STRATEGIES FOR INCORPORATING GENDER INTO SAVINGS GROUPS: CSR AND THE YANACOCHA MINE IN PERU

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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.

Background

a. Country Context

Peru is a small country in western South America. It has a diverse terrain, ranging from the western coastal plain to the Amazon jungle to the central Andean highlands. Rich in resources Peru is one of the world’s biggest producers of base and precious metals. Peru has both political and economic stability, and its economy has been growing steadily. Mining is the dominant sector of the economy with mineral commodities accounting for 60 percent of its exports.

Spanish is the dominant language, though a sizeable minority in Peru generally and in the Cajamarca region speak Quechua and Aymara. Despite Peru’s economic growth, the poverty rate remains around 30 percent and is highest in the rural areas, which are also home to the largest indigenous populations.

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.
Indigenous populations are highly concentrated in the Andean highlands, where the Yanacocha mine is located.

Since 2006, mining has been a main driver of Peru’s annual growth rate of more than 6 percent. Peru is the world’s third-largest producer of silver, zinc, copper, and tin; the fourth-largest producer of lead; and the seventh-largest producer of gold. According to the Geological Mining and Metallurgical Institute, approximately 20 percent of all land in the country is covered by subsurface mineral rights claims, according to the Geological Mining and Metallurgical Institute, and this is especially prevalent in the highlands.

Peru has the highest concentration of large mining companies in any country. Mining include large-scale operations by foreign companies and medium-scale operations by Peruvian companies. However, the increased mining activity has led to conflict and violence; there have been frequent conflicts between communities and mining companies. Local communities have worked to block many mining projects, in part out of a fear of negative environmental impacts and especially access to water, and in part from frustration that they are not seeing more tangible benefits from the mines.

b. Project

This case study looks at what can be learned from a corporate social responsibility project for mine-affected communities by an organization that was funded in part by the mining company. The evaluation took place near the end of the life cycle of the mine. The project’s focus is on creating sustainable, ongoing investment in areas affected by the mine, with the intention of benefitting the mine-affected communities beyond the life of the mine.

The project is run by the Associacion de Los Andes Cajamarca (ALAC), an organization that was formed and is partially funded by the Yanacocha mine as part of its social responsibility program. The Yanacocha mine is the largest gold mine in South America and has operated continuously since 1993. It is located in Cajamarca, Peru, in the Andean highlands. The project, Savings and Credit Unions (UNICAs), began in 2008. The project was funded by Yanacocha through ALAC and was originally implemented by an NGO Funder until ALAC took control in 2014. The project’s objective is to create an avenue for those in mine-affected communities to benefit financially.

The project targets both women and men in areas affected by the mines. It works with communities to create UNICAs (savings and loans groups), which are supported by facilitators for around three years until graduation. The facilitators work intensively with the groups from formation until graduation with trainings, visits to their meetings, and hands on support. After graduation, they are no longer formally involved with the groups. To date, 168 UNICAs have formally graduated, and 239 are working by

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6 This is not formally defined, but generally encompasses communities within the Cajamarca region. The specific parameters shifted with each iteration of the grant from Yanacocha. See below for more.

7 Populations were displaced at the start of the mining operation and are largely gone.
themselves. Although their ongoing involvement is less intensive, ALAC tracks and supports UNICAs after graduation to ensure that they are continuing successfully.

The model allows the mine to fund Corporate Social Responsibility (CSR) activities that are longer term, focused on creating sustainable development, and generally outside of the scope of the other CSR initiatives undertaken, which tend to be more short-term and focused on immediate tangible benefits like roads and schools. To be truly effective, however, the project, organization, and mining company should have incorporated gender concerns and explicitly focused on women from the beginning rather than only near the end.

c. Methodology

Site and case selection
The selection parameters were to identify a mining project in Latin America that had good or promising strategies regarding integrating gender considerations.

Methodology
The research methodology for this case study comprised of desk and field research. Desk research included a review of secondary and primary materials to inform country and case selection, research strategy, and analysis. The research team was composed of a land tenure and gender expert, who carried out the assessment in Cajamarca and Lima, with interpretation from an ALAC employee.

Field assessments took place in the communities where ALAC is implementing the project. They were conducted with 44 people who were members of five UNICAs and, in order to learn more about the linkages between the UNICAs and other projects, with members of a group from a separate ALAC project focused on alternative livelihoods. The field research took place over one and a half weeks. The primary methods for obtaining information were semi-structured, key informant interviews with ALAC and Yanacocha employees and management; focus group discussions with UNICA members, two of which were women-only and three of which were mixed groups of men and women; and semi-structured interviews with ALAC partners in Lima. See Annex One for more detail.

The research team explicitly requested that women be included, and their needs accommodated during venue and schedule selection. In order to reflect the composition of the UNICA groups, groups were both women only and mixed men and women. However, for mixed UNICA groups, women and men were interviewed separately.

Laws
Peru has a civil law legal system and is governed by its constitution and civil code. Indigenous communities and defined peasant communities have the right to follow their own customary law.

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8 To date, more than 300 UNICAs have been created. Some UNICAs have phased out of support but did not comply with some of the criteria for graduating (primarily revealing how much they have in savings).
9 Although we were cognizant of the possibility of bias inherent in using a project employee to interpret, the benefits included previously established trust between group members and the interpreter and access to groups we might otherwise not have been able to interview. Almost all interview subjects were unaware of the connection between their project and ALAC or Yanacocha, and appeared to speak freely, including sharing criticisms of both.
10 Constitution of Peru, Article 149. Customary law must still comply with the Constitution.
a. Mining Laws

The Constitution establishes the government’s obligation to promote sustainable use of natural resources and conservation of biodiversity and protected areas through a defined environmental policy. The General Mining Law (1992)\(^{11}\) governs mining activities, and Legislative Decree No. 708 of 1992 promotes investment in the mining sector. Law No. 29815 (2011) delegates legislative powers to the Executive to address illegal mining, which resulted in rules distinguishing “informal mining” and “illegal mining.”

Subsurface rights, including mineral deposits, are held by the state. Large and medium mining concessions are granted through the Ministry of Energy and Mines (MOE) and the Geological Mining and Metallurgical Institute of Peru (INGEMMET).

Under the Mining Law of 1992, concessions granted by the state give the holder the exclusive right to explore and/or exploit the mineral substances in the subsoil as long as other authorizations, permits, and licenses are obtained from the Government or relevant landowners.\(^{12}\) For example, if a mine requires an easement across private land for access, the holder of a mining concession must negotiate an easement directly with the landowner in order to make use of the concession right.\(^{13}\)

In 2011, the government enacted Law No. 29785, the “Prior Consultation Law,” which grants Andean or peasant and Amazon or native communities\(^{14}\) the right to be consulted before the implementation of projects that “directly affect collective rights”\(^{15}\). Projects must fulfill the requirements established both by the International Labor Organization’s Convention No. 169 and domestic legislation.

There is nothing in the law that addresses communities affected by mining operations that are not directly owners or residents of affected land or covered by the Prior Consultation Law. Unless the land is unclaimed and unoccupied, mining companies that receive concessions must negotiate with the holders of the surface rights, whose consent is necessary, or must request expropriation by the government. Mining rights are independent from surface rights; concession holders can purchase easements or purchase the land itself.\(^{16}\) As noted above, people who are members of indigenous or peasant communities as defined by the Prior Consultation Law must be consulted for any project that directly affects them, regardless of whether they are land owners or residents on the land covered by the concession.

\(^{11}\) Supreme Decree 014-92-EM of 1992.
\(^{12}\) Mining Law of 1992, art. 7-10.
\(^{13}\) Id. art. 37.
\(^{15}\) Law No. 29785, art. 2. This includes consultation on issues like resettlement and compensation. Note, however, that this consultation is non-binding, and the law does not recognize the obligation to reach consent except in cases of resettlement or disposal of hazardous waste on indigenous lands. Schilling-Vacaflo, *supra* n. 14.
\(^{16}\) Mining Law 1992, art. 37.
b. Land Laws


However, especially in rural areas where native and peasant communities are predominant, many land titles are in dispute. There is a long history in Peru of disputes over land, and in many cases these disputes have not been disentangled, or communities still need to have their rights adjudicated. These disputes are multifarious but are most often between individuals or between communities. It is not always clear in the law who has rights. Because of legal pluralism, loopholes in the laws have led to conflict between mining companies and the indigenous/peasant communities who claim land rights, and it is not always clear which protections apply to which groups.

c. Gender Equality in the Law

Article 2 of the Constitution guarantees equality before the law. This includes equal rights to contract and to exercise the right to property and inheritance. Article 4 of the Civil Code similarly provides that men and women have equal capacity to enjoy and exercise their civil rights. Both the Constitution and Article 290 of the Civil Code affirm the principle of equality in the home. There is a Ministry of Women and Vulnerable People, which has a National Plan for Gender Equality.

For private lands, marital property is governed by Article 5 of the Constitution, the Civil Code, and by the Code of Commerce. Women have the legal right to own land, and all marital property is presumed to be joint marital property.

Peru’s Law of Peasant Communities, No. 24656 (1987), provides that both women and men have the right to be community members with the right to use the goods and services of the community, including land. However, in practice, it is usually the male head of household who represents the family in the community and speaks for the household on land matters. Community land is governed by community-level

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18 These are defined by membership in an established peasant or native community. See the definition in the Prior Consultation Law, above, for the most recent definition of “native and peasant communities”.
21 Civil Code, art. 301, 302, 313. However, property owned at the time of marriage and gifts received during marriage are considered separate property. Spouses can opt for a separate property regime (Art. 295). The large-scale rural titling programs of the 1990s and 2000s included obligatory joint titling of land to spouses. Legislative Decree 667. De facto unions are also recognized under a joint property regime when the union has lasted at least two years. Law 30.07/2013.
22 Law of Peasant Communities, No. 24656 (1987)
23 Leslie Hannay, Peru: Supporting Women’s Participation in Community Governance to Strengthen Women’s Rights to Community Land in the Sierra (Resource Equity, 2016).
governance, and decisions on issues like inheritance or women’s rights to land tend to favor men.24

Project Background

a. The Yanacocha Mine

The Yanacocha mine is located in Cajamarca, in the Andean highlands of Peru. It is the fourth largest gold mine in the world, and the largest in South America. It is a joint venture among the Newmont Mining Corporation (51.35 percent), Minas Buenaventura (43.65 percent), and, until recently, the International Finance Corporation (5 percent). The International Finance Corporation recently sold its shares to Sumitomo Corporation. These companies are based in the United States, Peru, and Japan, respectively.

Yanacocha is an open pit mine spread over a concession of about 25,000 hectares (or, approximately 47 square kilometers). Opened in 1993, it produces silver in addition to gold. Mining operations are heavily dependent on a method involving diluted cyanide, which has caused controversy with community members and environmental groups who claim this has contaminated the water.

When mining began, local communities in the mining areas were relocated and were compensated for their land. These were not defined as indigenous or peasant communities, and, in fact, the law on Prior Consultation had not yet been enacted. The mine acquired much of the land by direct purchase through negotiations with landowners, and some through expropriation by the government.25 Mining officials assert that the majority of the mining takes place in areas that are not good for agriculture, and that communities found themselves better off after relocation. However, some interviewed community members stated that they did not understand what “selling” their land to the company meant and thought

24 Id.
they would be able to return to it later. Critics of the mine say there was not proper consultation with or consent from the communities.  

Yanacocha is in the first phase of a shut-down process, but the companies continue to explore ways to increase its productivity, and it is unclear if and how mining activities will continue as the major activities are closed out. Major focuses of the close-out phase are to ensure the land is safe, and that people are kept from moving back. The companies are also exploring opening or expanding into other sites; one major site, the mountain Cerro Quilish, was proposed in 2004. Because the mountain has historic spiritual significance and sits atop a major watershed, plans to begin mining were shelved after major community protests that in some cases resulted in violence. Another nearby related mine, the Conga project, was approved in 2010 but suspended in 2011 and shut down entirely in 2014 after extreme protests resulting in some deaths.

Yanacocha has a number of social responsibility projects, including ALAC (more on ALAC below), the major goal of which is to increase community buy-in for the mine. These projects are aimed both at people who were displaced by the mine and at those who live in the areas affected by the mine. Some of these include a local employment program to train people for specific jobs, a community relations office with short-term projects, and a group to measure community buy-in. When the mine first opened, community members viewed the corporate social responsibility (CSR) officers and projects as forums for complaints, so Yanacocha looked for a way to keep some of its CSR separate from the activities of the mine and developed the ALAC model (more below).

Newmont, the primary owner of Yanacocha, has also recently adopted principles of sustainability and stakeholder engagement. These include a commitment to ensuring the rights and needs of landowners and local communities are assessed and addressed and a commitment to FPIC for indigenous people.

Yanacocha had a large environmental and public relations disaster in 2000 when a truck carrying 11.1 liters of mercury spilled. In the wake of the disaster, the company set up new programs beyond the CSR already undertaken. The new programs were intended to deal with the health and environmental consequences, to compensate the communities (including through CSR programs like building new schools and through payment of medical fees), and to prevent a reoccurrence. The director of ALAC was highly involved in these efforts and traces her commitment to CSR to this time.

Yanacocha mine field operations have a major focus on gender issues for its staff. The BRG Mujeres y Aliados department’s mission is to contribute to the personal and professional development of women through initiatives that enhance their contribution to business objectives and build a more inclusive corporate culture. However, CSR activities do not have a similar gender focus.

b. History of ALAC

27 Yanacocha owns all of the land, and the Yanacocha mine is an open pit mine. Gold and silver are leached out of the ore through a cyanide process. The ore is then treated and mounded in a different location. While Yanacocha is engaged in close-out activities to ensure these areas are as safe as possible, there is no guarantee they are safe for farming, so the closeout plan includes a plan to keep people off the land indefinitely. For more on the impacts of cyanide in mining see e.g., EPA, Abandoned Mine Site Characterization and Clean Up Handbook (August 2000), available at https://www.epa.gov/sites/production/files/2015-09/documents/2000_08_pdfs_amscch.pdf.  
28 Mining jobs are not common and are in high demand as they pay approximately three times the average wage in the region.  
Yanacocha created the Asociación Los Andes de Cajamarca (ALAC) in 2008 to be an organization that promotes sustainable development in the Cajamarca region, in line with Yanacocha’s principles of social responsibility. The goal in creating ALAC was to pursue sustainable development using the priorities of the Cajamarcan communities. It is not Yanacocha’s only social responsibility arm—Yanacocha has a specific CSR department and a community relations office that does short-term projects. ALAC, therefore, sits in a space between being a branch of Yanacocha mine and an independent organization. The director of ALAC reports to the CSR department of Yanacocha, but ALAC has its own board of directors comprised of representatives from Yanacocha’s three parent companies and of people from civil society. It also has an advisory council that includes people from the community. ALAC’s director is a Yanacocha employee of almost 20 years. There can be tension between ALAC and the CSR arms of Yanacocha, as both have similar mandates and the board has a primary role in defending ALAC as an institution.

ALAC’s mission is to participate actively in Cajamarca’s sustainable development, focusing on education, water management, and strengthening production and business capacity. ALAC functions in 58 key communities within the Cajamarca Province that have been identified by Yanacocha. All areas were determined to be affected by mining, which is defined by the mine and can change based on those definitions. Most communities retained their land and were not relocated because of the mine.

ALAC is funded in part by the CSR budget of the mine and in part by outside funding. ALAC has committed to obtaining outside funding equal to what Yanacocha provides. In 2018, the mine contributed USD 3,746,036 and outside funding contributed USD 999,250 to the budget. As part of this outside funding, ALAC has developed activities with the Peruvian government. They also work with private organizations based in Lima, with USAID and the Clinton Foundation, and with the InterAmerican Bank. Every year Yanacocha gives ALAC a lump sum of money, which varies, and ALAC decides how to use it in line with their own and Yanacocha’s priorities. ALAC’s budget has fallen steeply in recent years, as the mine winds down its activities, and so they have been working actively to fill the gap with outside funding. It has also set a goal of staying active in the region even after mining activities largely stop.

c. Cajamarca

The Yanacocha mine is entirely in the Cajamarca region, in the highlands of Peru. Cajamarca is divided into 13 provinces, one of which is named Cajamarca, and its capital is the city of Cajamarca. It is 90 percent rural, with a 20 percent illiteracy rate, and has poor roads and infrastructure. More than 76 percent of the population lives below the poverty line and, as of 2018, the region was the poorest in Peru. Twenty percent of the population is categorized as living in extreme poverty.

Approximately 10 percent of the population is employed in mining; a number that has dropped as the Yanacocha mine operations move to close out. The vast majority of the population is involved in subsistence agriculture.

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30 These are set by the company and are not legally required. See Annex 3.
31 A combination of a USD 700,000 regular contribution, USD 415,337 for special projects, USD 2,757,933 outstanding from the Solidarity Mining Program, and USD 7,853 from the FONDOEMPLEO-Yanacocha Co-financing Fund.
34 Interview with Violeta Viga, on file with author.
The population of Cajamarca was not identified as “indigenous” when the Yanacocha mine was opened, which means they are not protected by Peruvian or international laws that protect indigenous rights (see above). However, this has provoked some controversy as the rural communities self-identify as either indigenous or mestizo (mixed race) and are also recognized as indigenous under the Peruvian constitution. Many speak Quechua, an indigenous language, as a primary language.35

The population of Cajamarca largely has its own social and cultural institutions. Of particular importance are the Rondas Campesinas (peasant patrols), which enforce local justice. This includes ensuring that representatives from each family come to community meetings or pay a fine.

i. Cajamarca and Gender

Land in the region is privately owned, and is usually titled in the names of both the husband and the wife. However, when couples are not formally married land is usually in the name of only the male partner. Focus group discussants noted that informal marriage is common in the region, because marriage requires numerous steps, including obtaining a “godmother” for the marriage.

Women tend to not participate in public life in the same way that men do. For instance, while women can attend community meetings, respondents said that it was more common for men to attend on behalf of their families, and for women to get information from their husbands. Similarly, women generally are discouraged from speaking in meetings or taking active leadership roles in the community, although there are exceptions.

The UNICA Project

The UNICA project is one of ALAC’s flagship projects. It focuses on forming savings and loan groups in areas of interest for Yanacocha. ALAC began implementing the UNICA project in 2008.36 The ultimate goal is for UNICA groups to develop their own economic activities using the money they have saved in the group. The groups are also encouraged to function as local banks and make loans to members of their community. As of this report, more than 239 UNICAs are working by themselves, and 168 were graduated by ALAC. These enrolled over 4000 people. For 2019, Yanacocha has provided funds for 30 new groups, which are still in the initial phase. These most recent groups have targeted communities close to the mine that did not want to have a UNICA group before but have since become interested.

Currently, the UNICA project has one manager and two facilitators, who are engineers who have been working on the project for 10 years. This is a reduction from a high of 30 facilitators when the project had the most funding.

UNICAs are formed in areas of interest for the Yanacocha mine, which are defined by the mine.37 These areas of interest have changed as mining activities changed, and therefore the criteria have not had a

36 At first, they contracted with another NGO, Funder, to implement the UNICA program. However, over time, they brought the project in house and contracted its scope. This shift was in response to complaints about Funder and a reduction in funding. COFIDE, the monitoring and evaluation organization, carried out a study that showed Funder was not doing enough. Note that Funder as an organization no longer exists.
37 These are based on various internal guidelines and on Peruvian law, which define areas of influence.
static definition. In general, these areas encompass communities that have been affected but not displaced by the mine; for instance, those in water catchment areas have been deemed areas of interest. None of the UNICA members interviewed for this project were in UNICAS formed in a community displaced by the mine, and none of the interview subjects remembered being consulted about the mine. However, this may be because the mine’s consultation phase was in the early 1990s, when many of the interview subjects were too young to have been consulted.

There are five phases in the UNICA project. First is the sensitization phase. In this phase, facilitators go to community meetings to present the concept and look for interested parties. In the beginning, facilitators were hired from the local communities as employees of the funder, the implementing NGO. After ALAC brought the project in house, they hired many of the facilitators directly. As of 2014, the active facilitators began receiving some gender training. As of this study, only two facilitators are still employed.

Communities are self-defined and are generally small villages or groups of rural hamlets. Facilitators often must visit the community multiple times to identify and make contact with people who might be interested. In discussions, UNICA members expressed that they had initial skepticism about forming or joining a group, in large part because of a distrust of outsiders talking about money. There is also a distrust of people from mining companies, and there have been times that the organizers of the UNICAs were told not to come because they are from the mine and might attract protesters. UNICAs seem to be most successful in finding a foothold where a community member of influence becomes a champion. At times, communities have expected something besides knowledge from the project, like money or gifts, and ask the promoters to leave if they fail to bring material benefits.

After the sensitization phase comes the training phase. First, two promoters are chosen by the community. These people ideally have math skills. The promoters are brought to Cajamarca for two trainings; one is three days and one is four days. This is difficult for women to do given their other responsibilities, so these trainings are usually primarily made up of men. The director of the UNICA program said they are actively trying to get more women to attend, although they have not planned to change anything about the logistics of the trainings.

Trainings, both in the city and later in the communities, focus on instilling three core values in the group members: commitment, confidence, and solidarity. Initially, gender was not a focus of these trainings. However, in 2014, Newmont Corporation adopted a gender and diversity policy, the Global Inclusion and Diversity Standard,38 and trainings and direction from that office led to gender being incorporated into the UNICA trainings. Although, this was not a focus area and done in an ad hoc manner.

Facilitators have been heavily trained in adult pedagogical methods and use a mixture of lectures and interactive games to teach UNICA members. Facilitators emphasized that the games allow them to reinforce lessons and ascertain how much members have learned. These games include board games and activities.

The third phase is the actual formation of the UNICA; this is the formal formation where roles are taken on by the members. After the formation, promoters take their training back to their community UNICA.

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with the support of the facilitators. Groups initially meet two to three times a month as they are becoming established, and then move to a once-a-month meeting schedule.

UNICAs then go into an approximately three-year monitoring phase. During this phase, they meet monthly and are closely supported by facilitators, who will also connect them with other projects as necessary (e.g. for entrepreneurship).

UNICAs must have between 10 and 30 members who live in the identified community of interest. There is one president, one treasurer, and one secretary. The president sets the direction and leads the group. The treasurer is responsible for everything regarding money and loans and must, therefore, be literate. The secretary, similarly, must be literate and is responsible for keeping meeting minutes. There is also a credit committee, a committee that works on gaining repayment of loans, and a vigilance/monitoring group that ensures group activities are aboveboard. Ideally, these roles rotate among the members, although in practice groups are usually led by someone powerful, often a man, who remains the president; other roles remain static as well. Groups tend to be comprised of people who already know and trust each other, this is in part because the group founder must recruit enough members to get support.

When the group is first formed, members buy stock in the UNICA, which is recorded in a finance book and becomes the start-up funding for loans. Members can then apply for loans from the pooled funds. There are several financing options for the loans, including a fixed rate, a variable rate, and a rebate rate. In addition to loans, participants benefit financially every year when the income from the loans is divided among the group. Ten percent goes to social responsibility (e.g. for sick members), 10 percent is kept in reserve for issues where they might have to hire a lawyer or other professional assistance, and the remaining 80 percent is divided according to stock ownership.

The UNICAs initially make loans only to members, and then, as they grow more comfortable managing the money, lending is also offered to outsiders. Loans must be made jointly to both the husband and wife in a marriage. The credit committee studies the person who asks for money, and then sets terms and asks for a guarantee. These loans are not tracked by ALAC, so information about gender and other characteristics of those taking the loans is not available.

The final phase is graduation. After three years, UNICAs are graded on a variety of metrics, and graduate if they hit a specific score. See Annex Two for more detail on the scoring. This is one of the primary places gender is emphasized; UNICAs are given more points for more gender diversity and for better representation of women in leadership roles. For instance, if there are more women than men in a group, the group gets one point, while it gets half a point for equal amounts of men and women, and zero points if there are more men than women. As of April 2018, 56 percent of group members were women, in part because there are some all-female groups, while there are no all-male groups because of a requirement to include women -- a quota of at least three women per group. However, only 27 percent of group presidents are women. It is not clear that graduation is a particular motivation for any of the groups, as its most immediate effect is to move groups from having active support from ALAC to being supported in a more ad hoc manner. This may mean that the grading system is not especially valuable as a tool for promoting gender balance.

In addition to savings and loans, the UNICA groups receive some support for livelihood projects, such as useful linkages with ALAC’s other projects, grants, or hands-on direct support with marketing. These

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39 This methodology was recommended and developed by COFIDE, the organization that provides monitoring and evaluation.
activities ranged from cheese production to knitting to mushroom cultivation. Depending on how technical the livelihood activity is, the groups need varying amounts of support to become solvent.

The project also includes a monitoring and evaluation component. An independent organization, COFIDE, manages monitoring and evaluation of the project. The monitoring and evaluation includes a baseline, monthly reports, and an evaluation of the results. Although COFIDE developed the scoring guidelines mentioned above, they have no gender guidelines and do not monitor for gender outcomes.40

Findings

a. UNICAs

1. Gender was not Incorporated Early Enough in Project Design and Implementation

Initially, the UNICA program had no gender emphasis. In 2017, when a UNICA program on the coast of Peru was evaluated the evaluator expressed in an interview that he felt gender would “take care of itself” and recommended that external rules like quotas not be used. Similarly, COFIDE, the institution that does the monitoring and evaluation for the UNICA project, noted that gender was not included from the beginning, but that it was included “naturally”, based on interest from the communities and an emphasis on families.

This project, therefore, had no emphasis on gender for the first six years of its existence. In 2014, gender began to be incorporated in ALAC’s projects generally, and in this project more specifically, as a result of Newmont’s adoption of the Global Inclusion and Diversity Standard,41 which included a training for ALAC staff on gender.

Incorporation of gender into the UNICA project included implementing quotas for numbers of women involved, incorporating trainings on gender, and working more generally with the groups to ensure that there was more gender equality. The trainings on gender were not formalized, but included discussion of the roles of men and women and the importance of gender equality.

However, in this project, men still outnumber women in leadership positions. While interviewed, male group members have shifted some of their attitudes towards women, which they attributed expressly to training they had received on gender. However, there is no concrete evidence that suggests this has resulted in any changes for women in their community or in the group.

Similarly, it was unclear from focus-group discussions exactly how much control women had within their households over money from the UNICAs. While no one reported displeasure with how decisions over money were made in their households, some women said they gave their husbands all of the money they received so he could decide what to do with it, and others said they had to discuss with their husbands what to do with the money. In many cases, women said they decided jointly what to do with the money and whether to take out a loan.42 However, some women said they kept the money for themselves and simply did not tell their husbands how much they had received. One woman noted that she lies to her husband about where she is going so he will not ask for any money.

40 In fact, both COFIDE employees interviewed mentioned a belief that gender takes care of itself or arises as a concern organically.
41 Newmont, supra n. 38.
42 13This is, in fact, a requirement of the UNICAs. Both members of a married couple must sign for a loan so there is no fighting. However, the project had no other method of addressing this issue.
Additionally, some men said the only reason they had women in their groups was because they were told they needed a minimum of three women, which encouraged them to seek out women who might be able to join. One group said they would not have done so otherwise.

It is clear that adopting a gender sensitive approach from the beginning of the project would have ensured that more women would have been included, and may have positively affected the attitudes of men in the groups and communities towards women and women’s participation. It could also have resulted in other outcomes, including more women in leadership positions or changes in attitudes towards women in families and the communities.

2. Women have been Benefitted by the UNICAs

Despite an initial approach that did not consider gender issues, the project has anecdotally resulted in the empowerment of female participants. In fact, both the facilitators and the male and female participants in the focus group discussions said that women had been “empowered”, meaning both that they had more of a voice in their groups and their communities than before and that they had access to money.

First, women said learning skills in the UNICAs, like financial management, helped them to feel empowered to speak more, both in the groups and in their communities, and helped them gain confidence. Even the male members of the UNICAs observed this; one member said that the women in the group started out barely participating but are now outspoken. Women are participating more not just in the groups but have said they are speaking more in their families and in community meetings.

Second, women, especially those in women-only groups, said they felt “empowered” by having access to money. While many of the women share the money with their husbands (see above), some had complete control over it, and others had at least partial control of it. Women use the money for a variety of purposes, from purchasing land for farming to paying for children’s schooling to buying food and clothing. Most uses of money were aimed at improving the lives of themselves or their children, providing for their families, or occasionally getting “luxury” goods like clothing for themselves.

3. All-women Groups are Better for Women

In focus group discussions, women in the all-women groups held all of the positions of power and spoke much more than women in the mixed groups. They expressed more feelings of empowerment than women in the mixed groups, who were still much less outspoken in the presence of the men in the groups. In the mixed groups, even when women held leadership positions, they were less likely to actually exert that power than their male counterparts and instead continued to defer to the founding males of the group.

4. Quotas for Women did not Equate with Benefits for Women

In general, women were included within the mixed groups because of the three-woman quota requirement. In one case, men said they would not have included women except for the requirement of having at least three women. In another group, the quota was met by adding the wives of some members.

Using quotas in this way had a mixed effect. Women did not speak or hold leadership positions in mixed groups in the same way that they did in the all-women groups. However, the women in mixed groups
benefitted from the trainings and from the access to savings and loans. On the other hand, adding women to mixed groups did appear to influence a change in attitudes of the men in the mixed groups. Some men in mixed groups shared that women are more responsible than men, and that they had learned this from sensitization trainings ALAC held. However, when pressed, most of the men said they still would not vote for a woman to be an elected official.

5. Gender-based Violence Initially Increased

In contrast to the empowerment reported by women, the members of both all-women groups reported that violence toward the members from male spouses or partners initially increased after the groups were formed and began meeting. One woman reported that her husband told her “You go to waste time and gossip”. Husbands reportedly viewed the groups with suspicion and believed their wives should be spending their time at home instead.

COFIDE, which does monitoring and evaluation for the project, noted that talking to husbands about this initially made the problem worse. They postulated that the violence had predated the groups and was only noticed because the groups were being studied. However, they were not tracking this in their monitoring and evaluation plan, and only commented on this issue because they were directly asked.

It is possible that ultimately the UNICA groups had a positive effect on gender-based violence. Facilitators and focus group participants, both women and men, reported that intimate partner violence declined when husbands saw the benefits of the groups. The facilitators emphasized the importance of benefit distribution parties, which are held when the money from the groups is distributed to stock-holders. Husbands are invited to these parties and are able to both benefit at the party from the food and alcohol and from seeing the tangible benefits their wives get from membership in the groups. Husbands also see benefits from the money their wives bring home, which in many cases they are still able to control, at least in part.43

6. Recruiting Practices Tended to Result in Greater Male Membership and Dominance of Males in Leadership.

The model for starting UNICAs involves attending community meetings in the areas identified as of interest or affected and trying to appeal broadly to all community members. However, despite this effort, a combination of skepticism and distrust kept many community members from participating. In fact, facilitators said that it is often very difficult to find anyone willing to take the initial step of agreeing to form a group, and in some cases the facilitators are not even welcomed at the community meetings. Furthermore, even those willing to start UNICAs may have trouble recruiting members; in one case, the person who wanted to form a UNICA lied and said he had enough members because he found recruiting members to be so difficult.

This means that UNICAs tend to be formed by the first strong or interested individual who is willing to form one. Membership in a UNICA is therefore predicated on knowing someone who was willing to take that first step of meeting with the facilitator and recruiting members. If you do not attend the meetings or if you do not know someone who was interested in forming an UNICA, you likely will not be able to access the program.

43 It was unclear from the interviews exactly how many women controlled the money they received from the group. Although, most agreed that their husbands would at least be consulted on how to spend it unless they hid some of it from them.
This outcome also suggests gender differentiated impacts. Women often do not attend community meetings because often a male member of the household attends. This may be part of the reason UNICAs are still primarily formed and led by men. Men tend to attend the community meetings and therefore recruit their friends and neighbors, also generally men, to be members of the UNICAs. In one case, the group leader said he only recruited women because he was told he had to have a certain number for a quota.

Note that the opposite result can also be the case. In one instance, a female leader said that her UNICA membership is all women because she only knew women, not because of a conscious decision to exclude men. The model has resulted in a variety of women participants, including single women, married women, and widows.

This strong-leader model means that some of the UNICA requirements, like rotating leadership, may not be happening in practice. In one UNICA, everyone continued to treat the founder as the leader of the group, despite the fact that another member was the president in name. Because more men were founders of groups than women, this could have the effect that even where women hold leadership positions their power is nominal in comparison to male founders.

7. More Men than Women Benefit from the Loans Granted by UNICAs

More single men than single women take out loans. Married couples must take loans together and both are responsible for repayment. However, women respondents noted that it is more common for men to control how loan funds are used. Further quantitative research is needed to establish how common it is for men to control the use of loan proceeds specifically and, more generally, control household finances. This situation points to a potential unintended consequence of the project if married women are needed conditionally by their spouses to obtain a loan, can be obligated for repayments, but have little to no control over how funds are used.

8. Interactive Adult Learning Activities Presented an Opportunity to Address Gender Issues

It was clear from the focus group discussions that members had absorbed the lessons the facilitators had taught them, especially in key areas like trust and teamwork. Men were also quick to say that women are more responsible—something they had learned in the trainings. However, there was not much focus on ensuring that different pedagogical methods were used for men and women (where that might be appropriate) or that the gender components of the training be emphasized in different ways.

b. ALAC

1. ALAC has not Fully Realized Newmont’s Gender Guidelines

While the Newmont Corporation, and by extension Yanacocha, has implemented Gender and Diversity Guidelines, these have only nominally been implemented by ALAC. A trainer from the Newmont Corporation held a session on gender, and ALAC adopted good guidelines focused on equity. These include internal operational guidelines, such as ensuring women have equal opportunities in professional development. They also include guidelines for projects, including applying the gender equity approach to all actions of planning, implementation, monitoring, impact evaluation, and development. These project guidelines also include communication guidelines, ensuring that the production of all materials and
general communications (internal and external) responds to the objectives and goals of gender equality, change of stereotypes, and recognition of diversity.

While the policy includes some strong principles for ensuring gender equity in its operations, their adoption by ALAC has been fairly superficial with little support or incentive for ALAC to be accountable for implementing the policy. The policy does not contain enough guidance on implementation or establishing accountability. However, there is an institutional commitment to ensuring gender equity, and ALAC’s director is open to changes, including hiring a staff member to focus on gender. Staff members also expressed a desire to learn more about including gender in the delivery of their work, including with indicators that might help them measure gender impacts beyond disaggregating how many men and women benefit from the projects.

**Recommendations for CSR projects**

a. Consider Enabling Conditions

The legal framework of a country is a very important starting point for any project. In this case, when the mine began the laws did not provide much support to local communities; neither protecting their rights to FPIC nor setting any objective way to value the land. In fact, the expropriation law was used to strong arm communities into selling their land, often for prices that were more or less dictated by the mine. Women’s rights, in particular, were neither singled out or protected. Even now, where indigenous and peasant communities have some legal protections, women are often not given a voice in the community and may not have their rights protected.44

Projects and governments must encourage the development of a strong legal framework that protects the land rights of individuals and communities; ensuring specifically that women’s rights to land are recognized and protected. Existing international standards for designing and implementing mining projects can provide sufficient guidance to states to shape the content of governance frameworks. The legal framework must also obligate the mining company to properly consult and compensate communities, and in particular women, so that constitutional promises of gender equality and non-discrimination are achieved.

Even (or particularly) when national governance frameworks are incomplete or inadequate, and when the state lacks the will or resources to implement governance frameworks, companies must consider whether to operate at higher standards embodied in various international frameworks on good or best practices for mining investments. Arguably, if companies have made commitments to internal policies or external international standards, companies should routinely exceed the national standards requirements imposed by inadequate or poorly implemented national governance frameworks.

b. Ensure that Projects Incorporate a Gender Sensitive Design from the Beginning

The UNICA project began with a design that did not specifically integrate gender considerations on the assumption that gender would take care of itself because they were working with families. At ALAC, an

44 In Peru, there is now a law that obligates projects to obtain social license before they start a project. *Licencia Social en Perú: Explorando el Origen de la Discordia* (April 2010), available at [http://www2.congreso.gob.pe/sicr/cendocbib/con4_uibd.nsf/A71867AC09807492052575A007A4EF1/$FILE/Peru-4-10-espanol.pdf](http://www2.congreso.gob.pe/sicr/cendocbib/con4_uibd.nsf/A71867AC09807492052575A007A4EF1/$FILE/Peru-4-10-espanol.pdf).
emphasis for the last five years on quotas and on gender trainings has begun to shift attitudes and ensure that women benefit from the project as well. Design that is sensitive to the different needs, roles, availability, and perspectives of women and men will lay the groundwork for ensuring that women and men can both participate and benefit. Thus, a design should be based on a situation or needs assessment that is disaggregated by sex and takes social norms and cultural practices into consideration. Gender sensitive design must include a robust monitoring and evaluation plan that includes indicators that go beyond simply counting numbers of men and numbers of women. Implementing these indicators from the beginning of a project allows for course correction and true measurements of change.

c. Ensure that Projects Consider Community Membership and Meeting Attendance in Design

Attendance and participation in community meetings depends on many factors, including social norms about who should meet in public places, legal and customary land ownership regimes, household leadership, time availability, and the perceived benefits of attending. These factors are experienced differently by women and men, and care should be taken to ensure that they are understood from the beginning so that all people in a community have a meaningful opportunity to participate. This may require starting with awareness raising or trust building among men and women, and it always means making wise selection of timing, approach, and location of meetings to be sure they are physically and socially accessible for women and men.

d. Trainings Should Incorporate a Variety of Methodologies

UNICA facilitators noted that trainings were most effective when they went beyond simple classroom-style lecturing. A variety of methods must be used, especially when targeting people with little or no formal education, who may respond better to more interactive forms of education. In the case of the UNICAs, facilitators incorporate games like “Hot Potato” and board games to reinforce lessons. However, UNICA facilitators did not have different methodologies for men and women. This can be very important, especially in contexts where men and women have different levels of confidence, trust, education, or experience.

Ideally, trainings should incorporate different methodologies for teaching about gender. More attention needs to be paid to gender than repetition of a few key statements about equality. It must be incorporated into every aspect of the training, including in games and other reinforcing methodologies. Existing inequalities must also be explored to better describe desired states of equity. Lessons about gender, particularly women's rights, must be internalized by participants to truly be effective and, therefore, must be reinforced in a variety of ways.

e. Participation in Projects should Focus on Participants Beyond those who are most Willing

Especially where there is suspicion or skepticism, as may be the case with extractives investments, projects must work to target and enroll a wide variety of community members. When “low-hanging fruit” is the only target, there is a risk of elite capture, or of benefits accruing only to a small part of the community. In cases where this is combined with a gender-neutral design, this is likely to keep women from benefiting.

45 This is a game where participants throw a “hot potato” around a group while music plays. The one holding it when the music ends is the loser. In the UNICA groups, that person then has to answer a question related to something learned in the trainings.
This is especially true for choosing and rotating leadership. Projects should have clear methodologies for ensuring that leaders are trained, able, and willing to take on those roles, and that they do not take them on merely to fulfill gender or other quotas.

For women in particular, an emphasis on outreach is important. Women are often responsible for the majority of household tasks and have more constraints on their time than men. In many cultures, it is difficult for women to engage in public spaces. To ensure women participate in projects like these, focus needs to be put on outreach to and engagement with women that shows them the benefits of participating and makes participation feasible.

f. Consider the Benefits and Costs of Mixed Groups

Both this research and other studies have shown the benefits to women of women-only groups. Women tend to gain more status, have more control over income, and be more empowered in women-only groups. However, the present research also showed the benefits to women of the shift in male attitudes that came with forced exposure to women in leadership roles. Project design should therefore be thoughtful in this regard and consider ways to balance these two different but desirable benefits. Considerations should incorporate findings from best practices in other contexts.

g. Ensure a Long-term Plan is Contemplated

A major benefit of connecting development projects to mining projects is that long-term support can be built in. This has been essential for the successes of the UNICAs, which often need support from facilitators well beyond the planned three-year term. It has also helped to build trust. COFIDE noted that many NGOs talk about supporting communities but often do not remain engaged, which results in significant community distrust. Because both Yanacocha and ALAC have been around for so many years, they have been able to gradually overcome that distrust.

However, with Yanacocha winding down activities and funding to ALAC dwindling, it will be important for ALAC to plan for the long-term success of the UNICA groups. Their dependence on the facilitators may be a problem if all of the facilitator support is withdrawn. Though groups can and do pay past facilitators for help, there are unscrupulous individuals who take advantage of this. Past facilitators and unaffiliated people misrepresenting themselves as facilitators have taken money and provided little or no support. More could be done to ensure sustainability, including more intensive training of individuals in UNICAs, more emphasis on becoming self-sustaining in the long term, or even a commitment to legacy support of the UNICAs.

Recommendations for Mining Projects

a. Think about Trying Various CSR Models

The ALAC model works well because it sits at the intersection of CSR and a non-profit institution. From ALAC’s perspective, it is not truly a CSR model, but is focused on working as a development institution. This means that ALAC leadership and employees are able to further a primary goal of increasing

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development in the region without being beholden to mining interests. At the same time, Yanacocha is able to implement traditional CSR activities and to fulfill its other commitments through other pathways.

COFIDE, ALAC’s monitoring and evaluation organization, noted that in other mines CSR projects are disconnected from each other and, therefore, fail over the longer term. ALAC serves as a unifier for its various projects to connect them and ensure they build on each other. For instance, all UNICAs are integrated and supported to participate in livelihoods projects. This creates opportunities to ensure gender concerns are integrated into all projects and to track long-term changes.

It is very important with any development institution to ensure there is a relationship and accountability with the people they are trying to serve. This accountability can come from the board, especially if there are representatives from the community on that body. In the case of ALAC, having representatives on the board from civil society helps with long-term engagement and sustainability.

This relationship-building is especially key to changing gender dynamics in communities. This kind of social change often requires trust and deep involvement in the community to ensure there is buy-in from everyone and that the community realizes the benefits of improving the status of women.47

While ALAC has a long-term, ongoing relationship with the communities it serves, targeted communities can change based on Yanacocha’s priorities. ALAC has no legal obligations to implement CSR responsibilities or to ensure gender equity. Therefore, it must have accountability structures in place to ensure ongoing engagement with the communities and that interventions are framed around community needs and priorities. While ALAC is an entity somewhere between a CSR department and a non-governmental organization, it, and other organizations working with communities, should draw from CSO best practices around issues like gender, social relations, and sustainability to ensure it is functioning in a responsible way. CSOs can offer best practices but also project staff, guidelines, and other support.

b. Ensure Gender Policies are Implemented

Many large companies have made sound commitments to gender, which can often be more difficult to apply in practice. In this instance, ALAC, and Newmont/Yanacocha more broadly, have very good policies and commitments on paper, but it is important that there is an institutionalized approach and accountability scheme to ensure that all projects have a plan for implementing and sustaining gender commitments.

ALAC does not appear to have any firm obligations to implement its gender strategy. In many organizations and projects, when gender objectives are not prioritized and given institutional support, they are not implemented, no matter how well they are articulated. In addition to creating good strategies, organizations must centralize and operationalize these gender commitments by designating or hiring people who are responsible for ensuring gender commitments are met.

Beyond hiring gender experts, companies and their CSR arms (or organizations they fund) should rethink the way they conceptualize and think of gender commitments. In addition to having designated experts, gender should be mainstreamed throughout projects and policies so it is not an add-on but a central part of all activities, from planning to data collection, and from internal commitments to hiring and training to external commitments to communities. Companies should commit to performance standards or

47 See Amanda Richardson, *India: Gender and Forest Rights Project in Jharkhand* (Resource Equity, 2016), for an example of this deep engagement.
specifications for gender implementation and outcomes, and have procedures, plans, and monitoring to ensure they are met.
## ANNEX ONE
List of respondents for field-based assessment

<table>
<thead>
<tr>
<th>Group/Individual</th>
<th>Location</th>
<th>Group composition</th>
<th>Interviewees</th>
</tr>
</thead>
<tbody>
<tr>
<td>UNICA “Joyas para Cristo”</td>
<td>Porcón Alto</td>
<td>23 members, all women</td>
<td>All members</td>
</tr>
<tr>
<td>UNICA “AMICASA”</td>
<td>Yanacancha Baja</td>
<td>14 members, 59 women and men</td>
<td>5 women and 5 men, including all leaders. 4 men were at a local government meeting.</td>
</tr>
<tr>
<td>Cooperative “Jalca Verde”</td>
<td>Yanacancha Baja</td>
<td>Mixed women and men</td>
<td>KII with member and wife of the president</td>
</tr>
<tr>
<td>UNICAS “Tres Molinos,” “Jeova Jhira,” and “El Progreso”</td>
<td>Tres Molios</td>
<td>All women, representatives of three UNICAS. Jeova Jhira has 15 women and 1 man, El Progreso has 17 women, and Tres Molios had 23 women and is now a coop with over 100 members</td>
<td>9 women, including the founder of each UNICA</td>
</tr>
<tr>
<td>ALAC Director Violeta Vigo</td>
<td>ALAC offices</td>
<td>KII</td>
<td></td>
</tr>
<tr>
<td>Visit to Yanacocha’s Operation</td>
<td>Yanacocha’s Operation</td>
<td>KII with onsite employees</td>
<td></td>
</tr>
<tr>
<td>Facilitators</td>
<td>ALAC’s office</td>
<td>KII</td>
<td>2 Facilitators</td>
</tr>
<tr>
<td>UNICA director Netty Malca</td>
<td>ALAC’s office</td>
<td>KII</td>
<td></td>
</tr>
<tr>
<td>Interview with COFIDE’s team and local governors</td>
<td>Lima</td>
<td>KII</td>
<td>2 interviews: Manuel Layseca Orticas and Richard Webb Duarte</td>
</tr>
</tbody>
</table>