



THE PRESIDENCY



Nigeria
Extractive
Industries
Transparency
Initiative

A FRAMEWORK FOR GENDER REPORTING AND INCLUSION IN THE EXTRACTIVE INDUSTRY

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EXECUTIVE SUMMARY

Under the NEITI Act, Nigeria EITI is “charged with the responsibility to develop a framework for transparency and accountability in the disclosure and reporting, by all extractive industry entities (industry and government), about the policies, programmes and activities in the country's extractive sector. In furtherance of this objective, NEITI commissioned a study, with the support of Ford Foundation, to develop a framework for gender reporting in Nigeria. The project is in response to new global (EITI) requirements on gender reporting as well as the country's national priorities reflected in NEITI's new strategic plan.

Background

Reports of studies carried out by NEITI and other institutions indicate that mining activities have a disproportionately negative impact on women in terms of incidence of cost and access to benefits. These impacts are exacerbated by existing social, economic and structural conditions that make women vulnerable to negative outcomes. The disadvantages are manifested in the limited participation of women in extractive operations and exclusion from decision-making.

In response to the state of gender exclusion in the extractive sector, the Extractive Industries Transparency Initiative revised its global standards to include provisions for reporting gender impact of extractive industry activities. Following the publication of these disclosure requirements, the Nigeria EITI commenced disclosure of gender inclusion data in the 2018 industry report which was published in 2020. Most significantly, the reports have so far shown the gender composition of extractive industry employment and the level of 'participation' of men, women and people living with disabilities. While this disclosure demonstrates progress towards implementation and meeting the objectives of EITI gender policy, it does not cover the spectrum of EITI expected reporting on gender. Following three cycles of disclosure of gender employment data, the National Stakeholders' Working Group (NSWG) embarked on the development of a framework to define the scope of implementation of

national and global EITI implementation policy. This framework spells out the specific and general recommendations on gender inclusion requirements inclusive of, but not limited to disclosure of data. It will identify the institutional framework for promoting gender equity including laws, actors and policies on gender in Nigeria, in addition to relevant global context; it identifies current gender disclosure practices in extractive and related sector. It also assessed the gaps in current practices relative to the standard.

Project Objectives

The overall objective of the project is to deepen knowledge, understanding and partnership in reporting gender inclusion and impacts in the extractive industry, in line with EITI implementation in Nigeria.

The specific objectives of the assignment are to:

- Produce a report which will define and guide NEITI's programmes and activities regarding gender inclusion and gender reporting in Nigeria's extractive industry.
- Establish the scope of information to be published under the extractive industry reporting and the most suitable approach for publishing and generating public debate and required policy interventions.
- Consider options for integrating disclosures in government systems and company portals.
- Identify and secure the participation of institutions and stakeholders with statutory EITI and national mandate to produce, disclose and publish gender information in Nigeria.

Methodology

In developing this framework, the project team carried out desk research and review of the Nigeria EITI's mandate in line with the NEITI Act and the EITI standard – the EITI requirements on gender inclusion and reporting, EITI guidance notes – and reports that have been produced by NEITI's National Stakeholder Working Group (NSGW) and the EITI, laws, regulations and guidelines in the extractive sector and on gender to identify the scope of gender reporting and inclusion requirements, existing

global reporting frameworks on the subject, previous research work on gender inclusion reporting. The project team conducted physical engagements with relevant institutions, industry operators and experts in the extractive and gender sectors, relevant civil society and media.

EITI Standard's Gender Reporting Requirements

The 2019 EITI Standard requires that implementing countries should publish gender-disaggregated data on employment in the extractive industry. The Standard also encourages implementing countries to, through the Multistakeholder Group (MSG), take steps to ensure gender inclusion and to show progress towards gender parity. The EITI requirements on gender therefore include reporting and inclusion parameters.

Summary of EITI Gender Reporting and Inclusion Requirements

- Section 1 provides guidance on promoting women's representation and meaningful participation in MSGs, in accordance (Requirement 1.4.)
- Section 2 covers employment data disaggregated by gender, in accordance (Requirement 6.3.)
- Section 3 provides guidance on the type of inclusive outreach and dissemination activities to better adapt to the needs of different genders and groups, in accordance (Requirement 7.1.)
- Section 4 provides guidance on documenting progress on gender or inclusiveness-related activities in EITI implementation, in accordance (Requirement 7.4.)
- The final section “Going further” looks at gender as a cross-cutting issue that affects EITI implementation more broadly, and outlines gender-related linkages to other EITI requirements. It highlights opportunities for MSGs to ensure that EITI implementation is gender-responsive and to better understand how stakeholders interact with EITI data.

Gender reporting policy and practice in Nigeria

The findings of the study showed that there is inadequate provision of gender inclusion provisions in the extractive sector legal and regulatory

framework. The following relevant regulations governing the extractive industry have little or no provisions on gender reporting or even gender inclusion in extractive industry policies and programmes.

1. The Mining Act (2007)
2. Mining Regulations (2011)
3. Petroleum Industry Act (PIA)
4. Petroleum upstream regulations
5. Petroleum midstream and downstream regulations.

Gender reporting practice in Nigeria's extractive industry

Nigeria EITI reporting

- NEITI has collected and published data on gender disaggregated employment in the extractive industry for three Years (2018-2020).
- The data shows that women account for less than 20% of employment in the extractive industry.

Proposed Gender Reporting and Inclusion Framework for the Extractive Industry

The proposed framework (Appendix III) identifies gender equity as the ultimate goal of Nigeria EITI's gender reporting. The framework therefore developed metrics for reporting progress towards gender equity by developing indicators for the following parameters.

1. Gender inclusion
2. Gender representation
3. Gender participation
4. Gender influence

These indicators are used to assess performance in areas including MSG governance, stakeholder engagement, workplan development, progress reporting etc.



CHAPTER ONE: INTRODUCTION



1.1 Background

The exploitation of mineral resources is having both positive and negative impacts for people in resource-endowed jurisdictions. For some communities, the cost of resource extraction can become disproportionately more severe due to social, economic and structural conditions that make them vulnerable to the outcomes. In almost all cases, these groups also derive little or no benefit from the extraction of minerals. Mining or mineral extraction tends to be carried out in localities with existing social and economic disadvantages. These disadvantages can become reinforced by the impacts of resource extraction, and in turn exacerbate social exclusion in the communities. In most mining communities in Nigeria, women and other vulnerable groups bear significant hardships caused by the negative impacts of mining activities. The disadvantage is worsened by limited participation of women in extractive industry operations or lack of “meaningful participation” in the extractive industry.

Despite the obvious lack of equity in the distribution of the costs and benefits of extractive industry activities among gender and social groups, there is little data to measure the extent of inequity in a way that would inform appropriate policy response to the problem.

In 2019, the Extractive Industries Transparency Initiative (EITI) revised its global standards to include requirements to report gender inclusion and participation parameters. These gender reporting standards are embedded in broader disclosure requirements on Multi-Stakeholder Group

¹Martha Macynntyre (2011). Modernity, Gender and Mining: Experiences from Papua New Guinea. In K. Lahiri-Dutt (Ed.), *Gendering the Field: Towards Sustainable Livelihoods for Mining Communities* (Vol. 6, pp. 21–32). ANU Press.

<http://www.jstor.org/stable/j.ctt24h9g4.8>

(MSG) participation, social and economic contribution of the extractive industry and outcomes and impact of extractive industry activities. The specific provisions of these requirements on gender, to be discussed in more detail in this framework, gives a clearer picture of the information that the 'new' EITI Standard seeks to generate.

In response to these disclosure requirements, the Nigeria EITI commenced disclosure of gender inclusion data in industry report which was published in 2020. Most significantly, the reports have so far shown the gender composition of extractive industry employment and the level of 'participation' of men, women and people living with disabilities. While this disclosure demonstrates progress towards implementation and meeting the objectives of EITI gender policy, it does not cover the spectrum of EITI expected reporting on gender.

Following three cycles of disclosure of gender employment data, the National Stakeholders' Working Group (NSWG) conceived a framework to define the scope of implementation of national and global EITI implementation policy. This framework will spell out the specific and general recommendations on gender inclusion requirements inclusive of, but not limited to disclosure of data. It will identify the institutional framework for promoting gender equity including laws, actors and policies on gender in Nigeria, in addition to relevant global context; it will identify current gender disclosure practices in extractive and related sector; it will assess the gaps in current practices relative to the standard.

In fulfilment of its core objective, this framework will lay out the activities, processes and responsibility for implementing gender reporting and gender equity in the extractive industry.

1.2 Context

In the extractive industry, as in other social, political and economic sectors, gender inclusion discussions arise as a result of considerable disparity between men and women's access to opportunities and resources of society. Data available on gender (in)equality indicate wide gaps in men and women opportunities across different spheres.

Globally, men's participation in the labour force outnumbers women's by a factor of three to two, even though women carry out 200% more unpaid care and domestic work, hence they are 25% more likely to live in poverty than men; more than twice as many women as men are not in education; less than half of women use the internet compared to more than half of men. On the political sphere, despite women parliamentarians more than doubling over the past 25 years, they still occupy just 25% of seats, while only a fifth of women are ministers. Inevitably, the disadvantage in education and access to digital technology further compounds the employment and economic exclusion problem. Inadequate political representation means inadequate laws against gender violence and poor enforcement of the few that have been promulgated. Sexual and physical violence alone affected about 245 million women in the last 12 months.

The statistics above define a global problem and include data from developed countries. The conditions in Sub-Saharan Africa are inevitably more serious.

In the extractive industry, women face barriers to inclusion, most of which mirror global gender inequality conditions, or are enabled by them. Women in mining environments face multiple challenges which range from issues of inclusiveness to that of inequitable distribution of costs and benefits arising from extractive industry activities. The specific gender inclusiveness and gender impact issues in the extractive industry are discussed in Chapter two of the framework.

² <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/417/93/PDF/N1941793.pdf?OpenElement>

³ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/186/22/PDF/N2118622.pdf?OpenElement>

1.3 Approach And Methodology

In developing this framework, the following methodology was adopted





CHAPTER TWO: CONCEPTUAL FRAMEWORK



2.1 Gender Participation, Inclusion and Equity

The elements of gender equity are conventionally expressed in the concepts of gender inclusion, participation, empowerment and influence. Other concepts like gender responsiveness, gender sensitivity and gender neutrality are all indices that define gender equity. While these concepts (or terminologies) are not necessarily mutually exclusive, they are employed in this framework to outline (hierarchical) levels of, and hence assess progress towards gender equity in the extractive industry. These equity indices are useful in this framework to define the characteristics of each EITI requirement and assess progress towards gender-equity. These parameters will also help formulate a theory of change that would facilitate a plan for implementing gender equity in the extractive industry.

2.1.1 Gender participation and equity

Gender inclusion refers to the presence of women in positions of employment or appointment. Gender equity on the other hand refers to an end state that indicate existence of policies and implementation that advance women's interests. This definition implies that gender inclusion, in the context of EITI is easily measured by counting the number of women engaged in work in the extractive industry. Equity measures entails more than numbers and require actions of a longer timeframe to enhance sustainability or institutionalization of current gender inclusion actions.

⁴ Nazneen, S., & Sifaki, E. (2019). Negotiating gender equity in the global south. Routledge.
<https://www.routledge.com/Negotiating-Gender-Equity-in-the-Global-South-Open-Access-The-Politics/Nazneen-Hickey-Sifaki/p/book/9780815372356>

2.2 Parameters for assessing gender inclusion in Nigeria's extractive industry

The EITI's standard on promoting gender equality in extractive industry governance and outcomes include several specific requirements as well as general recommendations for mainstreaming gender in the entire EITI process. However, the agenda for gender inclusion can be summarized into the key operational concepts of representation, participation, influence and impact. Beyond the conceptual characteristics that these notions carry in the development literature, their operational deployment in the EITI standard provides the instruments for quantifying and qualifying actual “progress towards gender parity” in the extractive industry. Hence the metric that have been selected for each inclusion parameter is guided by the related requirement of the standard.

2.2.1 Inclusion

Gender inclusion describes all the consideration given to ensure that EITI processes are conducted in a manner that accommodates the interests, views, concerns and needs of women and other groups. Consequently, a gender-inclusive extractive industry would be manifested in the content of policies and decisions of the extractive industry governance process as well as the outcomes and impact of those process. In practice, gender-inclusion in the industry would manifest in what is termed in this framework as the inclusion value chain, starting with inclusive consultations and decision-making; resulting in contents of decisions and policies that guarantee equal access to assets and benefits of the industry; and culminating in extractive benefits that are equitably enjoyed by all irrespective of gender, or costs that do not exacerbated the conditions of women and other vulnerable groups. In the context of extractive sector governance, the concept of gender inclusion is applicable to decision making, information dissemination and outreach activities, enjoyment of benefits from extractive assets and resources, and other dimensions of EITI processes and activities.

2.2.2 Representation

Gender representation is the position or 'quota' occupied by women or other vulnerable groups on multi stakeholder groups in extractive industry governance or operational systems, which guarantees the groups' visible physical presence on such platforms. Representation implies the presence of women relative to other gender on these platforms. Representation would be expressible in the quantitative composition of institutions like the NSWG, administrative organs of CBOs and CSOs and any other ad hoc committees set up for the purpose of extractive industry governance.

However, for conversational purposes, views of stakeholders' constituencies can be 'represented' in EITI processes, like the views of women or PLWDs being represented in MSG decisions as a collective rather than counting the number of individuals providing such view or positions.

2.2.3 Participation

EITI guidance on participation suggest that participation of stakeholder constituencies can be established by “counting numbers” of participants in the conduct of EITI processes. In this context, therefore, determining gender participation in EITI processes can be established by quantitative results or measures. Again, as in reference to 'representation', views and preferences can be represented in EITI processes without reference to quantity, or number of views weighing on the final decision. This distinction derives from EITI's distinction between participation (counting numbers) and meaningful participation which describes “women's ability to exercise voice, engage leadership and influence decision-making”.

2.2.4 Influence

The level of influence exercised by women in extractive industry policies and governance is indicated by the extent to which their views, expressed through advocacy or articulation, shape decisions in the extractive industry governance process. This outcome would be the evidence or product of meaningful participation by women and other disadvantaged groups' participation in the EITI process.

2.3 Defining the inclusion agenda as a hierarchy of parameters

The inclusion indices adopted in this framework also suggest a hierarchy of performance objectives that indicate higher and lower levels (or inferior or superior) states of gender inclusion. This conclusion is supported by EITI's (and related) literature on gender equity (or inclusion). Oxfam, acknowledged by EITI guidance on its gender requirements, defines “meaningful participation” as “ability to exercise voice, engage in leadership and influence decisions”. This clarification explicitly suggests a distinction with 'mere' participation which, according to Oxfam, goes “beyond counting women”. In the context of the comparison (between participation and meaningful participation), the defined characteristics (of meaningful participation above) are consistent with “influence”, which defines a higher objective of gender inclusion than “participation”. This hierarchy is also mirrored in the body of literature on quality of representation, which distinguishes “descriptive representation” – women in political positions – from “substantive representation”, which is the ability of women in political institutions to influence “institutions and policies that help shape gender policy outcomes”.

In general, this framework summarise the gender inclusion framework as a set of action points beginning from gender representation in extractive organisations and governance institutions measurable by quantitative gender quotas. It progresses to participation, which denote presence of women at events or in extractive industry governance processes. For the purpose of this framework, the ability of women's representatives to “exercise voice” is captured as an index of participation. This is a slight modification of the EITI/Oxfam conception which prescribes voice as an index of meaningful participation. This approach is taken to facilitate more accurate assessment, in future, of tangible progress towards gender inclusion. For the purpose of this measurement, the subordination of the

⁵ https://eiti.org/sites/default/files/2022-06/EN%20GN_Gender.pdf

⁶ See Nazneen, Hickey & Sifaki (2019). Negotiating Gender Equity in the Global South: The Politics of Domestic Violence Policy.

element of voice to the concept and objective of meaningful participation helps to expose existing barriers to women's ability to influence decisions in extractive governance. This is very useful for calling out governance systems that operate on ostensibly democratic but manifestly inequitable principle that ensure that the majority would mostly have their way even though the minority have been guaranteed a say (voice). Finally, the framework recognizes influence as “influence” as the prime objective of EITI gender inclusion policy.

2.4 Interpretation

Although this framework is projected as a hierarchy of inclusion indices, the inclusion results chain manifests as a cycle of continuous, interdependent outcomes. For instance, achieving gender-balanced influence on extractive sector decisions and policies should lead, among other outcomes, to increased women representation, participation or even influence in the sector. For the purpose of performance evaluation, inclusiveness would be assessed on each of the three parameters (representation, participation and influence) is only recommended on an episodic, short-term (annual) basis. However, the same indices would measure inclusion when presented as composite or trend data over time.

2.5 Equity, Equality and Gender Mainstreaming

The concepts of equity, equality and mainstreaming of gender in general, and in the extractive industry in particular, are presented as the ultimate goals of gender inclusion. However, within the context of framework and to set the tone for future conversation, there is need to clarify these concepts and briefly outline the implications they have for future policy and action in the extractive industry.

2.5.1 Gender Equity

Equity in gender discussion adopts the notion of “justice” and “fairness” in the treatment of women (and men) especially as it relates to the distribution of costs and benefits among the different genders and groups.

2.5.2 Gender Equality

Equality entails giving the same consideration to women and men in the exercise of responsibilities and access to resources of society. Discussions of gender equality typically stress that the concept does not entail that men and women are equal, but that both genders are entitled to the same opportunities in making decisions such as assigning of positions, roles and responsibilities to individuals. This understanding of equality extends similar considerations beyond gender to other vulnerable groups.

2.6 Equality and equity as instruments for mainstreaming gender

Equity and equality are commonly used to express the ultimate goal of gender inclusion policies and actions. However, recent conceptual discussion on the subject try to distinguish the concepts in terms of their essence and objectives in order to set the proper agenda for gendered intervention. This framework finds this clarification useful for the purpose of defining goals and designing instruments to achieve the goal.

The majority of development literature appear to favor the concept of “equality” as the desired end goal of gender inclusion policies and activities, in preference to gender “equity” which is seen as vulnerable to interpretation within cultures, customs and tradition, which may not be favorable to women. However, this framework takes the view that both concepts are relevant and useful for defining gender inclusiveness goal in the extractive industry, and the actions that are required to facilitate progress towards this goal. This framework adopts the most common definition of gender equality as the equality of “rights, opportunities and responsibilities”.

It should however be noted that applying gender equality criteria (treating women and men impartially) cannot advance the equality objective if women are already engaging from a position of severe disadvantage. In which case being 'indifferent' to the differences in predispositions of

⁷ <https://eige.europa.eu/thesaurus/terms/1175>

⁸ <https://eige.europa.eu/gender-mainstreaming/concepts-and-definitions#:~:text=Gender%20refers%20to%20the%20social,women%20and%20those%20between%20men.>

women and men only serves to preserve existing structural disadvantages for women that make aspirations of equality unattainable in the short or long run. Structural disadvantages place a limit on the outcomes that are attainable even when equality considerations are applied to the treatment of women and men. This conclusion is evident in the literature and was very loud in the contributions by EITI stakeholders during the consultations for the development of this framework.

The conclusion here is therefore that targeting equality is a valid approach as a long-term goal, but should be applied selectively as an operational tool for promoting gender equality. In the short term, equity instruments are more effective as tools for remedying historical disadvantages that impede gender parity or progress toward equality.

⁹ See for instance <https://www.un.org/womenwatch/osagi/pdf/factsheet2.pdf>

¹⁰ See Martha Macintyre (2011). In "Gendering the Field: Towards Sustainable Livelihoods for Mining Communities. 2011: ANU Press.

CHAPTER THREE:
**GENDER ISSUES IN
THE EXTRACTIVE INDUSTRY**

3.1 The State of Gender Inclusion in the EI

The subjects of gender inclusion in extractive sector governance and the distribution of costs and benefits of extractive activities among social groups characterize the discussions on gender in the extractive sector. These issues are discussed in this framework under the dimensions of inclusion and impact. Gender inclusion in the extractive industry remains a subject of discussion and advocacy among academics, development practitioners, policymakers, and extractive industry stakeholders. A sampling of the contestations and engagements on gender in the sector raises legitimate questions about the state of inclusiveness in the sector. Data on the subject show that participation in mining operations in Nigeria is “generally gendered”, as women in mining communities largely assume traditional roles of carrying out domestic chores, mainly childcare and housekeeping. Correspondingly, men dominate the mining workforce in a way that indicates that mining reinforces “patriarchy and the subordination of women.”

Where women engage in 'productive work' outside the home, their activities are confined to “food vending” to the mining workers.

3.1.2 Exclusion from Decision-Making

Most significant is the conclusion that “women are excluded from the discussions and decision-making”. For these communities where mining dominates economic and even social life, the issues and the condition therefore transcend the extractive sector. Demands to mining companies

⁹ See “Impact of Mining on Women, Youth, and Others in Selected Communities in Nigeria”. NEITI Occasional Paper Series, Issue 7. October 2020. <https://neiti.gov.ng/cms/wp-content/uploads/2021/08/NEITI-OPS7-Impact-of-Mining-on-Women-Youth-Others-in-Nigeria-051020.pdf>

for gender inclusion are usually made by men with little input or participation by the women who are the subject of these negotiations. Women are usually not invited or simply stay away from these meetings. The preceding conclusions reflect largely the global situation as evidenced by multiple observations. Elsewhere, traditional ideals of “femininity, maternal responsibility, and the family” conspire “to exclude women from equitable treatment in employment” in the mining sector.

3.1.3 Unequal employment conditions

While women generally face challenges of exclusion from employment opportunities in the mining industry, others who manage to gain employment face challenges of disparities in workplace conditions and opportunities. The average wage level for women in the extractive industry are typically below that of male employees. Much of this wage disparity is attributed to what has been termed “gendered occupation” which exclude women from higher-paying tasks typically performed by men. Jobs like geologists and site engineers are generally seen as men's jobs while women are more considered for clerical and administrative jobs or domestic services. Other challenges faced by working women in mining environments include repression of seniority that would place women above men and domestic violence by male spouses who perceive their wives as being 'sexually available' working in a male-dominated environment.

3.1.4 Limited participation in extractive industry management

Like the general workforce of the extractive industry, top management of extractive companies are dominated by male executives. The implication is that, due to limited number of women in extractive industry management, there is limited participation of women in the decisions about the operations of the industry. While evidence from empirical data does not

¹⁴ Ibid.

show conclusive correlation between number of women in decision-making roles and gender inclusive policies and programmes, the data on gender participation in the extractive industry shows that women exercise little influence on decisions in the extractive industry.

The disparity in economic power created by the imbalance in employment status creates dislocation in the family expressed through polygamy and prostitution engendered by the men's increased economic power.

3.1.5 Exclusion from Benefit Sharing

Women's exclusion from the benefits of extractive activities is demonstrated by the control of assets and payments made directly to communities by mining companies. Women are excluded from benefiting from compensation and royalties paid to communities and landowners by mining companies. This exclusion is facilitated by the twin disadvantages of women's non-entitlement to property rights and lack of ownership or control of bank accounts to which compensations and royalties are paid.

3.1.6 Employability and Capacity Gap

Women are unable to participate in quotas allocated by extractive companies to local communities for supply of goods and services. Mostly, they lack the capacity or means to participate in these enterprises that bestow significant economic power on individuals living in mineral-bearing communities.

3.2 Summary of state of Gender Inclusion in the Extractive Industry

The issues in the extractive sector



¹⁵ EITI: Shaping a more Inclusive Extractive Sector. <https://eiti.org/blog-post/shaping-more-gender-inclusive-extractives-sector>

CHAPTER FOUR:
**GENDER INSTITUTIONAL
FRAMEWORK**

The relevant institutional framework for gender inclusion consist laws, regulations and policies on one hand, and the organisations (ministries, departments and agencies) set up to regulate and implement gender and social inclusion. These institutions (policies and organisations) are discussed across three dimensions – sectoral, national and international – in this framework. It should be noted that the extractive sector's gender institutional framework will be discussed across local and international spheres.

4.1 National Laws, regulations and policies on gender

1. The Nigerian Amended Constitution of 1999¹⁶
 - Article 15[2] and Article 42[1](a) and (b), [2] and [3] prohibits discrimination on the basis of sex and ensure that men and women have equal access to the courts in matters of contracts, torts and all civil matters.
 - Explicit recognition of women's equal rights is contained in Articles 17[1] and [2](a) which recognise equality of rights, obligations and opportunities before the law.
 - Article 11[14] states that women shall have equal rights as men with respect to employment opportunities, choice of professions, promotions and remunerations.

¹⁶ <https://www.chamanlawfirm.com/what-are-non-justiciable-constitutional-provisions>

These provisions appear to address gender inequality in social and economic life., which could be applicable to the extractive industry. However, it should be noted that these rights are not justiciable, i.e. they are not enforceable by a court of law even when rights of citizens have been clearly violated.

4.2 The EITI Global Standard

4.2.1 Overview and Scope of the Gender Reporting Requirement

The EITI policy and broad statement of objectives on gender is set out in the Article of Association. According to the document, the organization “operates transparently and encourages diversity in terms of gender, nationality and culture”. The scope of EITI reporting requirement, according to the Standard, is summarily to promote gender-inclusive multi-stakeholder governance, facilitate gender-sensitive data disclosure, improve data accessibility and foster dialogue through outreach and dissemination activities.

4.2.2 Objectives of EITI data disclosure requirement

The EITI guidance on gender reporting enumerates these objectives for the disclosure requirements. Gender data in EITI reports is expected to show:

1. Whether EITI processes and governance structures are inclusive;
2. The extent of gender disparity in extractive sector employment, and provide insight into ways that the data may inform gender-responsive policies;
3. Whether women and marginalised groups are engaged in data dissemination programmes; and
4. The actions that implementing countries take to promote women's participation and representation in EITI implementation.

¹⁷ See: <https://eiti.org/documents/eiti-articles-association>

4.2.3 Gender requirements in the EITI Standard

The EITI requirements on gender falls broadly into three main categories:

- (i) Promotion of gender equity (inclusion and influence)
- (ii) Disclosure of information (on gender practices)
- (iii) Mainstreaming gender generally in EITI implementation

These categories are not mutually exclusive, however, they represent the broad objectives that EITI seek to achieve, and guide countries implementation towards the achievement of the objectives.

The standard encourages countries to disclose data or implement gender inclusion in the following areas of implementation:

1. The multi-stakeholder group and each constituency should consider gender balance in their representation to progress towards parity (Requirement 1.4).
2. Implementing countries must disclose information about the employment in the extractive industries in absolute terms and as a percentage of the total employment. The information should be disaggregated by gender and, when available, further disaggregated by company and occupational level (Requirement 6.3).
3. The multi-stakeholder group must ensure that government and company disclosures are comprehensible, including ensuring that it is written in a clear, accessible style and in appropriate languages and consider access challenges and information needs of different genders and subgroups of citizens (Requirement 7.1).
Also, outreach events to create awareness and facilitate dialogue should be undertaken in a socially inclusive manner.
4. The multi-stakeholder group is required to document their annual review of impact and outcomes of EITI implementation in an annual progress report showing how it has taken gender considerations and inclusiveness into account (Requirement 7.4).

In summary, these requirements encourage implementing countries to practice gender inclusion as well as disclose gender-inclusion practices in the extractive industry.

(Table 1)

EITI Requirement Objective		Requirement		
Gender Mainstreaming	Gender Inclusion		☐ 1.4 MSG should show progress towards gender parity. ☐ 7.1 (a)(iii) Design outreach activities to facilitate inclusive dialogue about extractive resource governance.	☐ Mainstream gender in EITI processes (MSGs to ensure that EITI implementation is gender-responsive and to better understand how stakeholders interact with EITI data)
		Report gender inclusion	☐ 6.3 Publish employment data disaggregated by gender.	

	Gender Reporting		☐ 7.4 Document progress on gender or inclusiveness-related activities in EITI implementation.	
			☐ 7.1 (a) (ii) Government and company disclosures should consider information needs and access challenges of different genders.	

EITI requirements for gender practices in extractive governance operate in two broad categories:

1. Gender inclusion
2. Gender reporting

The reporting requirement on gender further entails two types of activities – reporting of gender inclusion practices in the extractive industry and the reporting of extractive industry activities in a gender inclusive manner (or gendered extractive industry reporting).

4.3 Prioritizing Gender Reporting and Inclusion Objectives

In keeping with the literature on gender inclusion, this framework distinguishes the “substantive” and “descriptive” practices in the EITI requirements.

(Table 2)

	Substantive	Descriptive
Requirement 1.4 (Substantive)	Consider gender balance in MSG representation	
Requirement 6.3 (Descriptive)		Publish gender disaggregated data on industry employment
Requirement 7.1(a)ii (Descriptive)		Government and company disclosures should consider information needs and access challenges of different genders
Requirement 7.1(a)iii (Substantive)	Design outreach activities to facilitate inclusive dialogue about extractive resource governance.	
Requirement 7.4 (Descriptive)		Document and report impacts and outcomes of gender inclusive EITI implementation

While implementing countries are expected to observe the gender requirements listed in table 2, the purpose lies in actual inclusion as enunciated in EITI's guiding article, and in the guiding definition which

places greater value on meaningful participation (leadership, voice and influence) than on merely counting numbers. Hence this framework sets inclusion as the goal rather than the reporting of it i.e the disclosure of gender practices.

However, Nigeria EITI (NSWG) recognizes that this illustration is not intended to facilitate a choice or preference of one over the other. Rather, it serves here only to establish a hierarchy of objectives and to guide prioritisation, in the same vein that the EITI makes a distinction between participation (merely “counting numbers”) and meaningful participation (leadership, voice and influence). But the disclosure-inclusion hierarchy is not ordinal or linear in practice. Rather both are mutually reinforcing. Even though it is the ultimate goal, inclusion of any kind must necessarily take place first for any disclosure or reporting of it to be possible. Alternately, disclosure helps to promote inclusion by promoting debate and accountability of actors.

4.4 Contextualizing the EITI gender requirements

Read in the contexts of the respective disclosure themes as well as the guidance on the EITI standard, the expository texts outline the purpose of each requirement and provides direction on the modalities for implementation. These are discussed in the following summary of the corresponding disclosure themes and the EITI guidance notes.

i. Multi-stakeholder group, governance and oversight

The first stipulation for gender inclusion in the global standard is in the composition of the multi-stakeholder group. On the first level, representation is required across the stakeholders in the resource extraction governance framework. Across different constituencies the Standard expects that representation at this high-level group should be gender-inclusive. This stipulation fulfils the requirement for descriptive representation. Beyond numeric gender representation in the extractive sector governance institution, substantive representation is embedded in, and guaranteed by, the extensive influence that the MSG wields in the governance and oversight of the extractive sector.

ii. Social and economic impacts and outcomes

The requirement of implementing countries to disclose information about the gender composition of the employment in the extractive industry is provided in the broader context of contribution of the sector to the economy, in this case the contribution of the sector to the national employment. Read within this broader context, the section further provides opportunity to use EI gender reporting to assess the contribution of the sector to gender employment. Thirdly, the requirement is aimed at gender inclusiveness in extractive sector operations beyond the multi-stakeholder governance framework. It seeks to promote transparency in the policies and practice of inclusion in the extractive industry. Hence it helps to answer the question about the level of descriptive representation in the sector's operations.

iii. Inclusive participation in public debate

Disclosure of EITI data, in general, is aimed at enabling informed debate and demand for accountability by accountability actors. These actors are located within the civil society, media, and the public. Within the scope of this requirement,

1. Gender issues should be part of the subject matter of extractive industry reporting, dissemination and outreach activities
2. Women and vulnerable groups should be able to benefit from, as well as actively participate in, information dissemination and outreach activities on extractive industry issues.
3. Stakeholders should identify and address barriers that prevent women from active or “meaningful” participation in extractive industry governance.

Facilitating gender inclusion in dissemination and outreach activities would require stakeholders to identify appropriate messaging for women and vulnerable groups and the tools and channels that are most suitable to ensure information accessibility for gender and vulnerable groups. EITI data is also expected to facilitate gender participation in public debate and accountability, not only on gender issues but on the management of extractive resources.

iv. Gender progress reporting of impact and outcomes

The reporting of countries' progress on gender inclusion, just like the reporting of overall progress on extractive industry governance, is an omnibus requirement that seek to monitor and assess effectiveness of implementation of gender inclusion policies and programmes. This stipulation goes beyond the requirement for annual country industry reports or publication of data on gender inclusion indicators. It requires annual reporting of tangible progress towards gender equity in the extractive sector.

v. Mainstreaming gender in the EITI process

The specific requirements for implementation of gender policies and programmes in the extractive industry are contained in four subthemes, that is, four sub areas of the extractive industries global governance standard. However, the long-term objective of the global initiative is to mainstream gender in all aspects of EITI implementation. This framework will outline opportunities for mainstreaming gender across the EITI global standard as well as the national extractive governance framework.

CHAPTER FIVE: GENDER INCLUSION AND DISCLOSURE PRACTICES IN NIGERIA'S EXTRACTIVE INDUSTRY

5.0 Introduction

The inclusion and disclosure practices by Nigeria EITI is first assessed against the four requirements of the global standard. The second level of this assessment will show the output of the compliance with the specific EITI requirements. Finally, inclusiveness practices that predate, or are being carried out outside, the specific requirements of the 2019 Standard will be highlighted and assessed.

5.1 Implementation of the EITI Standard

Following the publication of the 2019 standard, NEITI commenced gender reporting in 2020 in the 2018 report. Since then, NEITI has carried out three cycles of disclosures of gender participation in the extractive industry.

(Table 3)

Requirement	Status of implementation	Comment
Consider gender balance in MSG representation	Ongoing	Within the relevant period (2019-22) women were represented in the NSWG but in the minority
Disclose gender-disaggregated extractive industry employment data	Fully implemented	The 2018-20 reports has fully disaggregated gender employment data by occupation level

A FRAMEWORK FOR GENDER REPORTING AND INCLUSION IN THE EXTRACTIVE INDUSTRY

Consider access challenges and information needs of different genders in government and company disclosures	Ongoing	The relevant industry reports were simplified with info graphics, but were not translated to braille and local dialects.
Conduct outreach events in a socially inclusive manner	Substantial implementation	Gender-based CSOs, youth groups and persons living with disabilities are routinely invited to EITI stakeholders' engagements.
Document progress on gender inclusion in Annual Progress Report	To be implemented in 2022 APR	Although there is action towards gender inclusion and gender reporting, these were not reflected in annual progress reports for past periods.



CHAPTER SIX:

PROPOSED FRAMEWORK FOR GENDER INCLUSION AND REPORTING IN THE EXTRACTIVE INDUSTRY



6.1 Facilitating gender inclusion: A Framework for Action

The global standard for gender inclusion in the extractive industry requires gender action on two dimensions. These are requirements for inclusive processes and outcomes and requirements for disclosing (publishing) data to show evidence of inclusion. The first set of requirements, like ensuring balance in Multi Stakeholder Group's representation, prescribes action on gender inclusion. This set of requirements are described in this framework as substantive action. Others, like the requirement to publish disaggregated data or reporting progress towards gender parity, are recognized here as requirements for descriptive action.

However, it is noted that this dichotomy ends only at the operational level of implementation. The substantive and descriptive requirements are functionally complementary. All actions taken by implementing countries, whether prescribed by the standard or in addition to it, would be reported either in the industry reports or progress report. Conversely, EITI requirement for disclosure of data on gender employment in the industry presupposes that substantive action would be taken towards gender balance in industry employment.

A FRAMEWORK FOR GENDER INCLUSION AND REPORTING IN THE EXTRACTIVE INDUSTRY

Assessment area (EITI disclosure theme)	Inclusion factor	Indicator	Influence factor (Ability to exercise voice, engage with leadership and influence decisions)	Indicator	Equity factor	Current disclosure/gap
Stakeholders' (government, company and civil society) Statement of commitment on gender equity in the EI	Institutional framework (policy) for gender employment/representation in NSWG and stakeholder constituencies Or Gender and diversity	Policy, legislation	Institutional framework (policy) for gender composition in positions of influence	Policy, legislation, regulation etc. on	Policy, legislation, regulation, contracts etc. on	

Inclusive NSWG						
	Policy specifying gender-inclusion in MSG	Ad hoc regulation/manual on EITI governance for use by OSGF in constitution of NSWG				
Representativeness and plurality of NSWG membership	Government and stakeholders actively practice gender balance in NSWG membership	Noticeable number of men, women and PLWDs in NSWG				

A FRAMEWORK FOR GENDER REPORTING AND INCLUSION IN THE EXTRACTIVE INDUSTRY

Extractive industry contribution to social and economic development	Gender inclusion and positive gender impact in the extractive industry	Significant and increasing	Voice (Gender inclusive decision making)		Targeted social spending by companies and entities in the EI (identify spending for gender and vulnerable groups).	
NSWG leadership			Gender based rotation of NSWG chairperson	Trend data showing periodic consideration for gender in NSWG chairperson		
Participation in Public debate (data accessibility)	Gender responsive dissemination and engagement	Number of gender responsive tools and materials developed by MSG stakeholders	Ability to shape extractive industry policy and debate	Frequency of use of EI data by women and vulnerable groups for analysis, accountability and policy advocacy	Gendered beneficiation in extractive resources	

EITI Workplan development	Workplan that reflects gender objectives	·Statement of gender objectives of the workplan	Gender-Inclusive ownership of country workplan	·Gender organisations consulted for inputs in the workplan Activities and programs proposed and adopted by gender		

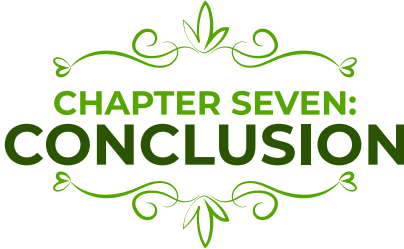
				groups in the workplan		
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PROPOSED FRAMEWORK FOR GENDER INCLUSION AND REPORTING IN THE EXTRACTIVE INDUSTRY

Contracts disclosure						
Revenue allocation					Government revenue allocation/exp enditure on gender and vulnerable groups	
Progress reporting		Provide data, in Annual Progress Report, that indicate		Initiatives and actions to promote inclusive decision-making in NSWG and EI		

A FRAMEWORK FOR GENDER REPORTING AND INCLUSION IN THE EXTRACTIVE INDUSTRY

Gender employment (Inclusion/participation)	Employment	Number and percentage of women employed	Union membership	Union membership	Average salary/earnings for men and women	
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CHAPTER SEVEN: **CONCLUSION**

While NEITI will be seeking to promote transparency through regular disclosure of inclusion practices, the ultimate goal is the pursuit of gender inclusion itself. Nigeria EITI (NSWG) recognizes that this illustration is not intended to facilitate a choice or preference of one over the other. Rather, it serves here only to establish a hierarchy of objectives, in the same vein that the EITI makes a distinction between participation (merely “counting numbers”) and meaningful participation ((leadership, voice and influence). But the disclosure-inclusion hierarchy is not linear in reality. Rather both are mutually reinforcing. Even though it is the ultimate goal, inclusion of any kind must necessarily take place first for any disclosure or reporting of it to be possible. Alternately, disclosure helps to promote inclusion by promoting debate and accountability of actors.



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