

A RESEARCH PAPER ON

Extractives Industry and Its Effects on Women in Africa: Gender Perspectives from Ethiopia, Ghana, Kenya, Zambia and Zimbabwe



**The African Women's
Development and
Communication Network**

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► Acronyms

AMV	Africa Mining Vision
ASM	Artisanal and Small-scale Mining
COMESA	Common Market for Eastern and Southern Africa
ECOWAS	Economic Community of West African States
EIAs	Environmental Impact Assessments
EITI	Extractive Industries Transparency Initiative
GBV	Gender-based Violence
GDP	Gross Domestic Product
IFG	Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development
ILO	International Labour Organisation
MMAB	Mines and Mineral Amendment Bill
NGOs	Non-governmental Organisations
SADC	Southern African Development Community
UNDP	United Nations Development Programme
ZELA	Zimbabwe Environmental Law Association
ZMF	Zimbabwe Miners Federation

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► Executive Summary

Over a decade ago, artisanal and small-scale mining (ASM) was projected to provide 13 to 20 million jobs worldwide while a further 80-100 million depend on it for their livelihoods. Today, ASM is the primary source of employment for at least 44.75 million people across 80 countries worldwide. While the global consensus has been to formalise ASM to streamline the sector to official sectors contributing to countries' gross domestic products (GDPs), Africa is lagging in such formalisation. ASM is often perceived in a negative light because it is one of the drivers of environmental degradation and perceived to bring social ills in most mining communities. However, the Africa Mining Vision inspires a different perception and approach to ASM to ensure that it contributes to the formal development of mineral resource-rich countries in Africa.

This report considered ASM in selected African countries such as Ethiopia, Ghana, Kenya, Zambia and Zimbabwe. Additionally, the report specifically analysed the situation of women in the ASM value chain in Africa and captured the following: a clear understanding of the context surrounding ASM in Africa, the context of Ethiopia, Ghana, Kenya, Zambia and Zimbabwe in relation to ASM, exposes the challenges impacting the lived realities of women employed as artisanal small-scale miners and residing in and around the mining communities in the focus countries and provides policy and practice recommendations to improve the livelihoods of and well-being of women employed as artisanal small-scale miners and residing in and around mining communities. The methodology used in the Report included both qualitative and quantitative approaches with feminist theories informing the research.

From the data, this report established that if formalised across Africa, ASM could make an immediate impact such as economically empowering women and communities in the region. Women in the ASM sector in Africa played a significant but their roles are overlooked role in the industry. However, despite their significant contributions, women in the ASM sector faced intersecting and multi-layered challenges and vulnerabilities. They often lacked access to resources, including land, finance, and technology, limiting their ability to engage in profitable mining activities. Moreover, they were more susceptible to exploitation, gender-based violence (GBV), and health hazards associated with mining work than their male counterparts. Access to resources is a socio-economic right for women but this right is often violated. Various cases of human rights violations were observed across the five countries.

On one hand, some of the intended effects of formalising ASM included putting in place environmental and social safeguards. On the other hand, the negative effects of formalising ASM included gender wage gaps and deepened social inequalities¹. However, the effects of banning ASM included "public protesting, removing economic opportunities for communities, and intensification of risks to miners and the environment when mining continues as clandestine activity."² The report also concluded that women did not enjoy the same opportunities around access to, control over resources, and benefits from artisanal mining in their communities. The division of labour within the ASM supply chain was typically gendered with women more often occupying non-digging jobs, such washing and crushing stone, and creating ancillary businesses, such as selling food and goods around mining sites.

¹ Natalia Yakovleva, Diego Alfonso, Vazquez-Brust, Francis Arthur-Holmes & Kwaku Abrefa Busia, 'Gender equality in artisanal and small-scale mining in Ghana: assessing progress towards SDG 5 using salience and institutional analysis and design' (2022) Environmental Science & Policy Volume 136: 92-102.

² See also Cynthia Kumah, Gavin Hilson, and Ishmael Quaicoe, 'Poverty, adaptation and vulnerability: An assessment of women's work in Ghana's artisanal gold mining sector' 2020, Area, 52(3), 617-625, 619 at <https://rgs-ibg.onlinelibrary.wiley.com/doi/10.1111/area.12639>.

Regarding the reason why women participated in the ASM; there were various and intersecting factors that pushed women into ASM sectors across Africa. Geographical location, nature of local economies, educational status, economic status, age and marital status, among other facets influenced women's decisions to engage in ASM. Gender related factors were multi-layered and at times intersected and intertwined to influence women's decisions. Thus, these factors should be understood using the intersectionality approach. Women entered the ASM sector at different stages, reflecting the key turning points in their lives. Different forms of inequalities and discriminatory access to and control of resources often played a role in driving women into informal and dangerous ASM landscapes. Some of the factors included transition of labour from agriculture to mining as a result of climate change resulting in increased informal ASM in the countries under study.

The impacts of ASM were gendered and multifaceted. In most cases these impacts were not isolated but interlinked to create further vulnerability. Across many countries, women in artisanal mining communities were at increased risk of sexual violence, including rape, sexual assault, and sexual harassment.

However, to provide a balanced and nuanced intersectional gender analysis, the report explored some opportunities that women derived in the ASM Sector. This is because in most cases, the ASM sector was perceived as an 'evil' sector. Therefore, one missed the positive aspects that contribute to uplifting women's lives and realise their socio-economic rights. Albeit limited, these opportunities can be entry points for advocacy and promoting economic justice for women.

The countries should reform their mining regulatory and administrative systems to fully support women's participation and boost the opportunities available to them in ASM. The Report found several issues along the mineral value chain where governments were facing challenges. For instance, regulatory uncertainty and ambiguous definitions of ASM, created by licencing regimes that lacked transparency and accountability, led to market distortions. This was compounded by structural barriers, complex, lengthy bureaucratic procedures and waiting periods required to secure land tenure by women and licences/permits. Even if they did manage to secure a licence, in most of the countries studied, the licensing periods were too short for miners to operate with certainty that they can build long-term sustainable mining enterprises. The selected countries also suffered a lot of revenue leakages, revenue which could have been directed to funding more women ASM programmes. Revenue was being lost because there was little value addition occurring with minerals from ASM and only low-quality minerals were usually declared. The revenue losses were exacerbated by the pervasive smuggling of minerals in ASM. The smuggling was made easier by inadequate customs scanners at the airports in these countries that cannot detect gemstones. In addition, the customs officials did not have the technical know-how to identify gems. Further, countries like Zambia and Zimbabwe have many illegal crossing points and porous borders. Creating a gender responsive ASM sector will require more gender mainstreaming training programmes as well as a combination of policy and legal reforms, bolstered by more seamless licensing and permits administrative systems.

Country Specific Priorities.

The stakeholders in Ethiopia should focus on:

- a. Creating a robust and gender sensitive mining legal and policy framework that is aligned to the Constitution of Ethiopia and women's human rights normative framework.
- b. Prioritise formalisation of the ASM Sector.
- c. Promoting access to micro-finance and credit to ensure equity in financial inclusion and capacity for women who often lack collateral.
- d. Addressing multiple barriers faced by women in ASM.

The stakeholders in Ghana should focus on:

- a. Creating a robust and gender sensitive mining legal and policy framework that is aligned to the Constitution of Ghana and women's human rights normative framework.
- b. Formalisation of ASM, as a way of upgrading the ASM sector.
- c. Addressing barriers and challenges faced by women in ASM.
- d. Addressing conflicts and tensions over land uses in communities between miners and non-miners.

The stakeholders in Kenya should focus on:

- a. Creating a robust and gender sensitive mining legal and policy framework that is aligned to the Constitution of Kenya and women's human rights normative framework.
- b. Fast-tracking the implementation of the Artisanal Mining Strategy and interventions proposed in the Strategy.
- c. Addressing multiple barriers faced by women in ASM.

The stakeholders in Zambia should focus on:

- a. Creating a robust and gender sensitive mining legal and policy framework that is aligned to the Constitution of Zambia and women's human rights normative framework.
- b. Increasing access to ASM finance by women. While ASM in Zambia is known for high levels of formalisation, the lack of access to finance prevents ASM miners from unlocking the benefits that are often touted as the outcomes of formalisation.
- c. Structuring financial instruments in terms of blended finance such as loans and grants that will benefit women in ASM.
- d. Developing standard grading and scaling scales for gemstones.
- e. Formalisation of gemstone trading by enacting a relevant regulatory framework.
- f. Establishing Gemstone Exchange Centres in Zambia.
- g. Development of a gemstones benefit-sharing framework to benefit the host mining communities.
- h. In line with the National Lands policy (2021) which reserves 50 % of available land for women legislate on a "specific quota allocation towards the issuance of mining rights"³ for women.
- i. Providing gender-responsive tailor-made training and Gemstones Marketing Centres for women.
- j. GBV specific interventions to address the GBV-ASM nexus issues.

³ Chris Huggins, Agatha Siwale-Mulenga, and Saitoti Parmelond, S. 2024. Gender, livelihoods and local development in artisanal and small-scale mining areas: Evidence from gemstone production in Zambia and Tanzania, *Society*, 4(2), p 8.

The stakeholders in Zimbabwe should focus on:

- a. Creating a robust and gender sensitive mining legal and policy framework that is aligned to the Constitution of Zimbabwe and women's human rights normative framework.
- b. Formalisation and capacity building of women in ASM.
- c. GBV specific interventions to address the GBV-ASM nexus issues.
- d. Addressing multiple barriers faced by women in ASM.

Specific Priorities for Governments in Selected Countries.

The following are specific priorities for the Governments in selected countries:

1. Create an enabling environment for ASM.

- a. Develop robust and gender sensitive ASM legal and policy frameworks and include affirmative type measures that ensure gender balanced participation of women in mining.
- b. Simplify environmental impact assessments (EIAs) procedures for ASM participants.
- c. Support the setting up of impact and catalytic funds that benefit women and youth in ASM. The ASMs have difficulties in accessing credit from the traditional sources of finance including banks and microfinance institutions. It is against this backdrop that the government recommends establishment of cooperative to pool resources.
- d. Diversity ASM activities such as value addition and beneficiation.

2. Support Training and Skills Development.

- a. Promote Science, technology, engineering, and mathematics (STEM) subjects among girls and young women in schools and tertiary institutions to enable them to enter large-scale mining.
- b. Develop tailor-made training manuals on gender mainstreaming of the ASM Sector.
- c. Facilitate training of women on gender, GBV, law and economic activities that are linked to ASM.
- d. Facilitate training of women in skills such as entrepreneurship skills, mining business management, financial inclusion, record keeping, value addition and beneficiation of minerals along the relevant value chains.
- e. Facilitate training of women in environment, social and governance (ESG) issues pertinent to the ASM Sector.
- f. Facilitate training of women on child labour, early child marriages and its effects on child rights in the context of ASM.
- g. To mitigate ASM fatalities, facilitate training of women in environment, health and safety issues.
- h. Facilitate training of women on contract negotiations between ASM and large-scale mining companies, traders and buyers.
- i. Facilitate training of women on how to identify different and quality minerals, mining methods, value addition and market linkages.

3. Mainstream gender equality and social inclusion issues in ASM.

- a. Identify gender mainstreaming entry points in ASM.
- b. Promote women's participation in ASM key decision-making positions.
- c. Support the development of innovative funding models that benefit women and youth.
- d. Support development of gender sensitive financial instruments, products and services.

4. Support creation of platforms for women in ASM.

- a. Create Regional Marketing Centres for Gemstones.
- b. Strengthen ASM women networks and associations at regional, national and community levels.
- c. Facilitate Gemstones Fairs at international, regional, national and community levels.

5. Mainstream the provisions of the Africa Mining Vision regarding ASM in national ASM laws and strategic documents.

6. Support national accounting of ASM activities and supply chains given the tremendous importance of ASM as a livelihood strategy to the rural poor

7. Provide ASM facilities for equipment and machinery: Equipment and machinery, especially those that facilitate prospecting should be made available to the miners.

Source: Survey and literature review.

Actions by ASM Community-Based Organisations and Associations:

- Ensure compliance of laws by women in ASM through provision of loans and grants to register and get appropriate permits for mining activities.
- Build capacity of members in environment, social and governance (ESG)-related issues and business development skills.
- Provide technical backstopping to women in ASM in terms of mentoring and coaching.
- Mainstream gender equality and social inclusion issues in ASM.
 - ◆ Identify gender mainstreaming entry points in ASM.
 - ◆ Promote women's participation in ASM key decision-making positions.
 - ◆ Develop innovative funding models that benefit women and youth.
 - ◆ Develop gender sensitive financial instruments, products and services.

Actions by Women's Rights Organisations and other CSOs:

As a convenor, organizer and facilitator on dialogues around critical issues on women's human rights, FEMNET can:

- Lobby and advocate for the development of robust and gender sensitive ASM legal and policy frameworks and include affirmative type measures for women and youth.
- Convene networks and partners to support mainstreaming of gender equality and social inclusion issues in ASM.
- Identify gender mainstreaming entry points in ASM.
 - ◆ Strengthen the participation and amplify the voices of women in ASM key decision-making positions through technical training and capacity building.
 - ◆ Support the development of innovative funding models that benefit women and youth.
 - ◆ Support the development of gender sensitive financial instruments, products and services to benefit women and youth.
- Strengthen capacity on women's rights, entrepreneurship skills, business management, marketing, value addition and beneficiation of minerals.
- Support, organise and coordinate efforts for women into cooperatives, women mining associations and women only mines.
- Support production and dissemination of knowledge products on key subject-matters knowledge gaps, barriers and challenges affecting women in ASM.

► 1. Introduction

Artisanal mining, characterized by its informal and often small-scale operations, involves mining activities conducted by individuals or small groups with limited technology and equipment. Although there is no universally agreed definition of artisanal mining,⁴ a commonly made distinction is between artisanal miners and small-scale miners, with the former using labour-intensive techniques, manual means and low technology methods, and the latter having some degree of mechanization and sophistication. This distinction often refers not only to differences in technology, where ASM is defined as low-tech, labour-intensive mineral extraction and processing,⁵ but also to legality (formality) and illegality (informality), where artisanal mining operations imply operations without the requisite mining and mineral licence.⁶ According to the Intergovernmental Forum on Mining, Minerals and Sustainable Development (IGF), the ASM Sector ranges from poverty-stricken informal individual miners and groups seeking to eke out or supplement a subsistence livelihood to small-scale formal commercial mining activities that can produce minerals in a responsible way, respecting local laws.⁷ In this Report, ASM is defined as subsistence mining, either licenced or unlicensed, which is carried out using labour intensive, low-tech equipment

The ASM significantly contributes to the supply of minerals essential for modern technologies, including communications and clean energy technologies, like lithium, copper, nickel, cobalt and rare earth elements which are crucial for the clean energy transition. Lithium, nickel and cobalt are used in the production of lithium batteries critical for energy storage of electricity generated from renewable sources like wind and solar. The rare earth elements are used in making permanent magnets for wind turbine and copper (along with aluminium) in the electricity networks that distribute clean energy.⁸ The ASM Sector employs 45 million people globally and provides 233 million indirect jobs.⁹ It is estimated that in Sub-Saharan Africa, at least 10 million individuals are directly involved in ASM, while 60 million rely on revenues and associated activities flowing from it.¹⁰ This makes ASM the most important non-farming rural activity in the developing world, especially in Africa. Up to 90% of ASM miners worldwide operate without licences and permits required by law.¹¹ Women comprise 30% of the ASM workforce but, they are often barred from entering the mines and relegated to lower-paying difficult jobs.¹² Women perform multiple direct and indirect tasks along the ASM value chain such as mining, sorting, crushing, grinding, sieving, washing and panning; and transporting ores, food sales, and other related services.

4 International Labour Organisation (ILO), 1999

5 Gavin Hilson et al 'Artisanal and small-scale mining (ASM) in sub-Saharan Africa: Re-conceptualising formalisation and 'illegal' activity' (2017) *GeoForum* 83, 80-90.

6 John Holloway, 'Policies for artisanal and small scale mining in the developing world: A review of the last thirty years' (1998) *Environment and Mining in Eastern and Southern Africa*.

7 IGF, 'Guidance for Governments: Managing artisanal and small-scale mining' (2017) at <https://www.igfmining.org/resource/guidance-for-governments-managing-artisanal-and-small-scale-mining/>

8 International Energy Agency, 'How critical minerals can unlock a cleaner energy future' at <https://www.iea.org/topics/critical-minerals>

9 Rachel Perks, 'Let's support women in artisanal and small-scale mining' (8 March 2024) World Bank Blogs

10 Ibid.

11 Ibid.

12 Ibid.

Some of these tasks are visible and occur at the mine face. But many female-dominated ASM job categories happen away from the public view. These include retrieving material in rivers downstream, processing gold with mercury in their homes, preparing food for miners, vending activities and sex work. The informal, often precarious nature of their working conditions and lack of access to social safety nets expose ASM workforces to severe health, social, and environmental risks. ASM activities have particular effects on women's health. Research established that women are more vulnerable to exposure of heavy metals due to their reproductive roles.¹³ Exposure to the metals like mercury, cyanide and arsenic can negatively affect foetal development, leading to severe birth defects.¹⁴ Women are also vulnerable to lead poisoning through hand-to-mouth contact for children or from ingesting green clay which is commonly used to sooth pregnancy nausea.¹⁵ As care givers, they expose their families to these deadly metals.

Women in ASM are also exposed to water and vector-borne diseases, such as cholera, typhoid and malaria, from the unsanitary water and sanitation facilities at the mines; infectious diseases and malnutrition are attributed to bingeing of alcohol and social ills such as sex work, which as drivers of gender-based-violence (GBV) manifested as sexual violence, physical violence and child marriages. In addition, most families are food insecure at these mining sites. The women are often at increased risk of developing sexually transmitted diseases HIV and sexually transmitted diseases.¹⁶

Women in artisanal mining are involved in a wide range of activities, including digging, sorting, crushing, and washing ores. In many cases, they work alongside men, contributing to the entire mining activities along the value chain. Some women also engage in trading minerals, buying and selling ores and gemstones in local markets. Apart from direct mining activities, women play essential supporting roles within artisanal mining communities. As discussed earlier, women provide food and other essential supplies to miners, manage finances, and maintain households while their spouses or family members are engaged in mining work.

1.1 Artisanal and Small-scale Mining (ASM) in Africa.

Research has shown that one industry which, if formalised in Africa, could make an immediate impact, economically, in the region is ASM. While data is often outdated and unreliable, it is estimated that in sub-Saharan Africa, at least 20 million people are employed directly in the sector, and an additional 100 million individuals depend upon its activities indirectly for their livelihoods. It is estimated that women make up 30% of the ASM workforce, and in sub-Saharan Africa that figure is even higher, an estimated 40 to 50% of workers in ASM are women.¹⁷ However, while perceived as productive and vibrant, the region's ASM operations are mostly unlicensed and confined to informality.

¹³ Sara Geenen, Gracia Kabilambali, Mussa Bashizi Fiz and Elisa Vanlerberghe, 'Women who "age too fast" : female work, bodies and health in the gold mines of Eastern Democratic Republic of Congo' *The Extractive Industries and Society* 12(2022), 101138

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

Over the past decades, interest in formalising ASM has risen rapidly. The United Nations and World Bank have embraced the challenge, the former building on a series of disparate policy interventions made over the past four decades and the latter making the subject a focus of its mining sector reform projects. Initially, the response of governments to calls for giving greater priority to ASM issues in policy was slow.¹⁸ However, the recent explosion of informal ASM activity has caught the attention of donors and some policymakers. Many countries have come up with innovative ideas on how to bring the sector's operations into the legal domain, where, it is believed, they can be regulated, monitored and supported more effectively.¹⁹

In understanding the reasons behind ASM, the evidence presented in the literature over the past two decades suggests that poverty rather than the desire to get rich 'fast' is one of the fundamental reasons that have fuelled the expansion of ASM. Specifically, Banchirigah and Hilson²⁰ linked ASM and poverty pointing to how structural adjustment programmes and widespread neo-liberal economic reforms implemented across Africa in the late-1970s and early-1980s led to the downsizing of industries thereby crippling smallholder farmers and initiating a pruning of the public sector. In response to this, from the mid-90s to beginning of the new millennium, the ASM economy has absorbed scores of otherwise unemployed people, especially women, who were adversely affected by these changes. To date, no comprehensive census has been carried out on ASM to determine how many people are directly and indirectly employed by the sector, with disaggregated data on gender, age and other demographic variables. Therefore, there is no accurate and relevant data on how many people are employed directly in the sector. At best, most of what is available are general projections based on surveys conducted by development agencies in villages and small mining communities.

In terms of where in the job market one can locate the ASM is in the downstream of the mining value chain. In relation to job creation, research shows that there are an estimated six types of downstream employment that ASM creates and these are: public service vehicle drivers, cooks and clothing merchants; semi-skilled labourers, including machine operators and repairmen; and skilled and educated groups, notably accountants, bookkeepers, and technicians.²¹

Mostly, the perception of ASM on the mining value chains has been negative. For instance, ASM activities have largely been characterised as being responsible for degrading vast tracts of land. For example, gold panning releases significant quantities of mercury pollution into the natural environment, operators and employees often work in precarious, hazardous and unhygienic conditions. Furthermore, many ASM communities, including those across sub-Saharan Africa, have become popular for prostitution, sexually transmitted diseases such as HIV and AIDS and alcohol and drug abuse which drive prevalence of GBV among women and girls. Additionally, ASM is also perceived as a child labour problem. As a result, some journalists, government officials and to an extent, donor organisations regard it in an extremely negative light, influencing and shaping public perceptions.²² However, most of this analysis is one-sided, negating ASM's positive impacts such as its contribution to employment creation, production and overall national economic development.²³

18 J Davidson, 'The transformation and successful development of small-scale mining enterprises in developing countries' (1993) *Natural Resource Forum* 17 (4), 315–326; Kumar, R., Amaratunga, D. 'Government policies towards small-scale mining' (1994) *Resource Policy* 20 (1), 15–22; Labonne, B. 'Small- and medium-scale mining: the Harare seminar and guidelines' (1994) *Natural Resource Forum* 18 (1), 13–16.

19 Hilson et al. 2017 (n5).

20 SM Banchirigah and G Hilson 'De-Agrarianization, Re-Agrarianization and Local Economic Development: Re-Orientating Livelihoods in African Artisanal Mining Communities' (2010) *Policy Sciences* 43 (2), 157–180.

21 Gavin Hilson and James McQuilken 'Four decades of support for artisanal and small-scale mining in sub-Saharan Africa: A critical review' (2014) *The Extractive Industries and Society* 1, 104–118.

22 Human Rights Watch, *Toxic Toil. Child Labour and Mercury Exposure in Tanzania's Small-Scale Gold Mines* (Human Rights Watch, 2013)

23 Hilson and McQuilken (n21).

In Africa, women in ASM play a significant but often overlooked role in the industry. Although accurate figures are difficult to come by it has been noted that women could represent roughly one third of the ASM sector. In several countries such as Guinea, women's participation makes up 75% of workers involved in ASM, while in countries such as Mali and Zimbabwe women's involvement is around 50% and in Ghana, women account for as much as 90% of the gold mining labour force.²⁴ While men are typically more visible in the sector, women are actively involved in various aspects of artisanal mining across the African continent.

1.2 Roles of Women in ASM in Africa.

Research established that ASM “is no longer a marginalized, ‘survival’ sector that absorbs the excess labour, but is a vibrant, entrepreneurial part of the economy that creates new jobs, stimulates economic growth, and offers better opportunities for equity.”²⁵ Women form a part of the ASM across Africa. In ASM, the ‘miner’ that carries out heavy mining duties in pits tends to receive most of the publicity, whereas women's participation in activities outside pits gets ignored and often undocumented even though they contribute to a significant part of the mining operations. Therefore, to fully account for women's roles and understand the opportunities for their greater participation, the terms *women as miners* and *women in ASM* are steadily being used to encompass the whole cycle of mining and related activities from exploration to consumption.²⁶ Similarly, in large-scale formal mining those who are not part of the traditional mining workforce but perform all other activities except digging are recognised as ‘extended miners,’ this should apply to ASM.

By and large, women's potential for successful entrepreneurship in ASM lies within the whole spectrum of activities in the ASM including mining, processing, delivery, and goods and general service provision. The ASM marketplace is informal and “characterized by extraordinary gender inequities.”²⁷ For example, “market women experience remarkable stress trying to juggle their multiple roles and relationships as economic, political and cultural mediators” of radical social-economic-political changes that are sweeping through the African continent.”²⁸

Figure 1 shows a simplified mapping exercise on the whole spectrum of ASM that women are involved in and the range of beneficiation they are likely to receive. This mapping exercise aids in setting out the activities in which women's participation can be enhanced to achieve better beneficiation.

24 Daniel Buor and G Ayim 'Women in Artisanal and Small-Scale Mining in the Adansi North District, Ghana' (2019) Global Journal of Human-Social Science 19(3).

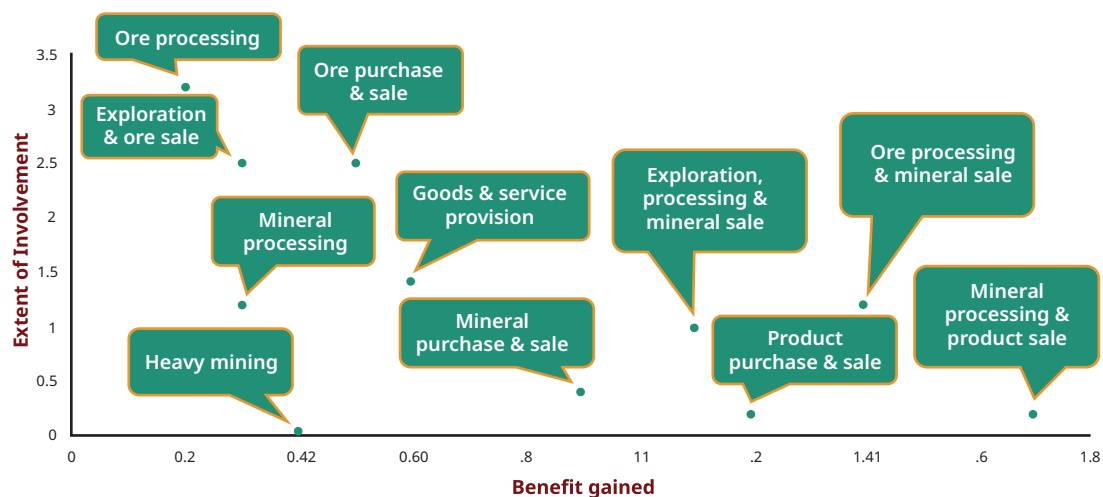
25 Lynda Lawson & Kuntala Lahiri-Dutt, 'Women sapphire traders in Madagascar: Challenges and opportunities for empowerment' (2020) The Extractive Industries and Society 7(2): 405-411, p 2.

26 Lynda Lawson & Kuntala Lahiri-Dutt, 'Women sapphire traders in Madagascar: Challenges and opportunities for empowerment' (2020) The Extractive Industries and Society 7(2): 405-411, p 2.

27 IGF (n26).

28 Ibid.

Figure 1: Women's role in various activities of ASM (adopted from IFG, 2018).



It is important to note that, “These multiple roles played by women are a big opportunity for specialisation and the formation of associations or service providers in the ASM value chain.”²⁹

Figure 2. Roles of Women in a Typical Mining Site.



Source. Schematic illustration of multiple roles of women in a typical primary gold mine site.³⁰

²⁹ African Minerals Development Centre, 'Report On Artisanal & Small-Scale Mining In Africa: Selected Countries Policy Profile Review On ASM' (2020), p 60.

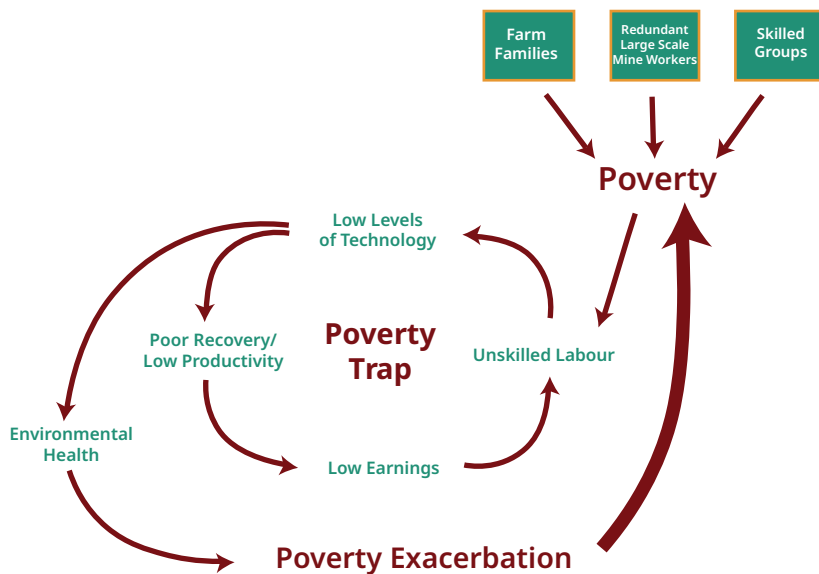
³⁰ African Minerals Development Centre (n22), p 61.

As will be discussed later in the Study, the roles of women regarding ASM activities differ from one country to another and they are determined by the mineral value chains.

1.3 Barriers faced by ASM Participants.

Kumah et.al , argues that there are several poverty dimensions associated with ASM.³¹ For example, barriers such as “inadequate mining and processing techniques and equipment leads to low productivity of operations and low recovery of valuable minerals, which in turn results in low revenues and the inability to accumulate funds for investment. (...) A lack of funds to improve methods, (...) inability to acquire appropriate equipment, (...) traps artisanal operational miners in crude, inefficient mining and processing.”³² Figure 2 shows the poverty traps for women in ASM sector.

Figure 3. Artisanal Mining and Small-scale Mining Poverty Trap



Source: The artisanal and small-scale mining poverty trap conceptualised.³³

For more than four decades after entering the international development lexicon, ASM still remains on the periphery of poverty alleviation and local economic development policy. In Sub-Saharan Africa, the failure to recognise the sector’s growing economic importance has frustrated its development. With widespread poverty and employment opportunities throughout the region, a formalised ASM sector could help to deliver much-needed short-term economic benefits and address emerging issues such as rural to urban migration, irregular migration beyond national borders, youth bulge and unemployment. This formalisation must occur in a policy environment that enables and supports flexibility and cross-sector linkages for the dynamics, nuances and interconnectedness of the ASM sector, especially in relation to other sectors like farming.

³¹ Kumah et.al (n2).

³² Kumah et.al (n2).

³³ Kumah et al (n2).

Despite their significant contributions, women in ASM face intersecting and multi-layered challenges and vulnerabilities. They often lack access to and control of resources, including land, finance, and technology, limiting their ability to engage in profitable mining activities. Moreover, they are more susceptible to sexual and labour exploitation, GBV and health hazards associated with mining work. Women face sexual harassment, unsafe working conditions, a lack of sanitation facilities. Sometimes women in many communities face difficult choices. According to Huggins et al “women appreciate the economic benefits of ASM, even if they face discrimination and various gendered barriers. It is particularly difficult for women to reach profitable positions, such as mine-ownership.”³⁴

1.4 ASM and Climate Change

The intersectionality between climate change, GBV and ASM in selected countries is real and complex. The populations are becoming increasingly vulnerable to extreme weather conditions such as cyclones, floods, droughts and heat waves. Climate change leads to crop failure, low yields, food insecurity and resource scarcity. It exacerbates pre-existing social inequalities and power imbalances among women and men. This heightened vulnerability increases the risk of GBV as individuals either compete for finite resources such as minerals or migrate for better conditions. Climate change affects women and men differently due to gender inequalities and social norms. Women often have limited access to and control of resources, decision-making power, and information, exacerbating their vulnerability to climate change impacts. In the selected countries, women are primarily responsible for household food security, water collection, energy provision and caring for the families.

Climate impacts have significant social, economic, and environmental consequences, particularly for marginalised groups such as women. Gender considerations are essential in ASM initiatives as they recognise the different roles, needs, and capacities of women and men concerning climate change. As highlighted above, women often bear the brunt of climate change impacts due to their roles as primary caregivers, food producers, and water and energy providers at the household level. However, they are frequently excluded from decision-making processes and lack access to and control of resources and opportunities that could enhance their resilience.

³⁴ Huggins et al, (n3) p 8.

► 2. Approach And Methodology

2.1 Scope of Work

This work sought to develop a Report based on the analysis of the situation of women in artisanal and small-scale mining value chain in Africa, focusing on Zimbabwe, Kenya, Ethiopia, Ghana and Zambia. The objectives to be achieved include:

- Providing a clear understanding of the context surrounding ASM in Africa;
- The context of Ethiopia, Ghana, Kenya, Zambia and Zimbabwe in relation to ASM;
- Exposing the challenges impacting the lived realities of women employed as artisanal small-scale miners and residing in and around the mining communities in the focus countries; and
- Providing policy and practice recommendations to improve the livelihoods of and well-being of women employed as artisanal small-scale miners and residing in and around mining communities.

2.2 Approach

Feminist theories informed this Research Paper. There are various feminist theories that focus on gender roles and inequalities in the ASM Sector. To note is the fact that “all these theories focus on analysing women’s day-to-day life experiences of gender subordination, the causes and origins of women’s oppression, the catalysts of gender inequality as well as proffering solutions to bridging the inequality gap in all spheres of life.”³⁵ As will be discussed later in this Study, women in ASM face several barriers. Thus, feminist theories can unlock opportunities and building livelihoods for women and amplify their voices and roles in the ASM Sector. This will empower them and transform their lives and livelihoods.

The Report mainly relied on liberal feminist theory. According to the liberal feminist theory, women’s marginalisation in the labour front is a problem in the developing world, particularly the ASM industry. “Indeed, limiting women’s opportunities and gender discrimination are predominant in the ASM sector.”³⁶ This is because the “Women’s position and labour contributions in ASM operations are perceived as secondary to those of men.”³⁷ According to Baddianaah, “Liberal feminism is a useful analytical theoretical lens for analysing women’s roles and challenges in the ASM industry in the context of developing countries.”³⁸ This theory is a tool that seeks to unearth “women’s opportunities and potential by projecting women’s voices, their roles and challenges in the ASM industry, and highlights the possible policy considerations for transforming women’s livelihoods.”³⁹

35 Huggins et al, (n3) p 8.

36 Issah Baddianaah, ‘Navigating access to golden lands: Gender roles and constraints of women in artisanal and small-scale mining operations in north-western Ghana’ (2023) *Geography and Environment* 10(2):e130, p 3 at <https://rgs-ibg.onlinelibrary.wiley.com/doi/epdf/10.1002/geo2.130>.

37 Ibid.

38 Ibid.

39 Ibid.

Gender analysis, informed by the intersectionality approach, was mainstreamed within the design and analysis to capture the diverse conditions of women and multiple axis of oppression. Forms of oppression or discrimination intertwine, creating a system of oppression that reflects the 'intersection' of multiple forms of discrimination. Intersectionality approach to gender analysis allows one to see people as having various identities about their position in societal structures. A gender analysis includes information on women, men, girls and boys in terms of their division of labour, roles and responsibilities, access to, and control over, resources, and their relative condition and position in society. It also involves articulation of the specific and evolving vulnerabilities, and outlining the agency and potential for change. In that regard, an intersectionality approach informed gender analysis based on the assumption that an individual's life experiences are based on multiple identities such as being rural or urban, disabled, HIV positive or transgender. This ensured that the Report did not inadvertently ignore the most disadvantaged women in and more accurately recognised the heterogeneous realities of women's lives and new/emerging patterns of vulnerability. The Study also adopted the following approaches:

The Human Rights-based Approach: This approach was adopted and used to assess the extent to which international and human rights agreements, and national laws recognize the rights of women and girls especially the equality before the law and non-discrimination. It is against this background that national laws and policies affecting women in ASM were reviewed and assessed.

The Women's Law Approach: This approach was used to assess how the legal framework responded to the needs of the women and girls in the extractives' community. It also focuses on the multiple discriminations that women are subjected to in the sector; It also empowers actors to interrogate and tackle any political socio-economic injustices. It promotes inclusiveness by creating safe spaces for women to participate in ASM.

The Actors and Structures: The approach identified actors and structures that were critical to this study at country and regional levels

2.3 Methodology

Document review

The methodology for the Report included a continuous literature review process. Initial literature review provided the team with an understanding of the FEMNET Extractives Industries Programme. It served as a data gap analysis which guided extensive search of literature sources and development of questions for the context analysis. The approach mostly relied on the internet to access relevant documents and reports but also reached out to relevant organizations working in ASM sector to get documents. Case studies were identified from some countries to show the lived realities of women.

Key Informant Interviews

A rapid survey was conducted with seven (7) key informants in the five (5) countries. The idea was to get the views of key policy makers, representatives of women's organisations in ASM or women's activists/ organizations working with women artisanal small-scale miners. The survey sought information on actors in ASM, drivers of participation, gendered impacts of ASM and responses to various issues in ASM.

Data Analysis

Data from the survey was analysed using qualitative thematic analysis. Qualitative content analysis was used in analysing data from the literature review and various themes were identified. The themes included statistics on ASM in selected countries, laws and policies on gender equality and economic empowerment as well as ASM; legal definition of ASM; roles of women in ASM; drivers of ASM; barriers/challenges faced by women in ASM; impact of ASM on women; Level of formalisation of ASM; and recommendations.

A peer review process: This report was peer-reviewed by 2 independent experts engaged by FEMNET. Their comments informed this Study.

2.4 Limitations

Rapid online surveys, which demand minimal human resources (beyond those needed to design the questionnaire) are advantageous. But in the case of the survey for this Report, the survey got 7 responses because of limited time frame. This survey did not produce comparable data hence, only qualitative data was extracted.



► 3. The International and Regional Policy and Legal Frameworks On ASM.

International and human rights agreements, often guide the development of national laws and policies. Therefore, it is important to begin with an audit of the international agreements which the countries under study are party to. Ethiopia, Ghana, Kenya, Zambia and Zimbabwe are parties to the Convention on Eradication of All Forms of Violence Against Women (1989). Only Ethiopia is not a party to the Minamata Convention on Mercury (2017). The Convention seeks to address environmental impacts of ASM as well as regulate the use of mercury. However, some researchers argue that referring to gender issues in the Convention amounts to a “ritual of inclusion”⁴⁰ that seeks to “crystalize social exclusion of women by reinforcing a view of women as simultaneously risky and at risk.”⁴¹ This is because women are excluded from mining due to barriers such as socio-cultural, structural, technical, skills and financial.

3.1 SDGs and ASM

The SDGs, especially 1 on ending poverty and 5 that seek to promote gender equality, provide an entry point to addressing some gender inequalities in the ASM Sector. Ethiopia, Ghana, Kenya, Zambia and Zimbabwe are members to the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF). The ASM activities are central to attainment of SDGs, especially SDG 5 on gender equality. For women to transit from ASM, there is a need for governance and law reforms. According to de Haan et al, “children in Sierra Leone, Kenya and Mongolia have been reported to combine ASM with education, participating in regular classes and using their lunch breaks or weekends to mine to pay for their school fees.”⁴² In addition, income from ASM supported the Maasai communities in Kenya. For example, “Maasai communities of Narok County in Western Kenya enabled the protection and education of adolescent Maasai girls (orphans) who fled their families to escape early, forced and child marriage, or Female Genital Mutilation (FGM). Consequently, mining revenues afforded Maasai women to financially sponsor disadvantaged girls at risk.”⁴³

3.2 The Africa Mining Vision (AMV).

The priorities for the AMV include poverty reduction, gender empowerment and environmental sustainability. As will be shown in this Report, some of the minerals policies promote mainstreaming of gender in mining activities. However, “in some cases gender is only featured in the definitions and no further elaboration is found. But the main finding is that most of the countries list intentions of gender mainstreaming in the extractives policy documents, but very few have translated the “wish lists” into articles in the Mining Acts or any regulation that would show a level of implementation.”⁴⁴ For example, Zambia and Ethiopia have “at least one article regulating the involvement of women, especially in their participation in Mining Advisory Committees.”⁴⁵

40 Yakovleva et al (n1).

41 Ibid.

42 Jorden de Haan, Kirsten Dales, and James McQuilken, ‘Mapping Artisanal and Small-Scale Mining to the Sustainable Development Goals’ (2020) Newark DE: University of Delaware (Minerals, Materials and Society program in partnership with PACT), p 21. at <http://www.pactworld.org> and <https://sites.udel.edu/ceoe-mms/>.

43 Ibid, p 23.

44 African Minerals Development Centre (n29), p 66.

45 Ibid.

Although the negative aspects of ASM cannot be denied, the AMV magnifies the positive aspects of ASM to legitimise it and makes it a clear contributor to countries' gross domestic product output.⁴⁶ For instance, the AMV states that ASM is an important factor for income generation potentially increasing local purchasing power. Moreover, ASM revenues have the potential to catalyse small to medium enterprise development and foster local economic multipliers. For example, in Tanzania, ASM miners earn ten times more than farmers and income from ASM is invested in shops, taxis, bars, guesthouses and farming. Most importantly, in Africa where there are challenges with rapid urbanisation, ASM contributes significantly to the reduction of rural-to-urban migration by the youth.

The AMV also postulates that the poverty cycle is aggravated by legal and regulatory failures, including the failure of governments to recognise the potential of ASM and formalise it as a sub-sector of mining. In instances where there have been efforts to regulate ASM, the legal frameworks are often inadequate and preference is openly given to large-scale mining. Most ASM miners do not have security of tenure or access to high-quality and mineable resources. Therefore, they cannot generate adequate income or use their mineral rights as security for additional funding or to enter joint ventures with potential partners.⁴⁷ Additionally, poor access to financial resources is caused by the reluctance of banks and other financial agencies to provide loans and other financial assistance to an unregulated ASM sub-sector.

3.3 The Intergovernmental Forum (IGF) Mining Policy Framework

The IGF Mining Policy Framework is a set of guidelines for good practices in the mining sector, established by the IGF which includes a specific focus on artisanal and small-scale mining (ASM). It seeks to promote gender equality by addressing the challenges faced by women working in the ASM sector, particularly in areas like access to licences, safety, and equitable sharing of benefits with host mining communities. The framework acknowledges the unique challenges women face in ASM, such as discrimination, lack of access to training and equipment, and unsafe working conditions. It advocates for strengthened national policies to address these issues.

The following are excerpts of the IGF Mining Policy Framework which Ethiopia, Ghana, Kenya, Zambia and Zimbabwe subscribe to:

Box 1. Excerpts of the IGF Mining Policy Framework

Mining Policies, Codes, Agreements, and Standards.

1.3.6 Respect the spirit and intent of current and evolving international agreements and normative language on human rights, gender equality, cultural heritage, and on Indigenous peoples where applicable.

1.3.7 Require mining entities to act in accordance with national and international laws and to implement responsible business-conduct standards.

⁴⁶ Africa Mining Vision, 2009.

⁴⁷ Africa Mining Vision, 2009.

6.1 ASM in the Legal System.

- 6.1.1** Develop specific legal frameworks to manage ASM operations.
- 6.1.2** Develop appropriate strategies for different types of ASM to integrate ASM operators into the formal economy and legal system to help manage their impacts.
- 6.1.3** Support ASM operators to meet regulatory requirements.
- 6.1.4** Establish robust mechanisms for monitoring ASM sites and for enforcement with appropriate sanctions when practices are unacceptable, to ensure compliance with laws and regulations. Integrate local governments in monitoring and enforcement activities.

6.2 ASM in the Economic System.

- 6.2.1** Map and update existing ASM activities so authorities can make informed decisions.
- 6.2.2** Generate and provide access to geological information and identify areas with potential for ASM operations.
- 6.2.3** Provide technical training to improve productivity through efficient processes that protect the environment and the health, climate resilience, and safety of ASM workers.
- 6.2.4** Encourage and facilitate the creation of ASM associations.
- 6.2.5** Promote financial literacy and facilitate access to the financial system, including for women and other stakeholders who face barriers to financing.
- 6.2.6** Design transparent systems for the collection of revenue that are appropriate for the size and economic capacities of ASM operations.
- 6.2.7** Encourage, when applicable, responsible supply-chain initiatives to promote sustainable ASM.
- 6.2.8** Encourage mining entities to collaborate with ASM operators and establish conflict-resolution mechanisms when ASM is present or can be anticipated to follow the development of a mine.

6.3 Social and Environmental Protections in ASM.

- 6.3.1** Develop, disseminate, and enforce regulations to safeguard water sources, minimize habitat loss, manage tailings, and rehabilitate sites associated with ASM.
- 6.3.2** Take steps to reduce and, where possible, eliminate, the use of mercury, and other toxic substances from ASM processes.
- 6.3.3** Develop an inventory of abandoned and orphaned ASM sites and undertake remediation measures of those sites.
- 6.3.4** Coordinate with ASM operators and local government on efforts to address economic, social and health impacts on ASM communities.
- 6.3.5** Develop programs to improve health and safety standards and provide access to quality education to ASM workers and their families.
- 6.3.6** Strengthen, monitor, and enforce labour laws and laws that prohibit forced and child labour in ASM.
- 6.3.7** Strengthen the capacity of women working in ASM and provide access to resources that promote their health, safety, and security.

Source: IGF MINING POLICY FRAMEWORK (2023). Mining and Sustainable Development, pp 5, 13 – 14.

► 4. Key Findings of Women's Participation in ASM in Selected Countries.

4.1 Perspectives of Women in ASM

The following are perspectives of women in ASM from countries under study.⁴⁸

Box 2. Perspectives of Women in ASM

Exclusion of women in mining value chains

A rapid survey of key informants in the five countries, seeking their perspectives on ASM's drivers of participation, gendered impacts of ASM and its governance in their countries, confirmed much of what is in existing literature. The main gender issue faced is the exclusion of women in the mining value chains. Those women who do manage to enter the sector, face sexual harassment and GBV, which were identified as the other pervasive issues in the mining value chain. The women also face discrimination, and are treated unfairly or unequally as they participate in mining activities.

Drivers of ASM

Unemployment is the biggest driver behind women in ASM, it provides economic empowerment. However, ASM does not promote economic empowerment and gender transformation among women as much as it could because the environment is not gender friendly, the industry is not legally formalised and the nature and risks associated with ASM threaten the health and safety of women. Women mainly mine gold and gemstones in the countries under study. Gold is easier to mine as it can be found on the surface. Many women in ASM are between the ages of 21 and 40 years old.

Roles and responsibilities of women in ASM.

Typically, men are the owners of the mining enterprises and they take up roles that are more physically taxing, but generate more revenue, such as mining underground or digging, processing the ore and sale of minerals. Women who are on the mining site usually limited to support roles or roles men do not want to take up, like washing and transporting ore to different parts of the site. In most cases, however, women in ASM are not directly involved in the mining activities but in service jobs, providing cooking and cleaning services or selling goods to the miners. It is very difficult for women to access permits. Organising as an association or partnering with men make it easier to negotiate licences. Roles in ASM are usually defined by sex, with men providing capital and the mining permits and taking up the heavier work on sites like digging and ore extraction, while women wash and carry ore. Women and persons with disabilities also provide services, like cleaning, cooking and selling consumer goods.

⁴⁸ An analysis of results of the Online Survey on Women in ASM in Ethiopia, Ghana, Kenya, Zambia and Zimbabwe (2024).

Violence faced by Women in Mining

The respondents reported that discriminatory cultural beliefs and practices prevent women from owning or controlling any part of the mining process, or in some cases even entering mining sites, regardless of whether they are conducting mining or not. In the DRC, for instance there is a saying that “the presence of women in a mining site causes the minerals to disappear”⁴⁹. Stereotypes of women as weak or also limits the roles they can take up in the mining value chain, so they are not allowed to carry out the heavier and higher paying tasks, like extraction. Often, women are relegated to what are viewed as “lighter” tasks, like cleaning gems or more roles domestic roles like cooking, cleaning and selling goods at mining sites. In those instances where women are allowed to participate, often the environment is unhealthy. They are forced to work without the correct safety gear when conducting risky ore extraction using traditional methods. Limitation of women to access the site under the pretext of social norms and the strong presence of men in artisanal sites, reduces their independence and capacity to earn livelihoods and fend for their families as they have the money. When men are the only or higher earners in ASM encourages the prostitution of young girls, increasing cases of rap, GBV and early child marriages. There is also a noticeable an educational decline of children from communities.

Women also face threats to their personal safety as sexual exploitation and GBV are prevalent at the mining sites. Cultural norms and stereotypes steeped in patriarchy allow men to use violence to dominate women and create unequal power relations. Sexual harassment, sexual abuse and physical violence are common forms of GBV experienced by women in ASM and local communities. Women are also often forcefully dispossessed of their claims or are victims of land grabbing and labour exploitation. Stronger legal protections, awareness raising, prosecution of abusers and making the ASM a safe space could address issues of GBV, sexual violence and sexual exploitation.

Lack of appropriate skills

The lack of technical skills and access to finances prevent women from effectively participating in ASM in the study countries. Few women attend geological schools or mining-related courses. Therefore, the women often lack the skills and experience required for ASM, such as underground mining or knowledge on operation of mining machinery. Outside of the mining site, the women also lack business knowledge and/or skills like marketing or the legal rights. Women receive support mainly to be more effective leaders and staff in ASM through skills training by NGOs and government departments, or when labour and affirmative action laws are enforced.

Regulation of ASM.

In most of the countries under review ASM is recognised and regulated by either the main piece of mining legislation or a mines and mining development policy. However, some of these laws require updating, for instance, in Zimbabwe jurisdiction the industry is governed by legislation enacted in 1961. From the respondents’ perspective, mining laws and policies would be more gender sensitive when they promote women’s participation. They can also be improved by including quotas for women and promoting environmental and social safeguards. In terms of practical support that can be provided by the government, women in the industry indicated that more training could be provided on mining legal requirements, technical training in mining and the negative impacts of mining. The women also require mining equipment to support activities and compliment the training.

⁴⁹ Translated from the original French “La presence de la femme dans un site minier fait disparaitre les minerais.”

Addressing barriers faced by women in ASM.

To address the barriers and challenges faced by women, government support is required. Suggestions for interventions ranged from technical support, like training in basic ASM skills, to providing financial support and access to land. Facilitating the formation of cooperatives and legal recognition to enable the women to formalise activities and work in groups, would also enable more women to enter the sector, alternatively encouraging partnerships with men. Creating a healthier working environment was also identified as a priority, for instance by eradicating mercury use. Overall protection for women should be driven by promoting gender equity as stipulated in the countries' constitutions.

Simpler registration procedures, standard fees for environmental impact assessments for ASM and licensing quotas for women are among the legal, regulatory or practical changes women would like to be introduced to improve mining operations. In terms of technical support, training courses, financial support and better access to information would also improve mining operations for women.

Opportunities for gender mainstreaming in ASM.

There are opportunities to mainstream gender equality and social inclusion in the ASM value chain by including it as part of development support to ASM activities. Additionally, organising women into cooperatives, women mining associations and women only mines could bolster gender equality and social inclusion in ASM.

4.2 Minerals and Metals Exploited in the ASM Sector.

ASM in Africa produces many precious metals, base metals and other minerals. The following are the key minerals and metals exploited in ASM in the countries under study:

Table 1. Artisanal Minerals and Metals in Study Countries.

COUNTRY	ARTISANAL MINERALS AND METALS
Ethiopia	Gold, tantalite and gemstones.
Ghana	Gold, bauxite, manganese, diamonds and salt.
Kenya	Gold, coloured gemstones and corals.
Zambia	Gemstones such as amethyst, gold copper, cobalt, nickel, tin and manganese.
Zimbabwe	Gold, tantalite, lithium, chrome, platinum metals group, nickel, manganese, tin, iron ore, diamonds and salt.

Source: African Minerals Development Centre, Study of Artisanal Mining in Africa at <https://knowledge.uneca.org/ASM/profile>.

4.3 The National ASM Legal and Policy Frameworks.

Table 2. Summary of National and Legal Policy Frameworks in Study Countries

INDICATOR	ETHIOPIA	GHANA	KENYA	ZAMBIA	0
Legal definition of ASM	x	x	x	x	X
Relevant ASM statute	x	x	x	x	X
Relevant ASM policy	-	x	x	x	X
Relevant ASM strategy	x	x	x	-	-
Objectives relevant to ASM	x	x	x	x	-
Eligibility to ASM licence	x	x	x	x	X
Setting up of an Inter-Ministerial Task Force	-	x	-	-	-
Health and safety issues	-	x	x	x	-
Environmental impact assessments	x	x	x	x	X
Gender mainstreaming issues	-	-	x	x	-
Improved livelihoods	-	-	x	-	-
Barriers faced by ASM participants.	-	x	x	-	x
Capacity building and training of ASM participants.	-	x	x	x	x
Collaboration with Associations	-	-	-	x	-

Source: Literature review. X depicts presence; - depicts absence.

All the countries have ratified the Convention on Elimination of All Forms of Discrimination Against Women (1989). The ASM sector has been criticised for violation of children's human rights. African ASM spaces are notorious for child labour. Both the Convention on the Rights of the Child and African Charter on the Rights and Welfare of the Child are disregarded. According to Ghana Statistical Service in 2014, Ghana had about 7,428 children working in mining and quarrying.⁵⁰

In Ethiopia, children are also into mining. For example, the Amhara Regional State has the highest number. Children constitute a significant, although diminishing, proportion (5 - 10% depending on the region) of the ASM labour force in Ethiopia.⁵¹ Working hours for child miners ranges from 8 to 16 hours per day, without holidays and proper rest. ⁵² Young women also work as sex workers in mining communities.⁵³

50 World Bank, 2020 State of the Artisanal and Small-Scale Mining Sector, (World Bank, 2020), p 82.

51 Ethiopian Extractives Industry Transparency Initiative, 'Artisanal Mining Operation and Its Economic Values, Ethiopia' (2015).

52 N. Rao Cheepurupalli et al, 'Impacts of Artisanal Gold Mining on Miners and the Environment in the Asgede Tsimbila Woreda of Northern Tigray, Ethiopia' (January 2022) *NeuroQuantology* 20:1, 981-991.

53 Worash Gateneh and Mohammed Shikur, Artisanal opal mining and associated environmental and socio-economic issues in opal mine sites of Wollo province, Ethiopia' (August 2022) *Geojournal* 87(2).

There are several problems found in ASM and surrounding communities in Ghana. Child labour is prevalent in Ghana's ASM sector, with children as young as 10 years old engaged in mining activities.⁵⁴ Many children work alongside their parents or relatives in hazardous conditions, leaving education and exposing themselves to physical and psychological harm. The prevalence of child labour in ASM has been documented in regions such as the Eastern and Central regions of Ghana. In Talensi-Nabdam District research suggest that endemic poverty is indeed driving child labour in the district's ASM sites. ⁵⁵

About 375,000 children, constituting 25% of total employed in the ASM sector in SADC Region, Malawi, Mozambique, Tanzania, South Africa, Zambia and Zimbabwe. Although there were no exact figures of child labour in ASM, "various case studies carried out in several areas of the region, show that child labour [sic] is a big issue within the small-scale mining industry in the SADC."⁵⁶ Research established that in 2001, there was a "total of more than 1,000,000 small-scale miners estimated to work within the 6 target countries (which should add up to about 1.5 million for the whole SADC region)."⁵⁷ In addition, "More than 50 per cent of those employed in it are women and children."⁵⁸

The Constitutions of Ghana, Kenya, Zambia and Zimbabwe promote equality and non-discrimination of both women and men. As will be shown, the Constitution of Ghana promotes women's rights by guaranteeing equal rights to training and promotion without any impediments from any person.⁵⁹ Overall, the legal and policy frameworks are not gender sensitive resulting in women facing several barriers in ASM sector. This has resulted in women "to play auxiliary roles such as fetching of water, cooking and selling food at the galamsey sites and, in the extreme, engaging in the sex trade."⁶⁰ It is important to prioritise laws and policies that address the barriers and discrimination women face in the ASM sector.

All countries have EIA procedures. In Ghana, Zambia and Zimbabwe, the artisanal miners are required to produce an Environmental Management Plans. The small-scale miners are required to have an EIAs certificate. This is different with Mozambique and Tanzania where the governments require them to produce simplified environmental assessments.

54 UNDP, Social Analysis of Ghana's Artisanal and Small-scale Mining Sector (Ghana, 2016)

55 Gavin Hilson, 'Child Labour in African Artisanal Mining Communities: Experiences from Northern Ghana' (2010) *Development and Change*, 41, 445-473.

56 EITI (n51).

57 Ibid.

58 Ibid.

59 Constitution of Ghana, Article 27(3).

60 Baddianaah (n36)

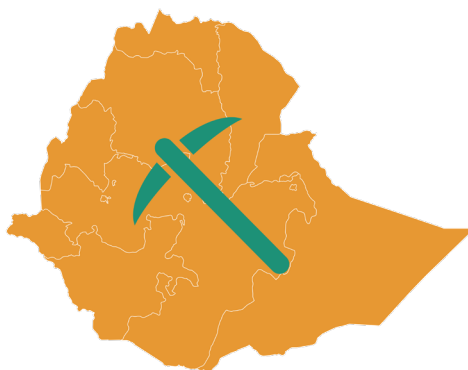
4.4 Findings On Selected Countries.

The key findings are mainly analysed as follows:

4.4.1 ETHIOPIA

Statistics on ASM.

Small scale gold mining has been a source of subsistence for the rural poor. Around 1.2 million people are working in ASM making Ethiopia one of the top ten countries with ASM. In 2016, the Ethiopian Extractive Industries Transparency Initiative (EITI), a member of the global Extractive Industries Transparency Initiative (EITI), estimated that there were over 1.26 million people engaged in ASM activity.⁶¹ As a result, of “this scale, the Government of Ethiopia recognizes the sector’s significant potential contribution to the Ethiopian economy through employment creation, an increase in export earnings, and growth in average household income.”⁶² To prevent conflicts between the ASM and large-scale mining companies, the Government seeks to protect the livelihoods of the ASM participants. Thus, it has “prioritized the ASM sector as part of its national economic reform agenda.”⁶³



1.2 million
people engaged
in ASM activities

4.4.1.1. The Legal and Policy Framework on Gender Equality, Economic Empowerment and ASM.

It is important to note that the Constitution of Ethiopia of 1994 refers to gender in Article 7. It states that the “Provisions of this Constitution set out in the masculine gender shall also apply to the feminine gender.”⁶⁴ This means the Constitution is gender neutral. Rights of women, especially their participation and representation in the ASM sector are negatively affected by non-enforcement of directive principles and gender-neutral constitutional provisions.

The Ethiopian National Policy on Women (Women’s Policy) of 1993 is complemented by the National Action Plan for Gender Equality that seeks to increase the involvement of women in economic policy development; National Action Plan on Gender Equality of 2006; and Women’s Development Plan of 2017 promotes gender-responsive budgeting and the development of institutional structures for coordinating and monitoring gender mainstreaming. The policy framework does not promote women in mining.



The constitution
emphasizes gender
equity and women’s
empowerment.

⁶¹ World Bank n(50), p 57.

⁶² World Bank n(50), p 57.

⁶³ Ibid.

⁶⁴ Article 7 of Constitution of Ethiopia.

Regarding gender equality and social inclusion (GESI), Ethiopia's Proclamation No. 1097/2018 calls upon all government institutions to address women's issues in policies, laws, and development programs and projects. This law is supported by Proclamation No.970/2016 which seeks to institutionalise gender responsive budgeting.

The ASM Legal and Policy Framework.

The legal and policy framework comprises the Mining Operations Proclamation No. 678/2010 which promotes sustainable development of minerals in Ethiopia, 'Artisanal Mining' and 'Small Scale Mining' are defined separately. According to this proclamation, 'Artisanal Mining' means a mining operation carried out by individuals or cooperatives, which is mostly of manual nature and does not involve the engagement of employed workers. However, there is no language that stipulates this to mean environmental sustainability. ASM is defined as a mining operation carried out by individuals or small and micro-enterprises which is mostly of manual nature and does not involve the engagement of employed workers.

The Mining Operations (Amendment) Proclamation No.816/2013 stipulates that artisanal mining licences are valid for 2 years. During that time ASM, must form into a recognised legal structure, such as a cooperative or business – this is easy enough. They are required to deposit the equivalent of approximately USD2,500 into a savings account, undertake a professionally recognised EIA and upgrade production methods (purchasing for example mills, sluices and water pumps) to qualify for a small-scale licence. If this is not done, artisanal miners lose their de juris right to mine, even if it remains de facto intact. It is a gamble to invest heavily in scaling up production because the miners risk everything should they fail to meet the criteria in the given timescale.

The Mining Operations Proclamation No. 678/2010 provides for EIAs procedures. Article 18, requires that an environmental impact plan should be approved prior to the Licensing Authority granting an exclusive Exploration Licence. However, this is not relevant to artisanal mining as per Article 60, sub-article 1. Furthermore, Sub-article 2 under Article 11 on Eligibility for License, the Proclamation states that 'no person is required to possess financial resources [...] in order to acquire artisanal mining license.' Therefore, there is no obligation for artisanal miners to put in place environmental risk mitigation measures at the onset of any mining work, not to mention it is impossible to carry out any type of environmental impact assessments, for example, collective EIAs under new Directives.

Ethiopia adopted a National Artisanal, Special Small-Scale Mining Strategy. The Strategy aims to curb youth unemployment, promote import substitution, and generate foreign currency via ASM.

Roles of Women in ASM.

Overall, the distribution of roles in Ethiopia is skewed. About 57.8% of men miners do extraction (the men are called diggers); 19.1% of women miners are service providers and 28.2% do a mix of all activities.⁶⁵ Women do not enjoy the same opportunities around access to, control over, and benefits from artisanal mining in their communities. The division of labour within the ASM supply chain is typically gendered with women more often occupying non-digging jobs, such washing and crushing stone, and creating ancillary businesses, such as selling food and goods around mining sites.⁶⁶

⁶⁵ https://www.worldbank.org/content/dam/Worldbank/Event/Africa/Ethiopia%20Extractive%20Industries%20Forum%202014/8b_PACT.pdf.

⁶⁶ Doris E. Buss et al, 'Gender and Artisanal and Small-Scale Mining in Central and East Africa: Barriers and Benefits' (2017) Institute for the Study of

In the Amhara region, women are engaged in salt mining along the shores of Lake Afrera, where they extract salt from the lake bed using basic tools.⁶⁷ In other regions where ASM communities exist around gold and gemstones women often provide ancillary services to miners, including cooking and carrying water. However, it was noted that in Ethiopia's Mange Woreda, Benishangul region, women carry out every labour-intensive, gruelling job that men do. Since mining is the primary livelihood in Mange, women continue to go to the mining site even while pregnant and while nursing young children, putting themselves and their children at risk.⁶⁸ They dig and crush the ore with basic tools and transport that ore to the crushing site where they sell the final product to buyers.⁶⁹

4.4.1.2. Drivers for Women to Engage in ASM.

Ethiopia has a favourable geological environment hosting varieties of mineral resources. Small scale gold mining has been a source of subsistence for the rural poor. Around 1.2 million people are working in ASM making Ethiopia one of the top ten countries with ASM. Ethiopia has experienced a gold boom from the small-scale gold miners where the rural poor have become gold dependent by massive participation in the gold mining activities. Nearly one million people are engaged in small scale gold mining and about five million people are dependent on the gold mining occupation throughout the country.⁷⁰ The gold is mainly mined by individuals and cooperative units.

Nearly 80% of the population is rural in Ethiopia. In the recent decades, mining has become an important source of livelihood for rural women in Ethiopia. Women in this country are driven into ASM for diverse reasons, in tandem with the opportunities and constraints they encounter in their socio-economic context. The African Centre for Gender and Social Development reflected on the gendered nature of livelihood strategies, which make women often engage in a multiplicity of income-generating activities, including ASM, to support their families.⁷¹ ASM affords women with a source of income in areas where formal employment opportunities are scarce. Where poverty rates are high, especially in rural areas, women often resort to ASM as a means of economic survival.⁷² For instance, in the gold mining regions of the Tigray and Oromia, they engage in several mining activities to financially support their families. Many women in Ethiopia engage in ASM to contribute to their households' income and support their families.⁷³

Although Ethiopian cultures cannot be regarded as women friendly, ASM is culturally accepted in some communities as a livelihood strategy for women, affording them with opportunities to work within their communities. In the Sidama region, women are involved in gemstone mining activities, including the extraction of opals and other precious stones, which are of cultural significance and traded in the local economy. In Ethiopia, the participation of women in ASM can empower them by giving them with a sense of autonomy and agency over their economic activities. In the Afar region, women involved in salt mining cooperatives have organized themselves to negotiate better prices for their products and

International Development.

67 See Dereje Feyissa, 'The political economy of salt in the Afar Regional State in northeast Ethiopia' (2011) *Review of African Political Economy* 38(127), 7-21

68 <https://pactworld.exposure.co/women-in-mining>.

69 Ibid.

70 Thomas Schluter, *Geological Atlas of Africa* (Springer, 2006)

71 United Nations, Economic Commission for Africa and African Centre for Gender and Development, 'Tackling Women's Poverty For Economic Growth and Development in Africa' (2008) *Gender Net*. Issue - 6, 38.

72 IGF (n26).

73 World Bank n(50).

proclaim their rights within the mining sector.⁷⁴ Some women get engaged in ASM with a motivation on sustainable and environmentally friendly mining practices. In the Tigray region, women partake in artisanal marble mining while calling for accountable mining practices that minimize environmental degradation and facilitate reclamation efforts.

In the Benishangul-Gumuz region, women participate in gold mining activities together with men, with the income accrued used for household expenses, such as food, education, and healthcare. ASM usually demands minimal capital investment and can be pursued with basic tools and equipment, making it accessible to women with resource constraints.

4.4.1.3. Barriers to and Impact of ASM.

In Ethiopia, the barriers and challenges faced by the women in ASM are:

Governance Issues in ASM.

There are no transparency and accountability mechanisms regarding the ASM licensing regime. The 2-year non-renewable licensing period negatively affects the livelihoods of ASM participants. In relation to governance issues, some of the barriers include lack awareness of the policy and regulatory framework by the ASM miners; limited controls on gold flows have resulted in limited supply to the national bank; inadequate coordination framework at all levels of government; and family based ASM groups are not well-organized and lack leadership and formal governance structures.⁷⁵

Lack of Human and Financial Capital.

The formalisation of ASM is affected by human and financial capital. For example, “Women in ASM cooperatives are less involved directly in the critical extraction and processing stages of mining activities, making it hard for them to have equal share of benefits.”⁷⁶ Some of the related barriers include lack of access to finance and technical training; a shortage of skilled labour and training opportunities for licensed miners; and absence of benefits from small and medium-sized enterprise (SME) incubation or promotion strategies.⁷⁷

Weak economic linkages.

Economic linkages affect formalization of the ASM sector. The challenges include: regulatory uncertainty which creates market distortions; no clear fiscal regime for the ASM sector; lack of infrastructure (including roads, energy, water, processing, and market centres) linking ASM sites with processing facilities and markets to the supply of local goods and services by local firms; information asymmetries on efficient and cleaner processing techniques, mineral quality and value, and fair market value means operators often receive low prices for their minerals; and cluster-based development strategies are not being leveraged to support economic diversification.⁷⁸

In addition, women lack collateral to access financial resources to invest in safe and modern mining equipment. This poses as a barrier to entry for women to be involved in income-generating activities

⁷⁴ Feyissa (n67).

⁷⁵ World Bank (n50), p57.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid.

without depending on external support. Research established that “Overall, women in Ethiopia experience gender inequalities and economic marginalization with limited access to, and control over, the resources (such as land) and services (access to finance, extension, and training) necessary to enhance their ability and capacity to participate in the economy.”⁷⁹

Gender-based Discrimination and GBV in ASM Sector.

Generally social stigma and discrimination discourage women to venture into mining since cultural and social attitudes regard women as belonging to the domestic spaces. In the Tigray region of Ethiopia, female miners may encounter sexual exploitation and abuse from male counterparts or mining officials. Cases of sexual violence were unreported owing to fear of retaliation or stigma, sustaining a culture of impunity. Some women and girls in artisanal mining are exposed to coerced labour and trafficking, predominantly in contexts of extreme poverty and vulnerability. They may be enticed into mining sites with promises of employment or betrayed by traffickers who exploit them for labour or sex. In the Benishangul-Gumuz region of Ethiopia, reports suggest cases of trafficking and forced labour among women and girls in gold mining areas.⁸⁰ Women who assert their rights or question prevailing power dynamics in artisanal mining communities are intimidated and threatened with violence. It was noted that women participating in mining cooperatives in the Oromia region of Ethiopia face resistance from male counterparts or community leaders who seek out to uphold control over mining activities. Intimidation tactics range from verbal abuse, coercion to even physical violence. GBV in artisanal mining has deep consequences for the physical and mental health of survivors. Women and girls who experience GBV suffer from injuries, sexually transmitted infections, unintended pregnancies, and trauma-related disorders.⁸¹

Women miners who are survivors of GBV struggle to have access to crucial healthcare services due to barriers such as stigma, lack of awareness and or scarce resources in remote mining areas. Survivors of GBV in artisanal mining in most cases face substantial barriers to accessing justice and support services. Legal frameworks and law enforcement apparatus are perceived to be weak or inaccessible thereby leaving survivors without remedy for accessing justice. Additionally, cultural norms and societal attitudes toward GBV may prevent survivors from getting help or speaking out against perpetrators, further continuing cycles of violence.

Environment, Health and Safety Issues in ASM.

The impacts of ASM activities are varied. Artisanal gold mining often involves a multitude of complications, encompassing substandard environmental, health, and safety hazards, the spread of infectious diseases, and the possibility for security issues that may adversely affect neighbouring populations.⁸² Crumbling shafts can lead to serious injury, such as broken bones, and pit or tunnel cave-ins can be deadly whilst accidents due to machinery failure are common.⁸³ In Asage Timbila, the processes of mercury amalgamation and amalgam breakdown are often undertaken by women, exposing them to direct contact with mercury because phenomenon often take place inside domestic settings, when women are commonly confined to their homes.⁸⁴ Education is the worst impacted life

79 Includovate, ‘Women’s economic empowerment in Ethiopia’ (2022) International Development Research Centre.

80 U.S. Department of State, 2021 Country Reports on Human Rights Practices: Ethiopia (Washington D.C., 2021).

81 Oyuntuya Shagdarsuren and Bolormaa Purevjav, ‘Opportunities For Women In Artisanal And Small-Scale Gold Mining In Ethiopia’ (31 March 2022) Supporting the Ministry of Mines Ethiopia (SUMM).

82 Cheepurupalliet al, (n56).

83 <https://pactworld.exposure.co/women-in-mining>

84 Cheepurupalliet al, (n52).

aspect for child miners, increasing the dropout rate and narrowing their future to mining only. Being hazardous and risky job child miners encounter injuries, and even deaths due to the dangerous terrain of sites. Highly unhealthy and polluted environment leads to sickness and multiple diseases among the children.

These social, environmental, and health and safety barriers also affect formalisation. There are several challenges that ASM licences being issued without regulatory guidance on environmental obligations; lack of financial and technical support to raise awareness and build the capacities of miners on rehabilitation; abandoned pits present risk of accidents that put human life and livestock in danger; mining pits also accumulate standing water and create health risks for malaria outbreaks; and there is evident widespread deforestation in ASM areas; and pollution and contamination of water sources from toxic chemicals used by ASM miners.⁸⁵

4.4.1.4. Opportunities created by ASM to Women.

There are several opportunities presented to women in ASM. For example, ASM affords women with a source of income in areas where formal employment opportunities are scarce. In the Sidama region in Ethiopia, women are involved in gemstone mining activities, including the extraction of opals and other precious stones. These gems are of cultural significance and traded in the local economy. In the gold mining regions of the Tigray and Oromia regions, they engage in several mining activities to financially support their families. In the Benishangul-Gumuz region, women participate in gold mining activities together with men, with the income accrued used for household expenses, such as food, education and healthcare.

Participation in ASM can empower women by giving them with a sense of autonomy and agency over their economic activities. In the Afar region, women involved in salt mining cooperatives have organized themselves to negotiate better prices for their products and proclaim their rights within the mining sector.⁸⁶ Where poverty rates are high, especially in rural areas, women often resort to ASM as a means of economic survival.⁸⁷

ASM usually demands minimal capital investment and can be pursued with basic tools and equipment,⁸⁸ making it accessible to women with resource constraints. According to the IGF report, women in ASM often depend on informal networks and community support to have entry into mining sites and obtain tools and equipment. In the Amhara region, women are engaged in salt mining along the shores of Lake Afrera, where they extract salt from the lake bed using basic tools.⁸⁹ This small barrier to entry enables women to be involved in income-generating activities without depending on external support.

4.4.1.5. Level of Formalisation of ASM.

Only 6% of the ASM sector in Ethiopia has been formally organized and licensed.⁹⁰ It is reported that formalization has an important impact for women because it is expected to reduce the illegal

⁸⁵ Ibid, p 58.

⁸⁶ Feyissa (n67).

⁸⁷ IGF (n26).

⁸⁸ Ibid.

⁸⁹ Feyissa (n67).

⁹⁰ Shagdarsuren and Purejav, (n81).

marketing of precious minerals and gemstones. It increases government revenues, presumably creating a safe and reliable source of income for women. Although in small numbers, women miners have proven their ability to perform ownership and supervisory roles within mining cooperatives both in Benishangul and Oromia regions.

Capacity Building and Training of ASM Participants.

Ethiopia does not currently have policy interventions regarding capacity building and training of ASM participants. However, training was provided by a local NGO under the grant from the Japanese Social Development Fund, administered by the World Bank. In addition, some capacity building training was provided to the Ministry of Mines via the NGO Catalyze+.

Collaboration with ASM Associations.

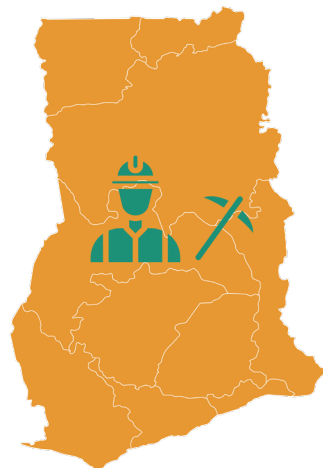
According to the IGF report, in Ethiopia, women in ASM often depend on informal networks and community support to have entry into mining sites and obtain tools and equipment. ⁹¹

91 IGF (n26).

4.4.2 GHANA

Statistics on ASM.

Ghana is a member of EITI. The country is endowed with vast gold reserves, thus making it the second-largest exporter of gold in the African Continent. ASM operations have been a major contributor to the country's economy.⁹² The "ASM industry in Ghana offers jobs to one million or more people and creates auxiliary jobs for about 4.5 million people, with about 50% of the workload in the sector being performed by women."⁹³ Therefore, it is important to address gender inequalities through legislation, policy and academic discourses especially in relation to roles of women and men in the ASM Sector.⁹⁴ In 2014 alone, 34 per cent of the country's gold production came from the ASM sector. Approximately 1.1 million Ghanaians directly participate in ASM, while a further 4.4 million are dependent on ASM.⁹⁵



In Ghana, "women constitute the majority (50%–75%) of the ASM workforce; nevertheless, they receive little recognition and fewer wages as key players in the industry."⁹⁶ This has resulted in women not being visible. In addition, women constitute some 15 per cent of the legalized segment of Ghanaian small-scale mining labour force. In the same country, women account for 6 per cent of licensed buyers, 10 per cent of concession holders and 15–20 per cent of the sponsors of work groups, members of cooperatives or mining groups.



1.1 million

Ghanaians directly participate in ASM

4.4.2.1 The National Legal and Policy Framework on Gender Equality, Economic Empowerment and ASM.

The Constitution of Ghana promotes equality and non-discrimination of both women and men. Notably, the Constitution of Ghana promotes women's rights by guaranteeing equal rights to training and promotion without any impediments from any person.⁹⁷ In relation to GESI, one of guiding principles for the Ghana's ASM policy framework is to discourage any form of gender bias.



The constitution promotes equality for both women and men

⁹² Ellen Perfect, 'Sustainable mining for long term poverty alleviation in the Democratic Republic of the Congo' (2017), p 4. CMC Senior Theses. 1709. http://scholarship.claremont.edu/cmc_theses/1709

⁹³ Lawson and Lahiri-Dutt (n25), p 2.

⁹⁴ Ibid.

⁹⁵ <https://www.iied.org/ghana-our-way-participatory-reform-artisanal-small-scale-mining-sector#:~:text=Approximately%201.1%20million%20Ghanaians%20directly,the%20country%20and%20its%20people>

⁹⁶ Baddianaah (n36).

⁹⁷ Constitution of Ghana, Article 27(3).

Ghana's National Gender Policy: Mainstreaming Gender Equality and Women's Empowerment into Ghana's Development Efforts (2015). The overarching goal of the Policy is to mainstream gender equality concerns into the national development processes by improving the social, legal, civic, political, economic and socio-cultural conditions of the people of Ghana particularly women, girls, children, the vulnerable and people with special needs; persons with disability and the marginalized. In relation to Gender and Employment; Trade and Livelihoods; and Gender and Natural /Land Resources, the Policy is committed to Economic Opportunities for Women and the Ghanaian Economy. It seeks to promote saving culture among women, especially women in the informal sector; and secure and affordable financial services to women in the informal sector.⁹⁸ It also promotes economic empowerment and development. As highlighted earlier, access to finance is one of the main barriers facing women in ASM. The Policy should promote financial inclusion, innovative products and services. However, the Policy is silent on mining, and the unique challenges faced by women in that sector.

The ASM policy says, "little attention is given to gender framings and how gender roles may affect women's participation and their livelihoods in the ASM sector."⁹⁹ There is no gender sensitive mining environment despite extensive research on "how women's participation in ASM affects their socioeconomic and health well-being."¹⁰⁰ Notably, "Available literature shows that mechanisms to sideline, marginalise and discriminate against women are largely advanced through stereotyping."¹⁰¹ For example, "The ASM industry is one of the most stereotyped sectors in SSA where women are considered unfit to perform mainstream mining jobs."¹⁰²

The ASM Legal and Policy Framework.

The legal definition of ASM in Ghana was introduced through the Small-Scale Gold Mining Act 1989 stating that *"Small-scale gold mining operations" means the mining of gold by a method not involving substantial expenditure by an individual or group of persons not exceeding nine in number or by a co-operative society made up of ten or more persons.* The Minerals and Mining Act 2006 further establishes that small-scale licenses shall only be granted to citizens of Ghana. Artisanal mining is not defined as a sub-category. The term "galamsey" (allegedly derived from "gather them and sell") refers to ASM mining and/or ASM participants who extract minerals without counting on the correspondingly required legal permits.

The Minerals and Mining Act, 2006 (Act 703) establishes that small-scale licences shall only be granted to citizens of Ghana. The government made some amendments to the Minerals and Mining Act (Act 703) that provide for stiffer punishments to those who engage in illegal ASM activities. During the last quarter of 2015, Parliament approved an Amendment to the Minerals and Mining Act (Act 703), which provides for the confiscation of equipment used in illegal small-scale mining activities. The amendment also criminalises the engagement of foreigners in small-scale mining activities and makes it an offence for a Ghanaian to engage foreigners in small-scale mining activities. Moreover, stiffer punishments, including jail terms, are provided in the law. The Amendment Act has contributed to a significant reduction of foreign illegal miners, especially the Chinese, who are less visible.

⁹⁸ Ghana's National Gender Policy: Mainstreaming Gender Equality and Women's Empowerment into Ghana's Development Efforts (2015), p 30.

⁹⁹

¹⁰⁰ Baddianaah (n36).

¹⁰¹ Ibid.

¹⁰² Ibid.

The Minerals and Mining Act, 2006 (Act 703) - has legal provisions for mandatory safety measures, regulations on mercury use, and requirements for licensing and training for ASM operators. These provisions are aimed at mitigating health risks associated with mining activities. However, there are challenges associated with enforcement of these provisions, due to the informal nature of ASM operations.

Regulation 1 (2) of Environmental Assessment Regulations (LI 1652) requires artisanal miners to produce an Environmental Management Plan. Authorisation is required before commencing any activity which, in the opinion of the Environmental Protection Agency, has or is likely to have adverse effects on the environment or public health unless.¹⁰³ The undertaking should be registered by the Environmental Protection Agency Act and an environmental permit should be issued by the Agency in respect of the undertaking.

The Artisanal & Small-Scale Mining (ASM) Framework (2015) and ASM Diversification Strategy seeks to improve outcomes from ASM, the Government of Ghana promulgated the ASM policy framework to guide the development of the ASM sector.¹⁰⁴ Its objectives are to: regulate and assist women in ASM to improve the efficiency of their operations; ensure the use of appropriate, safe and affordable techniques in small-scale mining; ensure that relevant stakeholders enforce the law reserving small-scale mining for Ghanaians; ensure the sustainable use of resources (water, land, minerals) by promoting the integrated use of land through planning and taking cognisance of ASM; develop a more efficient taxation system for artisanal and small-scale mining; and discourage any form of gender bias.

Furthermore, the government established an Inter-Ministerial Committee on Illegal Mining in 2017, which succeeded the 2013 Inter-Ministerial Task Force to combat illegal mining. Members of the Committee include representatives from Ministries of Environment, Interior, Defense, Information, Water and Sanitation, Lands and Natural Resources, Local Government and Rural Development, Chieftaincy and Religious Affairs, and Science, Technology and Innovation. The environment minister chairs the Committee. Notable by its absence from the Committee is the Ministry of Gender, Children and Social Protection, which does not bode well for gender mainstreaming in addressing small-scale mining. The Committee was created to oversee the implementation of a ban on illegal small-scale mining, also known as “galamsey”. The committee’s goal was to ensure that the small-scale mining sector was formalized.

The Mining Diversification Strategy considers that ASM and agricultural activities are mutually reinforcing. This Strategy is in line with the Africa Mining Vision seeks to promote training and investment into diversified livelihoods.¹⁰⁵

Roles of women in ASM

The activities of women miners in ASM include, carrying mineral bearing ores and quarry materials to the milling machines; minor digging; shovelling and collection of mineral bearing ores and quarry materials; processing the ores by panning, washing and mineral separation; operating the milling machine; recording the number of pan-fuls of quarry materials and mineral bearing ores to the milling machine and catering and laundry services.¹⁰⁶

¹⁰³ 490 of 1994.

¹⁰⁴ Minerals Commission. Artisanal & Small-Scale Mining (ASM) Framework (2015).

¹⁰⁵ Huggins et al (n3), p 2.

¹⁰⁶ IGF (n26).

In relation to location of women in the mining value chain, it is rare to see women involved in the actual digging of ores, essentially barred from any activity that involves first contact (mineral discovery) and last contact (sale of minerals). While this may be associated with the lack of access to land and mineral resources, women are generally not seen digging or operating equipment in pit areas even if they own land or mining licences.¹⁰⁷ This is often attributed to the cultural barriers that prohibit women from physically demanding activities, which are usually deemed to be ‘men’s work.’ Furthermore, cultural barriers were manifested as taboos regarding female miners as ‘loose women’, perceived as unclean.¹⁰⁸ The “Socio-cultural framings embedded in patriarchy form the daily lives of men in northern Ghana and transcend the extraction of natural resources including the mining of gold on ASM modes. For instance, in the ASM sector, women need the support of men to be able to position themselves and work for their livelihood substance.”¹⁰⁹

4.4.2.2. Drivers of Women to Engage in ASM.

ASM operations have been conducted in Ghana for centuries. Mining is a major contributor to the country’s economy. In Ghana, the factors that motivated the women to move into ASM were unemployment, poverty, discriminatory land tenure system, and the dominance of ASM as an economic activity in the area.¹¹⁰ For instance, in 2024 it was estimated that 296,600 women were unemployed, compared to 295,500 men.¹¹¹ The high participation of women in the ASM activity in Ghana is particularly linked to the fact that employable avenues in the formal and informal sectors of the economy are very low and few in proportional terms.¹¹² Women are also half as likely than men to own productive assets like land and less likely to be wealthy – “only 6% of the richest people in Ghana are women.”¹¹³ The lack of employment and assets like land contributes to high levels of poverty among women. The Ghana Multidimensional Poverty Report (2024) published by the Ghana Statistical Service indicates that the incidence of poverty is notably higher among female-headed households (27.0%) compared to male-headed households (23.0%).¹¹⁴

There are about 80% of women working informally in ASM sites.¹¹⁵ They migrate from farming activities to boost their income levels. The income is used to support agricultural activities. For example, “Women can earn three times more wages by working in mining than in other forms of rural employment.”¹¹⁶ The income they get is used to improve livelihoods, educational outcomes for their children and food security at the household level as well as entrepreneurial activities.¹¹⁷ Research established that there is inadequate data on participation of women and men in ASM and it also varies from one researcher to another.¹¹⁸

107 Ibid.

108 Hannelore Verbrugge, *Scratching the surface: Locating women in Tanzania’s artisanal and small-scale gold mining sector* (Ph.D. dissertation) (2017) Department of Social Sciences, Anthropology, University of Leuven.

109 Baddianaah (n36), p 3.

110 Buor and Ayim (n24).

111 Statista, ‘Number of unemployed people in Ghana from 2010 to 2024, by gender’ at <https://www.statista.com/statistics/1287511/number-of-people-unemployed-in-ghana-by-gender/>

112 Buor and Ayim (n24).

113 Oxfam, ‘Ghana: extreme inequality in numbers’ (2025) Oxfam International at <https://www.oxfam.org/en/ghana-extreme-inequality-numbers>.

114 Republic of Ghana Ministry of Gender, Children and Social Protection, ‘Ghana’s Report on Beijing+30 (2020-2024)’ at https://www.unwomen.org/sites/default/files/2024-09/b30_report_ghana_en.pdf.

115 Yakovleva et al (n1), p 4.

116 Ibid.

117 Ibid.

118 Ibid.

According to Hilson and McQuilken, about 50% of ASM workforce are women (circa 550,000 thousand women),¹¹⁹ whilst Orleans-Bonam et al. put an estimate at 50-75%.¹²⁰ Yakovleva et al established that “70-80% of workers at ASM sites were women.”¹²¹

4.4.2.3. Barriers to and Impact on Women’s Participation in ASM.

Weak enforcement of ASM Laws.

Weak regulation and enforcement of mining laws contribute to the proliferation of illegal mining activities in Ghana. Despite efforts by the government to curb illegal mining, including the establishment of the Inter-Ministerial Committee on Illegal Mining, enforcement remains a huge challenge. Illegal miners usually operate with impunity, impinging on protected areas and ignoring environmental regulations.

Appropriation of farmlands by large-scale gold miners.

The appropriation of farmlands by large-scale gold miners has led to the explosion of poverty in areas where ASM is widespread which has brought about spread of ASM activities in the rural areas. In a case study looking at women in Artisanal gold mining sector, Kumah et al noted that that women’s movement into the sector is fuelled by poverty.¹²² They mostly occupy the lower-to-middle rungs of ASM labour pyramids. As a result of being confined to this work, most women struggle to advance in this sector and occupy key decision-making positions. What has worsened matters is the competition for land by miners and farmers in communities where mining takes place.¹²³

Low levels of education among women ASM miners.

A report commissioned by the UNDP,¹²⁴ which examined the dynamics of ASM communities in both the north and south of Ghana, concluded that the women engaged in activities in both locations “mostly have low levels of education, face employment difficulties and do mining with the aim of sustaining themselves and their families.”¹²⁵ They also “undertake a number of activities at the site either directly in mining or an economic venture at the sites of operation.”¹²⁶

Lack of Access to and Control of Resources by Women.

Women in ASM particularly face constraints in accessing key resources such as land, capital, and technology. In many cases, mining concessions and licences are held by men, leaving women with limited access to mining areas.¹²⁷ For example, in the Eastern Region of Ghana, women struggle to secure mining licences due to patriarchal land tenure systems that give preference male landowners. In most cases, women in ASM face extra barriers, such as limited access to and control of land and financial resources.

119 Hilson and McQuilken (n21).

120 H Orleans-Bonam et al, ‘Women in artisanal mining: Reflections on the impacts of a ban on operations in Ghana’ (2020) Extr. Ind. Soc. 7(2), 583-586.

121 Ibid.

122 Kumah et al (n2).

123 Godfried Appiah Okoh, ‘Grievance and conflict in Ghana’s gold mining industry: The case of Obuasi’ (October 2024) Futures 62:Part A, 51-57.

124 UNDP (n54).

125 Ibid.

126 Ibid.

127 Ibid.

A review by Solidaridad showed that women in Ghana's small-scale mining sector also lack access to finance while also performing low-paid jobs.¹²⁸ The underprivileged position of women in the gold mines reflects cultural gender norms in the communities. This often relegate women to subservient or subordinate roles, which in turn hinders women's economic and social development.

Lack of Mining Equipment.

It was also found that women in ASM sometimes lack the appropriate equipment for them to carry out mining. However, in order to circumvent this barrier to accessing the minerals directly, women rent sieves to male diamond miners. In return for already washed 'black sands,' the women take home to sieve again and retrieve the smallest stones.¹²⁹

Lack of access to skills development.

Women's prospects for skills development and capacity building in ASM are often inhibited by limited educational status, access to education and training programmes.¹³⁰ In the Northern Region, women miners lack access to vocational training and technical support thereby deterring their capability to adopt safer and more efficient mining practices.

Impacts of ASM on Women.

Despite the economic opportunities ASM provides, many miners in Ghana struggle to make sustainable livelihoods. Fluctuating gold prices, rising operational costs, and constrained access to credit and market opportunities limit the profitability of ASM activities.

Gender-based Discrimination and GBV in ASM Sector.

Gender-based discrimination is prevalent in Ghana's ASM sector. It affects women's participation and opportunities for advancement.¹³¹ Women miners are marginalised from decision-making processes within mining communities.¹³² In the Western Region, women encounter discrimination and harassment from male miners and community leaders, restricting their ability to assert their rights. Women involved in ASM are disproportionately burdened by unpaid care work, including household chores and childcare.¹³³ Balancing mining activities with caregiving duties is daunting, particularly for women with young children. In regions such as the Ashanti Region, women miners struggle to balance mining work with household responsibilities, resulting in physical and mental exhaustion.

128 Solidaridad Network, 'Breaking Barriers for Women in Mining' (24 September 2020) <https://www.solidaridadnetwork.org/story/breaking-barriers-for-women-in-mining/>

129 Pact, 'Q&A: Understanding women's roles and barriers to participation in artisanal and small-scale mining' (27 February 2024) <https://www.pactworld.org/blog/qa-understanding-womens-roles-and-barriers-participation-artisanal-and-small-scale-mining>

130 Kumah et al (n2).

131 Commission on Human Rights and Administrative Justice, 2008 CHRAJ Annual Report (Ghana, 2008).

132 Yakovleva et al (n1).

133 UNDP (n54), Huggins (n3).

GBV is a substantial concern for women in Ghana's ASM sector, with reports of sexual harassment, assault and exploitation.¹³⁴ Instances of GBV have been documented in regions like the Brong-Ahafo Region, where women confront threats and intimidation in ASM sites. Women face greater risk and incidence of sexual and GBV and harassment working in ASM - underground, at night, walking to and from the mine and even from private and state security services - actively discouraging and preventing them from working in ASM.¹³⁵

Environment, Health and Safety Issues in ASM.

The ASM operations in Ghana are characterized by poor safety standards and hazardous working circumstances. Miners, including women and children, usually work in unventilated shafts and pits deprived of appropriate protective equipment thereby exposing them to accidents and health risks.¹³⁶ Incidents such as collapses and underground fires are common in ASM sites across the country.

ASM activities in most cases result in tremendous environmental damage, including deforestation, soil erosion, and water pollution. For example, illegal gold mining, known as *galamsey*, has led to extensive deforestation and contamination of water bodies in regions such as the Ashanti and Western regions of Ghana.¹³⁷ The use of mercury and cyanide in gold extraction aggravates environmental damage and poses health risks to surrounding communities.

In Ghana, women in ASM are also exposed to several health and safety risks linked to mining activities. For example, women participating in gold processing using mercury encounter health hazards such as mercury poisoning and respiratory problems.¹³⁸ In the Central Region, women in sand mining confront the risk of injuries and accidents because of the manual handling of heavy equipment and exposure to unsafe working conditions.

4.4.2.4. Opportunities Created by ASM to Women.

In Ghana, the ASM contributes to local economies by providing employment prospects and creating income for community members. In Ashanti and Western Regions of Ghana, gold ASM activities provide a primary source of livelihood for most of the households. Income from ASM supports local businesses, increases economic activity, and contributes to the improvement of living standards in mining communities.

ASM can facilitate infrastructure development in mining communities, including the construction of roads, schools, and health facilities. For example, in the Brong-Ahafo Region, ASM operations have promoted investments in infrastructure projects to improve access to basic services and enhance the quality of life for residents. At times, ASM contributes to social cohesion and community organization because the residents collaborate to address common challenges and share benefits from their mining activities.¹³⁹

134 https://assets.publishing.service.gov.uk/media/5a3929b640f0b649cfaf86ce/Pact_DFID_EARF_Overarching_Synthesis_Jan2018VF

135 <https://www.pactworld.org/blog/ga-understanding-womens-roles-and-barriers-participation-artisanal-and-small-scale-mining>

136 Natalia Yakovleva, 'Perspectives on female participation in artisanal and small-scale mining: A case study of Birim North District of Ghana' (2007) Resources Policy 32(1–2): 9–41.

137 James McQuilken and Gavin Hilson, 'Artisanal and small-scale gold mining in Ghana. Evidence to inform an Action Dialogue' (2016) at <https://www.iied.org/sites/default/files/pdfs/migrate/16618IIED.pdf>

138 CHRAJ (n146).

139 <https://www.efdinitiative.org/news/protecting-ghanas-artisanal-mining-sector-role-mining-cooperatives>

4.4.2.5. Level of Formalisation of ASM.

Researchers argue that the 2017 ban on ASM had a “detrimental effect on women working in Ghana’s ASM sector, leading to economic hardship, work-related migration and removal of children from schooling.”¹⁴⁰ This resulted in “youth unemployment and difficulty in meeting basic needs not only for those directly employed in ASM, but also those (mainly women) indirectly involved through sale of goods to miners.”¹⁴¹ The ban increased food insecurity at the household level and their inability to pay for their children’s school fees.¹⁴² The positive impact of ASM on individual livelihoods, was witnessed in “rural Southern Ghana (e.g. increased incomes and scale of goods and services traded at local markets) but negative impacts on their human, social, natural and physical assets.”¹⁴³

Despite a ban of ASM, illegal ASM gold mining continues to lead on negative environmental impacts.¹⁴⁴ ASM activities are linked to social conflicts and tensions within mining communities. Competition over access to and control of mineral-rich land, disagreements over mining rights, and conflicts between licensed miners and illegal operators are rampant. These conflicts weaken community cohesion and compound human insecurity and violence in affected areas. Research noted that “regulatory bans aimed at environmental protection or harm reduction can unintentionally diminish educational opportunities for children and youth.”¹⁴⁵ It is important to note that “top-down formalization processes that do not account for gender dynamics can also exclude women.”¹⁴⁶ This is because these processes can fuel economic and sexual exploitation of women. For example, the creation of the Precious Minerals and Marketing Corporation in Ghana which collects revenue from sale of minerals is perceived to have negative impact on ASM miners.¹⁴⁷

There is a renewed interest by the Government to formalise ASM. For example, “formalisation of the ASM sector remains a topmost priority for policymakers and stakeholders in Ghana.”¹⁴⁸ Additionally, “The legalisation of ASM will consequently make it accessible to poverty-endemic rural communities after the small-scale mining ban.”¹⁴⁹ The discourse on ASM formalisation led to the creation of the Community Mining Cooperatives under the Community Mining Scheme.¹⁵⁰ Cooperatives unions are registered under Co-operative Societies decree of 1968 (NLCD 252) and Co-operative Societies Regulations, 1968 (L.I. 604). The Cooperative approach formalises ASM in several ways. The Cooperative replaces illegal mining and gives opportunities for people to engage in Community Mining. Cooperatives are licenced entities, and they operate in terms of the Small-Scale and Community Mining Operational Manual (September 2021) as issued by the Minerals Commission (Community Mining Manual). The Manual makes it mandatory to file a monthly report of returns from the operational activities undertaken in the mining area to the Minerals Commission. The Cooperatives also operate in line with sections 81 to 99 of Act 703. Moreover, Cooperatives are governed by a Code of Practice developed by the Minerals Commission. The Code guides the operations in accordance with Regulation 475 of the Minerals and

140 Yakovleva et al (n1), p 11.

141 Huggins et al (n3), p 2.

142 Kumah et al (n2).

143 Huggins et al (n3), p 2.

144 Kumah et al (n2)

145 de Haan, et al (n42).

146 Ibid.

147 Ibid.

148 Ibid.

149 Ibid.

150 Ibid.

Mining (Health, Safety and Technical) Regulations, 2012 (L.I. 2182). The Code directs the selling of minerals to agents who have been duly licensed to purchase gold, thus ensuring that gold trading is carried out through authorized or licensed dealers. This reduces confrontations with police and other regulatory authorities and perceived mistrust between law enforcement and communities.

In Ghana, community-based mining cooperatives have emerged in promoting collective decision-making and resource management among miners, contributing to stronger social ties and community resilience. “The government has commissioned 15 Community Mining Schemes across the country from 98 mining concessions covering a land area of 2,174.94 acres.”¹⁵¹ Mining cooperatives help alleviate the substantial environmental, economic and health opportunity costs associated with ASM. Members of cooperatives can pool their skills and financial resources and use the accumulated capital to acquire new technologies. Ultimately this will lead to increased output and earnings. Better equipment and mining methods also leads to cleaner environmentally safe mining and reduces effects that are harmful to health like in-utero exposure to mercury, accidents and deaths.

Capacity Building and Training of ASM Participants.

The ASM Policy framework promotes capacity building and training. It seeks to upgrade the ASM sector through initiatives such as the: the establishment of District Offices to give technical assistance to small-scale miners; education, training and the provision of logistics to enhance the corporate governance, efficiency, and the safety of their operations; and assistance in business skills training.¹⁵²

¹⁵¹ Afriwise, “Community Mining” at <https://www.afriwise.com/blog/community-mining>.

¹⁵² Minerals Commission. Artisanal & Small-Scale Mining (ASM) Framework (2015).

4.4.3. KENYA

Statistics on ASM.

In Kenya, which is a member of EITI, about 40,000 people work in the ASM sector.¹⁵³ They produce about 5 metric tons of gold per year.¹⁵⁴ In Kenya, ASM coral mining in the Lamu archipelago off the Kenyan coast, has the potential of creating decent jobs for rural coastal peoples and address over fishing.¹⁵⁵ Furthermore, income from coral mining has a potential to support construction of affordable and low-cost houses for the miners and local inhabitants of Manda Island and Zanzibar.¹⁵⁶ In Mikei village, Migori county in Kenya, income from gold mining is being invested in replacing grass and plastic roofs of houses with more solid, water-proof tin roofs.¹⁵⁷



40,000

People work in the ASM Sector in Kenya.

4.4.3.1. The National Policy and Legal Framework on Gender Equality, Economic Empowerment and ASM.

The country is a party to the Minamata Convention on Mercury. According to UNEP, “Kenya has agreed to eliminate the use of mercury, formalize the ASGM sector, introduce good practice, and protect the health of mining communities.” Sections 176-181 of the Mining Act, 2016 has provisions covering health and safety issues. The health and safety regulations ensure that women are not adversely affected by the unsafe mining conditions that are often associated with the ASM Sector.

The Constitution of Kenya (2010) promotes “human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised”¹⁵⁸ and right to equality and freedom from discrimination. In addition, “Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.”¹⁵⁹

The Kenyan National Policy on Gender and Development: Towards creating a just, fair and transformed society free from gender-based discrimination in all spheres of life practices. The Policy promotes, inter alia:

- Labour and the economy. It seeks to eliminate discrimination in access to employment, promotion and training including equal remuneration to enhance income security for men and women. One of the policy actions is to strengthen and review the legal and administrative framework for labour



The constitution promotes human dignity, equity and social justice

¹⁵³ World Bank (n50).

¹⁵⁴ Ibid.

¹⁵⁵ de Haan et al (n42).

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ Constitution of Kenya (2010), Articles 2(b) & 27(2).

¹⁵⁹ Ibid, Article 27(3).

administration to integrate women in hitherto non-traditional trades i.e. construction, mining, infrastructure development, among others;¹⁶⁰ and

- Environment and Natural Resources. The policy seeks to ensure a clean, secure and sustainable environment Policy Actions. One of its policy actions is to develop and review environment, and other natural resources (including forests, water, mining, petroleum and energy) management laws, policies and programmes to ensure gender and equity compliance.¹⁶¹

Regarding GESI, Kenya has a legal and policy framework promotes mainstreaming gender issues in ASM. Only It recognises the importance of improved livelihoods for women in ASM.

The ASM Legal and Policy Framework.

The Mining Act of 2016 is largely silent on strategy 12 of the Mining Policy which seeks to mainstream gender and human rights issues in the mining sector. The Act does not explicitly mention women but contains some provisions with implications for women. For example, the Act legally recognizes ASM. Since women make up a large proportion of workforce in the sector, they are legally recognized through issuance of licences and permits. The Act also safeguards ASM operations from displacement by large mining corporations by designating exclusive areas for ASM operations. Despite the Mining Act of 2016 not being explicit in mentioning women, it has provisions that have a direct impact on women. Given that a large percentage of the sector is women, the formalisation of the sector implies that women in ASM will no longer be considered as illegal miners. Additionally, women will have legal protection from displacement as the Cabinet Secretary has the right to designate areas for ASM activities.

The legal definition of ASM is provided for in the Mining Act of 2016. The Act recognises ASM operations and defines their regulatory framework.¹⁶² The Kenyan Mining and Minerals Policy and the Mining Act (2016) introduced ambitious reforms for the minerals sector, including significant changes to the definition, legal status and governance of ASM in the country. It recognises artisanal mining activity, providing a basis for the government to legalise and formalise the sector, which was estimated to directly employ approximately 140,000 people.

In relation to small-scale operations, a reconnaissance permit can be issued, and it confers the holder non-exclusive rights to conduct mineral reconnaissance in the area specified in the permit. A prospecting permit and a mining permit can also be issued. The prospecting permit applicant is required to provide their full name, nationality, address, mineral(s) for which the permit is applied, the area of the permit (not exceeding twenty-five contiguous blocks), the prospecting operations to be done and the experience and financial resources that the applicant must carry out the operations. The prospecting permit does not confer the holder with any rights to dispose of the minerals obtained without approval by the Cabinet Secretary.¹⁶³ The permit issued is valid for a maximum of five years and is renewable for one more term.

160 REPUBLIC OF KENYA Sessional Paper No. 02 of 2019 on NATIONAL POLICY ON GENDER AND DEVELOPMENT: Towards creating a just, fair and transformed society free from gender-based discrimination in all spheres of life practices, p 23.

161 Ibid, p 34.

162 See sections 92-100 of the Mining Act.

163 See section 95 of the Mining Act.

In terms of the Environmental Management and Co-ordination Act, 1999, EIAs are required for all projects that are likely to have a negative effect on the environment. The law classifies these projects into three groups according to the seriousness of their likely effects, namely: Low Risk, Medium Risk, and High-Risk projects, including mining. The full list of projects classified under these three categories is outlined in the Second Schedule of the Environmental Management and Coordination Act. Where a planned project does not fall in any of the three categories as outlined in the Second Schedule of the Environmental Management and Co-ordination Act, the owner of the proposed project may, where in doubt, write to National Environment Management Authority (NEMA) for guidance on whether such a project requires an EIA or not. In case the project does not require an EIA, NEMA will issue a clearance letter or letter of no objection to the project owner. The community or interested parties may request the owner of the proposed project to furnish them with this letter for avoidance of doubt. For the low and medium risk projects, the owner is supposed to submit a summary project report of the likely environmental effect of the project to NEMA.

Kenya also promotes health and safety in mining operations. Research has shown that men and women experience the mining sector differently. Eftimie, Heller and Strongman note, for example, that within ASM operations, most formal jobs and claims go to men, due to stereotypes, social norms and levels of education. In the Kenya's ASM sector, women are present and active, with some estimates suggesting women comprise at least a third of all ASM workers.

The Mining and Minerals Policy of 2016 was developed with the aim to establish the framework, principles, and strategies for mining operations within the country. The Policy underpins the subsequent Mining Act of 2016. Under this Policy, the government committed to developing a framework for the formalization of ASM operations.¹⁶⁴ As part of this commitment, the government would work towards removing barriers to ASM activities. The Mining Policy recognises that women and children have increasingly been involved in the mining sector, especially in ASM and that women are marginalized within the sector because they have limited access to and control over resources, productive assets, decision-making, access to information and technology and have limited entrepreneurial skills.¹⁶⁵ Further, the policy indicates that women and children often use simple mining processing methods that expose them to risk of injury and hazardous materials. One of the guiding principles of Mining Policy is respect for socio-cultural values and safeguarding access to justice, gender equity and inclusiveness. One of its policy objectives is to provide a framework for gender mainstreaming and eradication of child labour in the sector. This will be attained through the development and implementation of a community liaison framework to ensure that women, youths, and marginalised groups are involved in the decision-making process and ensure that there is equitable access to ownership, employment, technology, capital, local content and value addition opportunities.

Roles of Women in ASM.

Research has shown that men and women experience the mining sector differently. Eftimie, Heller and Strongman note, for example, that within ASM operations, most formal jobs and claims go to men, due to stereotypes, social norms and levels of education.¹⁶⁶ In the Kenya's ASM sector, women are present and active, with some estimates suggesting women comprise at least a third of all ASM

¹⁶⁴ <https://repository.kippra.or.ke/bitstream/handle/123456789/1745/2016%20Mining%20and%20Minerals%20Policy.pdf?sequence=1&isAllowed=y>.

¹⁶⁵ <https://repository.kippra.or.ke/bitstream/handle/123456789/1745/2016%20Mining%20and%20Minerals%20Policy.pdf?sequence=1&isAllowed=y>.

¹⁶⁶ Adriana Eftimie, Katherine Heller and John Strongman, 'Gender Dimensions of the Extractive Industries: Mining for Inquiry' (2009) WDC. World Bank.

workers.¹⁶⁷ However, women's roles within ASM tend to be the most marginal tasks, like extracting mineral remnants by hand, and women's involvement in ASM is often greater where the commodity is of lower value. In communities affected by ASM, women are often left out of community consultation and decision-making processes and therefore have less say over how extractive revenues are spent and are less likely to know about grievance procedures.¹⁶⁸

4.4.3.2. Drivers for Women to Engage in ASM.

Legal artisanal and small-scale mining has contributed US\$224 million to the Kenyan economy in 2022, representing over half of the country's mining output. The sector employs roughly 250 000 miners, 40% of whom are women, and supports the livelihoods of over 800 000 people. In Kenya, underpinned by rising levels of unemployment, high gold prices and the negative effects of structural adjustment, ASM operations have continued to grow over the last two decades.¹⁶⁹ Kenya is home to vast mineral resources, with numerous ASM active in the mining sector. Equitable participation and sustainable management of mineral wealth is therefore a major topic of debate; and related to this, the gender dimensions of the mining sector have emerged as an area of increased attention from researchers and practitioners.¹⁷⁰ In Kenya, the ASM sector employs over 10000 workers, majorly informal and majority of them being women.¹⁷¹ It would achieve a higher representation of women and gender-inclusive strategies within the sector and lead to safer work practices for women in mining, if correctly managed.

4.4.3.3. Barriers to and Impact on Women's Participation in ASM.

The Kenya's Artisanal Mining Strategy (2021-2025) indicates that lack of technical and operational capacity as well as income disparity between men and women limits gender mainstreaming in the sector. Though women make up a large share of the workforce, the strategy reports that very few women occupy decision-making and leadership roles. The Strategy proposes various interventions including the elimination of barriers and creation of opportunities to support women's participation in the sector, sensitisation in gender mainstreaming and provision of technical support to gender-based groups, and creation of a grant scheme to support formalisation.¹⁷²

Kenya recognises barriers faced by women in ASM Sector in their policies. The Kenyan ASM Policy acknowledges that despite the government's ambitions, significant obstacles stand in the way of them achieving their vision for the sector. These include the high levels of informality, difficulties in attracting finance and limited business skills of artisanal miners, poor health and safety standards, a shortage of access to geo-data, and inefficient and environmentally damaging exploration, extraction and processing techniques.

In Kenya, when the ASM Sector is unregulated, as is the case in Illo, it quickly becomes associated

167 Katy Jenkins, 'Women, mining and development: An emerging research agenda' (2024) *Extractive Industries and Society*, 329-339.

168 See Adriana Eftimie et al, 'Extracting Lessons on Gender in the Oil and Gas Sector : A Survey and Analysis of the Gendered Impacts of Onshore Oil and Gas Production in Three Developing Countries' (2013)

169 See Mohammed Banchirigah, 'How have reforms fuelled the expansion of artisanal mining? Evidence from Sub-Saharan Africa' (2006) *Resources Policy*, Elsevier 31(3):165-171; Hilson, G., & Garforth, C. "Everyone Now Is Concentrating on the Mining": Drivers and Implications of Rural Economic Transition in the Eastern Region of Ghana' (2013) *The Journal of Development Studies*, 49:348-364 <https://doi.org/10.1080/00220388.2012.713469>.

170 Irene Wakio Mwakesi et al, 'Mining Impacts on Society: A Case Study of Taita Taveta County, Kenya' (November 2020) *Journal of Environmental Protection* 11:11, 986-997,

171 <https://www.oxfamnovib.nl/fair-for-all/from-mine-to-market-journey-of-asm-women-miners-in-kenya>

172 <https://repository.kippira.or.ke/bitstream/handle/123456789/3079/MINING%20STRATEGY.pdf?sequence=1&isAllowed=y>

with crime, sexual violence, trafficking, conflict over resources and land, health and environmental hazards and corruption.¹⁷³ Women are usually consigned to low-level, menial-paying operations, and are underpaid.¹⁷⁴ The low payment is, however, not surprising considering that women mostly perform ore processing and ancillary roles.¹⁷⁵

Lack of Finances.

Some of the barriers faced by ASM participants include lack of finances, lack of recognized mineral rights and inadequate technologies. This would be attained through several means, among them being appropriate licensing of the miners and provision with market information, development of a new minerals licensing system to offer mining rights to the miners and facilitate credit access through services such as pooled equipment leasing arrangements and government supported concessional lending schemes.¹⁷⁶ It was noted by both government officials and the miners, that the Mining Policy has been beneficial as it has focused on improved livelihoods to the miners and increasing the benefits accrued to the government through increased revenues.

Marginalisation of Women in ASM Sector.

Women generally occupy marginal roles in the management of ASM.¹⁷⁷ They are rarely identified as miners: 'the man is the miner' syndrome discriminates against women's access to a variety of mineral resources and mineral rights.¹⁷⁸ Notwithstanding the fact that many women spend long working hours on mining, doing work that is as tedious as that of men, they rarely self-identify or are identified by others as 'miners'; rather, they are often recognised as supplementary workers, working in the sector temporarily (Ibrahim et al., 2020).¹⁷⁹ Women rarely attain the same decision-making positions as their male counterparts, including concession owners and mine operators.¹⁸⁰ Their involvement in ASM is largely affected, negatively or positively, by land tenure systems.¹⁸¹

Although women form a substantial portion of the total workforce in ASM, they are usually consigned to low-level, menial-paying operations, and are underpaid.¹⁸² The low payment is, however, not surprising considering that women mostly perform ore processing and ancillary roles.¹⁸³ At the same time, women almost never work underground; they participate in the extraction of ores only when deposits have thin overburden layers.¹⁸⁴ They are mostly relegated to other roles when deposits require significant manual labour to access ores due to thick overburden layers. Moreover, family commitments and

173 Halkano Wario, 'Gold and governance provide hope for Kenya's artisanal miners' (20 February 2024) ISS Today at <https://issafrica.org/iss-today/gold-and-governance-provide-hope-for-kenyas-artisanal-miners#:~:text=Kenya%20has%20lost%20billions%20of,lifted%20on%203%20October%202023>.

174 Arthur-Holmes and K.A. Busia, 'Household dynamics and the bargaining power of women in artisanal and small-scale mining in sub-Saharan Africa: A Ghanaian case study' (2020) Resources Policy, 69, p.101884

175 K.C. Malpeli and P.G. Chirico, 'February. The influence of geomorphology on the role of women at artisanal and small-scale mine sites' (2013) Natural Resources Forum 37(1):43-54.

176 <https://repository.kippra.or.ke/bitstream/handle/123456789/1745/2016%20Mining%20and%20Minerals%20Policy.pdf?sequence=1&isAllowed=y>.

177 Francis Arthur-Holmes and Abrefa Busia, 'Occupying the fringes: The struggles of women in artisanal and small-scale gold mining in rural Ghana—Evidence from the Prestea-Huni Valley Municipality' (2021) Gender Issues, 38(2), 156–179.

178 Katrine Danielsen and Jennifer Hinton, 'A social relations of gender analysis of artisanal and small-scale mining in Africa's Great Lakes Region' (2020) Canadian Journal of African Studies / Revue canadienne des études africaines 54(1), 17-36.

179 Aisha Fofana Ibrahim et al, 'Gendered 'choices' in Sierra Leone: Women in artisanal mining in Tonkolili District' (2020) Canadian Journal of African Studies/Revue canadienne des études africaines 54(1), 157–176.

180 Béatrice Labonne, 'Artisanal mining: An economic stepping stone for women' (1996) Natural Resource Forum 20:2, 117-122.

181 Leif Brottem LV, 'Gendered livelihoods and land tenure: The case of artisanal gold miners in Mali, West Africa' (2019) Geoforum 105, 54–62.

182 Arthur-Holmes and Busia (n177).

183 Malpeli and Chirico (n175).

184 Ibid.

cultural barriers impose heavy burdens on women. This impedes their independence and mobility to take the lead in ASM-related businesses.¹⁸⁵

Other studies have highlighted that the barriers to effective women's participation in ASM are linked to socio-cultural norms, taboos, and structural gender inequalities.¹⁸⁶ In some cases, regardless of the activity pursued, a woman's participation in ASM-related activities at mine camps may ruin her social reputation due to notions of illicit sexual activities occurring at these camps.¹⁸⁷ In addition, limited access to capital and credit prevents women from effectively participating in ASM operations.¹⁸⁸ This relegates them to menial, underpaid jobs (Ibrahim et al., 2020) which, in the face of the depletable nature of natural resources, traps them in poverty.¹⁸⁹

Gender-based Discrimination and GBV in ASM Sector.

In Kenya, gender inequalities exist in a community prior to the arrival of an extractive operation. However, such inequalities can be exacerbated by gender blind development of projects¹⁹⁰ and within this context, evidence has shown that women and girls are often at risk for increased levels of violence.¹⁹¹ It was noted that discriminatory gender norms demonstrated by men in the ASM Sector where they expected women to be 'submissive' and medical staff on site noting that women had been denied promotions when they became pregnant. In Southern Kenya too, women noted men who own ASM claims prefer men as workers due to perceptions of physical strength and ability to work harder or longer.

In Kenya, GBV and gender discrimination is rampant in the sector, which is traditionally male dominated. Elsewhere, other studies have explored the 'boom-town' narrative and illicit sexual relationships and their socio-economic dynamics, which are usually present in ASM communities.¹⁹² According to Werthmann, sexual 'relationships with gold miners and the material benefits connected with them are among the lures of the gold mines'.¹⁹³ In some instances, some women are sexually harassed by men at ASM camps; while some are forced into sexual intercourse, exchanging sexual favours with ASM bosses for an opportunity to get jobs.¹⁹⁴ In the case of some parts of Kenya in the border with Ethiopia. However, due to the dangers inherent in women's exposure to a volatile community dominated by men and armed actors at mining sites.

Lauwo noted that safety of women living in mining camps was a concern and that women were particularly exposed to sexual harassment at night in Kenya.¹⁹⁵ Concerns of this nature were also echoed by interview respondents in areas around Nairobi, who noted the issue of lack of safe spaces, including separate housing or bathroom facilities, as a structural issue that led to SGBV. Instances of

185 Yakovleva, 'Perspectives on female participation' (n136).

186 Buss et al (n66).

187 Katja Werthmann, 'Working in a boom-town: Female perspectives on gold-mining in Burkina Faso' (2009) *Resources Policy* 34(1-2): 18-23.

188 Gavin Hilson and Abby Ackah-Baidoo, 'Can microcredit services alleviate hardship in African small-scale mining communities?' (2011) *World Development* 39(7): 1191-1203.

189 Kumah et al (n2).

190 Jen Scott et al, 'Extracting lessons on gender in the oil and gas sector' *World Bank Group Extractive Industries for Development Series*; no. 28.

191 Katy Jenkins, 'Women, mining and development: An emerging research agenda' (2014) *The Extractive Industries and Society* 1(2): 329-339.

192 Jocelyn T Kelly et al, 'Resources and resourcefulness: Roles, opportunities and risks for women working at artisanal mines in South Kivu, Democratic Republic of the Congo' (2014) *Futures* 62, 95-105. See also Werthmann (n187).

193 Werthmann (n187).

194 Kelly et al, (n192).

195 Sarah Lauwo, 'Challenging Masculinity in CSR Disclosures: Silencing of Women's Voices in Tanzania's Mining Industry' (2018) *Journal of Business Ethics*, Springer, vol. 149(3), pages 689-706.

rape of women miners in Southern parts of Kenya have been found and are believed to be indicative of broader issues.¹⁹⁶

4.4.3.4. Opportunities Provided by ASM to Women.

In Kenya, women get the chance to be involved in entrepreneurship.¹⁹⁷ Women can operate small business ventures related to ASM, including supplying goods and services to miners, processing and trading minerals, and operating eateries and shops in mining areas. ASM also offers unskilled women who engage in precarious work such as sex work a way out to build sustainable livelihoods. Besides employment opportunities and income that can shield them from GBV and other forms of discrimination, married women can derive social benefits with improved health and education services for their children whilst women heads of households can be empowered to be bread winners and providers. Women can acquire skills, through informal exposure in the sector and other training opportunities. They can use these skills to transition into large scale mining sectors or make them employable in large scale mining sectors.

4.4.3.5. Level of Formalisation of ASM.

Kenya's Mining Act, 2016 recognises the importance of artisanal mining to the sector and the country's economic growth. The government has also acknowledged the challenges, and in 2019 issued a moratorium on new mining and exploration licences. This froze the issuing of new permits, including for artisanal mining, as efforts were made to clean up the industry and map out the country's mineral resources. Kenya has lost billions of shillings in revenue because of the moratorium, which has not prevented unlicensed and illegal mining activities, like those in Illo, from springing up.¹⁹⁸ After lobbying from mining stakeholders, the moratorium was lifted on 3 October 2023. A series of progressive reforms were instituted to streamline the sector, including shutting down 3 000 illegal entities, conducting a countrywide mineral geo-survey, establishing a formula for sharing earnings, and declaring mineral smuggling an economic crime.

Capacity Building and Training of ASM Participants.

In Kenya, the Artisanal Mining Strategy (2021-2025) seeks to empower women to be more productive within the ASM sector through the financial and technical trainings. In addition, this ASM Strategy is more deliberate in addressing challenges that women face in the sector, but it requires more deliberate actions to support its implementation.¹⁹⁹

Networks and Collaborations with Associations.

In Kenya, the Migori County Artisanal Miners Co-operative (MICA) seeks "to promote ASGM good practice, reduce mercury use, and improve gold recovery using appropriate technology in Kenya."²⁰⁰ Additionally, MICA represents the local ASGM communities on issues such as "safety of the mining, the environmental impact of mercury, and poor gold recovery."²⁰¹

196 T Nene, 'Gender-based violence in SA mines is an open secret' (October 2016) Oxpeckers <https://oxpeckers.org/2016/09/3146/>.

197 <https://blogs.worldbank.org/en/energy/lets-support-women-artisanal-and-small-scale-mining>

198 Wario (n173).

199 <https://repository.kippra.or.ke/bitstream/handle/123456789/3079/MINING%20STRATEGY.pdf?sequence=1&isAllowed=y>.

200 World Bank (n50).

201 World Bank (n50).

4.4.4. ZAMBIA

Statistics on ASM.

Zambia is a member of the EITI. The country is well endowed with a plethora of mineral deposits beyond copper, which have primarily been mined by ASM miners.²⁰² According to Lawson et al, Zambia is one of the major sources of emerald.²⁰³ In Zambia, as elsewhere, men dominate the more profitable aspects of ASM in Zambia. An estimated 41 % of ASM workers are women²⁰⁴ but only 6 % of artisanal mining licences are held by women.²⁰⁵ Like in other countries, the “men dominated the more profitable aspects of ASM in Zambia.”²⁰⁶ For example, “An estimated 41 % of ASM workers are women but only 6 % of artisanal mining licences are held by women.”²⁰⁷



According to the study on ASM of 2019, women owned 17 percent while 83 percent of ASM mines were owned by men.²⁰⁸ In the mining and quarry industry, “there were 92.2 percent of males employed compared to 7.8 percent of females.”²⁰⁹ In the construction sector, males dominated with 96.4 percent and 3.6 percent were female.” According to the International Labour Organisation (ILO), “Mining and quarrying accounted for 2.4% of occupations in Zambia in 2019.”²¹⁰ It established that most female workers in mining were concentrated in craft/trades or elementary occupations and absent from most roles.”²¹¹



41%

of ASM workers are women.

4.4.4.1. The National Policy and Legal Framework on Gender Equality and Economic Empowerment.

The Constitution of Zambia (As amended by Act No. 18 of 1996) states, “(b) the State shall endeavour to create an economic environment which shall encourage individual initiative and self-reliance among the people and promote private investment; (c) the State shall endeavour to create conditions under which all citizens shall be able to secure adequate means of livelihood and opportunity to obtain



The state shall endeavour to create economic empowerment for all

202 Nachinanga Siaciti, ‘The role of artisanal and small-scale mining in enhancing sustainable livelihoods in Zambia’ (2022).

203 Lawson and Lahiri-Dutt (n25), p 3.

204 John Tychsen et al, ASM Handbook for Zambia. Geological Survey of Denmark and Greenland (GEUS, Copenhagen, Denmark, 2018).

205 Francis Onditi, Gender Inequalities in Africa’s Mining Policies: A Study of Inequalities, Resource Conflict and Sustainability, (Singapore: Springer Nature, 2022).

206 Huggins et al (n3), p 3.

207 Ibid.

208 The Zambian National Gender Policy of 2023, p 6.

209 Ibid, p 16.

210 MINE OF THE FUTURE Preliminary analysis of ILO mining employment data by sex in 2019.

211 Ibid.

employment.”²¹² However, these provisions are directive principles of State Policy that inform legal and policy formulation. This means they are not legally enforceable in a court of law.

The Zambian National Gender Policy of 2023 acknowledges that “Most women participating in mining are clustered in the informal sector and particularly in Artisanal and Small-Scale Mining (ASM) sub-sector.”²¹³ In addition, “women owned businesses have rarely been contracted in high income sectors such as mining, construction, transportation and agri-business.”²¹⁴

The ASM Legal and Policy Framework.

The Mines and Minerals Development Act of 2015 defines ASM in terms of three ASM operations. These are as follows:

- **Artisanal Mining:** Artisanal mining means an artisan’s mining operation undertaken by a citizen of Zambia pursuant to an Artisan’s Mining Right granted under Part III of the Mines and Minerals Development Act of 2015 over an area covering a minimum of 3 hectares and a maximum of 6 hectares;
- **Small-Scale Exploration:** Small-scale exploration means exploration under a Small-Scale Exploration Licence granted under Part III of the Mines and Minerals Development Act of 2015 over an area covering a minimum of 10 hectares and not exceeding a maximum of 1,000 hectares; and
- **Small-Scale Mining:** Small-scale mining means mining under a Small-Scale Mining Licence granted under Part III of the Mines and Minerals Development Act of 2015 over an area covering a minimum of 10 hectares and not exceeding 400 hectares. ²¹⁵ Most ASM activities fall under this category.

The Mineral Resources Development Policy of 2013 seeks to mainstream gender into mining by: Supporting gender equity in the mining sector through mining legislation; Promoting the participation of women in mineral sciences educational programmes; and Providing support to ensure equal opportunities for both men and women participation in mining.²¹⁶ Some of the Policy objectives include to: increase equitable access, participation and control in the economic sector; reduce poverty among vulnerable groups, especially women and girls; Increase women’s participation in employment; and Increase participation of women in governance and decision-making.²¹⁷ One of the Policy objectives is to increase equitable access, participation and control in the economic sector. Some of the policy measures are to facilitate women’s equal access to productive resources and services including land, finance and agricultural inputs; and enhance mainstreaming of gender in the mining and energy sectors.²¹⁸ The Policy calls upon the Ministry of Mines and Minerals Development to mainstream gender and ensure the participation of women and men in mining activities and report on the implementation of institutional gender programmes.²¹⁹

²¹² Article 112 of the Constitution of Zambia.

²¹³ The Zambian National Gender Policy of 2023, p 6.

²¹⁴ Ibid.

²¹⁵ Mines and Minerals Development Act of 2015.

²¹⁶ <http://www.azmec.co.zm/downloads/acts/2013%20Mineral%20Resources%20Development%20Policy%20Zambia.pdf>.

²¹⁷ The Zambian National Gender Policy of 2023, p 26

²¹⁸ The Zambian National Gender Policy of 2023, p 27.

²¹⁹ Ibid, p 33.

The Environmental Management Act of 2011 in Zambia establishes the Zambia Environmental Management Agency (ZEMA). ZEMA is responsible for regulating mining operations and ensuring the sustainable management of natural resources. Mining rights holders must obtain environmental authorization from ZEMA before conducting mining operations. The artisanal miners are required to produce an Environmental Management Plan.

The Mining Regulations 1971 and Mining Regulations 1973 (Guide to the Mining Regulations) regulate health and safety issues in ASM Sector. These Regulations were amalgamated to form part of the Guide to the Mining Regulations Booklet. The Guide imposes obligations upon owners, employers, managers and employees of mines regarding health and safety. The Regulations cover issues such as ventilation and air pollution, outlets, ladderways and travelling ways underground, protection in working places and surface protection.

The Mineral Resources Development Policy (2013) is pro-small-scale miners. It supports the ASM Sector by promoting appropriate technology use through research; facilitating access to finance; building institutional capacity; building capacity of miners to mine sustainably.²²⁰ In addition, the policy promotes value addition of minerals and marketing of gemstones through auctions.²²¹ The Mineral Resources Development Policy (2013) seeks to 'mainstream gender in the mining sector' by adopting measures that include: "supporting gender equality in the mining sector through mining legislation; promoting participation of women in mineral sciences educational programmes; and providing support to ensure equal opportunities for both men and women participation in mining."²²²

The Mineral Resources Development Policy of 2013 also seek to disseminate information to raise awareness on occupational health and safety, environmental risks, and provide occupational health and safety guidelines for ASM operations; and improve the system of information flow for the mining sector to sensitise and create awareness, especially for ASM workers and rural population on the opportunities present and the regulations governing the ASM sector.²²³

The Seventh National Development Plan (7NDP) 2017–2021 gave prominence and visibility to ASM. Due to limited financial resources, only 40% of the targeted ASM operators were licensed. The 8NDP (2022–26), , promotes mining of traditional and non-traditional minerals.²²⁴ In addition, it promotes the "local beneficiation and value addition through a national supplier development policy, encouraging formation of ASM cooperatives, improving ASM access to support services, and strengthening linkages to value chains."²²⁵

The 2020 Export Diversification Strategy for Gold and Gemstones seeks to "improve access to geological information, facilitate access to finance and build capacity for ASM, encourage small-scale mining to form larger groups."²²⁶ Budgetary constraints affect the implementation of this Strategy. However, the "2023 budget included K50 million to support ASM with financing and equipment, and reduced the income tax rate for lapidary and jewellery facilities to 25 % from 30 %."²²⁷

220 Huggins et al (n3), p 3.

221 Ibid.

222 Ibid.

223 <http://www.azmec.co.zm/downloads/acts/2013%20Mineral%20Resources%20Development%20Policy%20Zambia.pdf>.

224 Huggins et al (n3), p 4.

225 Ibid.

226 Huggins et al (n3).

227 Ibid.

Roles of Women in ASM.

Regarding non-copper-cobalt minerals, there is “under representation of women in the workplace in professions, management, security and unit processes (cutting, sorting, sawing, and digging/blasting/drilling).”²²⁸ Women are formally employed in skilled and unskilled jobs in the mining and extractive industries.”²²⁹ They sell food stuffs and clothes to the mining communities. Some women work at mines doing “light jobs such as secretarial, cooking, sorting, sawing and security, not digging and blasting.”²³⁰ Other women carry out “marginal jobs, as nightclub entertainers, sex workers and debt-servitude, and generally earn less compared to men.”²³¹ There are very few female “mine surveyors, metallurgists, geologists, engineers etc.”²³² This is attributed to the fact that female students rarely pursue STEM subjects.

4.4.4.2. Drivers for Women to Engage in ASM.

Women’s participation in ASM in Zambia is largely influenced by poverty, the need for better incomes and limited alternative sources of livelihoods.²³³ Women have reported that gemstone trading, which is a key sector in ASM in Zambia, provides them with a higher income than their usual forms of employment.²³⁴ When they are able to maintain personal control over the proceeds of sales, they can channel these to other revenue-generating schemes or like micro-level saving schemes.²³⁵ More importantly, some women feel that participation in ASM increases their social standing. As entrepreneurs, they feel more respected within the community.²³⁶

4.4.4.3. Barriers to and Impact on Women’s Participation in ASM.

Research established that, “The challenges that women engaged in mining face include lack of government support; high cost of hiring mining equipment; difficulties in accessing credit from lending institutions due to the requirement of collateral such as Title Deeds; reluctance by traditional leaders to grant mining land to women due to negative cultural beliefs; long and cumbersome processes of acquiring Title Deeds; and poor water and road infrastructure in mining areas.”²³⁷ Some of these barriers and challenges are elaborated on below:

228 Bertha Phiri & Peter R K Chileshe. Gender in Zambian Mining: Women in Nonmetalliferous Small-scale Surface Mining Sector, p 1230.

229 Action Aid (2015). Impacts of Mining and Extractive Industries on Women in Zambia, p 15.

230 Ibid.

231 Ibid.

232 Roy Kalinda a and Kusanthan Thankian (2023). Women and Mining in Zambia: Opportunities and Challenges, p 39. Journal of Scientific Research and Reports. Volume 29, Issue 4, Page 34-43, 2023; Article no. JSRR.97658. ISSN: 2320-0227. DOI: 10.9734/JSRR/2023/v29i41742.

233 Gavin Hilson, Abigail Hilson, Agatha Siwale, and Roy Maconachie, ‘Female Faces in Informal ‘Spaces’: Women and Artisanal and Small-scale Mining in sub-Saharan Africa’ Africa Journal of Management, 4 (3), 306-346.

234 Huggins et al (n3) p 5.

235 Ibid.

236 Huggins et al (n3) p 5.

237 Action Aid (2015). Impacts of Mining and Extractive Industries on Women in Zambia, p 24.

Weak enforcement of laws.

According to researchers, “Gemstones are mined in areas that are remote, have weak state presence, and poor infrastructure and the inability of the State to exercise law and order makes it almost impossible to control the actors, adding an element of ‘ungovernability’ to the local context.”²³⁸ Several gold rushes have taken place over the last few years opening new ASM sites all over the country. More recently, the Zambian Government has also bequeathed large copper rich slug dumps in the Copperbelt province, colloquially referred to as black mountains, to political supporters introducing another category of urban politicised ASM miners.²³⁹ This impact negatively on women miners whose voices are rarely considered.

Lack of Access to Land

The traditional norms prohibit women from access to, use of, or control over land and other productive resources.²⁴⁰ These cultural norms are mostly based on the belief that women are not physically and intellectually strong enough to be able to manage and use resources productively. Siwale and Siwale found that even though emerald ASM participants are in possession of mining licences, they have limited success in accessing finance, technology, and institutional support from the State.²⁴¹

Lack of Finance.

Women face challenges such as access to finance in terms of loans and credit. This has results in the women miners to either fund their ASM activities or borrow from loan sharks.²⁴² Even though the Mining Sector Diversification Programme had a loans programme “very few ASM operators were able to access loans due to conditionalities.”²⁴³ According to Siwale, “Increasingly, Chinese investors are involved in the amethyst sector, both as gemstone traders and as potential financiers, though the latter situation is rare.”²⁴⁴

Lower Income for Women in ASM.

The income from ASM was negatively affected by the COVID-19 pandemic. For example, in Zambia, the income was reduced by “25–50 %, or more, because fewer buyers journeyed to Mapatizya to purchase gemstones. The exception to this negative trend was a mine-owner with an agreement with a social enterprise that facilitates online sales.”²⁴⁵

238 Ibid, p 2.

239 Agatha Siwale and Twivwe Siwale, ‘Has the promise of formalizing artisanal and small-scale mining (ASM) failed? The case of Zambia’ (2017) *The Extractive Industries and Society* 4(1), 191-201.

240 UN Women, *Realizing Women's Rights To Land And Other Productive Resources* (United Nations, 2013)

241 Siwale and Siwale (n239).

242 Ibid.

243 Ibid, p 4.

244 Ibid.

245 Ibid.

Some of the ASM participants, “pursued informal careers (carpenter, farmer, fisherman, etc.) or formal careers (e.g. secretary, register clerk).”²⁴⁶ Even though some of the ASM participants indicated that mining improved their livelihoods, they bemoaned the irregular payment of their dues. They indicated that erratic payments “negatively affected their livelihoods and impacted their medium- or long-term livelihood strategies.”²⁴⁷

Despite these challenges, income from ASM activities give financial independence to women. Some of the challenges faced by women miners and traders is the use of “different methods to grade and scale their stones, which makes it difficult to set prices locally and benefit sellers.”²⁴⁸ Further, the “buying price of amethyst also varies, resulting in those at the lower end of the spectrum struggling to make ends meet. They suggest that the government should develop common grading and scaling scales and regulate the buying process.”²⁴⁹ There is limited upward mobility of miners along the mining value chain. The group that is worst affected are women because they face restrictions over certain mining activities.²⁵⁰ This negatively affected their incomes levels as well as improved outcomes in terms of health, education and nutrition.

Cultural Beliefs and Patriarchal Norms.

Women are geologically excluded from mineral-rich areas due to cultural barriers that amount to economic exclusion. Long held traditional beliefs intersect with patriarchal norms and colonial remnants regarding ASM that marginalise women. Generally, Zambia restricts and taboos underground mining by women. Gemstones are mostly excavated by men. There are perceptions on women’s limited physical strength and their inability to used gemstones machinery. It was “believed that women should not approach a gemstone mine as the spirits of the stones would drive the gemstone deeper into the earth or would disappear. Disappearance of the gemstone could be averted with the slaughter of a cow or a goat and the calling of the spirits of the ancestors.”²⁵¹ Notably, “At Grizzly Mines, the Executive Director lamented that there is a myth related to stigmatization of female workers in the mine whereby if production goes down or the mineral vein is not easily located, females are accused of making the mineral vein disappear because of their menstrual cycles.”²⁵² Thus, women are not allowed to carry out certain mining activities due to customary beliefs and gender norms as well as safety concerns.²⁵³ This also applies to the women owners of ASM mines. This keeps women away from the mines as both employers and owners of mines.²⁵⁴ Research has established that, “Several associations and organizations try to address legal, social and economic barriers that inhibit women’s participation in ASM, including land rights systems and socio-cultural beliefs.”²⁵⁵

246 Siwale and Siwale (n239).

247 Ibid.

248 Ibid.

249 Ibid.

250 Ibid.

251 Kalinda and Thankian (n232).

252 Bertha Phiri & Peter R K Chileshe. Gender in Zambia Mining: Women in Nonmetalliferous Small-scale Surface Mining Sector, p 1230.

253 Ibid, p 5.

254 Kalinda and Thankian (n232).

255 Huggins et al (n3).

There are several gender stereotypes that either negatively impact on women or benefit them. For example, “One study found that gemstone companies in Zambia preferred to employ women because they are “hard-working and trustworthy.”²⁵⁶ Even though women carry out ancillary roles, they “often earn more from mining than they can from alternative livelihoods, as much as twice or three times as much.”²⁵⁷

Gender-based Discrimination and GBV in ASM Sector.

Barriers and challenges faced by women in the gemstone sector include, “lack of education, training, gender discrimination and lack of effective representation.”²⁵⁸ Due to the low remuneration and other gendered disadvantages, many women (including those that migrated to ASM areas to make a living from working in mining activities or in the bars and hotels of mining towns) may end up engaging in sex activities.²⁵⁹ Some women enter the sex business as a bargaining tool to access and maintain employment. They are prone to serious health risks that included sexually transmitted diseases while being susceptible to social exclusion as well as sexual and physical abuse.²⁶⁰ Many young women choose not to return to their homes for fear of stigmatization thereby leaving them more vulnerable to HIV, STIs and sexual exploitation. The lack of formal recognition of sex services becomes an issue for any potential intervention to either address these health risks or ensure whether women can leverage some economic advantages from their involvement in such services.

As is the case in many countries, experiences of GBV are widespread in Zambia. According to the 2018 Zambia Demographic and Health Survey, 36 percent of women have experienced physical violence at least once since the age of 15 and 32 percent of ever-married women have experienced controlling behaviours by their husbands. Despite the adoption of the Anti-Gender-Based Violence Act in 2011, GBV is deeply rooted in wider gender inequality and remains pervasive and tolerated, especially in rural areas.²⁶¹

Environmental impacts of ASM.

Women and children are disproportionately affected by environmental impacts that manifest in terms of health problems such as “accidents and human injuries, eye irritation, bronchial and other respiratory diseases affecting miners, children and women in communities around mining operations.”²⁶² They are further burdened by caring for the sick or injured persons.²⁶³

²⁵⁶ Huggins et al (n3), p 3.

²⁵⁷ Ibid.

²⁵⁸ Ibid.

²⁵⁹ Verbrugge (n108).

²⁶⁰ Kelly et al (n192).

²⁶¹ Patricia Malasha and Jennifer Duncan, ‘Gender assessment of the wildlife sector in Zambia’ (2020) Washington, DC: USAID Integrated Land and Resource Governance Task Order under the Strengthening Tenure and Resource Rights II (STARR II) IDIQ. https://www.land-links.org/wp-content/uploads/2020/06/ILRGZambia-Wildlife-Sector-Gender-Assessment_final.pdf

²⁶² Action Aid (2015). Impacts of Mining and Extractive Industries on Women in Zambia, p 17.

²⁶³ Ibid.

4.4.4.4. Opportunities created by ASM.

Besides the involvement in mining and processing activities, “women are also active in provisions of goods (e.g., food and drink vending, sales of artisanal equipment such as sieves, and credit for mobile phones) and services (e.g., transporting dirt, ores, ore particles and water; cleaning; laundry; sex; nightclub entertainment; and trading).”²⁶⁴ Although women are involved in these activities, they generally receive limited benefits, provision of sex services and food vending may generate a large amount of money. Opportunities exist for women to be owners of gemstone mines, polishers, brokers, traders as well as owning lapidary and jewellery shops. Other opportunities are in terms of raising awareness of barriers that affect women and co-create interventions with the female miners.

4.4.4.5. Level of Formalisation of ASM.

Since, the 1960s, Zambia diversified from “the large-scale copper mining towards industrial minerals and gemstones that would support rural development.”²⁶⁵ For example, the Kaunda-led government started small-scale emerald production through the state-owned Mineral Development Corporation.”²⁶⁶ In addition, ASM licences of about one square kilometre each were allocated as far back as in the 1970s. As “compared to other sub-Saharan African countries, ASM is extremely ‘formalized’, at least from the perspective of legal licences, with a total of 241 artisanal mining rights, 468 small-scale exploration licenses, and 26 small-scale licenses in 2020.”²⁶⁷

The ASM in Zambia is known for high levels of formalisation. The World Bank’s (2016) Mining and Governance review rated the extent to which ASM operators are allowed to legally operate in Zambia as ‘Very High’ (4.0 out of 4.0).²⁶⁸ This formalisation is understood as legalisation or the granting of legal title. This high level of formality contrasts with most of sub-Saharan Africa where ASM is largely informal. This high level of formalisation partially emanates from the fact that ASM in Zambia has traditionally focused on the gemstone mining of emeralds and amethyst, which are found in restricted zones that are mapped out as areas under licence.²⁶⁹ The formalisation of ASM has done little to unlock the benefits that are often touted as the outcomes of formalisation.

Siwale established that in the amethyst sector formalisation has given rise to different mining arrangements with varying consequences.²⁷⁰ Three types of mining arrangements have emerged. These are formalized, mine-owner driven enterprises that resemble modern firms and are growth oriented, quasi-formal joint-production arrangements involving degrees of formality and informality, and illegal ventures. Another contingent of ASM participants that also emerged are individuals who hold licences for speculative purposes. Formalisation is a necessity but insufficient condition for the development of the ASM Sector.

264 Fitsum Weldegiorgis, Lynda Lawson and Hannelore Verbrugge, ‘Women in Artisanal and Small-Scale Mining: Challenges and opportunities for greater participation’ (2018) Report prepared by the International Institute for Environment and Development (IIED) for the Intergovernmental Forum on Mining, Minerals and Sustainable Development (IGF), p4.

265 Huggins et al (n3), p 3.

266 Ibid.

267 Ibid.

268 <https://www.theigc.org/blogs/current-state-artisanal-and-small-scale-mining-zambia#:~:text=ASM%20in%20Zambia%20is%20known,the%20grant-ing%20of%20legal%20title>

269 Huggins et al (n3), p 3.

270 Agatha Siwale, Institutions and Resource Governance at the Sub-National Level: The Case of Artisanal and Small-Scale Mining in Zambia (Doctoral dissertation, Central European University, 2018).

Zambia established the Mining Centre Revolving Fund. It provides small loans to artisanal miners so that they increase their productive capacity. In partnership with the “Citizens’ Empowerment Commission, a fund from the European Union used to fund the Zambia Development Assistance program, which provided capacity building workshops and exhibition booths, and a gemstone processing centre to ease the sale and export of small-scale mining yields.”²⁷¹ It was established that, “the Mining Sector Revolving Fund was depleted after ten years in operation due to miners’ inability to convert the loans into profits and repay them.”²⁷²

The government encourages the miners to form association for them to access loans for the finance the small-scale mining industry.²⁷³ Some of the ASM associations include Zambia Chamber of Mines; Federation of Small-Scale Mining Association of Zambia; Small-Scale Miners Association of Zambia; Association of Zambia Mineral Exploration Companies and Association of Zambian Women in Mining. These associations have presence in all provinces towns and districts that host ASM.²⁷⁴

Box 3. Case-study: Zambian Women in Gemstones.

Profile of women gemstones traders.

ASM in gemstones takes place in Mapatizya. Mapatizya is a mining community and no farming takes place there. About half of the gem traders were widows.

Role of women in gemstones trading.

The women are sorters, brokers and stone traders in direct mining activities. The indirect mining activities include selling²⁷⁵ groceries and clothes. Some of the challenges faced by women include their inability to sell their gemstones because they are of inferior grade. According to a female gem trader, “we women work with low grade [material] which is more difficult to sell.”²⁷⁶ They sold their gemstones to buyers in Kalomo and Lusaka. The main buyers of gemstones are “Chinese nationals, but these have also become their competitors, as Chinese buyers offer a higher buying price than local traders.”²⁷⁷ It was highlighted that the income they got from gemstones was much higher than employment wages.

Drivers into gemstone trading.

They were driven into gemstones because it is the only livelihood in the village. Another driver was tough economic conditions. “The traders come from diverse backgrounds: alcohol salespersons, students, fish traders, and artisanal miners.”²⁷⁸

271 Perfect (n92), p 67.

272 Ibid.

273 Fatima Mandhu. Mining Associations in Zambia Supporting Women in Small-Scale Mining: A Case Study of Zambian Women in Mining Association, p 4.

274 Ibid, p 5.

275 Huggins et al (n3), p 5.

276 Ibid.

277 Huggins et al (n3).

278 Ibid

Positive impacts of gemstones trading.

Some women indicated that they gained better respect because of their participation in gemstones mining and paying their workers on time. Women traders controlled proceeds from gemstones sales. The women and their partners made joint decisions over the income. “However, decision-making is not equal: women make financial decisions for day-to-day expenses while men dominate decisions pertaining to capital projects. Even the female mine-owner clarified that her husband provides 90 % of their household income and is the primary financial provider.”²⁷⁹ In addition, most women invested their income into micro-level saving schemes such as village banking. Male traders maintained personal control over their profits which they invested into existing businesses, while some male traders shared profits with their wives to find more investment opportunities.”²⁸⁰ Income from gemstones trading have been invested in “building mining infrastructure and in livestock production.”²⁸¹ The female mine owners are now financially independent.

Source: Chris Huggins, Agatha Siwale-Mulenga, and Saitoti Parmelond, S.2024. Gender, livelihoods and local development in artisanal and small-scale mining areas: Evidence from gemstone production in Zambia and Tanzania, Society, 4(2), pp 3 - 5.

²⁷⁹ Huggins et al (n3).

²⁸⁰ Ibid.

²⁸¹ Ibid.

4.4.5. ZIMBABWE

Statistics in ASM.

Zimbabwe is not a member of EITI. However, according to statements made by the Minister of Finance in the 2019 Budget Statement, the country recognises the need to become a member and implement principles to strengthen accountability, good governance, and transparency in the mining sector. The National Development Strategy (NDS) 1 (2021 – 2025): “Towards a Prosperous & Empowered Upper Middle-Income Society by 2030” is underpinned by growing a 12-Billion-Dollar Mining Economy. Mining is regarded as the main driver towards achieving Agenda 2030. It contributes around 12-15% to GDP; Earns 60% of the country’s foreign currency; attracts more than 50% of the FDI into the economy and employs over 45,000 people in large scale mining.²⁸² In this mineral-based economy, ASM is a dominant livelihood strategy among communities in the Great Dyke mineral-endowed strip and other areas scattered across Zimbabwe.²⁸³

According to the Zimbabwe Miners Federation, it is estimated there are about 50,000 registered small-scale miners, while the number of artisanal miners has swollen to around 1.5 million, mainly engaged in gold, chrome, lithium, and semi-precious stones mining.²⁸⁴

ASM is an important sector in Zimbabwe’s mining industry, contributing significantly to employment and revenue generation. In regions such as the Midlands and Mashonaland, ASM activities, particularly gold mining, are major sources of income for local communities. Approximately 15 percent of small-scale miners in Zimbabwe are women (that is roughly 3 750 women and 95 percent of whom are involved in gold mining). According to Yakovleva, “50% of ASM workforce are women in Zimbabwe (...).”²⁸⁵ Approximately 10 percent of the 535 000 small-scale miners in Zimbabwe are women (that is roughly 53 500 women and 95 percent of whom are involved in gold mining).²⁸⁶ The overall trend in participation is reflected in different mineral sectors. For instance, women make up about 15% of the estimated 50 000 artisanal and small-scale gold miners in Zimbabwe.

4.4.5.1. The National Policy and Legal Framework on Gender Equality, Economic Empowerment and ASM.

The Constitution of Zimbabwe (Amendment No. 20 and Amendment No. 2) of 2013 and 2021 respectively is progressive in promoting



50,000
small-scale miners
are registered in
Zimbabwe



The constitution
promotes gender
equality and human
rights principles

²⁸² Zimbabwe Chamber of Mines (2017).

²⁸³ J. Machinga, ‘Amplifying voices of women in artisanal and small-scale mining’. (2018) Blog. Harare. Available at www.zela.org/amplifying-voices-of-women-in-artisanal-and-small-scale-mining/

²⁸⁴ Kennedy Nyavava, ‘Zimbabwe’s Rugged Artisanal & Small-Scale Mining Sector’ (2021) Rosa Luxemburg Stiftung Southern Africa.

²⁸⁵ Yakovleva et al (n1), p 9.

²⁸⁶ Mkhululi Chimoio, ‘Giving hope to Zimbabwean women miners’ (29 December 2022) Africa Renewal at <https://www.un.org/africarenewal/news/giving-hope-zimbabwean-women-miners>.

gender equality and human rights principles. It has domesticated the principle of sustainable development and benefit sharing into the Constitution of Zimbabwe. the Constitution of Zimbabwe calls for the government to promote gender balance in all spheres of Zimbabwean life. Despite guarantees of women's rights and freedom from gender discrimination by the Constitution of Zimbabwe, there were still gaps in law and practice.

The National Gender Policy (2013 – 2017) was silent on mining issues. The Draft Revised National Gender Policy, inter alia, focuses on gender and extractives. “According to the Ministry of Mines, during the first half of 2017 between 9.4% - 15% mining titles were issued to women. This means women were underrepresented in the mining sector as well as the mining value chains in both formal and informal mining activities.”²⁸⁷

The Broad-Based Women's Economic Empowerment Framework of 2012 sought to address gender inequality in all sectors of the economy such as mining, tourism and agriculture. The economic empowerment of women through business ownership and control was one of its objectives. Research established that this Framework was being revised because of being outdated and not aligned with the NDS 1.

The ASM Legal and Policy Framework.

Zimbabwe's mining legal and policy framework is highly fragmented and largely gender neutral. For instance, the Mines and Minerals Act, the main piece of legislation governing mining and a colonial statute, does not promote ASM. The Mines and Minerals Amendment Bill of 2023, the latest attempt to amend the Mines and Minerals Act, mentions that the Minister of Mines should consider gender parity when appointing members to the Mining Affairs Board.

The Mines and Minerals Act [Chapter 21:05] (drafted in 1961 and enacted in 1965) mainly governs the ASM sector. It does not offer a definition of small-scale mining, which refers to operations conducted by individual people or small groups as opposed to larger companies, is permitted in Zimbabwe. The vague definition of ASM has opened loopholes for abuse of their mining activities in the country. The Mines and Minerals Amendment Bill defines a small-scale miner as a ‘holder of a mining location who is not a large-scale miner.’ Therefore, there is no attempt has been made to define an ASM participant. The local ASM participants are concerned with the non-recognition of its members in the Mines and Minerals Act. The principal Act was first crafted in 1961 and was last reviewed in 1996. This Act has colonial hallmarks and outdated. It is not aligned with the Constitution of Zimbabwe and women's rights normative framework hence not gender sensitive. In 2015, the Mines and Minerals Amendment Bill was placed before Parliament to re-align the archaic Mines and Minerals Act to best international practices and to address contemporary challenges affecting the mining sector. However, the Bill has divided opinions between stakeholders and authorities in the mining sector for years owing to pitfalls in fully recognizing ASM work and its related challenges.

The Mines and Minerals Act [Chapter 21:05] permits any individual, provided they are a “permanent resident of Zimbabwe,” to apply for a mining licence. However, obtaining a mining licence is beyond reach for artisanal miners.

The Environmental Management Act and Environmental Management (Environmental Impact Assessment and Ecosystems Protection) Regulations, SI 7 of 2007 require artisanal miners are required to produce an Environmental Management Plan. The Environmental Management Act (Chapter 20:27),

²⁸⁷The Draft National Gender Policy for Zimbabwe.

as read with Statutory Instrument 7 of 2007, require mining companies and entities to undertake an EIA and apply for an EIA Certificate from the Environmental Management Agency. In addition, the Environmental Management (Control of Alluvial Mining) Regulations, 2014 prohibit alluvial mining or prospecting activities without an EIA Report and certificate issued by the Environmental Management Agency.

Research has established that “The environmental regulations are viewed by the ASM sector as one of the biggest impediments for their acquisition of licenses, especially because is very expensive, has complex requirements and very lengthy (e.g. Zimbabwe).”²⁸⁸ A Zimbabwean Miner highlighted that “one can spend all that money and carry out all the public consultation process but the study can still be rejected by the Environmental Authority, which would mean going back to the drawing board. If the EIA study is rejected, the consultancy fee paid to the environmental consultant is lost.”²⁸⁹ EIA Fees are payable in terms of Environmental Management (EIA and Ecosystems Protection) Regulations enacted under the Environmental Management Act, SI 7 of 2007.

Roles of Women in ASM.

It was established that, “Newly-coined vocabulary in the small-scale mining sector notably makorokoza (panner), gweja (male panner and gwejerina (female panners) testifies that women have made significant inroads into the small-sale mining sector.”²⁹⁰ Women play a significant but often unrecognized role in Zimbabwe’s ASM sector, contributing to various aspects of mining activities.

Cultural and historical aspects have neglected women’s participation in the mining discourse, evidence has shown that women have always been part of the mining workforce.²⁹¹ Most women involved in mining are in the artisanal/informal and hazardous and illegal gold panning sub-sector. Women are primarily involved in the crashing, washing, panning, sieving, sorting, mercury-gold amalgamation, amalgam decomposition and in some instances actual mining. Less commonly, women are concession owners, mine operators, dealers and buying agents, and equipment owners.²⁹² Women are also very active in the provision of other goods and services centred around mining communities such as vending, sales of artisanal equipment such as sieves, transporting dirt and ore, cleaning, laundry, entertainment and sex work. People with disabilities who work in the ASM chain are mostly vendors and, only in very rare cases, as miners who are involved in manual work.²⁹³

4.4.5.2. Drivers for Women to Engage in ASM.

The drivers into ASM sector vary across groups. Youth bulge and high levels of youth unemployment and underemployment in Zimbabwe²⁹⁴ force young people, particularly those with limited education and skills, into artisanal mining as a survival strategy. In the Midlands Province, where youth unemployment rates are among the highest in the country, young men get involved in ASM as a

288 PanAFGeo, Artisanal and Small-Scale Mining Handbook for Southern African Region (Geological Survey of Denmark and Greenland (GEUS), 2022) p 54.

289 Ibid.

290 Kalinda and Thankian (n232).

291 Zimbabwe Environmental Law Association, ‘Barriers to Women’s full participation in Artisanal and Small-scale Mining Sector’ (2020) ZELA

292 Manase Chiweshe and Sandra Bhatasara, Women, patriarchy, capitalist interests and the mining sector in Zimbabwe. In. Putting Women at the Centre of Extractivism: A Compendium of Gender and Extractives. (Harare. WLSA, 2019).

293 Owen Mafongonya et al, ‘Gender-based Violence and women in artisanal mining in Zimbabwe’ (22 July 2021) Briefing Paper ALIGN, Tariro Youth Development Trust at <https://www.girlsnotbrides.org/learning-resources/child-marriage-research-action-network/crank-research-tracker/gender-based-violence-and-women-in-artisanal-mining-in-zimbabwe/>

294 <https://www.chronicpoverty-network.org/covid19-poverty-monitor/zimbabwe-may>

source of income and economic autonomy. Artisanal mining offers a means of livelihood for many youths and men mostly in regions with abundant mineral resources and limited formal employment opportunities and low educational status.²⁹⁵ For example, in the Matabeleland North Province, young men are attracted to gold panning activities along riverbeds and mining concessions. Rural-to-urban migration and internal migration from economically depressed regions to mining areas drive youth and men's engagement in artisanal mining.²⁹⁶ Young men leave their rural homes in search of better economic opportunities in ASM hotspots such as the Mashonaland Central Province and Midlands, where gold mining activities attract migrant labour from across the country. During lean seasons and crop failure as result of climate change, many young women and men engage in ASM.

Economic factors are substantial drivers of women's participation in artisanal mining in Zimbabwe. Many women turn to mining as a means of supporting themselves and their families financially, just like in other countries.²⁹⁷ For example, in the Midlands Province, women are involved in gold panning and ore processing activities to supplement household incomes and cover basic expenses such as food, education, and healthcare (Zvishavane, Mberengwa). Artisanal mining provides women relatively low restrictions to entry compared to other economic activities, making it accessible to those with limited resources and education.²⁹⁸ Women in Zimbabwe engage in ASM with basic tools and equipment, such as shovels, pans, and sieves, which are readily available and affordable. In the Matabeleland region, women involved in gemstone mining depend on traditional techniques and locally sourced tools to extract and process minerals.

4.4.5.3. Barriers to and Impact on Women's Participation in ASM.

Zimbabwe recognises barriers faced by women in ASM sector in their policies. In addition to the cost barrier, artisanal miners deal with multiple government institutions regulating the mining sector. These include the Ministry of Mines and Mining Development, Zimbabwe Republic Police, Environmental Management Agency, Zimbabwe National Water Authority and local government authorities. All of them are in place to ensure adherence to different regulations by the ASM participants.

Technically, small-scale mining is tolerated and encouraged in Zimbabwe due to its significant contributions to the country's economy. However, the non-recognition of ASM activities has led to the criminalisation of their operations. The absence of a clear definition of ASM work has led to political manipulation in the recent past and created frosty relations between the miners and State.

According to the Draft National Gender Policy, "The barriers to women's meaningful participation in the mining sector included lack of access to credit and capital (technology); high prevalence of gender-based violence (GBV) and sexual harassment and lack of protective clothing to mitigate exposure to dangerous substances such as cyanide and mercury." Some of these barriers are elaborated as follows:

295 T Zvarivadza, 'Artisanal and Small-Scale Mining as a challenge and possible contributor to Sustainable Development' (2018) Resources Policy 56, DOI:10.1016/j.resourpol.2018.01.009.

296 See G Mkodzongi and S Spiegel, 'Mobility, temporary migration and changing livelihoods in Zimbabwe's artisanal mining sector' (2020) Extractive Industries and Society 7(3) DOI:10.1016/j.exis.2020.05.001.

297 Zvarivadza (n295).

298 Buss et al (n66).

Marginalisation of Women.

The mining industry is highly masculinized. The sector is still regarded as heavily skewed in favour of men due to several circumstances which include patriarchal practices, lack of high initial investment capital and societal perceptions.²⁹⁹ Women in Zimbabwe face significant barriers to accessing mining concessions, land, and mineral resources, which are often controlled by male family members or community leaders.³⁰⁰ Women involved in artisanal mining often lack access to capital and financial resources needed to invest in equipment, tools, and operational expenses.³⁰¹

Lack of Access to and Control of Resources by Women.

In the Matabeleland Province (Bubi and Umzingwane Districts) women miners struggle to get access to credit and loans from formal financial institutions because of strict eligibility criteria and collateral demands, compelling them to depend on informal lending networks with exorbitant interest rates. Research established that, "The issue of funding for women in mining has remained a challenge and the Ministry has to date funded 28 women mining projects across the country through the Women Development Fund."³⁰² Women in ASM face familiar challenges, including limited access to land and financial resources, GBV and exclusion from decision-making processes. Thus, women miss critical livelihoods and economic opportunities, access to land, face exclusion from resource management.³⁰³ For example, customary land tenure systems based on patriarchy limit women's rights to own or lease land for mining activities, thereby limiting their ability to engage in ASM activities.

Lack of Access to Skills Development.

Women's participation in artisanal mining is constrained by insufficient access to education and training opportunities that would equip them with the necessary skills and knowledge to engage in mining activities safely and effectively.³⁰⁴ In the Matabeleland South Province, for example, women miners lack access to vocational training and technical support. This constrains their ability to buy modern mining techniques and adopt sustainable practices.

Gender-based Discrimination and GBV in ASM Sector.

Gender-based discrimination and stereotypes are prevalent in Zimbabwean society. These stereotypes sideline women's participation in artisanal mining and sustain unequal power dynamics within mining communities.³⁰⁵ Women miners encounter prejudice, harassment, and exclusion from decision-making processes. This limits their potential for economic empowerment, agency and amplified voices.³⁰⁶ In the Mashonaland Central Province, for example, women involved in ASM face discrimination and ridicule from male counterparts and community leaders, who perceive mining as

299 ZELA (n291).

300 Chiweshe and Bhatasara (n292).

301 ZELA (n291).

302 <https://zela.org/mighty-women-in-mining-the-time-to-rise-up-and-shine-along-the-value-chain/>. Accessed on 28.01.2025.

303 Ibid

304 Women and Law in Southern Africa, 'Gender Equality in the Artisanal and Small-Scale Mining (ASM) Sector in Southern Africa Development Community (SADC) Region (2021)

305 Nogget Matope, 'The Social Impact of Artisanal and Small-scale Mining: A Gendered Perspective. In. Putting Women at the Centre of Extractivism: A Compendium of Gender and Extractives' (2019) WLSA. See also ZELA (n294).

306 Munyaradzi A. Dzvimbo, Colleen Ncube, Monica Monga, 'Scratching the Surface: Exploring Women's Roles in Artisanal and Small-Scale Mining in Zimbabwe' (2019) Budapest International Research and Critics University - Journal 2(3):125-133 https://internationalwim.org/wp-content/uploads/2020/11/Scratching_the_Surface_Exploring_Womens_Roles_in_.pdf

a male-dominated domain. Women in bear the disproportionate burden of unpaid care work and household responsibilities, which restrict their ability to engage in full-time mining activities. Balancing mining work with caregiving duties and domestic chores can be daunting, especially for women with young children or elderly family members to care of. In the Midlands Province, women miners often struggle to secure affordable childcare and support services, hindering their participation in ASM. This is because potential child carers are ASM miners.

GBV, sex work and sexual slavery has also been noted in the ASM sector. Mafongoya et al, found high levels of GBV in Zimbabwe's ASM Sector, with 77% of women working in the sector reporting that they have experienced such violence.³⁰⁷ In their study, GBV was uniform across space. Zvishavane was epicentre of GBV with 84% of women and girls reporting that they had experienced some form of GBV, followed by Shurugwi with 78% and lastly Mberengwa with 68%. ASM activities are rife in these three areas. The three most common forms of GBV against women and girls in the sector are reported to be physical violence, sexual assault and emotional abuse which are underpinned by negative gender norms, including rigid and culturally ascribed norms of masculinity and patriarchy that do not tolerate women as actors in public spaces. Gender and cultural norms normalise GBV as a way for men to wield power over women. These norms deepen the plight of women in the absence of strong laws and ASM-specific GBV policies to protect them. Illegal arrests and detention of women in ASM by mostly male police officers on alleged crimes linked with ASM make women vulnerable to sextortion with often possessing financial muscle to bribe their way out of police custody but women in ASM often do not have similar resources.³⁰⁸ Commercial sex workers, in particular, suffer from all forms of abuse at the hands of men, many of whom are drug abusers.³⁰⁹ Gold panners (makorokoza) prey on teenage girls, using money and material things to lure them into having sex. This has resulted in unwanted pregnancies, child marriages and increased HIV infections.

Environment, Health and Safety Issues in ASM.

The ASM activities in Zimbabwe mostly result in environmental degradation, including deforestation, soil erosion, and pollution of water bodies. In the Midlands Province, unregulated gold mining syndicates have led to the destruction of forests and contamination of rivers with toxic chemicals such as mercury and cyanide, posing risks to local ecosystems and communities. ASM activities pose significant safety and health risks to miners, including accidents, injuries, and exposure to hazardous substances. In Zimbabwe, women are disproportionately affected by negative externalities including involuntary resettlement, loss of access to land and finance, natural resources and clean water, air and soil pollution, and mercury contamination. Women use the mercury because it offers the cheapest and simplest gold extraction method.³¹⁰

307 Mafongonya et al (n293).

308 Nyaradzo Mutonhori and Mukasiri Sibanda, 'Women's Voices: Gender Based Violence in ASM Sector' (2017) <https://mukasirisibanda.wordpress.com/2017/12/07/womens-voices-gender-based-violence-in-asm-sector/>

309 <https://www.girlsnotbrides.org/learning-resources/child-marriage-research-action-network/crank-research-tracker/gender-based-violence-and-women-in-artisanal-mining-in-zimbabwe/>

310 Matope (n305).

Hefty licensing costs.

Regarding the costs of starting mining operations, “Once a site is identified, the miner then must get an agent or approved prospector from the Ministry of Mines and Mining Development to peg out a mining plot for a fee of \$350. From there, a certificate is issued. That costs another \$200.”³¹¹ The respondents indicated that, “While a prospecting licence costs US\$100, it costs between US\$300 to US\$500 to pay a mining consultant to peg a claim. A prospector, responsible for marking where one should start digging, charges an average of between US\$200 and US\$300.”

4.4.5.4. Opportunities Provided by ASM to Women.

The ASM offers women opportunities for skills development and capacity building in several aspects of mining operations, including ore processing, trading, and entrepreneurship.³¹² Research established that, “There is opportunity to be involved in being a pegger, owning a claim, being a buyer, owning a stump mill among other activities that can be done.”³¹³ Some women in Zimbabwe participate in training programmes and workshops organized by the Government agencies, NGOs and mining associations to upgrade their technical skills and business skills. In the Matabeleland South Province, some women miners receive training on sustainable mining practices and safety measures to improve their productivity and well-being.³¹⁴

4.4.5.5. Level of Formalisation of ASM.

ASM has existed since time immemorial, but with little or no formal recognition from the government until 2013, when mining was recognised as holding real potential in supporting Zimbabwe’s economic recovery.³¹⁵ Research established that from 2006 to 2013, artisanal gold mining was illegal in Zimbabwe but continued as an illegal activity. It became legal once in 2014 when the Fidelity Printers and Refiners’ Gold-buying Facility was opened to “small-scale and artisanal miners in addition to the large companies that had previously dominated the sector.”³¹⁶ In 2016, the facility started to issue loans to gold by small-scale miners under the Gold Development Initiative Fund.³¹⁷ Additionally, “The government set aside \$20 million of the \$150 million fund specifically for women miners, including provisions for training at the Zimbabwe School of Mines. The government has since said it is working on incorporating other minerals like platinum and chrome.”³¹⁸

The Minerals Development Policy recognises the benefits of decriminalising “the possession of minerals by artisanal and small-scale miners to encourage them to formalize their marketing and to also increase the foreign currency retained by the miners.”³¹⁹ In Zimbabwe, like in other countries, the common barriers to ASM formalisation include “high registration and compliance fees; limited knowledge of the formal institutional frameworks; limited access to the formal market and opaque nature of a registration process that often breeds corruption.”³²⁰

311 <https://www.thezimbabwean.co/2019/07/not-for-the-faint-hearted-the-struggles-of-women-in-zimbabwes-mining-industry/>, accessed on 28.01.2025.

312 ZELA (n291).

313 <https://zela.org/mighty-women-in-mining-the-time-to-rise-up-and-shine-along-the-value-chain/>, Accessed on 28.01.2025.

314 WLSA (n304).

315 A Gutu, ‘Artisanal and Small-scale Mining in Zimbabwe – Curse or Blessing?’ Policy Brief No 2, October 2017. Harare: Parliament of Zimbabwe

316 <https://www.thezimbabwean.co/2019/07/not-for-the-faint-hearted-the-struggles-of-women-in-zimbabwes-mining-industry/>, accessed on 28.01.2025.

317 Ibid.

318 Ibid.

319 Section 13 of the Minerals Development Policy.

320 International Resource Panel, ‘Mineral Resource Governance in the 21st Century: Gearing extractive industries towards sustainable development’

In Zimbabwe, women miners form cooperatives and self-help groups to share knowledge, resources, and experiences, fostering solidarity and mutual support. According to Wushe, “women membership on the management boards of mining companies is very low in Zimbabwe. Part of the explanation for this trend is that women are still not considered by the shareholders as the reliable and strong representatives of the shareholder interests.”³²¹ Additionally, men are trusted by the employees much more than women and mentality of most African men is very resistant to the thought that women can be an equal part of their team.³²²

The ASM groups are fragmented. For example, “There are several groups in Zimbabwe calling themselves ‘Women in Mining.’ There is no one umbrella body representing them but rather various associations scattered around the country with similar objectives of empowering Zimbabwean women in mining, creating business opportunities for female miners, and making their voice heard more effectively.”³²³ It was highlighted that these associations aim to promote the participation of women in small-scale mining as well as advocate for formalisation of this sector. It is important to note that, “Their members are mainly drawn from the ranks of the rural poor, the disabled, widows, single mothers and those living with HIV/AIDS.”³²⁴ The local NGOs partners traditional leaders such as chiefs and district development coordinators in advising “women on how to form syndicates, legally register, access capital and obtain prospecting licences.”³²⁵

(2020) A Report by the International Resource Panel & United Nations Environment Programme, Nairobi, Kenya, p 96 - 97.

321 Tawaziwa Wushe, Corporate Community Engagement (CCE) In Zimbabwe's Mining Industry From The Stakeholder Theory Perspective (2014) Submitted in accordance with the requirements for the degree of Doctor of Business Leadership at The University of South Africa, p 51.

322 Wushe (n321).

323 GIZ, Encyclopedia of Gender and Mining: Key Initiatives, Best Practices and Actors.

324 Ibid.

325 Ibid.

Table 3. A Summary of Barriers in Selected Countries³²⁶

Country	Government Challenges in Assisting ASM	Identified ASM Challenges
Ethiopia	<ul style="list-style-type: none"> Limited flexibility of the financial system and insufficient microfinance schemes limit access to finance. Small and medium-sized enterprise (SME) incubation or promotion strategies do not include ASM. Limited value addition at the domestic level. Regulatory uncertainty which creates market distortions, Lack of a clear fiscal regime for the sector. Lack of infrastructure (including roads, energy, water, processing, and market centres) linking ASM sites with processing facilities and markets. Lack of regulatory guidance on environmental obligations. Lack of financial and technical support to raise awareness and build the capacities of miners on rehabilitation. 	<ul style="list-style-type: none"> Lacks transparency and accountability mechanisms in the ASM licensing regime. Short non-renewable licensing period of 2 years is too short to enable miners to invest in sustainable operations. Lack awareness of the policy and regulatory framework among ASM miners. Women are less involved directly in the critical extraction and processing stages of mining activities. Shortage of skilled labour and training opportunities for licensed miners. Information asymmetries on efficient and cleaner processing techniques, mineral quality and value, and fair market value mean miners often receive low prices for their minerals. Health and safety risks from abandoned pits, standing water where mosquitoes breed, and the use of toxic chemicals which contaminate water sources.

326 African Minerals Development Centre (n29); Priya Bala-Miller, Rahel Getachew and Munisha Tumato, 'Supporting the Ethiopian Ministry of Mines To Develop ASM' in World Bank, 2020 State of the Artisanal and Small-Scale Mining Sector (World Bank, 2020), p56 at <https://www.delve-database.org/resources/2020-state-of-the-artisanal-and-small-scale-mining-sector>; Judy N. Muthuri and Arthur Ndegwa, 'Strengthening Stakeholders Collaborative Action for Sustainable Gemstone Mining in Kenya' Policy Brief – March 2022 at chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/ <https://www.nottingham.ac.uk/policy-and-engagement/Documents/Policy-briefs/Sustainable-Artisanal-Mining-Policy-Brief.pdf>; Institute of Public Finance, 'A Gendered Perspective on Formalization & Taxation of the Artisanal & Small-Scale Mining Sector in Kenya' Tax Justice Network Africa (May, 2023) at chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/ <https://taxjusticeafrica.net/sites/default/files/publications/A%20Gendered%20Perspective%20on%20Formalization%20&%20Taxation%20of%20the%20Artisanal%20&%20Small-Scale%20Mining%20Sector%20in%20Kenya.pdf>

Ghana	<ul style="list-style-type: none"> • Inadequate funding to support ASMs with loans etc. • Influx of foreigners in ASM. • Poor supervision and monitoring of the ASM activity. • Lack of personnel and complex logistics. • Lack of commitment to improve the ASM sector. • Most of Ghana's artisanal and small-scale miners operate illegally – the Minerals Commission has suggested that 80% of ASM operators engage in illegal activities. Even legally registered small-scale miners sometimes move into areas where they do not have a licence. • Limited availability of viable land for ASM. • Difficulties in securing land tenure • Complex regulations and policies and lengthy bureaucratic procedures and waiting periods required to secure a licence. 	<ul style="list-style-type: none"> • Inadequate designated lands for ASM. • Inadequate financing mechanisms (lack capital (no bankable doc, and no collateral funds to access finance from the bank, hire proper geologist, etc.)). • Lack of funds to conduct exploration. • Weak association spirit • Ignorance of the provisions in the Mining Law. • Poor processing techniques and methods. • Improper mining methods and its associated environmental impacts. • Limitation of size of concession to 25 acres in the face of current use of heavy-duty equipment for mining. • Influx of foreigners in the ASM sub sector.
Kenya	<ul style="list-style-type: none"> • Lack of clarity on the licensing process and ambiguous legal definition of artisanal and small-scale mining. • Static bureaucracy in the licensing process and reporting requirements. • Revenue losses as there is little value addition (including cutting and polishing of gemstones), only low value gemstones are declared and a significant proportion of the minerals are smuggled out of the country. • Smuggling exacerbated by inadequate customs scanners at the airports that cannot detect gemstones, and customs officials do not have the technical know-how to identify gems. • Lack of access to formal markets forcing ASM participants to sell their gemstones to middlemen, who in most cases do not follow the legal channels in exporting them. 	<ul style="list-style-type: none"> • Lack of necessary permits and licences because of a complicated and expensive licensing process. • Lack of access to modern mining equipment and technology. • Lack of access to finance as most ASM practitioners lack the necessary collateral to access funds from lending institutions. • Unsafe working conditions where there is no protective gear and equipment, exposure to toxic substances and numerous occupational illnesses. • Little knowledge and skills relating to value addition and marketing of their gemstones amongst miners. • Environmental degradation due to cutting down indigenous trees, unsustainable waste disposal, removal of topsoil, abandoned pits, tunnels and trenches, pollution of water bodies and poor sanitation.

Zambia	<ul style="list-style-type: none"> • Taxing the artisanal miners specially the illegal miners. • Accessing production data from ASM. • Illegal mining which interferes with operation of this sector. • Lack of sustainability in the ASM which prevent proper planning of the outputs. 	<ul style="list-style-type: none"> • Lack of capital (no bankable document to access finance from the bank, hire proper geologist, etc.). • Lack of technical and business skills. • Unfair and inappropriate market arrangement. • Lack of processing plants; and • Illegal miners.
Zimbabwe	<ul style="list-style-type: none"> • Lack of financial and human resources to assist the ASM. • Inadequate market structures. • Lack of adequate skills in the Government officers. 	<ul style="list-style-type: none"> • Lack of capital (no bankable doc, and no collateral funds to access finance from the bank, hire proper geologist, etc.). • Lack of equipment for mining and processing. • Lack of technical and business skills. • Lack of geological information and capacity to understand the geological data. • Lack of adequate supply of electricity (specially for gold and chrome mines). • Non-compliant to legislation in the country. • Dangerous working conditions. • Blasting without appropriate skills. • Assumption that there is gold anywhere led to low productivity by working in barren areas.

Source: Additional barriers were extracted from literature review.



4.5 Relevant ASM Policy and Strategy Case-Studies.

This part draws on policy and strategy documents from selected countries to illustrate how governments can include issues of women's participation and gender equality in mining.

Case study: Policy and Strategy of Mineral Resources in Mozambique

- Encourage the access and participation of women in mining and supply of mineral resources.
- Strategy includes the following:
 - ◆ Ensure that Mozambican women have access to employment and to other economic opportunities resulting from the development of mineral resources in the Country.
 - ◆ Promote the participation of women in mining activities, including the excise of management positions and the development of capacity building programmes for women to do business.
- Strategy includes the following:
 - ◆ To promote the gender equity in the extractive industry.
 - ◆ Examples of concrete actions: On the skills and competencies development:
 - Promote the education, training and higher participation of women in mining and gas activities;
 - Promote scholarships for girls with high academic performance to attend relevant courses of the mineral sector;
 - Encourage the establishment of companies or organizations of women in the extractive industry.

However, there is no single indication of gender in the Mining Code.

Source: African Minerals Development Centre (2017). REPORT ON ARTISANAL & SMALL-SCALE MINING IN AFRICA: SELECTED COUNTRIES POLICY PROFILE REVIEW ON ASM, pp 64 – 65.

Case Study: Promoting Women Participation and Prohibiting Child Labour in Mining in Tanzania

“The Government has been conducting awareness campaigns for women to participate in mining activities and facilitated establishment of women mining associations. However, women face economic and socio-cultural barriers which restrict their effective involvement in mining activities, as a result they receive minimal benefits”.

Objective:

To encourage and promote women participation in mining activities and strengthen enforcement of laws and regulations against child labour in mining activities.

Policy Statement:

- The Government will continue to promote participation of women in mining activities;
- The Government will ensure that all programmes related to mining, including education and training opportunities, are based on gender equality and equity; and
- The Government will collaborate with stakeholders to strengthen monitoring and enforcement of laws and regulations on child labour in mining activities.

Art. 23 - Mining Advisory Board - (5) The Minister shall, in appointing members under this section ensure that: (b) at least one third of members of the Board is constituted by women members.

Case Study: Zambia.

Chapter 7.14 Gender

Government will mainstream gender in the mining sector by:

- Supporting gender equality in the mining sector through mining legislation;
- Promoting the participation of women in mineral sciences educational programmes; and
- Providing support to ensure equal opportunities for both men and women participation in mining.

Section 150 - Mining Advisory Committee

(3) The Minister shall in appointing the members of the Committee ensure that— (a) thirty percent of the members are women; and (b) where the Chairperson is a man, the Vice-Chairperson shall be a woman.

Case-Study on Zimbabwe

The shared vision will aim to achieve:

A sustainable and well-governed mining sector that effectively garners and deploys resource rents and that is safe, healthy, gender and ethnically inclusive, environmentally friendly, socially responsible and appreciated by surrounding communities.

Mineral Governance

A new minerals regime will be configured to:

5) Enhance the participation of indigenous Zimbabweans in mining and related linkage industries and facilitate equitable access to the sector by all Zimbabweans with the requisite capabilities, irrespective of gender or ethnicity.

Artisanal and Small-Scale Mining

Given the historical role of women in ASM, support systems to facilitate the entry of female entrepreneurs into this sector will be configured, such as a special window in the ASM VCF and customised short training courses under the Bulawayo School of Mines.

Source: African Minerals Development Centre (2017). REPORT ON ARTISANAL & SMALL-SCALE MINING IN AFRICA: SELECTED COUNTRIES POLICY PROFILE REVIEW ON ASM, pp 64 – 65.

► 5. Conclusions And Recommendations.

The role of ASM in the economic lives of women in selected countries has grown substantially. As shown by the Study, many women are moving away from agriculture to mining activities. The transition is driven in part by climate change, which has resulted in low rainfall, crop failure and low crop yields in recent years. Climate change contributes to rural-urban migration and cross-border migration especially by men and youth thereby increasing the vulnerabilities of women, children, PWDs and older persons that remain behind. ASM is a climate mitigation strategy on one hand, and on the other hand the income earned from mining activities can also be used to support agriculture by purchasing inputs and pay casual labourers. In some instances, ASM results in maladaptation as a result of loss of arable agricultural land and grazing land for livestock by smallholder farmers who are miners during lean seasons and crop failures. Agriculture and mining, therefore, mutually support each other.

Despite progressive national constitutions that promote equality and non-discrimination of both women and men, there is still underrepresentation of women in the ASM Sector. Additionally, all countries have ASM legal frameworks including requirements for EIAs, but there is weak enforcement of laws. Only Zambia has extensive definition of ASM. Thus, this Research Paper shows that the division of labour within the ASM supply chain is typically gendered with more women often occupying non-digging jobs, such as washing and crushing stone, and creating ancillary businesses, such as selling food and goods around mining sites.

To operationalise the laws around ASM, Ethiopia does not have a relevant ASM Policy while only Kenya has an ASM Strategy. To improve outcomes from ASM, the Government of Ghana recently promulgated the Ghana's ASM Policy framework to guide the development of the ASM sector. However, all countries have requirements for the application of ASM licences. Additionally, Ghana, Kenya and Zambia have provisions on health and safety issues. In Kenya, the health and safety regulations ensure that women are not adversely affected by the unsafe mining conditions that are often associated with the ASM Sector.

Regarding the barriers encountered by women in the ASM, this Research Paper concludes that these are multiple. For example, barriers such as "inadequate mining and processing techniques and equipment leads to low productivity of operations and low recovery of valuable minerals, which in turn results in low revenues and the inability to accumulate funds for investment. (...) A lack of funds to improve methods, (...) inability to acquire appropriate equipment, (...) traps artisanal operational miners in crude, inefficient mining and processing."³²⁷ Ghana, Kenya and Zimbabwe recognise barriers faced by women in ASM Sector in their policies. Some of the barriers faced by ASM participants include lack of finance, lack of recognized mineral rights and inadequate technologies and equipment. This would be addressed through several means, among them, issue appropriate licensing of the miners and provision with market information, development of a new minerals licensing system to offer mining rights to the miners and facilitate credit access through services such as pooled equipment leasing arrangements and government supported concessional lending schemes.

Furthermore, the Research Paper underscores that access to resources is a fundamental socio-economic right for women but this right is often violated. Various cases of human rights violation can be seen across the five countries. In Ghana, women in ASM particularly face constraints to accessing key resources such as land, capital, and technology. In many cases, mining concessions and licences are held by men, leaving women with limited access to mining areas. This is seen in the Eastern Region of Ghana where women involved in ASM struggle to secure mining licences due to patriarchal land tenure systems that give preference male landowners. Women in ASM in most cases face extra hinderances, such as limited access to land and financial resources.

Some countries such as Zimbabwe and Ghana provide equipment loans schemes. The miners get either mining equipment or hires it.³²⁸ It was established that in Ghana and Zambia, formalisation of ASM requires “a high rate of buy in, the legal system needs to fit into traditional community practices, rather than attempting to regulate away the existing system, unless there is a significant incentive to change.”³²⁹ Furthermore, an accessible and transparent ASM licensing system is required.

Some of the intended effects of formalising ASM include putting in place environmental and social safeguards. On the other hand, the negative effects of formalising ASM include gender wage gaps and deepened social and social inequalities. In addition, gender cultural norms keep women miners and owners from their mining entities. The ghost of colonialism keeps manifested in mining laws such as the Mines and Minerals Act of Zimbabwe limits women’s participation in ASM. However, the effects of banning ASM include “public protesting, removing economic opportunities for communities, and intensification of risks to miners and the environment when mining continues as clandestine activity, thus undermining a progress towards SDGs.”³³⁰

Gender mainstreaming of ASM and robust gender sensitive mining laws are essential in addressing gender inequalities and capacity needs of women and men. This requires integration of gender perspectives into ASM laws, policies and programmes. There is a a need to address challenges such as limited data availability, lack of women’s representation in decision-making processes and deepened gender inequalities. The selected countries should leverage opportunities for women and collaboration by adopting a multi-sectoral and stakeholder approach. This can contribute significantly to strengthening mainstreaming gender activities in ASM Sector and development of gender sensitive laws and policies.

Country Specific Priorities.

The stakeholders in Ethiopia should focus on:

- a. Creating a robust and gender sensitive mining legal and policy framework that is aligned to the Constitution of Ethiopia and women’s human rights normative framework.
- b. Prioritise formalisation of the ASM Sector.
- c. Promoting access to micro-finance and credit to ensure equity in financial inclusion and capacity for women who often lack collateral.
- d. Addressing multiple barriers faced by women in ASM.

³²⁸ African Minerals Development Centre (n29), p 53.

³²⁹ Perfect (n92).

³³⁰ Hamdiya Orleans-Boham et al, ‘Women in artisanal mining: Reflections on the impacts of a ban on operations in Ghana’ (2020) *The Extractive Industries and Society* 7(2):Volume 583-586.

The stakeholders in Ghana should focus on:

- a. Creating a robust and gender sensitive mining legal and policy framework that is aligned to the Constitution of Ghana and women's human rights normative framework.
- b. Formalisation of ASM, as a way of upgrading the ASM sector.
- c. Addressing barriers and challenges faced by women in ASM.
- d. Addressing conflicts and tensions over land uses in communities between miners and non-miners.

The stakeholders in Kenya should focus on:

- a. Creating a robust and gender sensitive mining legal and policy framework that is aligned to the Constitution of Kenya and women's human rights normative framework.
- b. Fast-tracking the implementation of the Artisanal Mining Strategy and interventions proposed in the Strategy.
- c. Addressing multiple barriers faced by women in ASM.

The stakeholders in Zambia should focus on:

- a. Creating a robust and gender sensitive mining legal and policy framework that is aligned to the Constitution of Zambia and women's human rights normative framework.
- b. Increasing access to ASM finance by women. While ASM in Zambia is known for high levels of formalisation, the lack of access to finance prevents ASM miners from unlocking the benefits that are often touted as the outcomes of formalisation.
- c. Structuring financial instruments in terms of blended finance such as loans and grants will benefit women in ASM.
- d. Developing standard grading and scaling scales for gemstones.
- e. Formalisation of gemstone trading by enacting a relevant regulatory framework.
- f. Establishing Gemstone Exchange Centres in Zambia.
- g. Development of a gemstones benefit-sharing framework to benefit the host mining communities.
- h. In line with the National Lands policy (2021) which reserves 50 % of available land for women legislate on a "specific quota allocation towards the issuance of mining rights"³³¹ for women.
- i. Providing gender-responsive tailor-made training and Gemstones Marketing Centres for women.
- j. GBV specific interventions to address the GBV-ASM nexus issues.

The stakeholders in Zimbabwe should focus on:

- a. Creating a robust and gender sensitive mining legal and policy framework that is aligned to the Constitution of Zimbabwe and women's human rights normative framework.
- b. Formalisation and capacity building of women in ASM.
- c. GBV specific interventions to address the GBV-ASM nexus issues.
- d. Addressing multiple barriers faced by women in ASM.

³³¹ Huggins et al (n3), p 8.

Specific Priorities for Governments in Selected Countries.

The following are specific priorities for the Governments in selected countries:

1. Create an enabling environment for ASM.

- a. Develop robust and gender sensitive ASM legal and policy frameworks and include affirmative type measures that ensure gender balanced participation of women in mining.
- b. Simplify EIAs procedure for ASM participants.
- c. Support the setting up of impact and catalytic funds that benefit women and youth in ASM. The ASMs have difficulties in accessing credit from the traditional sources of finance including banks and microfinance institutions. It is against this backdrop that the government recommends establishment of cooperative to pool resources.
- d. Diversity ASM activities such as value addition and beneficiation.

2. Support Training and Skills Development.

- a. Promote STEM subjects among girls and young women in schools and tertiary institutions to enable them to enter large-scale mining.
- b. Develop tailor-made training manuals on gender mainstreaming of the ASM Sector.
- c. Facilitate training of women on gender, GBV, law and economic activities that are linked to ASM.
- d. Facilitate training of women in skills such as entrepreneurship skills, mining business management, financial inclusion, record keeping, value addition and beneficiation of minerals along the relevant value chains.
- e. Facilitate training of women in ESG issues pertinent to the ASM Sector.
- f. Facilitate training of women on child labour, early child marriages and its effects on child rights in the context of ASM.
- g. To mitigate ASM fatalities, facilitate training of women in environment, health and safety issues.
- h. Facilitate training of women on contract negotiations between ASM and large-scale mining companies, traders and buyers.
- i. Facilitate training of women on how to identify different and quality minerals, mining methods, value addition and market linkages.

3. Mainstream gender equality and social inclusion issues in ASM.

- a. Identify gender mainstreaming entry points in ASM.
- b. Promote women's participation in ASM key decision-making positions.
- c. Support the development of innovative funding models that benefit women and youth.
- d. Support development of gender sensitive financial instruments, products and services.

4. Support creation of platforms for women in ASM.

- a. Create Regional Marketing Centres for Gemstones.
- b. Strengthen ASM women networks and associations at regional, national and community levels.
- c. Facilitate Gemstones Fairs at international, regional, national and community levels.

5. Mainstream the provisions of the Africa Mining Vision regarding ASM in national ASM laws and strategic documents.

6. Support national accounting of ASM activities and supply chains given the tremendous importance of ASM as a livelihood strategy to the rural poor

7. Provide ASM facilities for equipment and machinery: Equipment and machinery, especially those that facilitate prospecting should be made available to the miners.

Source: Survey and literature review.

Actions by ASM Community-Based Organisations and Associations:

- Ensure compliance of laws by women in ASM through provision of loans and grants to register and get appropriate permits for mining activities. Build capacity of members in ESG-related issues and business development skills.
- Provide technical backstopping to women in ASM in terms of mentoring and coaching.
- Mainstream gender equality and social inclusion issues in ASM.
 - ◆ Identify gender mainstreaming entry points in ASM.
 - ◆ Promote women's participation in ASM key decision-making positions.
 - ◆ Develop innovative funding models that benefit women and youth.
 - ◆ Develop gender sensitive financial instruments, products and services.

Actions by Women's Rights Organisations and other CSOs:

As a convenor, organizer and facilitator on dialogues around critical issues on women's human rights, FEMNET can:

- Lobby and advocate for the development of robust and gender sensitive ASM legal and policy frameworks and include affirmative type measures for women and youth.
- Convene networks and partners to support mainstreaming of gender equality and social inclusion issues in ASM.
 - ◆ Identify gender mainstreaming entry points in ASM.
 - ◆ Strengthen the participation and amplify the voices of women in ASM key decision-making positions through technical training and capacity building.
 - ◆ Support the development of innovative funding models that benefit women and youth.
 - ◆ Support the development of gender sensitive financial instruments, products and services to benefit women and youth.
- Strengthen capacity on women's rights, entrepreneurship skills, business management, marketing, value addition and beneficiation of minerals.
- Support, organise and coordinate efforts for women into cooperatives, women mining associations and women only mines.
- Support production and dissemination of knowledge products on key subject-matters knowledge gaps, barriers and challenges affecting women in ASM.

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