

Promoting Women's Right to Development through Artisanal Mining: The African Experience

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ABSTRACT

Africa is one of the most naturally endowed continents with immense renewable and non-renewable resources ranging from timber, fisheries, oil and rich mineral deposits which inter alia include diamonds, gold, platinum, nickel, lithium and chrome. The natural environment has sustained humanity since its creation and this role cannot be over emphasised. The attainment of global, regional and development frameworks such as the Sustainable Development Goals (SDGs), the Agendas 2030 and 2063 all depend on the sustainable utilisation of natural resources. All these frameworks call for inclusive development and it therefore, becomes imperative for all humanity, regardless of gender, age, race etc. to be involved in any development initiative that impacts on their well-being. In Africa and beyond, the mining sector has become a key driver of socio-economic development. However, several challenges such as unequal opportunities due to systematic gender discrimination and gender blind regulatory frameworks have undermined the active and meaningful participation of women in this sector. Fundamental women's rights, especially the right to development have largely been violated. The concept of the Right to Development underpins this research as it advocates for inclusive development. It boldly states that development is a human right which should be exercised by everyone and that it is the duty of the government to ensure that this right is not violated. Through the use of critical document and empirical case study analyses, the paper aims at revealing the extent to which women's rights are being recognised and promoted in the extractives industry, particularly the artisanal gold mining sector. Consequently, the research thrives to proffer strategies which ensure that gender responsive mechanisms are put in place and women's rights are promoted within the artisanal mining sector as this is critical for the attainment of the SDGs and the broad agendas for Africa's socio-economic transformation.

Key words: Artisanal mining, women's rights, development, Right to Development, participation

INTRODUCTION

The deepening economic woes in the majority of African countries have forced women to penetrate into economic domains that were previously regarded as masculine. The extractive sector, particularly, artisanal mining, is one such industry which has witnessed a massive increase in female labour. Women constitute between 40 and 50 percent of the artisanal mining workforce across the African continent (Eshum, 2016). Globally, existing literature points to the fact that there are over 41 million artisanal miners and women make up 30 percent of the artisanal mining workforce (World Bank, 2020). However, despite the growing number of women who have joined artisanal mining with the prospect of enhancing their socio-economic well-being, skewed power relations, gender discrimination and inequalities have relegated most women to the periphery of the industry and this has had a negative outcome on their livelihood chances as well as the fulfilment of their rights, particularly the right to development.

Artisanal mining has been defined as labour intensive mineral extraction that is characterised by the use of low technology or rudimentary equipment as well as insufficient safety measures, little environmental protection and high seasonality owing to issues of economic security (Hilson, 2016, Hentschel et al, 2002).

Due to the ease of entry into the sector, artisanal mining has become a dominant livelihood strategy in communities that are naturally endowed with mineral deposits, with the most popular one being gold (Mafongoya et al, 2021, Arthur et al, 2016,). Increasing economic hardships have thus transformed traditional gender roles in mining communities and women have become active participants in the artisanal mining industry despite the gender insensitiveness that characterise the sector. It is, therefore, against this background that regional mining regulatory frameworks such as the Africa Mining Vision (AMV), stresses on the need for a mining sector that is safe and inclusive, gender and ethnic wise, environmentally friendly and healthy (African Minerals Development Centre (AMDC), 2015). The AMV is informed by a series of principles which amongst others include; optimising the potential of small-scale mining to enhance livelihoods, increasing knowledge and benefits of minerals at all levels of mining, as well as promoting the good governance of the mining sector to enable equal benefits and citizen participation (Hilson, 2020). The AMV is thus a sound continental blue print which is set to inform the mining policies of individual African countries so that equality, equity and inclusive development is achieved, in line with the provisions of broad development frameworks such as the Sustainable Development Goals (SDGs) as well as the Agendas 2030 and 2063.

Statement of the problem

With proper regulation and policing, artisanal mining can be a key driver of socio-economic, equitable and inclusive development. As a poverty-driven sector, artisanal mining has attracted both men and women from different societal backgrounds, with many coming from poor backgrounds. Notwithstanding the significant involvement of women in this extractive sector, women experience different and negative impacts as a result of their engagement in artisanal mining (AMDC, 2015, Buss et al, 2021, Merket, 2018). The masculine character of mine life which is evidenced by the systematic marginalisation and exclusion of women in some spaces has led to the violation of women's right to development in artisanal mining. The existing gender inequalities in the form of gendered division of labour, discriminatory cultural norms which deny women's rights over key resources such as land and mining claims as well as gender blind laws have resulted in women experiencing more negative direct outcomes of artisanal mining operations in different and more pronounced ways than their male counterparts (Sibanda, 2018). Due to lack of access to and control over key resources such as land, capital and equipment, women are confined to peripheral activities in artisanal mining such as the transporting and processing of ore as well as other ancillary activities such as providing food, accommodation, vending and some even end up engaging in the world's oldest profession of prostitution (Mpagi et al, 2017). Further, women are exposed to various forms of violence in the mining sites, which interalia include, sexual, physical, economic and psychological abuse (Danielsen & Hinton, 2020). All these vices have a significant bearing on women's ability to exercise their right to development in artisanal mining and this ultimately yields negative outcomes on their livelihood opportunities in the sector. It is thus against this background that this paper aims to explore the experiences of selected African countries in artisanal mining, with a view to unpack the gender dynamics in the artisanal mining sector. Most importantly, the paper seeks to proffer ways in which artisanal mining can be utilised as an engine to promote inclusive and equitable development through the realisation of women's rights, particularly, the right to development.

METHODOLOGY

The paper is qualitative in nature as it seeks to explore on the experiences of women in artisanal mining. A case study approach is adopted and critical document analysis through the review of related literature is the method of inquiry.

Conceptual Framework

The concept of the Right to Development (RTD) informs this study. The inextricable link between human rights and development has attracted a lot of research and debate. Similarly, the role of people in

development has been extensively debated. Jonsson (2003) aptly observes that in the formative years of industrial development, the accumulation of capital was regarded as the main factor driving economic growth and development. However, this limited perception of development was revised in the aftermath of the Second World War, following the creation of the United Nations and the subsequent adoption of the Universal Declaration of Human Rights. These developments gave rise to the idea that the focus of development should be human well-being and by the 1970s it had become quite obvious that the poorest people did not necessarily benefit from economic growth. This transformation in the perception of development led to the design of new and refined development frameworks such as the Human Rights Approach to Development as well as the adoption of such declarations as the Right to Development.

Following years of extensive debate, the Right to Development was finally declared as a universal and inalienable right in 1993. It was thus promulgated as an integral part of fundamental human rights (Vienna Declaration, 1993). According to Alfarargi (2017), development frameworks must be evaluated from a standpoint that moves the focus away from economic indicators, towards overall human well-being and the fulfilment of their rights. The RTD seeks to undo the historical perceptions of development where the government through its associate institutions was seen as the sole architect of development through the top-down approaches of formulating, initiating and implementing development programmes and projects. The people were simply viewed as beneficiaries of development outcomes. The RTD, thus places the people at the centre of development and the right to development is regarded as a human right. According to Article 1 of the Declaration on the RTD, by definition,

“The RTD is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised” (Kirchmeier, 2006, p. 9).

Moreover, the RTD deeply entwined the right of people to self-determination and their right to exercise full sovereignty over all their natural wealth and resources. The concept of the RTD is therefore applied from a gender perspective in this study with a view to explore the participation of women in artisanal mining and assess the extent to which women’s rights in the sector are being exercised and upheld, particularly, the right to development.

Global and regional frameworks on gender mainstreaming in artisanal mining

Quite a number of instruments have been crafted, both international and regionally, with the aim of achieving gender parity in key areas of development. The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) which was adopted in 1979 by the UN General Assembly was a significant milestone in the recognition of women’s rights and needs in as far as human development is concerned. The Convention provides the basis for realising equality between men and women by advocating for women’s equal access to and equal opportunities in economic, political and public life (UN Women, 2007). Thus, while not particularly targeting any sector, CEDAW has had a legislative impact on virtually all facets of development and mining has not been an exception. However, whilst individual country policies have been informed by this important international instrument, a lot still needs to be done in as far as its actual implementation in programmes and projects is concerned. Gender gaps are still quite visible in the development initiatives of the Global South, particularly, Africa.

The 1995 4th World Conference on Women in Beijing also reinforced the need for gender mainstreaming in all areas of development. At the Conference, the United Nations acknowledged the feminisation of poverty by stating that poverty has a human face and that 70 percent of the world’s poor were women (Human Development Report (HDR), 1995). The Beijing Platform for Action (BPA) identified 12 critical areas of concern as a basis for a global platform of action. The 12 critical areas interalia included; poverty, education, the economy, power and decision-making, health, human rights and the environment.

All these aspects were identified as hindrances to women's empowerment. (Ranchod, 2001). The BPA, therefore, laid a solid foundation for international agreements and conventions on gender equality by making a bold statement that the total implementation of the human rights of women and of the girl child are an inalienable, integral and indivisible part of all human rights and fundamental freedoms. The BPA thus called for the transformation in gender relations in order to ensure the full potential for socio-economic and human development for all (Ibid). It is, therefore, the prime motive of this research to establish the extent to which African countries have adopted and domesticated the provisions of these international women's rights instruments in the crafting of their laws and policies in the extractive industries, particularly, artisanal mining.

Regionally, the Africa Mining Vision (AMV) is the regional framework that has been set to regulate and standardise mining operations in the mineral rich continent. The AMV seeks to harness the potential of the artisanal mining sector with a view to enhance rural livelihoods, while also promoting local and national development as well as regional cooperation (AMDC, 2015). The regional framework calls for equal participation of both men and women in artisanal mining as the sector is largely poverty driven and, therefore, has the potential to provide livelihood opportunities for many jobless people who depend on it for survival. More so, artisanal mining activities have economic multiplier effects through the creation of a range of downstream and upstream income generating activities in which both men and women are involved (African Union, 2011). As such, the AMV articulates the need for inclusive mining policies in which the socio-economic rights of both women and men are upheld and exercised.

Africa's Agenda 2063 also recognises the significance of Africa's rich mineral resource base in the structural transformation as well as equitable development of the continent, According to AMDC (2015), the African Union Heads of State and Government at its 23rd Ordinary Session in June 2014, dedicated 2015 as the year of Women's Empowerment and Development towards Africa's Agenda 2063. This was thus, a strong affirmation that women are a dynamic force which is critical to the achievement of the Agenda's vision.

Women's experiences in artisanal mining- fulfilment or violation of women's right to development?

The involvement of women in artisanal mining in Africa has yielded mixed results in as far as the realisation of women's rights, particularly, the right to development is concerned. In the analysis of the impact of artisanal mining on women in Africa, the study identified cross-cutting issues which have thus formed the major themes of the research. These themes are; women's access to and control over key resources, gendered roles as well as mining regulation and policy. Both qualitative and quantitative evidence will be drawn from different selected African countries which inter alia include Ghana, Zimbabwe, South Africa, Uganda, the Democratic Republic of Congo (DRC), Kenya and Tanzania.

Women and mining rights

The patriarchal system which is dominant in most African societies has compromised women's ability to acquire land and mining claims. In a study carried out by Danielsen & Hinton (2020) in the Great Lakes Region, it was revealed that the biased legal and customary inheritance rights of women made it extremely difficult for them to buy land which could then be strategically used as collateral to access capital for the acquisition of mining claims and equipment. Further, it was practically impossible for women to purchase land without the permission of their husbands or a proxy such as a male relative (*Shemeji* in Swahili). In addition, the process of acquiring the mining concessions proved to be too challenging for the ordinary women artisanal miners. For instance, while literacy was one of the obvious impediments, other factors such as lack of agency on the part of women as well as structural disadvantages, that is, cultural norms and low

social status negatively affected women's confidence and ultimately, their ability to travel to distant government offices where they will be supposed to engage with male officers (Cote, 2014, Perks et al, 2015, Danielsen & Hinton, 2020). Resultantly, quite a negligible number of women are able to acquire mining rights and most end up operating illegally due to these structural constraints to owning land and mineral rights. A study by Carstens (2010) on gender dynamics in artisanal mining in Rwanda also corroborates this argument by highlighting that few women hold mining claims in Rwanda. He cites the example of one woman who was able to acquire mineral rights by virtue of being the owner of the land on which the mine was located. Mpagi et al (2017) also note that in Uganda pit owners are mostly men, while women can be co-owners with their male relatives. As such, it is quite evident that women's mining rights in artisanal mining are heavily curtailed due to the identified socio-economic, cultural and legal factors. Consequently, this has a retrogressive effect on the fulfilment of women's right to development in this very critical sector which has the potential to transform the livelihoods of so many women and men who depend on it for survival.

It is, however, important, to note that there are also women, though few, who have been able to navigate the obstacles in the artisanal mining sector and have managed to become mine, pit or shaft owners. According to Danielsen & Hinton (2020), in the Great Lakes Region, these women who have succeeded in defying the odds are relatively advantaged in a number of areas, that is, economically, through family or social networks, by education or those women who use or are themselves used as proxies for husbands or relatives. It is, therefore, important to appreciate the heterogeneity of women involved in artisanal mining activities. This is significant in the formulation of policies and regulatory frameworks so that they address the practical and strategic gender needs of the different categories of women in the sector.

Notwithstanding the exceptional cases of women who have managed to secure mining rights in artisanal mining, gender norms and power relations have, however, impeded women's optimal exercise of those rights. Existing evidence points to the fact that even when mineral rights are granted, women encounter challenges in managing and supervising their male employees such that they end up hiring men to manage the mining operations as was observed in Orientale and South Kivu in DRC, Uganda and Tanzania (Cote, 2014, Hinton & Wagner, 2011, AMDC, 2015). Such arrangements, however, made the women mine owners more susceptible to being conned or swindled (AMDC, 2015). Thus, it becomes clear that the skewed power relations and gender norms in the artisanal mining sector makes it very difficult for women, regardless of their social and economic status to fully exercise their rights, particularly, the right to development.

Access to financial capital

While a huge capital investment is not a prerequisite for one to partake in artisanal mining, access to financial resources is critical for productive engagement in the sector. The low economic status of women combined with their lack of education and biased customary beliefs present bottlenecks in as far as their ability to access capital is concerned (Arthur-Holmes & Busia, 2020, Mugo et al, 2021, Danielsen & Hinton, 2020). Capital is very necessary for the purchasing of essential mining equipment and technologies which enable smooth and viable operations in the artisanal mining sector. A study in northwest Tanzania by Merket (2018) revealed that comparatively, women in artisanal mining benefit much less than men as they are generally concentrated in the lower levels of the mineral value and supply chain. Lack of financial resources was cited as one of the major reasons for the disadvantaged position of women as it prevented them from reaching more rewarding positions. According to the study, women's access to capital was mostly constrained by traditional inheritance systems and laws of customary marriage which made it very difficult for them to accumulate savings to invest in artisanal mining (Merket, 2018). Similarly, a study in the Chegutu district of Zimbabwe by Chawatama & Oyelana (2019) observed that while artisanal mining had the potential to improve livelihoods for low-income groups through employment creation as well as the income multiplier effect, women occupied marginal positions due to limited resources as a result of

culturally biased patriarchal system which was being conveniently used as an instrument of exclusion against women's meaningful engagement in artisanal mining. Indeed, equity problems as argued by Koomson (2017) are key fundamental issues for women when it comes to gaining access to essential resources. In actual fact, the flow of resources in most African societies does not favour the female folk. It can thus be deduced that while women have been granted the right to participate in artisanal mining, lack of key resources such as financial capital has hampered their potential to maximise on their socio-economic gains in the sector as most have remained stuck at the lower end of the artisanal mining spectrum. Resultantly, for the majority of African women in artisanal mining the right to development has remained a dream which is yet to be realised.

Empowering women through collective action in artisanal mining

Through collective action, some women artisanal miners have managed to bridge the financial gap with relative success in certain parts of the region. A notable case is that of the DRC where women get loans though small, through their engagement in village savings and loan associations (VSLAs) such as *Katugota* in South Kivu. Similar associations also exist within the broader mining communities in Rwanda, for instance, at Habatu and Gifurwe Mines (Danielsen & Hinton, 2020). Apart from assisting women artisanal miners with capital to finance their activities, these associations are also crucial in lobbying for women's rights in the sector. As Danielsen & Hinton (2020) further argue, these associations provide a convenient platform to increase women's capacity to air their concerns to responsible authorities while also lobbying for necessary changes as was the case in Nyabibwe in DRC.

Similarly, in East Africa, the Tanzania Women Miners Association (TAWOMA) was formed in 1997 with the sole mission to enhance the socio-economic well-being of women miners through the provision of financial, marketing as well as technical services in order for them to become both economically and commercially competitive (IGF, 2018). While the group boasts of a huge membership of approximately 350 women with vast knowledge of the industry as well as plenty of innovative and entrepreneurial ideas, lack of finance even to buy simple mining equipment has been a huge setback for the association's operations (Spiegel, 2012). In an effort to mobilise financial resources for the group, TAWOMA leaders even requested to have their mining licences being used as collateral and for the government to collaborate with lending institutions so as to facilitate credit access (IISD, 2018). It is thus clear that access to financial resources is a big limitation to women's meaningful engagement and realisation of their right to development in artisanal mining. However, through collective action and relevant structural support, women artisanal miners can, to some extent empower themselves and optimise their gains in the sector.

Gender norms and roles in artisanal mining

The gendered nature of roles in artisanal mining is largely a creation of gender norms and cultural taboos. On one hand, gender norms determine what is deemed possible and impossible for men and women and these norms are constantly being negotiated and contested such that they may even contradict each other (Danielsen & Hinton, 2020). On the other hand, gender roles refer to responsibilities, behaviours and duties that society allocates to men and women simply because they are regarded as befitting to them (Hinton, 2016). Existing evidence points to the fact that, indeed, cultural taboos and gender norms have a huge influence on women's roles and chances in the extractive sector, particularly, artisanal mining (Ibrahim et al, 2020, Danielsen & Hinton, 2020, Bryceson et al, 2014). A study on gender roles in one artisanal mining site in Uganda, the Kampala Camp revealed the gendered breakdown of different categories of work through the clear division of labour between women and men. Men were mostly involved in the actual digging and mining of gold while the majority of women were engaged in the processing, marketing and selling of gold as well as other minerals. More so, women also offered essential and supporting services that enabled the smooth operation of mining activities at the camp such as the provision of food, water,

accommodation and even sex (Mpagi et al, 2017). A similar study on gender dynamics and division of labour at an artisanal mining site at Prestea-Huni Valley Municipality in Ghana by Arthur-Holmes (2021) showed the gendered organisation of the artisanal mining sector as well as its management structure. According to the study, women basically worked as labourers for the men. Consequently, they occupied the lowest positions at artisanal mining sites such that they earned less for their labour (Arthur-Holmes, 2021). These findings, are therefore proof to the fact women's socio-economic rights are being violated in the artisanal mining sector due to the gendered and skewed power relations thereby compromising the realisation of women's right to development.

The definition of mining itself poses problems for the classification of women's work in the sector. As Hinton et al (2003) observe, women are rarely identified as miners as their work is mainly concentrated around the processing phase of mineral exploitation as opposed to the actual digging. Similarly, Lahiri-Dutt (2008) argues that women's role in mineral exploitation is oftenly not recorded due to the informal nature of their labour in the artisanal mining sector. A study by Benya (2013) of the popular 2012 Marikana mine strikes in South Africa also revealed the masculine character of mine-life whereby women are marginalised and excluded from some spaces. The non-existence of women from the frontlines in the mine strikes was due to the gendered allocation of work as strikes were initially targeting Rock Drill Operatives, a role which was a preserve for men only. Women were thus excluded as they mainly served as winch operators as well as equipment helpers. Further, in many local African cultures, it is a taboo for women to work underground as their presence there is regarded as bad omen for the mineral production. Again, in some cases women are not allowed at mining sites during their menstrual period for the same reason (Bashwira Nyenyezi, 2017, Weldegiorgis et al, 2018). Thus, as Serwajja & Mukwaya (2020) rightly observe, socio-cultural and customary beliefs and practices are persistently manipulated to legitimise the exclusion of women from certain mining ventures. Consequently, such culturally discriminating practices, systematically marginalise women's roles in artisanal mining thereby limiting their rights and livelihood chances in the sector.

Apart from lowering the productive and earning capacity of women in artisanal mining, the gendered roles have also increased the vulnerability of women in several ways. As noted by Weldegiorgis et al (2018), gender roles, particularly in the developing world have increased the susceptibility of women to human rights abuses, health risks, sexual as well as gender-based violence. This has been worsened by the limited judicial support and absence of basic infrastructure and services within the artisanal mining sector. The unpaid care work in the form of domestic responsibilities such as fetching water, preparing meals and taking general care of families especially in the patriarchal African societies puts women at an economically disadvantaged position in the political economy of artisanal mining (Mugo et al, 2021). Resultantly, women are at the lower end of the production hierarchy such that they have minimal control of the outcomes of their labour. More so, due to the authority relationships that determine men and women's forms of agency, their ability to act independently is also significantly curtailed (Lahiri-Dutt, 2008, ISID, 2017). Thus, it can be deduced that despite the increased feminisation of artisanal mining in Africa, the gendered nature of the sector has compromised women's ability to maximise on their socio-economic gains, rather, their rights have been largely violated, particularly, the right to development.

Mining policy and regulatory frameworks

The informal and illegal nature of artisanal mining combined with the gender blind mining policies and regulatory frameworks have significantly added to the hurdles that women have encountered as they try to navigate the male dominated industry. A report by USAID (2020) revealed that some countries limit the roles that women can undertake in the artisanal mining sector, all in the name of protecting them from the risks associated with the industry. A case in point is the 2012 DRC ministerial order which was eventually passed into law in 2018. According to Cholteeva (2021), the law banned pregnant women from gold mining on the pretext that the use of mercury at mine sites endangered the lives of both the women and the unborn

babies. This was despite the fact not all forms of mining used mercury. As such these restrictive laws have indirectly contributed to the marginalisation of women in the artisanal mining sector, yet the sector has the potential to transform and improve the livelihoods of these poverty-stricken women. The passing of such discriminatory laws is also proof to the fact that while the Africa Mining Vision calls for inclusive and gender sensitive mining policies, most African countries are yet to domesticate the tenets of the vision as huge gaps exist when it comes to implementation. Consequently, the rights of women have largely been suppressed due to the passing of these gender blind laws which fail to recognise the importance of the sector to the multitudes of women who depend on it for survival.

CONCLUSION AND RECOMMENDATIONS

While artisanal mining has become a key source of livelihoods for both men and women from mostly poor backgrounds in Africa, the majority of women have remained invisible and confined to the periphery of the industry. The patriarchal nature of most African societies have shaped power and authority relations that structure the organisation of artisanal mining such that women's agency, access to and control over key resources such as mining claims and capital have been significantly curtailed. Gender norms and roles have also relegated women to the lower end of the production hierarchy such that their livelihood opportunities and rights have been disproportionately undermined, particularly the right to development. While there are notable cases of women who managed to successfully navigate their way to become mine owners, either through strong networks or economic status, the majority have remained labourers for the male miners.

In light of the discussed constraints to women's meaningful engagement in artisanal mining, it is important for countries to holistically embrace the AMV and ensure that gender responsive and inclusive policies are put in place so that women equally participate in and benefit from artisanal mining outcomes. The current efforts at the formalisation of the artisanal mining sector need to consider the gender dynamics that characterise the sector so as to socio-economically empower women, while also ensuring that they exercise their rights, particularly the right to development. The sector should also be well-regulated in order to increase the security of both women and men miners as the industry is prone to many occupational dangers, while also protecting the environment. Women artisanal miners need to be capacitated through specialised training and education on legal mining knowledge and skills so that they meaningfully participate in and benefit from artisanal mining. Synergies should be also be formed between the key stakeholders, namely the mining associations, governments as well as the large-scale mining entities in an effort to formalise and capacitate artisanal mining operations. Special focus should be on ensuring inclusive and gender-responsive policies in the sector, in line with the provisions of the SDGs, particularly SDG 5 on gender equality in all facets of development as well as the development agendas 2030 and 2063.

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