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Women in (and out of) artisanal mining: apposing policy and women's lived experiences in Lujinji B and Wakayiba mines, Mubende, Uganda

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ABSTRACT

This paper is situated within an emerging literature on women in mining. It seeks to understand the role of Ugandan women in artisanal and small-scale mining (ASM) as well as the impact of formalising ASM on these women. Using insights from research on social exclusion and adverse incorporation, the paper explores the challenges of integrating an informal economy into the formal economy, with an emphasis on the Ugandan Minerals and Mining Policy 2018. The study observes that the regulatory framework underpinning formalisation of ASM glosses over gender considerations and risks further marginalizing women. It suggests ways to mitigate likely impacts of this legislation and argues for real transformative change so as to make women's participation in ASM more beneficial for them.

1. INTRODUCTION

Although reliable and up-to-date figures are hard to get by, it is clear that artisanal and small-scale mining (ASM) is an important source of employment for a vulnerable workforce of over 3.7 million people in Africa, of whom 40 to 50% are estimated to be women (Hinton, Veiga, and Beinhoff, 2003). As has been documented by several authors (Bryceson, Jønsson, and Verbrugge, 2013; Hayes and Perks, 2012; Heemskerk, 2003; Hinton et al, 2004 and Hinton, Hinton and Veiga, 2006; Labonne, 1996; Werthmann, 2009; Yakovleva, 2007), women in ASM perform a variety of tasks, from ore processing and transportation, to catering, shop keeping, prostitution and other services in and around the mining sites. However, women's meaningful participation in ASM is constrained by a range of factors such as social and cultural norms that prohibit women's access to the pits, forcing them to survive on low paying jobs like crushing ore and panning for minerals (Buss et al, 2017; Hilson, 2008; Lahiri-Dutt, 2011; Nabaasa et al., 2016; Houdet et al., 2014). Women also experience high levels of sexual violence in and around the mines. Moreover, women have lower chances to access financial services, as men often have assets such as land and livestock to use as collateral, or they pool resources with friends (Chakravorty, 2001 as cited in Hinton et al, 2003:15; Africa Progress Report, 2003; Rickard et al, 2017).¹

In Uganda mineral resources have been exploited since the beginning of the 20th century. Artisanal production started in the South West (iron and salt) and spread out to other regions (gold and base metals) (PLEXI, 2018). Industrial production peaked in the 1950s and 60s (copper and cobalt), accounting for up to 30% of export earnings, but declined in the 1970s as a result of political and economic instability. Artisanal exploitation continued but remained largely informal, which reflects in the sector contributing less than 1% to Uganda's GDP (Minerals and Mining Policy, 2018). Estimates of informal gold production in Mubende, Buhweju, Busia, Namayingo, Nakapiripirit, Amudat, Kaabong, Abim and Moroto Districts, for example, state that around 200 kilogrammes of gold (equivalent to 8 million USD at the current price) is mined every month (Baseline Assessment of Development Minerals in Uganda, 2018). Gold production has boomed in recent years, SOMO (2016) estimate that "up to 50,000 artisanal gold miners, women, men and children" are active in the sector, the majority of which is currently unlicensed (Safer World, 2017).

Following other African states that have been struggling to regulate the seemingly 'disorganized' ASM sector, the government of Uganda recently proposed a number of regulatory reforms mainly aimed at formalization. Through the Minerals and Mining Policy (2018), the government has acknowledged the positive economic and social impact of ASM. It recognises ASM as a significant source of employment in mining communities, generating revenues in the rural economy and likely to reverse the rural-urban migration trend. In this respect, the government has undertaken reforms to regularise the legal status of artisan miners through encouraging small-scale mining operators to be licensed and organized in cooperatives. The participation of locals in ASM, especially women, is encouraged. In order to facilitate the access to finance, the policy provides for preferential incentives and soft loan agreements.

While this heightened regulatory drive is in good faith, most of the policy objectives and strategies are gender blind, as we will argue below.

They do not pay particular attention to the vast roles of women, the specific barriers faced by women in ASM, nor the risk of adverse inclusion of women in the formalization

[1] See also focus group men, 07/2017

agenda. The research we present here exposes a gap between the policy objective of formalizing ASM on the one hand, and women's lived experiences in the mines on the other hand. It addresses two main questions:

1. Is Uganda's regulatory framework underpinning formalisation of ASM considerate of gender dimensions of ASM?
2. What is the (likely) impact of this regulatory framework on female workers with respect to their inclusion/ exclusion and/or adverse incorporation into the formal mining economy?

To address these questions, we rely on a document study of laws and policies, as well as field research by the first author in Lujinji B and Wakayiba mines, situated in Mubende district. While gold in Mubende was first discovered in the 1920s, the gold rush at Lunjinji B began only in 2012, attracting an influx of people from the urban centres of Uganda and neighbouring countries such as Rwanda and the Democratic Republic of Congo (as observed during the field study and documented by previous researchers such as SOMO 2016; Buss et al, 2017; PLEXI, 2018). In August 2017, the miners from Lujinji B camp along with others from nine camps in Mubende were evicted by presidential directive because of trespassing on a concession belonging to MS/Gemstone International. The evictions were carried out by the Ugandan military forces. According to our interviewees, pits were refilled and mining equipment was confiscated and sold off by the military. Some of the miners and workers around the mine were relocated to Wakayiba, a site that had been discovered in 2015 but was soon abandoned because of its difficult terrain. Work resumed there in August 2017.² At the time of our field research in July 2017 (just before the evictions) Lujinji B mine hosted over 1750 people, while Wakayiba mine hosted about 1000 at the time of our research in November 2017, meaning that not all of them relocated. We identified one 'cooperative' in Lunjinji B: Ssinga Artisanal and Small-Scale Miners' Association, which has been registered as a company limited by guarantee since 2012.³ However, we also learnt of other miners' cooperatives in the Mubende mining region, including Kitumbi Kayonza Miners Association, Bukuya Traders Mining Group, Rahim Miners and Gold Dealers, Namulanda Artisanal Miners' Association, and Semutooke Miners Association.

[2] <http://www.oilinuganda.org/features/land/president-musevenis-orders-eviction-of-mubende-gold-miners-sends-the-miners-in-panick.html>

[3] SASSMA is a miners' association headed by miners that hold a higher level of education compared to the rest of the members. According to an informant this association was hastily formed by the elites and some of the members still have no clear explanation about its activities.

Figure 1. Map showing Mubende district in Uganda. The main gold harbouring sub-counties are Kassanda, Kitumbi, Kalwana and Bukuya. Our field study was conducted in Kitumbi and Kassanda subcounties.



Data was collected using structured and unstructured interviews and focus group discussions in July 2017 and November 2017. Five out of the twelve focus groups included women only, four men only, and three were mixed. In sampling the participants we made sure to cover the diversity of professional activities in and around the mines, and discussions revolved around work activities, labour organization, formalization and the evictions. The focus groups were supplemented with fifteen individual interviews with men and women working in and around the mines as miners or service providers, as well as key informant interviews with the chairperson of the local miners' association, the female representative of the same association, the district natural resource officer, the sub county community development officer, the gender focal person at the district, the village chairperson (Wakayiba), a principal mining engineer and the gender focal person from the Ministry of Energy and Mineral Development in charge of overseeing artisan mining, the chief executive officer at the Uganda Chamber of Mines and Petroleum and two representatives from NGOs involved with ASM in Uganda. A stakeholder workshop to discuss gender gaps in the mining policy and legislation was also held by the first author with 23 participants, including from NGOs involved in the sector, the Directorate of Geological Survey and Mines and drafters of the policy. The workshop took place on the 1st of November 2017 at the Directorate in Entebbe and allowed to validate and further enrich the findings.

In selecting both men and women, we wanted to ensure a thorough understanding of the different perspectives as well as the common challenges they face. Specifically, men were interviewed to know how they react to policy initiatives that uplift women's status in the industry. More women than men were interviewed individually to understand how female workers construct their social circumstances and how they perceive their livelihood, for example what motivates them into mining and how government intervention through policy might influence them. The interviews were recorded by notes and a voice recorder, and later transcribed. The transcribed interviews were analysed using Atlas.ti software, constructing 30 codes identifying the recurrent themes that emerged from the data.

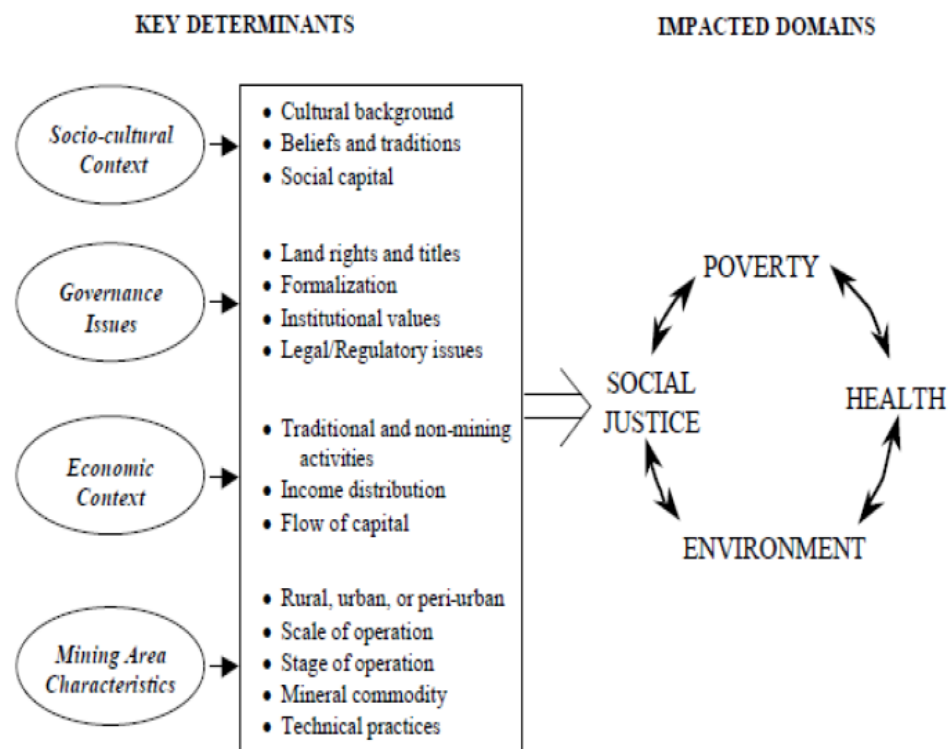
Section two of this paper explores the role of women in artisanal and small-scale mining based on a literature review that focuses on the gendered norms underpinning the relations of production and exchange in ASM. Section three presents an overview of the informal sector and its prevalence, as well as the challenges of integrating an informal sector into the formal economy, using insights from research on social exclusion and adverse incorporation. Section four then discusses the Ugandan case first by outlining the laws and policies governing ASM, with particular attention for gender considerations, and analysing the gendered division of labour within the Ugandan gold mines. Next, the section examines to what extent different stakeholders have participated in the policy reforms, and finally it discusses the likely effects of formalization. Section five concludes and makes policy recommendations.

2. WOMEN IN ARTISANAL AND SMALL SCALE MINING

According to rough estimates, women make up 40 to 50% of the ASM workforce in Africa, compared to 10% in Asia and 10 to 20% in Latin America (Hinton et al, 2003). Lahiri-Dutt (2011) traces women's involvement in mining from very early times as women were involved in breaking, sorting and transporting minerals in mediaeval and pre-industrial Europe. The same has been the case in several African countries (Hinton et al, 2006). Today, women still participate through menial jobs like sorting, washing, panning and amalgamating minerals, as well as by providing goods and services such as restaurants, shop keeping, prostitution (Hentschel et al., 2002; Hinton et al., 2006; Kelly et al., 2014; Hinton et al, 2003). But there are also women active in the 'higher value' nodes of the ASM chain such as supervisory jobs, concession owners, equipment dealers and trading agents. This has been documented in countries like Ghana, Mozambique and Bolivia (Labonne, 1996; Hinton et al, 2006; Werthman, 2009).

As is the case for ASM workers more generally, women's involvement in ASM is influenced by push factors (poverty, economic hardship, violent conflict) as well as pull factors (gold rush, quick money) (Bashwira, 2017; Lahiri-Dutt, 2011). Yet women in the sector may face unique risks and challenges, making their position in the ASM sector, as well as responses to reform, different from those of men. Figure 1 illustrates these unique risks and challenges as they have been documented by Hinton et al (2003). These risks and challenges are related to a range of structural and contextual factors.

Figure 2. Key factors shaping women’s realities in artisanal mining communities.



Source: Hinton et al, 2003, adapted from Hermskerk, 2000.

From this graph Hinton et al (2003) conclude that-

1. In the socio-cultural domain, social norms and cultural traditions influence the interaction between men and women in the mines. Limited access to and control of resources undermines women’s progress in ASM. For example, they cannot access loans due to lack of collateral, which also hinders their ability to access other resources like alternative technologies. Moreover women’s access to land is often undermined by traditional law.

2. Governance as a process in which some people in society wield power and authority to enact decisions, might advance inequality especially when women are underrepresented in decision-making.

3. In the economic domain, the gendered division of labour in non-mining activities may be affected by mining activities. On the other hand women tend to perform lower paid jobs in mining such as panning and transporting ore, and in some instances culture dictates that women turn over their earnings to men.

4. The characteristics of the mining area, the mineral(s) being mined, and scale of operation have gendered impacts. In many mining areas, for example, access to basic services and hygiene may be extremely challenging. When high-value minerals (gold, diamonds, gemstones) are mined, women’s roles are likely to become more secondary, for example in washing and panning. Finally, women tend to participate in greater number in ‘purely artisanal’ activities, and tend to get excluded as the production process advances technologically or becomes

mechanized.

5. The above factors may create a vicious cycle of poverty, poor health due to exposure to harmful substances and dust, environmental damage polluting water sources and land on which women cultivate, and inevitably curtail social justice for women.

The above findings resonate with many researchers studying women in ASM, such as Bashwira (2017), Eftimie et al (2012), Hinton (2006), Lahiri-Dutt (2011), Mutemeri (2012) and Insouvanh, Sambo and Wagner (2012). Understanding social and gender norms is fundamental to achieve improved economic outcomes for women in mining, yet policy-makers and planners have persistently failed to pay attention to women's identities and status in the mines, as well as to the socio-cultural and historical context that shapes these. We conclude on a positive note, however. In spite of the varied barriers faced by women, their proceeds from sector are more likely to contribute to household welfare, investment in education and health care as well as other productive activities like agriculture (Hentschel et al, 2003; Hinton et al, 2003).

3- FORMALIZATION AND THE POLITICS OF INCLUSION/EXCLUSION

This section analyses informal economies as well as the inclusion/ exclusion and/ or adverse incorporation of women into the formal mining economy. The informal sector is characterised by unregistered or minimally registered producers and firms operating at the margins of labour legislation, paying minimal taxes, using low levels of capital, technology and skills, and involving self-employed or wage workers who are not regulated or protected by state law (Chen, 2007). Barbara Harriss-White (2010) has famously distinguished between 'small-scale informality' and 'interstitial informality', the former referring to (semi) independent, small-scale producers; the latter to activities at the margins of the formal economy.

Despite the widely held belief that 'development' and 'economic progress' will go hand in hand with the informal sector disappearing and being absorbed by the formal economy, informality has persisted and even expanded in many countries such as Ghana (Hilson, 2003), the Philippines (Verbrugge, 2015), Tanzania (Fisher, 2007), and the Democratic Republic of Congo (Geenen, 2015). 'Legalist' explanations attribute this persistence to high entry barriers into the formal economy, including costly and time-consuming procedures, complex administration and non-attractive taxation, whereas informal 'frontier' mining activities are characterized by low entry barriers, necessitating relatively low capital and skills (Bryceson and Geenen, 2016). On the other hand, 'structuralist' approaches do not study the informal sector as a distinct sector within the economy, but "draw attention to informalization as a long-term systemic process embedded in the ebbs and flows of global capitalism" (Verbrugge, 2015: 1026). In this sense, informalization is seen as a deliberate strategy by actors in the formal economy to maintain subordinate employment relationships with informal economic actors in order to reduce labour and input costs and avoid statutory liability of formalisation (Harriss-White, 2010; Chen, 2007). This need for highly flexibilized labour markets coincides with the creation of low-skilled, poorly remunerated and temporary jobs (Breman, 2004).

Insights from research on chronic poverty may enhance our understanding of these issues by drawing attention to broader political economic processes that constrain people into poverty, and deepen marginalization over time (Ponte, 2008). Understanding chronic poverty means looking at the intimate and mutually reinforcing links between income poverty and a lack of social power (du Toit, 2004). In instances where the poor lack assets or other forms of capital through which they can acquire income, they are forced to sell their labour to make a living.

Hickey and du Toit (2007) have developed a conceptual framework to analyse

chronic poverty based on two main concepts: social exclusion and adverse incorporation. Social exclusion has been defined as “the process through which individuals or groups are wholly or partially excluded from the society in which they live” (idem: 2). Social exclusion focuses on marginalization and vulnerability and underlines the multidimensional character of poverty. It also promotes a ‘residual’ view on poverty, seeing it as a “consequence of being left out of development processes [and containing] the assumption that development brings growth and that what is required is to integrate people into markets” (idem: 5).

One of the critiques on the concept of social exclusion, however, is that it rests on the implicit normative assumption that ‘inclusion’ is desirable. People who are marginalised and excluded from mainstream institutions, systems and networks are nevertheless incorporated in ways that operate to undermine their opportunities for development (Eyben et al, 2005). The problem lies not so much in them being excluded, but rather in the terms and conditions of incorporation. The concept ‘adverse incorporation’ was coined to analyze the “institutional forms and relations that keep people poor over time”, focusing on unequal power relations between individuals, communities, markets and states (idem: 4; Bracking, 2003; Phillips, 2011). In contrast to the residual view, this approach promotes a ‘relational’ view on poverty, explaining poverty in terms of the social relations of production and reproduction, and the power relations underlying development processes. If we study formalization from this perspective, our attention will be drawn to the reproduction of existing power relations, of unequal access to resources, and of discriminatory social relations. In what follows we focus respectively on the political, economic and social dimensions of how inclusion and exclusion work.

First, we look at the political dimensions of exclusion/inclusion expressed through tactics of selectivity and capture in the means through which informal institutions are integrated into wider governance structures (Meagher and Lindell, 2013). The different ways in which people are represented or incorporated into broader political forms of organisation and institution results into persistent poverty (Hickey and du Toit, 2007). For instance, when the poor lack the capacity to represent themselves in available socio-political organisations, they trade away their agency in return for security and representation, thus encouraging patronage and clientelism (Wood, 2003). While these clientelist networks seemingly integrate all the participants in the network of exchange relations, they are exclusionary at the same time and maintain lower-status individuals in that position (Gore, 1994).

Hickey and du Toit (2007) observe that the political subjectivities of informal actors in the formalisation of agricultural value chains are more complex than is often acknowledged. Politics of inclusion may create new tensions between formal and informal actors and generate new divisions within the informal economy (Meagher et al, 2016). For example, an informal economy that was already troubled with power struggles might be worsened by changes in the political structure that consolidate or fragment informal associations and subjugate the marginalised further. This observation is best illustrated by Frances Cleaver (2002), in her study on resources management in Tanzania. She focuses on village land and natural resources committees in the *Usangu* Basin, which operate formally in formulating village land use plans and bureaucratise traditional cultural institutions. She notes that representatives on these committees directly represent resource users by translating community norms into more regularised institutional arrangements. However, the norms and practices are generated in households where women and children are already segregated from decision making. This reinforces existing power relations and contradicts the rules for fairness and equity anticipated in formalised institutions (Cleaver, 2002). Therefore, in merging informal institutions into formal ones, existing

power relations that consolidate the powerful and exclude the weak should be analysed first.

Second, we examine the economic dimensions of exclusion and adverse incorporation by looking at the functioning of capital and labour markets. Barbara Harriss-White (2006) for example has famously demonstrated that instead of poverty resulting from market failures, it is constantly and actively (re)produced within and by capitalist markets. It does so, among others, by creating the preconditions for capital accumulation: for example, by creating private property rights and enclosures that fence out those without opportunity. This, indeed, is what often happens in formalization processes (Peluso and Lund, 2010; Ribot and Peluso, 2003). Another way in which capitalism (re)produces poverty is through the promotion of ‘pauperized petty production’, which Harriss-White (2006) has also labelled as ‘small-scale informality’. She reasons that this mode of production, which is regulated by norms such as ethnicity, gender and religion, is actively promoted by states and firms as it allows for a flexible and cheap supply of labour. In an economic sense, this pauperized petty production leads to inability to be engaged in gainful employment to yield enough income to satisfy basic needs (Breman, 2004). Pauperized petty production It is thus particularly useful in current global production networks, in which lead firms put their suppliers under constant time and price pressures borne by workers at the ‘bottom’ through casual contracts, low pay and working overtime (Phillips, 2010).

In their study on the inclusion of African workers into global production networks, Meagher et al (2016: 475) call for a closer examination of “the actors, processes, institutions and disciplinary techniques through which global linkages operate, and a consideration of how benefits are distributed within”. In general, the organization of these global production networks results in selective and partial forms of inclusion, such as the differentiation between ‘usable Africans’ and ‘unusable Africans’, between regularised or irregular street vendors, and between regular and undocumented black farm workers. They conclude that such segregation deselected and delegitimises a section of people in an economy and may exacerbate poverty with the “unusable” workers trapped in unstable employment, low pay, terms of work they cannot adhere to, and poor working conditions (Meagher et al, 2016). In a related point of view, integration of people previously employed in informal economies into formality with the intention to economically upgrade their conditions is not a guarantee that they will get the intended benefits. Evidence has shown that instead of informal workers benefiting from their integration into the formal economy, they may be engaged under manipulative and unbeneficial terms (De Neve, 2012).

Third, we look at social networks and social norms, which also affect the extent and benefits of inclusion and exclusion. Informal economies are highly differentiated along lines of gender, age, ethnic, religious and political affiliation (Meagher and Lindell, 2013). These socio-cultural aspects shape the terms of incorporation into the formal economy in diverse ways (Phillips, 2011). As observed by Meagher (2005), in many cases, people working in the most exploitative situations of adverse incorporation have particular racial, ethnic, caste or social characteristics that are used to mark them out as inferior and available for exploitation. Discrimination resulting from ethnicity, political affiliation and gender, when combined with cultural norms such as prohibition of females from performing certain chores, can perpetuate their exclusion. Guérin et al (2005) for example illustrate that microcredit does little to support self-employment of women and people of lower castes in Southern India. Drawing on a household survey, they observe that women in lower castes have a significantly lower chance of starting up a business, in spite of having access to microcredit, because caste and gender-based social regulations influence local markets; determining who can produce or sell what, to whom, and

at what price. The authors observe that real markets are structured through social institutions such as prohibition of women in public spaces, rather than being the sum of interactions between free and competitive individuals.

Lastly, it is noted that operating on the margin of a formal economy may not necessarily be disadvantageous. To people who would otherwise have little bargaining power or clout in decision making, some degree of externality from the formal system may decrease the risk of adverse incorporation or buy them room to manoeuvre the system (du Toit, 2004). Rather than undergo the steps of formalisation, some producers or workers may opt to exclude themselves and withdraw from formal economic activities. This may especially be the case when people are facing high barriers to entry, and when they fail to see the immediate benefits of integrating into the formal sector, as has been documented for artisanal miners (Hentschel et al, 2002; Fisher, 2007; Geenen, 2012).

In summary, in this section we have examined the characteristics of the informal economy and its prevalence. Drawing on insights from social exclusion/ adverse incorporation research, we have examined the politics of inclusion and exclusion. We conclude that formalization is not (necessarily) an inclusive process, but risks to reproduce and reinforce social exclusion and adverse incorporation. This is highly relevant to the study of women in artisanal mining. As table 1 showed, women are facing specific structural constraints, which – unless real transformation of power relations takes place – tend to persist and may even be exacerbated by formalization processes, as the latter usually create more opportunities for people who are already in more powerful positions and have better access to resources. The following section presents the Ugandan case study, examining the position women occupy in ASM as well as in ASM policies (women in ASM), but also how policies risk to exclude women (women out of ASM).

4. WOMEN IN (AND OUT OF) ARTISANAL GOLD MINING IN UGANDA

4.1. Policy on ASM

In this paper we assess the extent to which the regulatory reforms take gender into account, as well as the scope for inclusion, exclusion or adverse incorporation of female artisanal miners into the formal economy.

The regulatory framework governing ASM is embedded in the Constitution, the Minerals Act 2003, the Mining Regulations 2004 and the Minerals and Mining Policy 2018. In preparation for the Minerals Act 2003 a Mining Policy was drafted in 2001, which proposed to “remove restrictive practices on women’s participation in the mineral sector and (...) encourage employment and involvement of women in mining” (Mining Policy, 2001: 14). But this policy mandate was not adopted in the resultant Mining Act 2003, which did not provide for artisanal miners and merely allowed women to enter mines. When tasked to explain this, officers from the Directorate of Geological Survey and Mines stated that the Ministry’s mandate in the early 2000s was to attract investors and large-scale companies rather than artisans.⁴ Indeed, the Mining Act provides for small-scale mining (to explore for minerals in an area not more than 500 km²) and large-scale mining through mining lease licenses. The Act provides for steps to obtain a license and determines the rights of a license holder as well as the duration of the licence and the levies. The Act does not consider artisanal mining and does not look at existing socio-economic challenges of ASM, let alone mention female artisan miners. The only reference to women in mining is under section 114 which permits women to work underground in any mine or activity relating

[4] Views from officers in the Directorate of Geological Survey and Mines, workshop, 1/11/2017.

to mining. The Mining Regulations 2004 operationalise some provisions of the Act and ensure that the regulatory authority is enabled to carry out its functions. The Regulations specify the procedure for applying for a license, enforcement of mineral rights, work obligations of the licence holder, shape of the area over which a mineral right may be granted and the manner in which boundaries are to be marked, payment of royalties, land compensation, removal of lawful occupants of the land, and cessation of mining activities, without a mention of (female) artisanal miners. Artisanal mining thus occurred in a regulatory vacuum.

The Mining Policy 2018 aims to correct this and organize and formalize artisanal and small scale mining in Uganda. Through formalizing artisanal mining activities, the government hopes to support livelihoods and entrepreneurship. To this end, they will try to remove the barriers to further development of artisanal and small-scale mining, issue licenses and make those more easily available, provide market information, access to credit and appropriate equipment, enhance technological transfers and facilitate access to land (Mining and Minerals Policy 2018: 23-25). The policy also acknowledges that women and children are increasingly getting involved in artisanal and small-scale mining, and are often overlooked by initiatives and development programs directed at transforming the mining sector. The policy aims to remedy this by putting in place a liaison framework that ensures that vulnerable groups are able to efficiently and effectively participate in policy-making (idem: 20). A gender specific objective under objective 7 aims to protect and uphold gender, equity and human rights in the mineral industry through frameworks, structures and mechanisms that ensure equitable participation, ownership and decision-making of vulnerable groups e.g. women, poor people, people with disabilities, youth and children.

Nonetheless, we observe that this policy provision is watered down by ambiguous statements like putting in place “a liaison framework that ensures that women, youth and persons with disabilities are able to efficiently and effectively inform its decisions, policies and programmes”. In addition, it compounds women with children, youth and persons with disabilities in the same provision. The policy does not acknowledge the heterogeneous nature of female involvement in mining, nor ancillary activities performed by women. It does not address structural constraints women in mining are facing, nor does it reflect upon how to achieve gender equality in miners’ associations, considering prevailing power relations. As observed by Bebbington, (2013), when a policy treats a target population as homogeneous, its effects are inevitably biased against those members of the population who are less able to take advantage of the policy.

We have also observed that policy provisions might not always translate into legal provisions. For example the Mining Policy (2001) aimed to “remove restrictive practices on women’s participation in the mineral sector and...[e]ncourage involvement of women in artisan mining”.⁵ Yet the resultant Mining Act (2003) did not provide for artisanal miners and merely permitted women to enter mines. We will now turn to describing the gendered division of labour in Uganda’s artisanal mining sector

4.2. The gendered division of labour

A description of the labour process and labour arrangements in the studied mining sites will shed some light on the heterogeneity of actors, as well as the gendered division of labour. This section will also highlight women’s triple roles in the mining sites and look at capabilities and choices women employ in exercising their agency against legal and normative structures in ar-

[5] Mining Policy, 2001: 14.

tisanal mining.

Lujjiinji B and Wakayiba mining sites are typical ‘gold rush camps’ (Bryceson and Geenen 2016) comprising temporary structures made of tents that provide accommodation, bars, entertainment sites and eating places. The camps have witnessed an influx of people from urban centres as well as neighbouring countries such as Rwanda, Tanzania and the Democratic Republic of Congo. In the studied mines, ‘landlords’ (natives of Mubende District holding legal possession of land through inheritance) lease out the land to artisanal miners at a fee, depending on the activity carried out. For example, the interviews revealed that a small plot of land to erect a modest tent for shelter costs 20,000 Uganda shillings (4.9 euro) a month,⁶ while rent for a productive pit may reach over 2,000,000 Uganda shillings (490 euro) a month. Pit managers rent the space harbouring the pit from the landlord at a fee of 100,000 shillings per month (subject to increment if gold is discovered). Mostly, these rental agreements are oral and undocumented. The pit managers may hire someone (often a male relative or male business partner) who oversees the activities at the mine such as hiring workers to excavate the gold at a wage of on average 20,000 Uganda shillings (4.9 euro) per day depending on the mining skills and experience of the miner, or they give the miner a basin of the ore for every bag extracted. In some arrangements, the pit manager provides the miners with tools while in other instances the miners look for their own tools. In the latter case they may demand a wage of 25,000 Uganda shillings (6.1 euro). The ‘miners’ themselves are composed of a heterogeneous workforce, with workers involved in excavating, hauling and transporting ore to the surface. From this stage a pit manager may decide to sell the bags of ore to speculators or proceed to process it himself.

Women, who make up a large population in the visited mines, intervene in this stage. They are engaged in crushing the ore into finer stones, before taking them to the ball mill (operated by men). Other women and boys are then employed by the pit manager, individual miner or somebody else that has purchased the ore, to pan for gold and recover the gold particles with mercury at a fee of 2000 Uganda shillings (0.49 euro) per basin of ore. A panner might pan over 10 basins a day depending on her physical ability. From this stage younger women working for the ore owner amalgam the gold, weigh it and sell it to other young women from the city. These buyers are sometimes self-employed women who have failed to find jobs after tertiary education or women employed at an undisclosed fee by a middle man from the city.

In this division of labour, it is remarkable that women intervene in very specific tasks, such as ore crushing, panning, recovering the gold with mercury, and trading.⁷ Some activities requiring physically hard labour are considered to be masculine, and young men are more attracted by jobs like hauling ropes at the pit, which are better paid at 8000-10,000 Uganda shillings per shift.⁸ However, the final stages of gold processing are entrusted with women because they are assumed to be more trustworthy than men.⁹ Women are also especially active as service providers, for example leasing out machinery or providing accommodation, food and sexual services to male miners. Some of these issues will be further examined below.

In what follows we want to highlight four important elements with respect to this

[6] 4084 shillings are equivalent to 1 Euro according to the Bank of Uganda Foreign Exchange Rate <https://bou.or.ug/bou/collateral/exchange_rates.html> last visited 21/3/2018

[7] In most mines in Sub-Saharan Africa women are involved in panning and crushing. Women active in buying and selling of gold though, are quite rare (see, among others, Geenen 2015; Bashwira 2017).

[8] Interview miner, 16/11/2017

[9] Interview pit owner, 17/07/2017

gendered division of labour: unequal remuneration, unequal access, women's triple roles¹⁰, and the neglect of women in ancillary services.

Secondary activities such as crushing and panning are relatively poorly remunerated compared to the core extractive activities performed by men. One basin of sand panned, for instance, pays a standard fee of 2000 Uganda shillings to the female worker, even if the gold recovered may be worth millions of shillings. One interviewee revealed that “men easily get jobs and earn faster than women and there is unequal pay. For example he may earn 1,000,000 Uganda shillings from a basin of gravel but pay you as little as 2,000 Uganda shillings”.¹¹ Although chances to earn 1,000,000 Uganda shillings from a basin are rather slim (yet the hope of striking it rich is constantly nurtured in this environment, see also Geenen 2018), similar dissatisfaction was echoed throughout the interviews. Considering what these female respondents had to say about their earnings:

R.1: Business is not good, imagine I have 2,000 shillings between me and my child for today, if he falls sick, what will I do?

R.2 : Yes, 2,000 shillings as a wage is not enough for an adult.¹²

R.3: [We receive] poor pay for panning, for example those boys that pan negotiate better, sometimes they are paid 5,000 shillings while we get a standard 2,000 shillings.¹³

Second, the women do not have official mining licences and need to negotiate their access to the minerals with men. The only woman who co-owns a pit in our study area by virtue of her playing a dual role as the mine health worker, relies on her male relatives to access the gold because she is culturally excluded from entering a pit or even being around.¹⁴ The women we interviewed accessed their work in the first place through kinship and friends. It was observed that people work together according to ethnicity or cultural ties, with migrant labour mainly exploited and excluded from existing social networks. For instance, men of Rwandese origin were expected to dig in the most dangerous underground areas. This practice was justified by others who claim that migrants don't have relatives in Uganda who would miss them if buried in a collapsing pit. One respondent for example said that

“these foreigners are more reckless than Ugandans, they do jobs nationals can't do. These people are foreigners without family ties here, they have nothing to lose, they are willing to go under the belly of the earth, which locals can't do, and they are hardworking for little pay. They are preferred to the locals.¹⁵”

In the same way, women of Rwandese origin were excluded from existing social networks. They only identified with their kin because of the language barrier and mainly worked as low-paid stone crushers and were considered “low class”.¹⁶

Another major constraint is the fact that women are required to perform both reproductive and care roles, alongside their role as miners or workers. Reproductive and care activities take up a lot of time that could otherwise have been utilised in productive mining activi-

[10] In the feminist literature, women's 'triple role' or 'triple burden' refers to their productive, reproductive and community managing role (Momsen, 2005). In the studied communities, women are involved in managing common-pool resources, but we haven't studied this in depth within the context of the present research. See below.

[11] Focus group women, 17/07/2017

[12] Focus group women, 15/11/2017

[13] Focus group women, 17/07/2017

[14] Interview female representative SASMA, 18/07/2017

[15] Interview, 22/11/2017

[16] Interview female miner, 17/11/2017. Rwandese women seeking employment in the mines are often impoverished and treated pitifully.

ties (Hinton et al, 2003; UNECA, 2015). As one respondent vending food expressed:

“Women in similar activities [food vending] who don’t have children do not suffer like we do. They might even earn more. Imagine from 5:00 am, I am carrying my baby at the back, and I have to ensure to follow up on my 4-year-old child when he returns from school”.¹⁷

It should be noted that the nature of artisanal mining is such that the more time and effort one puts into an activity such as panning, the more one is likely to earn. Women’s reproductive and care roles thus have a negative effect on their (potential) earnings. An expectant panner commented: “...even while am pregnant, I still work, do I have a choice? I will work until I cannot perform these jobs anymore”.¹⁸ This observation was shared by the female leader of Ssinga Artisanal and Small scale Miners’ Association who suggested in an interview that the policy ought to recognise women’s contribution and roles, as well as poor terms of payment.¹⁹ This resonates with Moser’s (1993) observation that development planners and policy implementers have failed to recognize women’s reproductive work as work, yet most men’s work is valued, either directly through paid remuneration, or indirectly through social status.

The tasks women perform at the community level are rather an extension of their reproductive roles, then an involvement in decision-making processes. For example, women play a very important role as they have to provide drinking water, which takes up a lot of time and money (they buy jerrycans of water at 1000 Uganda Shilling each.²⁰ Few women, however, played a role in community decision making. The local miners’ association for example comprised 1,200 members, 300 of which were women.²¹ Further, decisions about community needs, such as the need to establish a new school, were left to men.²²

Finally, the place of women in services is unclear within the policy and legislation. There appears to be a consensus among the technocrats in the Directorate of Geological Survey and Mines that women in ancillary services are not miners and hence they are not legislated for.²³ Service providers themselves, on the other hand, asserted that the industry cannot be sustained without their services and that they want to be included in policy-making.²⁴ Even worse, a recent Presidential Directive has ordered persons in ancillary services, such as those selling food and equipment, to relocate within ten kilometres of the mining camp so as to ensure order and sanitation. In the mines we visited, mainly women were aggrieved and argued that this is an indirect manner of evicting them from the mines because it will drive away their customers.²⁵ Additionally, they will incur financial loss because they had already paid up to six months’ rent to the landlords for the space they occupy at the mines.²⁶

Neighbouring Rwanda proves that a more holistic policy in this respect is possible. Its policy provisions include communities living adjacent to mines, which are treated as integral to the mining process. Training on safety, health and environment is provided to the miners and their families, and ancillary and service industries in mining and quarrying communities are sup-

[17] Interview female miner, 15/11/2017

[18] Interview woman, 12/11/2017

[19] Interview (Ibid)

[20] Women focus group discussion Lujinji B, 17/7/2017.

[21] Interview chairman SASMA, 17/07/2018

[22] Communication with a pit owner at Lunjinji B, 18/07/2017

[23] Workshop 1/11/2017 and Interview officer from the Directorate of Geological Survey and Mines, 24/11/2017

[24] Interview service provider, 13/11/2017

[25] Focused group with service providers, 15/11/2017

[26] Interview, 16/11/2017

ported.²⁷

To sum up, women perform a variety of tasks in and around mineral extraction, and combine these with reproductive roles, but they are facing a number of social and cultural constraints. Neither of these are reflected in the Minerals and Mining Policy. In fact, there seems to be a reluctance to have gender-specific policy provisions, as became clear during an interview at the Ministry of Energy and Mineral Development. When asked about solutions to improve women's position in ASM the interviewee stated that

“[e]nough has been done in terms of policy and law, just implementation [as the next step], I believe all policies are favourable to women, but the question remains on implementation... [I] don't see a situation where women are working alone, so we can't say we are going to look for women alone, so we take them as a unit [including men]”.²⁸

4.3- Policy, participation and power

The preamble to the minerals and Mining Policy indicates consultation with public bodies such as the Uganda Chamber of Mines and Petroleum, mining companies, academic and research institutions, development partners, parliament, Ministries, Civil Society Organizations and the general public. However, the field study showed that not only very few people in the mines were consulted, but they were also unaware of the upcoming policy reform. Regardless of their low levels of education however, our respondents did have an opinion about what a government policy should entail.²⁹ None of the respondents had ever received training, assistance or information from the government. In Lujinja B, they all confirmed that the only government intervention they knew of was the impending eviction.³⁰ Respondents from Wakayiba stated that they had not heard of any government policy regarding ASM, except for some rumours about separating mining activities from ancillary activities.

Our study also revealed mistrust between the miners and the government. When asked whether the opinion of miners would matter in policy making, a female respondent said that “our voices cannot even reach top management because all government activities are not tailored for us, they [the government] are dishonest”.³¹ Another respondent expressed that “government policy is repressive... [I] think those laws are meant for a large-scale investors, because how can they ask a panner to stop using mercury?”.³² A female service provider stated that the government should consult them about their needs “[...]it is only until you come to the ground that you understand our activities”.³³

Further probing revealed that the two leaders of the miners' association were consulted at the final review stage of the draft policy. More particularly, they were invited in Kampala but claimed they did not actively contribute to the consultation because they accessed the draft policy for the first time through PowerPoint presentation by the consultant. They also pointed out that the individuals invited to represent artisanal miners are self-imposed leaders who “could not relate to their [present artisanal miners] problems”.³⁴ The consultative process

[27] Revised Rwandan Mining Policy, 2009, retrieved from http://www.minirena.gov.rw/fileadmin/Media_Center/Documents/RNRA_GMD/Mining_policy_draft-sent_to_the_minister-30-10-09.pdf visted 05/10/2018

[28] Interview Principal officer in the Directorate of Geological Survey and Mines, 02/08/2017.

[29] Interview female miner, 21/07/2017

[30] Focus group women, 20/07/2017

[31] Interview female miner, 12/10/2017

[32] Focus group mixed, 15/11/2017

[33] Interview female service provider, 13/10/2017

[34] The chairman SASMA reported that the person currently holding out as the head of artisanal miners in Uganda

also omitted the local government, and in particular the services of those in charge of natural resources in key districts where ASM takes place. An interviewee from the office of natural resources governance in Mubende district expressed that-

“Kampala [the Directorate of Geological Survey and Mines] people just come and take pictures, they do not even know the division of labour in mining or the activities of artisanal miners, how can you coordinate something you are ignorant about?”³⁵

Indeed, an officer from the Directorate of Geological Survey and Mines confirmed that there have been consultative meetings, but the participants were mainly from the central District of Mukono³⁶. He added that the views of women in mining were given by the association of “Women in Mining Uganda” through their patron, who holds a top position in the Ministry responsible for mining and the Secretary to the Association who is also employed at the Uganda Chamber of Mines and Petroleum. An interview with the representative of the Uganda Chamber of Mines and Petroleum confirmed the consultation. It was revealed that ASM is not an important item on the Chamber’s agenda at the moment because the Chamber’s chief aim is attracting large investment and coordinating activities of large-scale mining companies.³⁷ Such an elitist point of view by the state representatives does not resonate with the needs of artisanal miners and reaffirms Hilson’s assertion that artisanal miners continue to play an insignificant role in key decision-making processes, allegedly being implemented to improve their quality of life (Hilson, cited in Collins and Lawson 2014: 13).

Yet still, practice in Uganda has shown that policy drafted without due consultation results into vague provisions that become subject to undue improvements. The field research and interaction with the Directorate of Geological Survey and Mines revealed that the entire mining legislation is under scrutiny for failure to mainstream gender. There have been several calls to amend the policy.³⁸

4.4. Agency, structure and navigation

To deepen our understanding of how gendered norms and power structures delimit women’s agency in ASM, and how women navigate such structures to participate beyond the survivalist end of the spectrum (Kabeer, 2012), we analyse the women’s agency exhibited through interviews and observation. While women are commonly perceived as victims of ASM and its resultant market for commercial sex, or as passive actors within the chain due to heavy masculine duties and the general idea of physical ability in ASM, our study at Wakayiba mine identified women who challenged this view (see also Bashwira et al, 2014; Kelly et al, 2011, Yakovleva, 2007). In particular, a couple of women were involved in leasing out equipment used to mine.³⁹ When asked about her choice to engage in a male dominated sector, one of them commented:

“...we have not offended anybody being in the mines, it is our personal choice. Rather the state

was self-appointed in the 1990s and is no longer an artisanal miner as he has since acquired large scale mining licenses in other gold mines.

[35] Interview, 24/11/2017

[36] Mukono District is at 20 Miles from Kampala while Mubende is at 84 Miles

[37] Interview, 22/10/2017

[38] “Individual Consultant to Undertake a Study on Strengthening the Participation of Women in Artisanal and Small-Scale Mining in Uganda https://jobs.undp.org/cj-view_job.cfm?cur_job_id=74567> www.developmentminerals.org/index.php/en/resource/studies?view=download&id... And “Individual Consultant to undertake a holistic Study on Strengthening the Participation of Women in Uganda’s nascent Extractives Sector including in the Development Minerals sector” UNDP September, 2018> http://procurement-notice.undp.org/view_notice.cfm?notice_id=49488> last accessed 27/10/2018. See also Impact, 2017.

[39] Interview, 13/11/2017

should come to our aid with finances and guarantee freedom from eviction”.

This particular woman also revealed that she had been able to turn structural barriers by enlisting help of a fellow woman to pool resources and employ men to dig her pit at Lubaali mine (one of the former nine camps) before eviction on 4th August 2017. However, fate twisted at Wakayiba mine because the two women had to start afresh having lost their capital during the evictions. They needed to identify a vein of gold and hoped that they would later find finances to employ men to excavate the pit.⁴⁰ These two female miners were undermined by their physical ability and the lack of a governance structure at the new mine. They revealed for example that at Lubaali mine there was a police post and a mine chairperson who addressed miners’ grievances and observed law and order. With regards to the new mine, they said that-

“when we identify a possible vein of gold and start scratching the surface, men observe what we have discovered and take over our pit...[t]here is nowhere to report such offences here, the men come in large numbers and dig deep the following day. This is not how it was at Lubaali”.

In Lujinji B we found one woman who co-owned a pit. According to her, she is able to do so because she is better educated and has an alternative income as a health worker.⁴¹ Nevertheless, as pointed out above, she relies on her male relatives to access the gold because she is culturally excluded from entering in the pit. This also makes her believe she is cheated upon by her male partners, who can enter the pit and oversee the production, while she is prohibited from doing so.

On the contrary, the study at Lujinji B revealed that some other women at this mine had internalised their lower social status, given the unequal power relations. Several women interviewed expressed hopelessness of their status and made a choice to remain in lower-paid activities, while others chose to stay away from mining altogether. One respondent – who had chosen to engage in prostitution - expressed that “I am new in this mining business, I have seen women’s activities in these mines. I don’t think I have the energy to perform them”.⁴²

The research further revealed that the women’s ability to negotiate or even manipulate the normative structures was constrained by limited information on the ways of coping or navigating. For example, the women had never heard of laws regarding minimum wage, justice against sexual offences or related basic rights. One respondent revealed her challenge in the mines as

“getting cheated by those that hire us to wash the ore. Sometimes they do not pay and yet they employ us again the following day. There is no system to address grievances in this business. We must return and work as if nothing happened because we need jobs and money”.⁴³

Such pessimism has led women to trade away their agency in exchange for survival. As elucidated by Hicky and Du Toit (2007) “the very poorest who are the least well-placed to claim their rights know their place and may prefer to operate at the margins of those more powerful than them” (p.13). Finally, people living in poverty are often spoken for and spoken about by those who are not poor and when spoken for, they internalize the way they are represented, so that when they come to represent themselves they simply reproduce the portraits that are made of them by others (Eyben et al, 2005). This perpetuates exclusion and devalues women’s agency. This section thus serves as a reminder that legislative and governance structures undermine

[40] The organization of mining at Wakayiba is such that where a miner identifies a possible vein of gold, they rent that space from the landlord and are able to obtain the right to mine.

[41] Interview, 20/07/2017

[42] Interview, 15/11/2017

[43] Interview, 13/11/2017

women's agency from above while gendered norms undermine women's agency from below, determining the kind of choices women make in ASM (Buss et al, 2017).

4.5- The adverse effects of formalization

The literature reviewed highlighted patronage, elite capture and new divisions within an informal economy as dangers of formalisation. These have all been confirmed by the field study. In Lujjini B and Wakayiba women were found to hold little agency in existing miners' associations. They felt disconnected from those currently in power and did not have much faith in any forthcoming associations. When probed as to why they felt underrepresented in a cooperative, the respondents exposed elements of elite capture and clientelism in activities of the cooperative as follows:

R.3: [There is] no hope because the help channelled to us stops at the subcounty. Cooperatives waste a lot of our money, for example they ask you to collect money towards a project but you never know what happens to the project.

R.2: When help comes from above, the lower bottom members may never get such help.

R.1: Development funds are captured before they get here, they are shared between district officers, local leaders and their spouses".⁴⁴

Drawing from the above responses, there is a likelihood of the proposed cooperatives becoming vehicles for personal gain on the part of their leaders and selected followers as observed by De Haan and Geenen (2016) for the case of the Democratic Republic of Congo. This elite capture of external resources (e.g. development aid) is articulated by Platteau (2004: 6) who elaborates that in forming associations:

"[a]s a prerequisite for external assistance, the ability to deal with external sources of funding is concentrated in a small elite group, [a]nd the bargaining strength of common people is inevitably limited; hence they readily accept highly asymmetric patterns of distribution of programs' benefits so long as they too can benefit materially from their association with a patron linking them to the elites".

According to one NGO respondent, some political figures at the level of the district are already anticipating to capture funds that will be channelled through the districts that host artisanal mining.⁴⁵

The literature highlighted that economic gain from formalisation is captured by those that already have the capacity to aspire, as demonstrated by Fisher (2007) in the case of Tanzania's mining sector. In exploring economic trajectories of adverse incorporation and exclusion in regard to the new mining policy, we consider the policy proposal by the Government requiring those interested in undertaking ASM activities to obtain licenses in order to operate legally and easily access financial assistance. Taking the position of women in ASM as subordinate and constrained by social and cultural norms, women are incapable of obtaining licenses as mandated by the Minerals and Mining Policy. They generally undertake low paying jobs and lack the economic means to exploit the potential in ASM as license holders. Even in the event that women were able to obtain exploration licenses, pursuing a license carries significant cost and bureaucratic barriers. The ability to obtain an exploration license is based on awareness of procedures, financial and technical capacity, as well self-confidence (Eftimie et al, 2012).

[44] Focus group women, 17/07/2017

[45] Interview NGO representative, 08/12/2017

As observed through an assessment of Uganda's readiness to implement the Minerals and Mining Policy by the IISD (2015), in addition to yearly fees and reporting requirements, miners need to fill out the application form, whose technicalities may exceed their capacity. Once filed, the applicants must travel to the Ministry responsible for mineral development to submit their applications for approval. IISD (ibid) also established that the fees for obtaining and maintaining a location license can be high for an ASM miner. The fee for a prospecting license is fixed at 500,000 shillings. A locational license can be obtained in four stages, application at 800,000 shillings, grant of a mineral rent licence at 1,000,000 shilling, stamp duty at 500,000 shillings and gazetting fees at 300,000 shillings. Additionally, a licensee must incur annual mineral rent of 75,000 shillings per hectare as well as payment of royalties on 5% of the production.⁴⁶ It is also noted that obtaining a mining lease entails carrying out an environmental impact assessment and a feasibility study. Furthermore, obtaining a mining license might require financing from banks and micro credit institutions, for which most women do not meet the requirements. Such bureaucratic measure and high barriers to entry may lead people to exclude themselves from formalization processes (Geenen, 2012; Yakovleva, 2007).

Politics of inclusion create new divisions within the informal economy; consolidating the powerful and excluding the weak from formalisation. While de jure policy anticipates gender equality and equity in all programmes related to mining, including education, training and the formation of associations,⁴⁷ de facto practices are discordant from the policy. From our research, we observe that no training has yet been provided. Moreover, the creation of associations, instead of empowering women suppressed their agency. Starting an association in Uganda is tedious, bureaucratic and deterrent. The steps taken to obtain legal recognition of an association in Uganda include preparation of a constitution, memoranda, payment of registration fees and sometimes legal fees.⁴⁸ These steps are not easily taken by largely semi-literate or illiterate women working in the mines as expressed by one migrant respondent that "I cannot read nor write, I have never been to the city, I could recognise sign posts but I could not read what they said, I was lost in Mubende town for two days."⁴⁹

In conclusion, the draft policy appears to provide distinct advantages to people with higher social status, education, mobility and access to information (Hinton, 2012), yet the women interviewed and observed appear more disadvantaged than their male counterparts. This section has illustrated that attempts to include women into a formal economy risk to worsen their socio-economic conditions because the women carry little clout in policy making institutions. There is a huge gap between the artisanal miners' needs identified by the government in the policy and the real needs of artisanal miners. If the policy is approved by cabinet in its present form, its provisions will not be in touch with the reality. The avenues for inclusion such as the creation of cooperatives suggested by the policy will disadvantage the women further because the costs of joining an association outweigh the benefits in this case. It cannot be over emphasised that the government should care about women's welfare in the mining legislation because:

"women are the linchpins of their communities, with key roles in ensuring the health, nutrition,

[46] The Mining (Amendment) Regulations, 2016

[47] Objectives 13(r),13(t) of the Mining Policy 2016

[48] Under laws of Uganda, an association may be registered as a business entity or a company limited by guarantee. Once incorporated, the association is expected to furnish annual reports, resolutions at meetings etc which an ordinary artisanal miner is incapable of doing given their levels of education and other obstacles < <http://ursb.go.ug/services/business-registration/registration-of-documents/>> last consulted 23/07/2017

[49] Interview, 14/07/2017

education, and security of those around them, investing in women and assuring their participation in development is not only key for their own development, but also for the socio-economic development of their families and communities” (Centre for Governance and Development, 2015, p. 7).

CONCLUSION

This paper has illustrated that formalisation does not only create additional barriers in the small-scale mining sector, it also risks to reinforce gender inequality because it loses sight of structural constraints women in mining are facing. Apart from the fact that formalization will probably be out of reach for female miners and workers around the mining sites due to technical-bureaucratic obstacles, financial constraints and socio-cultural norms, it risks to create further *informalization*, in the sense of (re)creating a workforce that is not protected by state law and that is adversely incorporated in the production and trade of gold.

The above loopholes in the regulatory framework are a result of a knowledge gap between the women’s practical needs and their position in society on the one hand, and the needs that the government envisages in the policy. This results from exclusionary practices in decision making (Fisher, 2007; Collins and Lawson, 2004), and consulting with elitist individuals who are not sufficiently informed about miners’ and workers’ needs or who choose to neglect them. The study recommends that the government of Uganda recalls her commitments to international, regional and national instruments on gender equity and take an all-inclusive approach that considers socio-cultural needs of the people (especially women) involved in ASM. But it also calls for broader transformative change to lift some of the structural (social and cultural) barriers women are facing.

In light of the above, we recommend explicitly engendering policy implementation and formulation of laws governing the sector that will be informed by the policy provisions. This can potentially be done by benchmarking from the Rapid Assessment Toolkit on Gender Dimensions of Artisanal and Small-Scale Mining produced by the World Bank (2012) that adheres to principles of inclusion and gender mainstreaming in all stages of designing and implementing ASM policy. It is important to understand the kinds of incorporation categories informal actors seek, be it the simple freedom to operate, greater access to public services and social protection, integration into global markets, or meaningful political voice and to what extent these correspond to the inclusive relations sought by formal actors (Meagher and Lindell, 2013: 62).

In addition to the Minerals and Mining Policy, the government should revise other laws that affect the decent work conditions of the mine workers such as labour laws that stipulate equal treatment, basic contracts and minimum wage. Beyond legislation, mining communities should be sensitized on their basic rights, which implies more efforts towards literacy as well as vulgarization efforts. Most of the female miners interviewed in this study are semi-illiterate and likely not to appreciate policy recommendations in the English language, nor the steps required to formalise their activities. Other than empowerment through legislation, the women may benefit better from ASM if they receive training in terms of skills and knowledge to improve their efficiency. It is noted that the World Bank trained artisan miners in Uganda between 2006 and 2011. They also supported capacity building for the Directorate of Geologic Survey and Mines and other central government agencies, local governments, and communities. The project also launched small grants for safer, environmentally friendlier, and more lucrative income generation practices in mining communities. However, given the transient nature of artisanal miners, such training should be repeated based on the current needs of women in ASM, and taking into account dangers of elite capture and patronage as discussed before. In considering

cooperatives/associations as a vehicle for female empowerment in ASM, the views suggested by the female miners interviewed in this study should be taken into account, namely “election of cooperative leaders without external interference from the government, leaders following up on communication and delivering on their promises, spelling out rules as to how the cooperatives should run, ensuring proper ways of reporting grievances and educating the miners about advantages of cooperatives”.⁵⁰ Therefore accountability, checks and balances should be key in establishing these associations. Lastly, an issue that was prominent in the study was a knowledge gap between the miners and the government, resulting from ignorance of actual activities, roles of the miners and lack of gender aggregated data. This paucity of reliable information, especially with respect to women’s involvement in artisanal mining, has also been pointed out by other researchers (Hinton et al, 2003; Hilson 2005; Rickard et al, 2017; Buss et al, 2007). With this discussion paper we hope to have contributed to a better understanding of women in Ugandan artisanal gold production.

[50] Focus groups 20th-22nd /7/2017, and individual interviews (14th-17th /11/2017)

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