



# WOMEN'S INTERNATIONAL LEAGUE FOR **PEACE & FREEDOM**

## Case Study: Corporations, Peace, and Gender Equality

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Based on report by Annie Matundu Mbambi and Leonnie Kandolo (WILPF DRC)

### Overview

Today, the world is entering an era in which the most powerful law is not that of sovereignty but that of supply and demand. Of the 100 largest economies in the world, 51 are corporations, and only 49 are countries. Corporate power can now rival or exceed state power. Meanwhile, states like the Democratic Republic of the Congo (DRC) are failing to empower their people or effectively uphold their rights. Since corporations are dedicated to making profit while states are obligated to uphold a social contract, disparities in power often create conflicts between action for profit and action for human rights and peace. This is especially the case for marginalised groups in societies, including women.

The Women's International League for Peace and Freedom (WILPF) DRC has taken action for revolutionary change in social and economic justice structures in a variety of ways. It has taken a particular interest in the impact of the mining industry on women's safety and security in the DRC. In this vein, WILPF DRC has conducted a research study on women's experiences in mining sites and published a report entitled "Life at the Bottom of the Chain: Women and Artisanal Mines in the DRC" (2016) aiming at bringing to light the human rights violations related to the activities of militarised supply chains and business enterprises, their impact on women, and their relationship to the root causes of conflict in the country, showing thereby the necessity of developing a legally binding national legal framework to prevent such violations.

### Challenges

The case of mining in the DRC is well-known because of the link between mining and the armed conflict afflicting the country. Artisanal mines are located around the mining sites in many provinces in the DRC and are operated by mining corporations from other countries. These corporations mine "conflict minerals", such as wolframite and cobalt. The production of these minerals clearly prioritises systems of monetary profit over citizens' human rights, as well as women's rights, and governmental accountability. Isolated from populated



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areas, people working in the mines settle in camps where there is no rule of law and “the law of the jungle prevails”. An increasing number of women, girls, and boys live in these camps and work at the mining sites throughout all stages of the operating process. The living conditions of these camps are inhumane and the human rights violations are extensive. There is no safe access to water, food, education, and health, including sexual and reproductive health. Women often engage in the most toxic job at the mining sites: “droumage” - crushing, sorting, washing, processing, and/or selling minerals.

Even though international human rights law establishes an obligation for all states to prevent, investigate, and punish human rights violations committed by state officials or private sector actors inside or outside borders of individual states, the power relations, as well as the resistance of the corporate lobby, negatively affect the development of a strong legal framework and strict monitoring mechanisms to fulfill these obligations.

Women who work in the mines, therefore, face overwhelming obstacles to claim their rights and achieve concrete changes in the legal and economic systems governing this activity. It is clear that there is an imbalance of power in the DRC between corporations, the government, and the people. The experiences and wisdom of women are further ignored by the mining industry, which follows a profit-driven capitalistic approach, placing monetary profit above the wellbeing of individuals and of the planet.

What are women doing to produce change?

The rising power and extended reach of corporations in the current era of globalisation and extreme inequality, is an urgent challenge confronting women and oppressed peoples. In June 2014, the UN Human Rights Council initiated the journey to negotiate for a binding treaty. As a part of the Treaty Alliance, WILPF works to stop corporate human rights violations and shares its thoughts and research on what a feminist treaty on transnational corporations (TNCs) and other business enterprises with regards to human rights would look like.

To illustrate the reality and gravity of the situation in the DRC, WILPF conducted research in the Haut-Katanga province and produced a report that exposes the conditions that women face while working in artisanal mines. The report entitled “Life at the bottom of the chain: women in artisanal mines in the DRC” (2016) demonstrates the need for a legally binding framework to prevent such violations. In particular, the report shows how militarised supply chains and profit-oriented investments by TNCs benefit from the lack of appropriate state regulations and support human rights violations and different forms of vio-



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lence, including sexual and gender-based violence. Because the presence of private police at artisanal mines is generally not for workers' safety but for the safety of the quarry and for the site owner, mining poses substantial obstacles to realising human rights for mine workers, especially for women.

Risks of working in the mines include inadequate nutrition, illiteracy, prostitution, HIV/AIDS, underage pregnancy, and ritual rape. Children are born with deformities due to radiation exposure. Women are often paid less than men (between 50 euro cents to 9 euros per day), and they are forced to settle in conditions that are inadequate for livelihoods. People also risk forced displacement in the face of natural and human-caused disasters. A variety of environmental challenges including deforestation, pollution and the elimination of farming opportunities also increase the risks for exploitation, vulnerability, and abuse.

## Impact:

In October 2016, WILPF launched the report at the second session of the Intergovernmental Working Group (IGWG) on a legally binding instrument on transnational corporations and other business enterprises as part of its ongoing advocacy to create a binding human rights treaty for TNCs through a gender analysis.

With its research, WILPF DRC brought the voices of women working in the artisanal mining to the arena of international politics providing an opportunity for the international community to develop measures that could be taken multilaterally to improve their situation. In particular, by presenting this report to the IGWG, WILPF DRC helped moving a process of drafting a treaty for TNCs that is adapted to women's needs.

Recording and sharing experiences of these women inform decisions in the process of developing context-specific and sustainable solutions for building long-lasting peace based on human rights and gender justice. Local women have uncovered problems that challenge areas beyond women's needs and aspirations, such as the need for portable water, health centres, fertilisers, and seed centres. Having these needs fulfilled, women would be empowered to move towards a farming economy and away from the work in the mines.

## Lessons Learned:

Artisanal mines are not directly operated by the subsidiaries of large multinationals but benefit multinationals and exist with their collusion. Upholding human rights obligations in this context requires overcoming the current gap in the legal framework and building



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mechanisms to address the militarised exploitation and hold these corporations accountable.

Today, it has become necessary to establish an international legal framework in which corporations and states can operate while being required to legislate in order to ensure that human rights are observed and upheld, both within and outside their borders.

## Recommendations:

- Create a binding treaty regulating TNCs that is adapted to women's needs to stop corporate human rights violations;
- Start the application of a gender perspective in addressing the accountability of TNCs with an analysis of the social, cultural, and economic context in which the TNCs' activities are to be undertaken to understand the political economy;
- Create or strengthen a gender unit within the Ministry of Mines and equip it to work on human rights violations against women;
- Ensure that any consultation process, done as part of the due diligence requirement, is carried out with sensitivity to the needs and rights of women;
- Define the obligations of participating states, including TNCs' states of origin, to ensure that human rights are observed and that access to justice is facilitated;
- Develop detailed national action plans with an associated supervisory mechanism for monitoring the implementation.

## To learn more:

- Annie Matundu Mbambi and Léonnie Kandolo. 2016. *Life at the Bottom of the Chain: Women in Artisanal Mines in the DRC*. Women's International League for Peace and Freedom. Accessible at: [http://wilpf.org/wilpf\\_publications/life-at-the-bottom-of-the-chain-women-in-artisanal-mines-in-drc/](http://wilpf.org/wilpf_publications/life-at-the-bottom-of-the-chain-women-in-artisanal-mines-in-drc/)
- Madeleine Rees. 2016. *Gender Analysis Needs to Inform a Treaty Regulating Business Activities*. Huffington Post. Accessible at: [http://www.huffingtonpost.com/entry/gender-analysis-needs-to-inform-a-treaty-regulating\\_us\\_5809c552e4b0b1bd89fdb0b5](http://www.huffingtonpost.com/entry/gender-analysis-needs-to-inform-a-treaty-regulating_us_5809c552e4b0b1bd89fdb0b5)