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WOMEN IN ARTISANAL AND SMALL SCALE MINING UGANDA: REGULATION, BARRIERS AND BENEFITS

ASIIMWE JACKLINE*

Abstract

This study gives an overview of women in artisanal and small scale mining in Uganda (ASM). It sheds light on regulatory framework while citing the barrier and benefits. In summary the finding of the study are namely;

- (i) Many studies describe how male dominated the mining industry is.*
- (ii) Women play a significant role in ASM, however, much of their work takes place illegally. In Africa alone ASM workforce comprises of 40–50 % women.*
- (iii) Although many women work in ASM, the exact number of women involved in remains largely unknown.*
- (iv) ASM is a source of livelihood and has other social economic benefits for many women and in poor rural families in Uganda.*
- (v) The study reveals key barriers that women in ASM face and suggest what can be done to make it more gender responsive.*

Introduction and General Background

Globally, an estimated 40.5 million people are directly involved in Artisanal and Small Scale Mining (ASM). Around 150 million people indirectly depend on ASM and women make up a significant number of sector participants.¹ Although there is a critical lack of data, women are believed to account for 30 per cent of the global ASM workforce² and up to 50 per cent in Africa.³ ASM is a significant source of income for tens of millions of people.⁴ ASM refers to small groups and individuals engaged in low-cost and labor-intensive excavation of minerals using minimal mechanization.⁵ Braxton⁶ and a report by DRASPAC⁷ attempt to make estimates of

*The author is a researcher and law lecturer ,Islamic University In Uganda. Email: asiimwejackline4@yahoo.com, Tel: +265775491866.

¹ Hiron, M., (2020), How the Sustainable Development Goal Risk Undermining Efforts to Address Environmental and Social Issues in the Small Scale Mining Sector, Elsevier, Vol.114, December 2020, pages 321–328, Available at: <https://doi.org/10.1016/j.envsci.2020.08.022>.

² Stocklin et al, (2019), Training artisanal miners: A proposed framework with performance evaluation indicators, Science of The Total Environment, Volume 660, Retrieved from <https://doi.org/10.1016/j.scitotenv.2019.01.113>.

³ Mutemeri et al, (2016), Capacity Building for Self-Regulation of Artisanal and Small Scale Mining (ASM) Sector: A Policy Paradigm Shift Aligned with Development Outcomes and a Pro-Poor Approach, Elsevier, vol.3 July 2016, p.653 – 658. Available at: <https://doi.org/10.1016/j.exis.2016.05.002>.

⁴ Craig D., & Antonucci A. (2014). Developing a coloured gemstone jewellery manufacturing enterprise that empowers Tanzanian women, Cited in USAID REPORT ON GENDER IN ARTISANAL & SMALL-SCALE MINING MAY 2020. Available on: https://www.usaid.gov/sites/default/files/asset_document/2020/07/12/gender-issues-in-the-artisanal-and-small-scale-mining-sector-pdf.pdf. Accessed and put to use on July, 12th, 2021.

⁵ Ibid.

⁶ Buxton, A., (2013), Sustainable Markets: Responding to the challenge of Artisanal and Small Scale Mining, How can Knowledge Networks Help?, IIED, London, p.3. ISBN:978-84369-911-8.

⁷ DRASPAC, Women in Artisanal and Small Scale Mining: A Snapshot of Challenges and Opportunities for Empowerment, 2017.

people involved in ASM, these numbers remain largely conservative and leave the number of women engaged in ASM remain largely unknown in Uganda.

On the other hand, Eshun in explaining barriers faced by women in ASM argues that women tend to earn only one quarter of what men earn in the ASM sector.⁸ Artisanal miners employ rudimentary techniques for mineral extraction and often operate under hazardous, labour-intensive, highly disorganized and illegal conditions. Uganda is geologically endowed with a wide variety of mineral deposits namely; gold, copper, iron ore, limestone, uranium, marble, graphite, gypsum, wolfram, nickel, cobalt, tin, rare to mention but a few. ASM is prevalent in Kabale, Hoima, Buliisa, Kasese, Ntoroko, Masaka, Kabong, Kisoro, Busia, Tororo, Ntungamo, Mubende, Kotido, Bushenyi, Rukungiri, Moroto, Amudat, Kanungu, Bugiri, Gulu, Buhweju, Namutumba, Hima and Muhoky in Kasese and Mayuge districts in Uganda. ASM still represents a significant source of income for women in the above mentioned districts.

In Uganda, the number of women working in ASM is increasing rapidly yet the sector largely remains unregulated. This is attributed to the characteristics ASM of a sporadic nature, small easily exhausted deposits, small pockets are regulated and larger portions of it remain unregulated, environmental degradation, health and safety risks, gendered roles and lack of infrastructure, and illegal marketing among others. However, if properly regulated and harnessed, ASM can lead to social economic development.

ASM provides employment which is a source of revenue and contributes to poverty eradication and socio-economic development.⁹ Women in ASM are faced with numerous barriers such as being largely manual, low levels of mechanization, illiteracy, inadequate financing, cultural norms and taboos, labour intensive, employs fewer people, largely unlicensed and mostly not regulated. Nevertheless, ASM is an essential economic activity in many developing countries like Uganda.¹⁰

In Uganda, women in ASM do not enjoy the equal opportunities of access, employment control, remuneration and benefits in their communities. The division of labor within the ASM supply chain is typically gendered with women more often occupying non-digging jobs, such washing, crushing stone, and creating ancillary

⁸ Eshun, M. M. (2016) Not Just Counting Their Numbers, But Making Women Artisanal Miners Count. Retrieved from <https://africaupclose.wilsoncenter.org/not-just-counting-their-numbers-but-making-women-artisanal-miners-count/>.

⁹ Saferworld, (2017), Mining in Uganda: A conflict Sensitive Analysis.

¹⁰ Hinton et al, (2003), The Socio-Economic Impacts of Artisanal and Small-Scale Mining in Developing Countries Ed. G. Hilson, Pub. A.A. Balkema, Swets Publishers, Netherlands, 2003.

businesses, such as selling food and goods around mining sites.¹¹ However, women are increasingly stepping out of indirect supportive roles and engaging directly in mining.¹²

As earlier stated herein, women in ASM face numerous barriers namely; lack of finance resources, cultural norms and taboos, lack of skill and knowledge, exposure to intoxicants, low productivity, poor safety working conditions, environmental pollution, unstable markets, regulatory barriers, lack of women miners associations, diseases, vicious cycle of poverty, rampant crime, drug abuse, rapid spread of HIV and a host of other sexually transmitted diseases among others.¹³ Whereas these barriers do affect both men and women in ASM, it is interesting to study the interaction between these barriers and women to whom this study is dedicated. ASM can be likened to ‘small fish’ in an ocean of mining and just as small fish are preyed on by bigger ones, so is the artisanal small scale miner who is preyed on by the ‘big miners’. The big miners have much bargaining power, they can influence and determine market prices, on the other hand, ASM can’t mine big because they have small capital and use rudimentary tools, illiterate, no protective gear, all these mentioned barriers when weighed against women in ASM lead to fundamental revelations. These will be handy in informing policy debates and formulation. It is upon this background that this study examines **‘Women in Artisanal and Small Scale Mining in Uganda: Regulation, Barriers and Benefits’**.

An Overview of the Regulatory Framework on ASM

This section analyses the regulatory aspects of women in ASM in Uganda.

The Const6on of the Republic of Uganda, 1995 (as amended)

All minerals are vested in the Government on behalf of the Republic of Uganda. The Constitution empowers the Parliament to enact laws for regulating the mining sector.¹⁴ In addition, the Constitution requires the State to promote sustainable development and public awareness of its need to manage natural resources in a sustainable manner. The minerals are to be exploited taking into consideration the interest of individual land owners, local governments and the government. Hence, the State is clothed with powers to protect important natural resources.¹⁵

The National Objectives and Directive Principles provide for gender balance and fair representation of marginalized groups on all constitutional and other bodies. Women

¹¹ Arcos, A., & Rivera Guzmán, E. (2018). Brechas, <https://www.responsiblemines.org/en/2018/12/gender-gap-studies-in-mining-artisanal-and-small-scale-mining-from-a-gender-perspective/>.

¹² Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF). (2018). Women in Artisanal and Small-Scale Mining: Challenges and opportunities for greater participation. Winnipeg: IISD.

¹³ ILO, Report on Social and Labour Issues in Small-Scale Mines, 1999, Geneva ISBN 92–2111480–5.

¹⁴ Article 244 of the Constitution of Republic of Uganda.

¹⁵ Article 245 of the Constitution of Republic of Uganda.

representation at policy and legislation levels leads to inclusive regulatory framework.¹⁶

Accordingly, the Constitution equally provides for the need of affirmative action in favour of marginalized groups for purposes of redressing gender imbalance which exist against women. The constitution also prohibits customs and traditions which are discriminatory, and an equal opportunities commission to be put in place.¹⁷ These provisions are very vital towards ensuring gender equity in ASM.

The Equal Opportunities Commission Act, 2007

The Act provides for the Equal Opportunities Commission pursuant to articles 32 (3) and 32 (4) and other relevant provisions of the Constitution to; provide for the composition and functions of the Commission; give effect to the State's constitutional mandate to eliminate discrimination and inequalities against any individual or group of persons on the ground of sex, age, race, colour, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, and take affirmative action in favour of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them; and to provide for other related matters. Whereas this Commission exists, no practical steps have been taken to ensure equal opportunities for women and men in ASM in particular.

The Occupational Health and Safety Act, 2006

This Act provides for the need to ensure occupational health and safety of workers in the course of employment. ASM involves direct contact of poisonous substances such as mercury which is used in gold panning. Women are at most times accompanied by breast feeding and non-schooling children who are directly exposed to the dangers of poisonous and harmful substances. The lack of and failure to use protective gear acerbates the whole matter. With exposure, these substances are absorbed into the body subsequently leading to ill health and subsequently death.

In addition, mercury, silicon and other harmful substances used in the processing of minerals find their way into water sources and farm land leading to contamination. Traces of these harmful substances are thus ingested in fish, water and other farm produce. Given the fact that most ASM is largely unregulated and illegal, many miners remain largely un sensitized. This has resulted into ill health and subsequently death. Women involved in reworking tailings may simultaneously be exposed to multiple pollutants, individuals reliant on fish in mercury impacted areas are equally at risk. Chronic exposure to these intoxicants lead to symptoms including visual

¹⁶ Principle VI.

¹⁷ Article 32(1)(2)(3)(4).

constriction; numbness of the extremities; impairment of hearing, speech and subsequently shortened life span.

National Environmental Management Authority Act 5, 2019

This Act provides for the management of the environment for sustainable development. The Act creates the National Environmental Management Authority which is a national agency responsible for coordinating, monitoring, regulation and supervision for all activities relating to the environment, for protection and mitigation of environmental degradation. The Act also provides for strategic environmental impact assessment, establishes an environmental protection force and enhanced penalties for offences under the Act. All these are fundamental provisions but just like other laws in Uganda, it faces underlying weaknesses of lack of enforcement.

The Mining Act, 2003 and Mining Regulations, 2004

At the time of this study, the legal and institutional framework on mining was outdated and undergoing review. As a result, the Mining and Mineral Bill, 2019 to give effect to Article 244 of the Constitution, repeals the afore mentioned Act and Regulations which are currently undergoing debate in Parliament and different stakeholders. This Bill has inserted provisions to cover; reform and strengthen legal and institutional framework on mining, cater for emerging issues inter alia the formalization ASM.¹⁸ The Bill equally provides for protection of the environment¹⁹ and occupational safety and health²⁰. The Bill also has elaborate provisions on offences, penalties²¹ and enforcement mechanisms.²² The Bill lacks provisions on inclusion and protection of women in ASM. Just like other laws, this Bill is good on paper but will remain rhetoric, suffer poor enforcement and even to some extent hinder women participation. This will arise through putting in place requirements like licensing ASM which requires money and will sideline needy women initially involved in ASM or those intending to join it.

The National Gender Policy 1997

This policy provides for among others; reduction of gender inequalities to move women out of poverty and achieve sustainable livelihoods, increment of knowledge and understanding of women rights, strengthen women in decision making and addressing gender inequalities and ensure inclusion of gender analysis in macro-economic policy formulation and implementation.

¹⁸ Sections 74–97.

¹⁹ Part XVI.

²⁰ Part VII.

²¹ Part XXI.

²² Part XIX.

Barriers Faced by Women in ASM

Cultural Social Norms and Taboos

Cultural, social norms and taboos are a primary constraint to the effective participation of women in ASM in Uganda. These norms are inseparably linked to gender inequalities. Gender inequities are evidenced by gendered roles in ASM. Although women are directly and indirectly involved in ASM, even when they engage in the same work, women are paid less and they are not supposed to complain just because they are women. There are menstrual taboos in the African culture that render women unclean. During menstruation period, women are prohibited from coming closer to the mines or even touching tools used by men. This is because of the belief that the mineral will disappear when a woman in her menstrual cycle comes closer to them. Disappearance of the mineral ore can be averted with the slaughter of a goat or cow, and the calling of the spirits of ancestors. Women are equally believed to attract bad spirits, and therefore are banned from working in the mines. During this time women are isolated and expected to stay home because they are unclean.²³

In addition to working in informal mining processing operations, such as stone crushing, washing, panning, and sales of the partially refined product, women also occupy ancillary roles, engaging in small-scale commerce through the sale of food and other basic needs, as nightclub entertainers, sex workers alongside other traditional gender roles like farming, babysitting, washing, taking care of the sick and elderly, fetching water, gathering firewood and cooking.

As a consequence, they are isolated and their productivity in ASM is impeded. The perceived repercussions of violating these taboos include illness, death and other misfortune to people in the community. Some women working at mine sites take oral contraceptives to prevent menstruation. Women are however, permitted to sell food, drinks, beer and other commodities other than working in the mines during menstruation. More so, due to these beliefs, women are believed not to be physically and intellectually strong enough, unable to manage and use resources productively, illiterate, associated with bad luck, assigned inferior roles, banned or deterred from working underground in countries throughout the world.²⁴

Limited Data on Women in ASM

Despite the diverse and important roles undertaken by women in ASM, there is limited reliable information available in this area. Even the exact numbers of women involved in ASM in Uganda remains unknown. The scarcity of reliable information concerning women's involvement in ASM represents a major knowledge gap. This

²³ Heemskerk, (2000), Gender and Gold Mining: The Case of the Maroons of Suriname, Corpus ID: 21216928.

²⁴ Hinton et al, (2003), Women and Artisanal Mining: Gender Roles and the Road Ahead, Swets Publishers, Netherlands.

equally hinders interventions at different levels to ensure equal participation of women in ASM. In some reports the discussion of a women's role is grouped together with child labour and hence impliedly women's involvement should also be limited. This serious lack of data includes failure to understand the true scale, nature and contribution to economic development and thus limits interventions to remedy the barriers that hinder full women participation in ASM.

Health and Occupational Safety Issues

The World Health Organization defines health as “a state of complete physical, mental and social well-being and not merely the absence of disease and infirmity.”²⁵ Poor health generates a vicious cycle of poverty. Women involved in ASM lack protective gear and are highly exposed to multiple pollutants. Chronic exposure to toxins like mercury and silicon result into symptoms including: visual constriction; numbness of the extremities; impairment of hearing, speech and gait. In cases of acute intoxication, muscular atrophy, seizures, ill health, heart failure, breathings complications and subsequently premature death and mental disturbance. In addition, women of childbearing age and their children are particularly susceptible, as methylmercury which readily crosses placental barriers and is considered to be a developmental toxicant. Depending on the frequency and degree of exposure, effects can range from sterility, spontaneous abortion and to severe neurological symptoms.²⁶

ASM detrimentally impacts ecosystems through contamination of the environment and water bodies with mercury and silicon, deforestation and the modifications of hydrologic systems. Water shortage and sanitation is a common problem in most mining communities. ASM sites are generally characterized by poor health conditions related to a lack of sanitation, widespread of diseases such as malaria, cholera and STDs. Disease outbreaks, such as cholera, are common in ASM communities and some contributing factors are poor sanitation, hygiene and water contamination.

A combination of lack of resources, non-application of safety regulations, lack of awareness, illiteracy, lack of training, inadequate equipment and remote location all point to the likelihood of there being more accidents in many ASM operations. ASM sector has a very poor safety record. Many miners die or sustain critical bodily injuries each year due to unsafe mining practices with poor adherence to Health & Safety standards. Accidents and deaths result either directly from unsafe mine practices or indirectly from mining related diseases and illnesses. The underlying cause of these accidents may be a lack of education, training and awareness for miners emphasizing the importance of occupational safety and health. The lack of knowledge and skills on safe mining and processing techniques contributes to the ever increasing cases of

²⁵ WHO, (2006), Constitution of World Health Organization, 45th ed.

²⁶ D., Blair, (2017), Empowering Women in Artisanal and Small Scale Mining in Central and east Africa.

health and safety problems. Moreover, it results in environmental issues. Given the potential for acts of violence, combined with the sex trade, ASM communities are equally plagued by high incidences of sexually transmitted such as HIV/AIDs.²⁷ Women in ASM are particularly vulnerable to sexual exploitation. Women may also face extremely high levels of forced transactional sex in mines, where they are compelled to trade sex for the “right” to work or provide support services in mining areas.²⁸ Only boreholes and protected wells can offer relatively safe water. Water collected from rivers is often contaminated with mercury and silicon used in panning and washing the minerals. Other associated risks include high crime rates, prostitution, violence and drug abuse are a common phenomenon in mining sites.

Lack of Education & Technical know how

A number of factors contribute to this lack of technical know-how. Firstly, women in ASM are illiterate with little or no formal training. Secondly, the stereotype view of society that women are not capable of handling anything technical. Thirdly, women being always in a subordinate position, lack the access and control over resources to develop their capacity through education and training etc. Fourthly, the women stay hidden under their domestic roles and they have comparatively fewer opportunities than men to gain practical mining experience, and to be exposed to assistances programs among others.

Illicit Marketing

Another barrier to women equal work in ASM is illicit marketing which results from inadequate government policies. When official prices are too low, black markets develop. Also, an overvalued currency and high inflation depress the effective price. The other related barrier is that prices are normally determined by bigger mining companies to the detriment of both men and women engaged in ASM. The whole venture turns out less lucrative due to inability to determine the right market prices.

Lack of Infrastructure and High Crime Rates

ASM sites lack infrastructure, organization, the presence of government or law enforcement, and are often pervaded by violence, prostitution, drug and alcohol abuse, and gambling elements are barriers to women in ASM.²⁹ This is largely

²⁷ Buss, D. et al, (2017), Gender and Artisanal and Small Scale Mining in Central and East Africa: Barriers and Benefits, GrOW Working Paper Series, ISID.

²⁸ Rustad et al., (2016) Artisanal Mining, Conflict, and Sexual Violence in Eastern DRC, Elsevier, Vol.3 Issue 2 April 2016, p 475–484. Available at: <https://doi.org/10.1016/j.exis.2016.01.010>.

²⁹ IGF, (2018), Women in Artisanal and Small Scale Mining: Challenges and Opportunities for Greater Participation, Winnipeg, IISD.

attributed to the remote abrupt setup of these mining sites, lawlessness and absence of law keeping agencies in these communities.³⁰

Income Inequality

The gender based occupational differences contribute to a significant income gap between men and women in ASM. Nevertheless, women work longer hours than men in mining sites but earn on average about one quarter of what men earn.³¹ Both men and women are challenged by the inability to access finance, but the ASM context generally privileges men in terms of ownership, access to assets, finance as opposed to women.³² Women encounter poor access to credit because they have little or no collateral, have poor education, and face discriminatory attitudes by³³ bankers toward women miners.³⁴ Unfortunately, in the absence of credit and state support, women cannot afford to purchase or lease the land and tools they need to achieve greater independence, including building their own operations, and thus increasing their earnings. On the other hand, increased female participation in ASM may result into decreased attention to agricultural crops, resulting in poorer nutrition and a substantial increase in the work burden of women.³⁵

Legal and Institutional Restrictions

While laws structure access to subsurface minerals in many developing countries, customary tenure arrangements are often more prevalent and dominant in determining sub-surface rights. Indigenous and rural women face particular constraints in securing land and property rights in some countries, and face constraints based on customary law and lack legal documentation required to secure land and non-land assets under statutory law.³⁶ Legal provisions in mining law are usually gender neutral. In practice, women are denied access rights to land, licenses, and other mining necessities. The laws generally include no clearly stipulated provisions to strengthen women's participation in ASM. Hence the laws fail to target discrimination around inheritance law, customary traditions, or the rights of women to engage in commercial mineral transactions. Due to the traditionally influenced legal constraints many women end up operating with no legal recognition.³⁷ Most women in ASM lack

³⁰ Eftimie et al (2012), Gender Dimensions of Artisanal and Small Scale Mining, a Rapid Assessment Toolkit, World Bank.

³¹ Eshun, M. M. (2016) Not Just Counting Their Numbers, But Making Women Artisanal Miners Count. Retrieved from <https://africaupclose.wilsoncenter.org/not-just-counting-their-numbers-but-making-women-artisanal-miners-count/>.

³² Buss, D. et al, (2017), Gender and Artisanal and Small Scale Mining in Central and East Africa: Barriers and Benefits, GrOW Working Paper Series, ISID.

³³ Ibid.

³⁴ Yakovleva, N., (2007), Perspectives on Female Participation in Artisanal and Small Scale Mining: A Case Study of Birim North District of Ghana, Resources Policy (32(1–2):29–41. Doi:10.1016/j.resourpol.2007.03.002.

³⁵ Supra note 25.

³⁶ USAID, (2020), Gender Issues in Artisanal and Small Scale Mining Sector.

³⁷ Ibid.

awareness of legislation and procedures to obtain a license. Most constraints relate to costs, illiteracy, transportation, accommodation, unofficial facilitation costs as well as the potentially intimidating experience of navigating the bureaucratic channels of central government.

Environmental and Social Risks

Women bear environmental and social risks associated with mining. The productive agricultural farm lands used by women food producers are often engulfed by mining operations.³⁸ Deforestation arises out of the need to provide firewood used in ASM as a source of energy for heating the mineral ore. Artisanal gold mining forms the largest source of mercury pollution in the world. Mercury is a powerful neurotoxin that can damage brain, nervous system, and other organs, as well as damage a developing fetus. Mercury finds its way into land and domestic water sources. The water is fetched for home use namely cooking, washing, drinking exposing humans to mining related health risks, such as brain, liver, and kidney damage, caused by the use of mercury or cyanide, to amalgamate gold and scavenge tailings.³⁹ Similarly food crops, fish and animals reared in contaminated environment also pose a danger to human health when consumed.

Lack of Capital

ASM like most investment ventures requires a considerable sum of capital to derive substantial earnings. However, most women in ASM lack the requisite capital necessary for acquiring mining ground, licensing, buying tools as well as mechanization so as to improving efficiency. Normally, bankers are not willing to lend money to women in ASM due to lack of substantial collateral. Even where a woman possesses security, banks require a male signatory before granting a loan. This leaves women unable to participate on equal setting with their male counterparts. This leaves women to participate at the periphery of ASM where they are paid, low wages.

Absence of ASM Women Associations

Women in ASM lack mining associations wherein women can jointly to voice the promotion of their rights. Women associations can be used to pool money resources which can be used as capital in ASM. These associations can also bargain for better prices for their minerals and well as positive influence of policy formulation. These associations assist in removing major barriers to women participation in ASM as well as advocate for equal participation with their male counterparts.

³⁸ Supra note 32.

³⁹ Supra note 31.

Benefits ASM

Poverty Eradication

ASM can be a resilient source of livelihood for vulnerable and marginalized women looking for economic diversity in their livelihoods. In fact, ASM generates up to five times the income of other rural poverty-driven activities in agriculture and forestry. The sector employs 10 times more people than does the large-scale mining sector, and stimulates considerable local economic development around ASM sites. The money that women earn represents an important source of revenue for themselves and their families. Although income for male miners and community members is higher than for women, ASM provides valuable income to women who are often excluded from other forms of paid work due to illiteracy. In some contexts, the economic opportunities offered by the ASM sector are more valuable for women than men. In analysis, women need to have the same stake in ASM as men. Although working directly in the extraction of minerals is dangerous, strenuous, women should have the same opportunities as men, be involved at any level of ASM if they so desire ranging from digging in pits to trading on the national and international arena.

Improving Quality of life in the Family

Income generated by women from ASM is more likely to be directed towards improving the quality of life in the family. In most African families income generated by women is used for buying basic needs like clothes, improving the quality of the residential house, looking after the elderly and sick, education of children, giving pocket money to their husbands which reduces the incidences of gender violence, medicine, food for all members of the family. There are success stories of women miners who pay their children and relatives school fees as well. In addition to involvement in mining and processing activities, women are also active in provisions of goods and services namely; food and drink vending, sales of artisanal equipment such as sieves, and credit for mobile phones, transporting dirt, ores, ore particles and water, cleaning, laundry, sex, nightclub entertainment and trading.

Decline in Economic Dependence on Men

Women participation in ASM can lead to decline in economic dependence on men. This leads to shared responsibility between husband and wife which can lead to better standards of living. With income from both parties, when used correctly, the family can be able to handle most if not all financial burdens. In most cases, domestic violence results from women economic dependence on men and when this fails, husband and wife descend into anarchy and subsequently violence. In its extremes, it can lead to total family breakdown. When a woman affords most of the needs, it can reduce the incidences of resentment as a result of man's failure to meet the needs of the family. ASM presents an opportunity for both women and men to relieve

themselves of burdens of poverty. The decline in economic dependence on men can lead to peace and harmony in the home plus happier families and subsequently a stronger nation. Economically independent women can provide support and services to help other women realize their potential as well. Although women remain largely excluded from the main profit making the little earned diversifies livelihood portfolios and can subsequently lead to financial sustainability.

An Anchor for other Productive Activities Around ASM Sites

ASM can act as catalyst and anchor for other productive activities to stimulate the development of complementary and alternative productive ventures necessary for sustainable poverty alleviation. Mining sites are normally leads to development of urban centers which provide market for food, hotels, lodges, medical as well as spiritual centers. The local people can easily access market for their agricultural produce. This in turn leads to economic empowerment of those living at and around the mining site. ASM generates significant local purchasing power and lead to more demand for locally produced goods and services food, tools, equipment, housing, infrastructure. In Uganda, some women in ASM have been able to accumulate capital from food vending and gold panning which they then invested in new farmland, buying raw ore for processing, renting out tools, and owning shafts.

Development of Cottage Industries

Local and small scale industries emerge at ASM sites. These normally polish and add value to the raw mineral and hence attracts more income. The cottage industries around ASM normally deal in jewellery manufacture, making of mining tools, fertilizers and animal food supplements. All these are a positive endeavor towards better incomes earned by women in ASM.

Employment Opportunities

ASM can provide a viable means of employment for a limited number of people until depletion of the resource. Artisanal mining can also contribute to sustainable development of the surrounding community by supporting auxiliary enterprises (e.g. jewellery production) and agricultural development. This sort of diversification may be well suited to women in artisanal mining communities.⁴⁰ ASM can serve as an economic cornerstone for stimulating the development of complementary, sustainable, revenue-generating activities hence creating employment.

Improving the Status of Women

The participation of women as entrepreneurs rather than as labourers in small-scale mining can contribute to improving the status of women generally. Despite the stigma they face, some women noted that their ASM earnings had a transformative effect on

⁴⁰ Supra note 25.

their social status, both at home and in their communities. Women entrepreneurs can serve as role models and can offer opportunities to other women. Women entrepreneurs have more options open to them, including the ability to earn extra cash to fund other long term activities. Most importantly, this leads to self-sustaining independent lives than the dependent status of women imposed by tradition. Women in ASM have established themselves hence improving their social status. For example, some women carry out the manual digging work down the tunnels, rent out equipment and other own jewellery shops, vend food, own entertainment services, hotels, and lodges. These women have become financially successful and are respected in their community for their achievements as well as diversifying into other economic activities. For the married women, their husbands now consult them in decision-making while unmarried women earnings changed perceptions that they were immoral. Successful women miners have diversified into other economic activities.

Women are elevated from panning to buying ore, renting out tools, eventually becoming an owner and shareholder in several shafts. Some women are breaking gender barriers to open new pathways for others. In addition to using their wealth to educate children, they employ others as well as diversifying their investments. Some women have defied norms to hold jobs typically reserved for men. At the gold mine in Uganda, some women were excavating mine shafts, owning or renting processing machines.

ASM Leads to Economic and Social Development

ASM contributes to economic and social development, particularly at the local level. Small-scale mining can generate substantial local purchasing power and lead to a demand for locally sourced inputs (food, equipment, tools, housing) when they are available, or encourage their production.

Source of Foreign Exchange

At the national level, ASM is a source of foreign exchange. The export of high-value metals and minerals from small-scale mines can make a major contribution to foreign exchange earnings. Gold and gemstones worth \$1 billion a year are estimated to be produced in sub-Saharan Africa.

Vital component of poverty eradication

Income generated by the mining communities can allow the emergence of small businesses which are well integrated into local economic structures and contribute significantly to development. This removes the poverty burden imposed on most rural women and their families. Approximately 80–100 million people derive livelihood from ASM worldwide due to lack of alternative employment opportunities, the effects

of drought on farming activities, opportunities for trading in mining communities and the pursuit of greater economic independence.

Controlling Rural-Urban Migration

ASM to controls rural urban migration. ASM provides jobs to women in their own locality. Thus, instead of women migrating to urban centers in search of where to earn a living, they stay in the same area and they are able to acquire finances that they would have otherwise looked for in the urban center. ASM leads to job creation, a given level of poverty eradication among the rural poor. This is because ASM provides a source of income and hence a source of livelihood although this may be short lived given small scale deposits are quickly exhausted leaving the community to the same old means of survival like subsistence agriculture, fishing among others.

ASM leads to exploitation of what would have otherwise been uneconomic

ASM sites are normally located in areas with small deposits that may not require massive investment. This way, small deposits are collected and put to use rather than being left lying idle.

Summary of Findings of the study

The summary of the findings under this study are namely;

- (i) Many studies describe how male dominated the mining industry is.*
- (ii) Women play a significant role in ASM, however, much of their work takes place illegally. In Africa alone ASM workforce comprises of 40–50 % women.*
- (iii) Although many women work in ASM, the exact number of women involved in involved remains largely unknown.*
- (iv) ASM is a source of livelihood and has other social economic benefits for many women and in poor rural families in Uganda.*
- (v) The study reveals key barrier that women in ASM face and suggest what can be done to make it more gender responsive.*

Conclusions

In final analysis, although women in ASM in in Uganda face numerous barriers, they equally derive various benefits from the same. Their contribution to the socio economic development cannot be underrated. The remedy may not lie in mere legislation but rather practical steps being taken to ensure an equal opportunity in ASM for both men and women. Hence there is need to unlock the potential of women in ASM by removing the barriers discussed above to spur economic development and transformation of Uganda. This needs a concerted efforts of development agencies, NGOs, civil society and government agencies to address the barriers stated above and improve the opportunities for women in ASM. ASM can be a resilient source of livelihood for vulnerable and marginalized women looking for economic diversity of their livelihoods. In fact, ASM generates up to five times the income of rural poverty driven activities like agriculture and forestry. Although ASM is dangerous and

strenuous work women should be accorded equal opportunities with men. Creating equitable access to ASM will spur economic development in Uganda.

Recommendations

In light of the above conclusions and discussions, I hereby make the following recommendations to support women in ASM. There is need for;

(i) Gender Mainstreaming

There is need to ensure gender mainstreaming by all government agencies and recognition of women in legal and policy frameworks. This can be done through creating a common understanding of the differentiated gender roles of women and men and integrating gender and human rights into every stage of drafting, implementing, monitoring, and evaluating ASM regulatory, policy framework as well as institutional processes.

(ii) Value Addition

There is need to processing the raw mineral to add value before marketing to ensure substantial earnings. Efforts to develop value added processes in the production and marketing is as an important opportunity for women in ASM.

(iii) Supporting Alternative Revenue Generating Activities

Activities such as agriculture, jewellery production, fabrication of dyes and soaps, entertainment, selling foods and beverages would be a good alternative income generating activities.

(iv) Capacity Building

Capacity building should be carried out to eliminate discrimination against women in ASM through capacity building, sensitization, formation of women in artisanal mining associations which champion women empowerment. Education can be critical in transforming gender stereotypes and empowering women to derive greater benefits from artisanal mining.

(v) Promoting Access to Financial Assistance & Formations of Women in ASM Associations

There is need to promote micro-credit and other programmes that provide easy access and financing for women. There is need to set up women-run cooperatives and associations. These groups build solidarity among women miners, improves their living conditions, easy access to finances, and promotes women's rights. The formation of organizations or cooperatives may put women in a better position to receive financial support from international charities and religious organizations, or formal lending institutions.

- (vi) Environmental protection campaigns should be carried out.***
- (vii) Health campaigns to sensitize ASM about occupational health hazards and disease prevention should be done regularly.***
- (viii) Capacity Building***

Most women in ASM are illiterate and are hence prone to exploitation and discrimination. Education and skills training initiatives for women economic empowerment should be carried out. This builds their confidence and capacity to freely engage in ASM.

- (ix) There is need to conduct a comprehensive study to bridge existing knowledge gaps.***

- (x) Setting up Market and information Centers***

Accessing the right market is a vital determinant of business survival and success. Women in ASM find it difficult to travel long distance, have no access to market and information and are burdened with domestic roles in addition to mining responsibilities. Lack of information on markets and prices is one of the critical bottlenecks for women in ASM. There is need to provide accurate information on prices, market and space for buying and selling of their products. This brings women in ASM together as well as their associations and other market players.

References

- Arcos, A., & Rivera Guzmán, E. (2018)
<https://www.responsiblemines.org/en/2018/12/gender-gap-studies-in-mining-artisanal-and-small-scale-mining-from-a-gender-perspective/>
- Buss, D. et al, (2017), Gender and Artisanal and Small Scale Mining in Central and East Africa: Barriers and Benefits, GrOW Working Paper Series, ISID.
- Buxton, A., (2013), Sustainable Markets: Responding to the challenge of Artisanal and Small Scale Mining, How can Knowledge Networks Help? IIED, London, p.3.ISBN:978–84369–911–8.
- Craig D., & Antonucci A. (2014). Developing a coloured gemstone jewellery manufacturing enterprise that empowers Tanzanian women, Cited in USAID Report On Gender In Artisanal & Small-Scale Mining May 2020. Available on: gender-issues-in-the-artisanal-and-small-scale-mining-sector-pdf. Accessed and put to use on July, 12th, 2021.
- D., Blair, (2017), Empowering Women in Artisanal and Small Scale Mining in Central and east Africa.

DRASPAC, *Women in Artisanal and Small Scale Mining: A Snapshot of Challenges and Opportunities for Empowerment*, 2017.

Eftimie et al (2012), *Gender Dimensions of Artisanal and Small Scale Mining, a Rapid Assessment Toolkit*, World Bank.

Elsevier, vol.3 July 2016, p.653 – 658. Available at:
<https://doi.org/10.1016/j.exis.2016.05.002>.

Eshun, M. M. (2016) *Not Just Counting Their Numbers, But Making Women Artisanal Miners Count*. Retrieved from
<https://africaupclose.wilsoncenter.org/not-just-counting-their-numbers-but-making-women-artisanal-miners-count/>.

Heemskerk, (2000), *Gender and Gold Mining: The Case of the Maroons of Suriname*, Corpus ID: 21216928.

Hinton et al, (2003), *The Socio-Economic Impacts of Artisanal and Small-Scale Mining in Developing Countries* Ed. G. Hilson, Pub. A.A. Balkema, Swets Publishers, Netherlands, 2003.

Hirons, M., (2020), *How the Sustainable Development Goal Risk Undermining Efforts to Address Environmental and Social Issues in the Small Scale Mining Sector*, Elsevier, Vol.114, December 2020, pages 321–328, Available at: <https://doi.org/10.1016/j.envsci.2020.08.022>.

IGF, (2018), *Women in Artisanal and Small Scale Mining: Challenges and Opportunities for Greater Participation*, Winnipeg, IISD.

ILO, *Report on Social and Labour Issues in Small-Scale Mines*, 1999, Geneva ISBN 92–2111480–5.

Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF). (2018). *Women in Artisanal and Small-Scale Mining: Challenges and opportunities for greater participation*. Winnipeg: IISD.

Mutemeri et al, (2016), *Capacity Building for Self-Regulation of Artisanal and Small Scale Mining (ASM) Sector: A Policy Paradigm Shift Aligned with Development Outcomes and a Pro-Poor Approach*,

Rustad et al., (2016) *Artisanal Mining, Conflict, and Sexual Violence in Eastern DRC*, Elsevier, Vol.3 Issue 2 April 2016, p 475–484. Available at:
<https://doi.org/10.1016/j.exis.2016.01.010>.

Saferworld, (2017), Mining in Uganda: A conflict Sensitive Analysis.

Stocklin et al, (2019), Training artisanal miners: A proposed framework with performance evaluation indicators, Science of The Total Environment, Volume 660, Retrieved from <https://doi.org/10.1016/j.scitotenv.2019.01.113>.

USAID, (2020), Gender Issues in Artisanal and Small Scale Mining Sector. WHO, (2006), Constitution of World Health Organization, 45th ed.

Yakovleva, N., (2007), Perspectives on Female Participation in Artisanal and SmallScale Mining: A Case Study of Birim North District of Ghana, Resources Policy (32(1–2):29–41. Doi: 10.1016/j.resourpol.2007.03.002.