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## Women in (and out of) artisanal mining: a call for revising Uganda's draft Mining and Minerals Policy

In Uganda, a new draft Mining and Minerals Policy has been prepared by the Ministry of Energy and Mineral Development. This policy brief addresses the gender dimensions of the proposed regulation. Using insights from a document review as well as a field study in Lujjinji B Mine in Kitumbi sub-county, Mubende District, the research highlights i) the danger of blueprint policies that fail to recognize women's variegated (productive and reproductive) roles in artisanal and small-scale mining (ASM); ii) the structural and gendered inequalities in access to productive resources, leading to adverse incorporation; and iii) the risk of excluding female workers from the formal mining economy. It is a timely call for acknowledging women's diverse roles and interests in ASM, and for making sure new legislation does not lead to more exclusion and/or adverse incorporation of the female workers.

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### Formalisation of ASM in Uganda

ASM is an important source of employment (on a permanent, seasonal or temporary basis) for a vulnerable workforce of over 3.7 million people in Africa, [40 to 50% of whom are estimated to be women](#). Women in ASM perform a variety of tasks, from ore processing and transportation, to catering, prostitution and other services in and around the mining sites. Nevertheless, these ancillary roles are hardly recognized in official policies, which tend to concentrate on formalizing mining titles for pit owners and miners. Consequently, women are frequently marginalized in processes of regulating and formalizing artisanal mining.

With [over 20,000 people directly involved](#) in the country's ASM sector and as a requisite from [development partners](#), the Ugandan Ministry of Energy and Mineral Development has proposed regulatory reforms to formalize ASM. The Mining and Minerals Policy 2017 advocates for the formation of miners' associations, issuing of locational licences, defining and monitoring the scope of ASM, encouraging collaboration and co-existence between existing ASM



FDG with female artisanal miners

operations and other mineral rights holders, reducing hazards associated with ASM occupational safety and health, facilitating participation of ASM operations in supply chain initiatives and promoting access to financing. From our document review we conclude that the draft policy does recognise women's rights as it calls for (i) encouraging women to form associations; (ii) empowering women to participate in compensation negotiations; and (iii) ensuring that all programmes related to mining are based on gender equality and equity. However, our research found that the policy's objectives are too broad and do not sufficiently address women's specific and heterogeneous needs. It does not spell out envisaged priorities and goals, for example, how associations will be formed, how gender equality will be emphasised and how power relations prone to such associations will be addressed.

This review was complemented by a field study in Lujinji B mine in Mubende District, from 17 to 24 July 2017. Data were collected making use of 9 focus group discussions with workers in and around the mine and key informant; and key informant interviews with leaders of the local miners' association, as well as a principal mining engineer from the Ministry of Energy and Mineral Development.

## Findings

The field study revealed that (i) women's specific needs are poorly understood as they need to combine work in the mines with domestic and reproductive work, the latter being valued less in terms of payment as well as status; (ii) women's meaningful participation in ASM is also constrained by cultural and social norms that prohibit their access to the pits. As a consequence, they are employed in lower-paid jobs such as crushing ore, processing leftovers and panning for gold. Because of this adverse incorporation, they lack the financial resources to be able to meet certain legal requirements for formalization, such as the purchase of locational and exploration licenses; (iii) women have not been consulted in the drafting of the new mining regulation. Moreover, the proposed policy may run counter to their interests, as women are generally not represented in the existing cooperatives and thus marginalized in the process of formalization.

## Women and their (re)productive roles in ASM

Women constitute [45% of the mining workforce](#) in Uganda. In the studied mining site they carry out a variety of activities, some directly related to mineral extraction and processing, some in the form of a variety of services provided in and around the mines. Most women who are directly involved, intervene in the processing stage, after the ore has been extracted from the underground pit (typically by young, strong men) and transported to the processing spots. Here the ore needs to be pounded, sifted, dried and then washed so as to recover the (heavier) gold particles from the grinded stones. For this task women are paid by individual miners on a piece rate basis (per basin of ore washed). While the price is in principle agreed upon, a miner may decide to pay less in case a particular load of ore does not contain the expected amount of gold and sometimes does not pay if gold is not recovered. Some women also buy or collect leftover sands, and process them once again so as to recover very small gold particles. Apart from this, a lot of women



*A group of women panning for gold using mercury in the basins*

are involved in service activities; they keep bars and restaurants in the mine, they sell airtime or a range of consumer goods, they offer their services as prostitutes, or they transport goods. The socio-demographic background as well as the economic situation of these women is very diverse, yet all directly depend upon the mining activities to gain their income.

Women generally pound and wash ore from day break to sunset and perform domestic chores like cooking and laundry at nightfall. During the day they also take care of their children, especially the infants who are carried on the back. This generates serious health issues, as infants are exposed to dust, noise and harmful substances such as mercury in the processing spots. Men on the other hand commonly dig for gold in shifts (from 9:00 am to 6:00 pm and 7:00 pm to 7:00 am), and while off duty, they may socialize in the bars or with friends. One respondent answered that his wife (a washer) must get up early to walk the children to school before engaging in panning. From the focus group discussion with men, it was clear that they believe women's work in the mines is less physically demanding (they don't go underground), which leaves women with enough time and energy to do the washing, the cooking and to take care of the children. Such domestic activities are not remunerated, hence not valued as 'work'. But the prohibition of women to work inside the pits is not just a matter of physical labour, it also relates to a superstition that women's presence in the pit angers the gods and may lead the shaft to collapse. Such social and cultural norms are visibly shaping the sector's division of labour.

One of the study's objectives was to examine whether the legislating authority was aware of gender dimensions in ASM and whether female artisanal miners were consulted in coming up with the revised policy. [This has not been the case](#). For example, the female representative of the local miners' association at the study mine expressed that she was the only woman at the mine consulted, and this was in the final review stage of the policy. In contrast to this, women in higher management positions in the Uganda Chamber of Mines and Petroleum were consulted earlier in the process. Yet these women are in no way representative of female ASM workers. This lack of understanding reflects in the draft policy, which is devoid of any understanding of the different players in ASM (also with respect to male workers) and the ancillary roles played by women. In failing to consult people engaged in ASM more generally, the government failed to pay attention to the different labour regimes and access arrangements (for example related to access to land and tenure regimes) in different mines. The study revealed a knowledge gap as to the kind of incorporation the miners seek, be it the simple freedom to operate, greater access to public services, social protection, integration into global markets, or meaningful political voice, and to what extent these correspond to the kinds of 'inclusion' sought by the state.

## **Women, licenses and adverse incorporation**

The study confirmed [previous findings](#) that the legal requirements for formalisation undermine women's prospects for inclusion in the formalized mining economy, due to constraints in terms of time, financial resources, and capacity to voice opinions. First, as said above, women combine their work in the mines with their reproductive work, leaving them with little or no time to invest in building their own capacity, engaging in collective action or self-organize, this is also confirmed by [a similar study](#) in Uganda, DRC and Rwanda.

Second, most women lack the financial resources and independence to invest in more productive and more sustainable mining operations. In Lujinji B mine we found only one pit that was co-owned by a woman. Interestingly this woman is a midwife operating a clinic at the mine. Her education level (secondary education) is higher than average. In contrast to this, most women in the mines perform tasks that are relatively less remunerated, such as pounding and washing ore. Focus group participants stated that “women don’t have physical ability to access gold like the men here, so they are poorer. Men easily get jobs and earn faster than women”. Moreover, there seems to be unequal pay for performing the same activities: “For example a man may earn 1,000,000shs [236 euros] from a basin of gravel washed by a woman but pay her as little as 2,000shs, yet still the young men that perform the same job earn 5,000shs”. Third, many women lack the capacity to voice their opinion and have political influence, which is a significant barrier if they need to organize and form associations as required by the policy.

[As documented in other mining countries](#), obtaining a license involves significant costs and bureaucratic barriers. The ability to obtain an exploration license is based on awareness of procedures, financial and technical capacity, and personal freedom to get a license, requirements semi illiterate female miners cannot meet. As observed through [an earlier assessment](#) of Uganda’s readiness to implement the Mining Policy by the IISD, in addition to yearly fees and reporting requirements, miners fill out the application form, whose technicalities may exceed their capacity. Once filed, the applicants must travel to the Ministry responsible for minerals to submit their applications for approval, pay assessment fees for revenue and other charges to obtain location license, upon which they pay annual mineral rent and royalties on production. The women we interviewed were well aware of the constraints. They therefore requested that the government grants licenses to pit owners which also cover ancillary workers. As such they should be protected by the same license.

## Women, cooperatives and exclusion

While the policy rests on the hypothesis that through associations women will access services such as finances, training and exploration licenses, the research confirmed exclusionary practices in existing associations, as has also been [documented by De Haan and Geenen](#) in an IOB Analysis and Policy Brief on Congolese cooperatives. Even more, the associations are prone to elite capture, as self-interested elites frequently abuse policies promoting miners’ cooperatives to capture these organizations thanks to their better access to financial capital, knowledge and technologies. Our respondents were generally unhappy with the current representation in existing miners’ cooperatives. They said cooperative management selectively calls for meetings, only targeting their close friends and side-lining others who are more vocal and have tried to advocate for change. The cooperative is said to collect money from members without delivering tangible results. The women in our study relied upon their ‘chairperson’ for political voice, yet this person was believed to be unaccountable to the women she represented. From a public policy perspective, understanding such processes of elite capture is crucial in designing the legal framework pertaining ASM.

Relatedly, recommending women to form associations as channels of communication with the state is unrealistic given the legal environment within which associations operate in Uganda. Setting up an association is



tedious, bureaucratic and deterrent, with steps such as preparation of a constitution, memoranda, payment of registration fees and sometimes legal fees. Women's limited literacy, coupled with cumbersome registration of associations might disenfranchise them from partaking the formalisation and they might exclude themselves from the process, [as has been documented](#) in related research. During the field study it has indeed been found that the female artisanal miners exclude themselves from existing cooperatives

because of their inability to pay the membership fee, their limited time to attend to affairs of the cooperative, and hearsay about disadvantages of cooperatives such as patronage and corruption.

## Policy implications

The findings suggest that the position of women in ASM is influenced by a vicious cycle shaped by cultural beliefs and norms which in turn determines gender roles in the mines; the activities performed by women are less remunerated; and the low pay limits women's access to and control over resources, hindering their ability to access financial means to improve their operations, to secure mining titles and advance economically. In conclusion, the variety of ways in which women are included in ASM and combine productive and reproductive roles remains poorly understood. At the

same time, cultural and social norms constrain them into a state of adverse incorporation, whereby the return on their labour invested is very low. Finally, their lack of voice and representation leads to them being excluded when designing new policies and implementing new regulations.

Although the draft Mining and Minerals Policy has shown an awareness and understanding of the general challenges facing artisanal miners (it mentions lack of initial capital for appropriate mining equipment; limited information on quality and quantity of the minerals, poor working conditions and environmental issues), the recommendations do not adequately address women's specific needs and will marginalize them further in processes of formalization. Therefore, it is imperative that policy makers understand the variegated ways in which women are included, excluded or adversely incorporated into ASM. This policy as high-level guideline to future principal legislation should be scrutinised for a fair and balanced adjudication over the stakeholders' rights.

On the basis of the study findings, we recommend that

1. The responsible Ministry recalls the policy and revises it according to the Rapid Assessment Toolkit on Gender Dimensions of Artisanal and Small-Scale Mining produced by the World Bank (2012), so as to adhere to principles of inclusion, benchmarked along organizational dynamics of ASM;
2. The bureau of statistics in conjunction with the Ministry of Mineral Development carries out a census on the actual activities, roles of the miners and demographic data, more so disaggregate data by gender to make policies and initiatives fit for purpose;
3. The Ministry involves local stakeholders in the policy making process;
4. The government's technical services, in collaboration with NGOs and



Boys and apit owner sampling the ore for traces of gold, before digging deep

- development partners, support female artisanal miners by extending technological assistance, education schemes and support systems in a more user-friendly language;
5. The Directorate of Mines and Geological Survey ensures proper guidelines for associations and spells out clear channels of formation, leadership, accountability, grievance and disciplinary measures;
  6. The Ministries of Labour, Gender and Mineral Development work together to develop an inter-ministerial monitoring mechanism to support female artisanal miners in policy implementation.

### Further reading on women in ASM

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