty" (Mar. 23-27, 2015) The World Bank - Washington DC.

¹⁸ The World Bank, *Cote d'Ivoire Land Policy Improvement and Implementation Project* (P157206) (2017). Project Information Document/Integrated Safeguards Data Sheet. Report No: PIDISDSC18852.

¹⁹ Freudenberger et al, *supra* n. 19.

²⁰ *Id.*

Artisanal diamond mining in Séguéla is also controlled through these customary rules.²¹ Indigenous members of the local community can access diamond mining on the patrimonial lands of their lineage. Outsiders among or near the local community, who are more numerous among miners, and are the majority of community inhabitants, can access land for mining under the *tutorat* system, which is a form of rent.²² Under this system, an indigenous member of the community allocates a piece of land to an outsider for mining after negotiations done according to traditional customary practices. Any diamond found under this land is subject to a share for the indigenous land rightsholder (the *tuteur*).²³ The relationship between the *tuteur* and the outsider extends to other social obligations as well: the outsider must, for as long as they remain in the community, offer acts of gratitude to the person who allowed them to access land.²⁴

Customary authorities also “zone” or designate land that can be used for mining. The land chief retains the discretion to designate certain areas for mining should natural resources be discovered. This decision cannot be appealed by the indigenous families that engage in agricultural activities on that land. However, they may have the right to negotiated compensation should cashew trees or other crops be destroyed, as well as rights to enter into *tuteur* relationships with the miners.²⁵

In Séguéla, these customary rules have helped local communities maintain control over land and its benefits even though outsiders outnumber them. However, if these traditional structures and rules break down, conflict and chaos can result.²⁶

In Tortiya, similar customary principles apply but have been weakened because of historical mining activity and erosion of customary rights. The town of Tortiya today exists only because of the surrounding SAREMCI mining company operations, which established operations in the 1940s after diamonds were discovered. When the company arrived, it gained a large permit from the state and engaged in a customary ceremony to extinguish all customary claims to the land (the ceremony was held by the people who occupy a village called Natimerboro).²⁷ Mineworkers came from across the region and neighboring countries to settle in the area. The mine closed in 1975 and the original customary owners were in a weak position to reclaim the role of land chief because the state asserted its ownership of the land.²⁸ At the same time, a rival ethnic group claimed that Tortiya was part of their ancestral hunting grounds; also, descendants of the original miner-settlers and more recent cashew farmers claimed the land because they had put it to use in the period between mine closure to present.²⁹ The situation in Tortiya remains largely unresolved.³⁰

GENDER, LAND, AND MINING

Statutory Law

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

Côte d'Ivoire's constitution provides for gender equality before the law. The Civil Code³¹ provides that married women have full legal capacity (Art. 61), marriage creates community property unless spouses opt out (Art. 69), and equality exists between the spouses in matters of household decisions and management (Art. 58-67). Such provisions appear to apply only to legally married spouses. The law of succession permits the surviving spouse of a legal marriage to inherit, and then male and female children may inherit from the surviving parent.³²

Customary Law

Under custom, a woman's access to land is based on her status within the family and includes only the right of use. Women have temporary use rights for productive activities, defined by their social status (married, divorced, widowed, or single, as detailed below). Women are not permitted to dispose of any customary land. In these circumstances, women have access rights but no right of decision-making or ownership, despite their contribution to the well-being of the household and the community. Women are allocated land by their husbands for access and use or, in the case of widows or unmarried women, by the head of the family. This allocation is often confirmed by the village chief. All investments or work on land must be approved by the husband or male head of the family; meaning, women generally have no choice about which land parcels they are allocated. However, it is possible for women to negotiate for particular allocations or preferred pieces of land.

Women are traditionally in charge of food production in the household and in the communities. At the site of the family field, each woman has a personal field that she cultivates to produce food for the family and for sale (if yields are beyond what is needed domestically). Whereas participation in decision-making related to land is very limited for women, women have some choice about what to grow and the amounts to be grown for family food production, especially in the woman's personal field.

When a woman marries she works on her husband's land. If the union is polygamous, each wife receives a plot to cultivate. In the event of the husband's death, the wife or wives generally remain on the land to protect the interests of their male children. If there are no sons, the brother of the deceased will inherit the land. Most communities allocate plots of land to widows and female orphans who do not otherwise have access to land, but women are generally not allowed to cultivate perennial crops, which are the most profitable. Because women do not produce cash crops like cocoa and coffee and do not possess a title to a house, they are unable to meet lending criteria established banks. Some banks also require a husband's approval before a married woman can secure a loan.

When a woman leaves, divorces, or separates, she loses her use and access rights, except if she has children who are allowed to continue access to parcels on which their mother cultivates food for their subsistence consumption.

In some villages, such as Diarabana (within Séguéla) and Tortiya, women may develop cashew fields on small areas, which gives them relative recognition in land decision-making processes. A female cashew nut field owner has control over planting, weeding, and harvesting decisions on her cashew-producing lands. However, this does not equate to ownership. Almost every woman has a field of cashew nuts, although these areas are not very large compared to those of men. To be the owner of cashew nut fields

³¹ This is a set of codified laws including Law No. 83-800 of August 2, 1983, amending and supplementing Law No. 64-375 Concerning marriage of October 7, 1964, and the 2013-33 Law of January 25, 2013 repealing certain discriminatory provisions in the 1964 law on marriage.

³² Law No. 64-379 of October 7, 1964.

implies controlling the income from the fields. During interviews, women confirmed they control the fraction of household income derived from their fields, which is paid directly to them, even if the transaction is overseen by male family members. In the process of marketing cashews, traders are invited by male members of the household, especially husbands, to purchase what is available for sale. Culturally, it was presented as the role of the man to support the women in handling market transactions.

Gender Roles in Mining and Land Use

In the context of the project in Tortiya and Séguéla, the majority of mine workers are male: working as mining operators, artisans, or traders on the sites, and also as collectors and managers of purchasing offices. In both locations, diamond mining supplements earnings from agricultural activities, which also supports the local economy. However, mining provides more opportunities to men (employment, access, and control of the resources) than to women. In the dry season, when mining is underway, the entire working time of men is occupied by mining production activities. The representative share of women in artisanal diamond work remains low. Women wash off gravel, sell food, and provide services through restaurants and other small businesses. Children also constitute an important labor force in the mines. After the dry season and mining ends, the miners carry out other economic activities such as agriculture, livestock, fishing, hunting, sewing, and small trade to minimize the risks associated with scarcity of the diamonds.

In Séguéla, the mining sector is exclusively male, and women support the men as wives, mothers, and daughters, or as suppliers of foodstuffs on the major sites. In Tortiya, women are somewhat more actively involved in the mining activity—mainly as workers. This and other productive sectors are characterized by a division of labor between men and women based on the physical difficulty and risk of tasks such as ploughing and clearing large parcels of land or developing agricultural fields at past mining sites. The difficult and risky livelihoods and vocational tasks are considered men-only tasks. All other tasks are carried out by both men and women, with the latter being very active in the production of food and cash crops, the collection of cashews, and the sale of these products and other essential products on local markets.

GENDER IN THE PROJECT

PRADD II consisted of four broad activity areas:

- a) Clarification of land and diamond property rights. The project clarified tenure to help resolve conflicts driven by land tenure issues. It did this by supporting implementation of the rural land law in the northern mining areas for the first time. It also supported and facilitated a land-use planning process as part of its property rights clarification process, to facilitate management of both surface and sub-surface rights.
- b) Strengthening governance and internal controls. The project supported the government of Côte d'Ivoire's compliance with the Kimberly Process, especially in the completion of outstanding actions needed to complete the legal chain of custody.
- c) Economic development in artisanal and small-scale mining communities. Focusing on land rehabilitation, the project helped the artisanal mining communities improve mining productivity and diversify livelihoods beyond diamond mining.
- d) Public awareness and outreach on the Kimberley Process Certification Scheme and the 1998 Mining Law. The project conducted awareness and outreach on the Kimberley Process at a

national level by advancing the Washington Declaration³³ and assessing progress made towards consolidating its legal chain of custody scheme.

Those that fall under (a) and (c) are the most relevant to this case study.

PRADD II recognized that, in diamond mining communities, gender dynamics feed into conflict dynamics and economic challenges. These challenges stem from women's lack of rights to land and access to finance, and their related inability to invest in agriculture and mining support activities.³⁴

USAID provided the services of a Gender Specialist at certain points during the PRADD II project. The onsite participation of this Gender Specialist was limited by funding and travel restrictions caused by the Ebola virus. A key recommendation the Gender Specialist provided to the PRADD II in-country team was that gender should cut across all project activities and that specific steps should be taken to ensure that women participate. PRADD II consequently developed a "gender integration guide" with objectives to (1) reduce gender disparities in accessing, controlling, and benefiting from resources; (2) increase women's capacity to realize their rights and determine their livelihood outcomes; and (3) influence decision-making in households, communities, and societies. The guide was intended as a practical tool for promoting gender integration within the project, to monitor progress on gender integration and adapt to changing information, and to evaluate PRADD II's approach to gender integration.

The PRADD II Project Coordinator further noted that implementation took on greater and stronger gender perspectives unintentionally and organically because of the gender issues inherent in the context within which the project was operating. For all practical purposes, the Coordinator could not label the project as being "gender-focused," but emphasized that a central project element was to support women in their existing activities (women's farming associations and mining cooperatives). The project focused on strengthening women's positions by building on their existing activities and identifying their capacity gaps and responding to them. Ideas identified during the project's inception included creation of and support to well-organized women's associations for income-generating activities, piloting a women-operated equipment rental pool with at least one women's association (rather than with a mining cooperative), and reserving certain land areas for women's group agriculture by negotiating with the chief for cashew nut farm land.³⁵

Gender Inclusion

USAID made gender inclusion a specific project indicator of performance. The indicator identified the "[p]roportion of female participants in US G[overnment]-assisted programs designed to increase access to productive economic resources (assets, credit, income, or employment)" as the metric for monitoring. This inclusion indicator represents women's involvement in complementary livelihoods supported by the project compared to the general beneficiaries engaged directly in artisanal mining. It is intended to show increased equity in women's access to assets and benefits accruing from mining and other economic activities. It includes women who had access to land for economic activities based on the PRADD II

³³ The Washington Declaration, issued by the Kimberley Process, provided for the integration of artisanal and small-scale diamond mining with the Kimberley Process activities.

³⁴ See Sabine Jiekak, *Facilitating Land Tenure Security for Women through Economic Empowerment*, USAID LandLinks, Sep. 18, 2018, <https://www.land-links.org/2018/09/facilitating-land-tenure-security-for-women-through-economic-empowerment/>.

³⁵ PRADD II, Report to EU, 2014-2015.

intervention.³⁶ The project aimed to support women so that they could generally play more visible roles in discussions, decisions, community activities, and leadership. It aimed to shift the ratios for representation at community-level decision making, and to shift the extent to which the voice of one gender was dominant. There were five stages at which gender issues were identified and addressed as a part of satisfying the indicator. The stages included project design, inception, roll-out, implementation, and monitoring and evaluation.

Project Design Stage

A project design criterion was generally to comply with USAID measures on gender, especially fulfilling the inclusion indicator. Since 2012, USAID has adopted several comprehensive and interlinked policies and strategies³⁷ to reduce gender inequality and enable girls and women to realize their rights, determine their life outcomes, influence decision-making, and become change agents in households, communities, and societies. Because PRADD II was funded, in part, by USAID, the project was called upon to comply with these policies and strategies.

According to the PRADD II Project Coordinator, USAID's support to the project required compliance with USAID's "inclusive development criteria". In basic terms, the inclusive development criteria call for every person, regardless of identity, to be instrumental in the transformation of their own society. It is a broader definition of diversity and inclusion, beyond a gender focus, reaching out to other disadvantaged groups such as the non-natives or migrant workers in the mining sites. It also meant a focus on the reduction of social, economic, and political inequalities in the control of production factors (land and related resources) and access to basic social services for all the producers (men, women, native, foreigners, non-indigenous, and non-residents) in compliance with and respect of human rights within communities involved in artisanal diamond exploitation.

These goals were the starting point for considering gender during project design, providing a foundational influence on decisions made during the design phase.

Project Inception Assessments

During the inception activities, the project conducted diagnostic assessments of the context using participatory rapid appraisal (PRA) methods, which profiled beneficiaries and stakeholders on land use, gender dynamics, and economic potential. These participatory processes involved project field staff and activity leaders. The profiling tools desegregated activities to reflect the participation of men and women in the mining production business and activities, assessing who had access to resources and who controlled them. From these assessments, challenges were identified and the staff conducting the assessments evaluated opportunities for addressing them.

For example, it was through the assessment process that the project team realized it must take different approaches to integrating gender in each community (Tortiya and Séguéla). In one community, women were not allowed at the mine (their presence was construed to bring bad luck because it is believed that menstruation makes the diamond stones disappear). In the other community, women were permitted

³⁶ *Id.* at page 19.

³⁷ These include: The USAID Gender Equality and Female Empowerment Policy; The U.S. National Action Plan on Women, Peace and Security; The U.S. Strategy to Prevent and Respond to Gender-Based Violence Globally; The USAID Vision for Ending Child Marriage and Meeting the Needs of Married Children; The USAID LGBT Vision for Action: Promoting and Supporting the Inclusion of Lesbian, Gay, Bisexual, and Transgender Individuals; The USAID Counter-Trafficking in Persons Policy; and The United States Global Strategy to Empower Adolescent Girls.

access to the mine. This basic difference prompted the project activities in each community to be different.

As another example, the PRA uncovered a potential project risk of breaking with cultural norms. This is significant for women because very often the reasons why women are treated differently than men are shaped by cultural norms that define gender roles. To align with its "do no harm" principle, the project then had to devise activities to address gender inequity while avoiding situations of conflict/tension that would put men and women into competition or otherwise in conflict with each other. The project staff understood they needed the support of men before they could interact with groups of women, and they needed to show the project would be a win-win for both women and men.

An approach used during the inception phase to address the risk of social conflict was the use of gender-neutral land-use diagnostics. Looking at women's and men's land uses without focusing on the underlying rights was a less threatening way to shed light on men's and women's different needs and perspectives. Eventually, the project team recommended to the community that women participate in rural land management committees and land negotiations in the villages targeted for the project's land demarcation activities. Getting early community agreement on this participation was a significant step towards expanding women's membership in land decision-making processes.

Project Roll Out: Training and Awareness

During the project roll out, the PRADD II project included both women and men in the project capacity building and sensitization activities, including the explanations of how the land would be formalized and to whom rights would be allocated. As necessary, sessions were scheduled and held in ways that would facilitate women's attendance. Women focal points were designated in several cases as a means of informing other women of sensitization events. To promote these actions, project staff and implementing partners were trained in gender-sensitive methodologies before the field activities began. Project team meetings subsequently were used as ongoing check-points to discuss the participation experiences of men and women.

The design of the project team training curriculum was intended to be sensitive to the context in Côte d'Ivoire. The content of the training included the following modules: (1) brief description of the challenges associated with gender and natural resource management in artisanal diamond mining; (2) methods and tools for gender mainstreaming and women's empowerment; (3) explanation of how to integrate the land tenure framework and the rights of women according to USAID/stress analysis; (4) explanation of how to transform commitments into concrete actions and specific activities for women in diamond crafts communities and PRADD indicators; (5) discussions of how to diversify women's incomes in diamond artisanal mining communities; and (6) presentation of organizational management and gender-based approaches to USAID projects.

Project staff input on the training indicated that it was initially too abstract and did not provide practical approaches to integrating gender into their activities with communities. However, participants also observed that it was a reasonable start and provided a foundation for gender conscious programming. The reported shortcomings were addressed by co-creating the follow-on training with field staff so that it addressed specific contextual needs. With the original training and the co-created field approach to learning, responsibility for promoting gender in the project shifted to the project staff by way of making it the individual responsibility of each staff member. Quarterly internal work-planning retreats were used to add more specificity to the women-related activities performed during the project's delivery.

To track effectiveness of the training and how well staff had internalized and used the materials, staff members were required to provide weekly gender equity reports based on a template provided by project management and the Gender Focal Person. This template was completed cumulatively to show changes in data on inclusivity over time, and it was checked against the gender indicators for the whole project and discussed in team meetings. This prompted staff members to adapt and refine their in-field conduct because the results of their actions became more evident in the progress reports. The best example to illustrate this is practical exercises on the benefits arising from project activities, which reflected, for example, the participation of men and women in production activities such as agriculture-farming groups, the cashew groups, and community representation in the management committees for land mapping exercises. This particular approach allowed the project implementers to evaluate the participation of men and women in specific spheres (economic, private, and public).

Project Implementation Stage (Strategy, Workplan)

The staff and project partners³⁸ developed a gender strategy for each of the five components of the project (property rights formalization, governance in the mining sector, livelihood diversification, communication, and biodiversity). For each component, a guide was developed that identified the main questions or issues related to gender, along with activities that could be used to address those issues and help avoid gender discrimination or gender-unequal outcomes. Early PRA analyses and broader context analysis were the basis for determining what results should be expected. These analyses were helped identify a set of questions or indicators that would allow staff to understand how those factors also affected by project activities. For each component, there was (1) a clear set of objectives, (2) identified gender-related risks, and (3) mitigation strategies to prevent deepening discrimination or inequality. Quarterly targets were set for progress on the gender strategy and these were used as the basis for quarterly meetings on project implementation.

In addition to all staff being responsible for following the gender strategy guidelines as outlined above, the project also had an assigned gender focal point. This was a single staff member assigned to oversee the team on implementing the gender strategy, check on gender progress, be a resource for the team as it encountered challenges, and design measures to address those challenges. The project team's component activity managers were also responsible for reinforcing the focus on gender as they managed their implementation teams. The approach was systematic and had the effect of keeping consistent and widespread attention on gender, with built in mechanisms for peer-accountability.

Monitoring and Evaluation Plan

Tracking PRADD II progress on gender was important as well. In the monitoring and evaluation plan, all indicators related to gender had sub-indicators to provide certain benchmarks that could be meaningfully assessed against objectives. In addition to having gender-specific indicators, general data were disaggregated by sex and by age of respondent. The plan also provided for analysis of the differences between the groups, and the rationale for these differences, in order to develop additional indicators necessary to capture the gender dimension as the need arose.

RESULTS

The PRADD II project sought, among other things, to help artisanal mining communities strengthen their tenure security and diversify their livelihoods so they would not be as threatened by the risks associated

³⁸ At this point in the project delivery, funding limitations limited the involvement of the USAID gender specialist. The specialist, from this point forward, provided oversight on strategies and evaluation from a distance.

with mining. The results below show some achievements regarding gender equity related to the project goals.

Income

The income of women's groups involved in the project improved. Groups earned income from the sale of their agricultural harvest and, in some instances, reinvested part of these earnings into other productive assets (such as cows, maize mills, and others). These changes in income and assets were visible to other community members. According to the deputy project coordinator, the idea of the PRADD II project was to move the mindset of women from being only housewives to also participating in business and bringing the two functions together. This was achieved without physical support or a cash stipend but through training, counseling, and technical support to the women's groups. In one group in Tortiya, the Women's Group Coordinator relayed that "the individual savings of women stood at 1 million CFA Francs (\$2,000 USD)". Women generated the income from being involved in diverse production activities.

Other women's groups set up small credit schemes in their villages, such as the group in Séguéla Village, lending money among themselves or to men. These groups helped women make small investments or pay for needed items that were otherwise unaffordable. This lending also raised the profile of the groups within the community. For example, the Village Chief in Séguéla applied to the women's group credit scheme for a loan but did not meet the requirements. His application was rejected and the community's reaction to the rejection was to support the women asserting themselves and insist that he meet the requirements before a loan could be approved. Even though the Chief was bitter about the non-approval of his loan, in an interview he later said he understood that he did not meet all the requirements. He thought his position would be sufficient to secure the loan, but the boldness of the women in refusing to advance the loan surprised him.

Assets

There was a significant increase in the assets of women's groups. During the focus group discussions, women confessed to having accumulated assets faster collectively in their groups than they would have individually, in ways that were more easily accepted by the community. In their own words, "we now have cassava plantations as a group, it is now three acres and we would like to expand it to 20 acres...we accessed land by making a request to the chief and negotiated for expansion, we also worked through our husbands to make sure the chief accepts our request for land. They (men) know that part of our profits gets used by the village, so they have to allow us to access the land".

Some women were able to work through their groups to obtain more land to use for farming. In Tortiya, for example, a women's group stated that it did not need to justify to the chief why they needed his support to access land; the chief could see that the women needed more land because the project was supporting women in agriculture. He subsequently allocated it to them. The result was a memorandum of understanding (MOU) signed by the village chief, women, and project. The MOU duration and terms stand as long as land was used for the purpose it was secured for—farming. Thus, through the project's activities, women were able to gain access to and use of more land for farming than they would otherwise have been entitled. While access and use of the land was conditional (continued use for purpose), it still shows a step forward for women who typically experience constraints in accessing additional land.

Increased assets also appeared to lead to greater standing in the community. In Séguéla, the community generally values people who can contribute to the community's needs. Participants in local projects generally had a greater say in the community meetings and decision making. When women gained economic assets because of the project, this improved their contribution to community projects, and thus

their standing in the community. In Tortiya, a women's group purchased classroom furniture (desks and chairs) when the only primary school in the community was renovated under a local government grant that did not provide for classroom furnishings. Observers reported that, because women were working and earning incomes in groups, their husbands—or other men—appeared to be less threatened by the decisions made for using that group income.

Financial Independence

According to the program evaluation, the majority of female beneficiaries of the PRADD II project reported that they are more financially independent because of their involvement in project activities. Indeed, gender analysis undertaken for project monitoring shows evidence that livelihood activities provided significant financial independence to women, giving them confidence and credibility to participate in important community matters, especially in meetings. In focus group discussions women noted this change saying, “we can confidently say that we now have greater financial independence”. At the individual level, some beneficiaries reported that they felt more individual independence. They said, “we feel it and we live it” and “our husbands feel it,” as they increased their contributions to family expenditures and welfare.

Improved Self-Worth and Community Recognition

As the number of women involved in the PRADD II project increased, their views of their self-worth also improved, according to the PRADD II project Livelihoods Advisor. This advisor reported that women found themselves as leaders of their successful women's group and their contributions to the community were more likely to be recognized. As the presence of groups placed women in governance roles or spaces, their participation numbers increased. According to the Gender Focal Person of PRADD II, evidence to this change is seen in a number of ways. For example, women were invited to previously exclusive men's meetings. Their invitation and presence were normalized compared to when women would not be represented at all, or would be represented by a token woman, such as the wife of the chief (or land chief) or the oldest woman in the community (who would typically sit silently through the meeting or training). As a consequence, it became easier for women to negotiate with men on community and household issues as the project progressed.

The slight shift in power relations at the household level was pointed out by women during focus group discussions. They said, “it moved men from a point of issuing us orders to recognizing the need to negotiate”. This is probably attributable to increasing recognition that women were making a significant contribution to the household. Changes in interpersonal relationships between spouses in a household was also reported. In the men's focus group in Tortiya a participant remarked, “our women are good and firm, but since this project came, they are proud to be at the front and they are progressive! It is our duty to consider women in this mining business as it resumes. Previously they did not work in the mines, as part of the business arrangements, but there is no need for us to exclude them now, especially after this project we know what value they can contribute”.

Acceptance of Changing Roles for Women

According to focus group discussions, participants reported that there was increased acceptance of women in different or varied roles in the community. In the men's discussion group, some participants pointed out that, as a mining community, they had previously recognized the contributions of women, but not in the same way after the changes that took place during the project. Some participants acknowledged a significant change amongst the women, who had depended solely on the men for welfare and subsistence before the project started. “This situation of a man being the sole provider has now changed and men also now accept that women do have incomes and can be independent on a number of

things,” the Chief in Tortiya observed. He further asserted that, “they (men) accept that the support to the household is now shared and they do not have to input as much as they used to into household welfare”. He said men called it a “nice surprise on shared expenses”. The acceptance of women as income earners is now consolidated in the community, and “you can no longer pretend or say you cannot see what they contribute after this project”.

Women’s Voice on Land Matters

Project representatives reported that PRADD II’s support of women’s farming activities addressed both the economic needs of mining households and their participation in the decision-making process on the land they farmed. Livelihood activities with women’s groups were reported to be pivotal in increasing women’s role in land discussions and in resolving certain land conflicts, while also building trust between conflicting parties. For example, the project supported the drafting of collaboration agreements between the women’s groups and village land managers (village chief, land chief, or the mayor for urban Tortiya) with a clear provision that the land allocated for women’s farming activities could not be taken back or reallocated for other purposes as long as they used it for agriculture. This created an important tool for both women’s access to land and improved tenure security. In Tortiya, women actively contributed in the assessments for land use planning. Women actively participated in the local awareness campaign on land demarcation in Séguéla.

Business Skills

The local government chiefs in both Tortiya and Séguéla were reported to credit the project with improving the business and financial skills of women, to the extent that there was reduced dependency on men by women in commercial transactions both in the local markets and with middlemen who sought agricultural products at the source (in the women’s gardens). The men’s focus group discussion in Foroka (within Séguéla) confirmed this change and attributed it to the financial training provided by the project, resulting in better engagement with the food markets where women sell their products. Increased financial literacy on how to conduct and maintain a village savings and loans scheme without the men in management was reported: the project taught participants why savings is an important practice for woman and that the amassed funds could then be used by the group. Women affirmed this result in the focus group discussion by saying, “as women we now know how to engage the market and sell our products and open bank accounts, and we also feel that we have the purchasing power and confidence to go to the market and do what we want to do. We have knowledge of how to trade in a profitable manner”. The focus group participants also were reported to have pointed out that the PRADD II project “turned us into long-term planners as women for our families and our children”. “The level of understanding amongst women and knowledge is higher now and has facilitated cohesion amongst us in the communities as a gender group,” a women leader in Tortiya said.

SUCCESS FACTORS

A number of factors appear to account for successful integration and mainstreaming of gender in this project. They include:

Holistic Approach to Women’s Issues

The majority of activities directed to women’s groups had nothing to do with diamond mining, which is an activity mainly conducted by men. The project worked to link the gender actions broadly to the livelihood needs of families and communities. The approach was not to directly target socially-generated gender perspectives in the communities. The overall project design had a diversified approach that looked

beyond mining and brought together elements of livelihood diversification, agriculture, and financial literacy.

Working with Women's Groups

The project chose to emphasize and work with women's groups, in combination with other gender activities. There was a specific strategy to include women, and forming business-oriented groups (associations) was a requirement for their inclusion. The formation of groups permitted to the participants to benefit from the strength of a collective that flourished from the strength of each individual's effort. The project emphasized the development of women's economic capabilities because the project staff knew the community valued people who contribute to household and community welfare. The successful activities of the women's groups helped to improve both their incomes and their status in the community.

Focus on Women

Women were empowered for the benefit it brought to them as well as to their households. The diversification brought by women's investments and enterprises offset the risks of diamond mining (mostly undertaken by the men).

Non-Confrontation and Buy-In

Another success factor appears to be the non-confrontational approach used by the project, which intentionally did not target long-entrenched social perspectives on the status of women. As women were successful in their group ventures, it created a corresponding family and community "buy-in" that was unrelated to customary inequality and a desire to combat it. The example in Séguéla, where women negotiated with the land chief to access land for agriculture, demonstrates a significant customary social change in women's land access and security. The negotiated MOU was the first such land document in the community that granted land to women. In engaging the chief, the project did not persuade the chief by using women's equality of access or empowerment as justification, so as not to destabilize the community norms. This guaranteed the result of women having access to land and, therefore, their participation in the project. Then, community viewpoints changed upon seeing the work that women are doing. This approach reduced the risks as it did not threaten any existing established norms or cultural practices. Once the risk was removed, the chances of success are higher. The project stressed the gains and values to be shared as an incentive for both men and women. The major point was convincing men that additional income to the household was a useful outcome for both themselves and the women. The Land Chief still felt it was his decision, but didn't feel his authority was challenged. Rather, he was persuaded by the advantages of the project.

Staff Capacity and Teamwork

The training provided to staff, along with the project team's guidance on mainstreaming, led to the staff having the ability to develop specific, contextualized actions to address gender. The training seemed to be sufficient for project staff to have basic skills in identifying, responding to, and referring to the project team challenges they experienced during monthly monitoring and reporting meetings. This provided space for the project team to jointly develop and discuss possible solutions to those challenges. This process resulted in a gender integration manual being developed, and a number of differentiated trainings were carried out at the two sites; aimed at making sure no harm was done and that women, in fact, experienced benefits as direct project outcomes.

Project staff also stated they largely worked as a team when dealing with gender, sharing information and collaborating on developing women-focused measures and responses. The team worked collaboratively to involve stakeholders in each project component to identify the main questions or issues the project

should address to achieve the desired result (i.e. avoiding increasing discrimination or inequality). At the end of each quarter, the team reviewed the questions to see what had been achieved and to set the targets for the next quarter. For example, knowing that the land issue was male dominated, the question was what measures would be needed to ensure that women participate in the village land committee.

Designating a Project Gender Focal Person

Even though USAID provided the services of a Gender Specialist at certain points during the project, her participation was limited by funding and travel restrictions caused by the Ebola virus. To fill this gap and to provide needed gender-related continuity, the project assigned a local staff member to the role of Gender Focal Person. This staffing decision seemed to provide needed continuity on gender issues over the life of the project. The focal person was in charge of ensuring the different groups and the program activities maintained a focus on inclusivity, monitoring for compliance, and other duties she held on the project. Selecting a focal point to lead on gender helped create and promote a uniform understanding of what needed to be done by all staff to advance the gender strategy and activities.

Continuous Internal Project Monitoring

The internal project monitoring for gender outcomes appeared to help institutionalize a focus on women. Monthly completion by staff of the gender monitoring forms and an explanation of results to teammates seemed to create a pattern of accountability on gender issues and targets. As issues were identified, their resolution was routinely discussed. The identification of outstanding issues during monitoring also pointed to areas where the team could improve capacity building. The routine monitoring also seemed to prompt closer supervision of the women's groups (as a means of obtaining information), which deepened the engagement and created some pressure to persevere.

Including Men

The positive outcomes related to women appeared to be facilitated by the fact that men were included in discussions, sensitization, and implementation of activities. A number of things were done to gain support from men in the communities. Among these was training, where the approach to engaging with women was modified to begin with convening men and securing their buy-in and letting them know in advance the project would target women in their community. Their support and approval were sought after an explanation of the intent and purposes of the gender-focused activities.

Securing this buy-in was reported to have made for easier negotiations on improving terms and conditions for the participation of women. For example, it was reported that persuading the Village Chief to allocate land for the women's agricultural group was easier because he had been sensitized to the project's gender approach and objectives. It was also reported that, later in project, the chief supported the women's land rights when some of the men protested that they felt disempowered because women were providing more income within the households.

However, it was also reported that, even though community opinions on women changed, many customary perspectives on women and their household and community roles persevered. While women gained some access to land, the rights gained were less than those available to men. Women's land use rights were extended and continued to be recognized, but they remain such only with authorization from men and the village chiefs. At the same time, a final example might also illustrate how community norms have shifted. At one point, a chief attempted to retract a use right that had been granted to a women's group, but his challenge was deflected on the strength of the MOU that had been negotiated during the project.