

WOMEN AND ARTISANAL AND SMALL-SCALE GOLD MINING: KENYA

Executive Summary

Women undertake economic roles across the artisanal gold mining value chain, from poorly paid, rudimentary processing work to owning mining equipment, such as mechanized ball mills, mining businesses, and even sometimes mine shafts. Women's mining incomes pay for food, housing, school fees, and investments in land, new businesses, housing, and livelihoods. Yet women face distinct challenges in their mining work.

The Research:

This report is based on research conducted over five years (2015-2019) in the Matanda mine site (Osiri junction, Migori), primarily by Sarah Katz-Lavigne, a doctoral candidate at Carleton University, Canada and University of Groningen, Netherlands, and Aluoka Otieno, a PhD student, University of Nairobi. Interviews with government officials, and civil society organizations in Nairobi were also carried out.

Women are primarily found in processing roles and are often banned from or opt out of digging roles, earning less than men and having fewer opportunities to expand their mining work. Women balance their mining work with significant child and home care responsibilities, limiting the time available for economic activities and capital for new ventures.

The majority of women interviewed are unaware of Kenya's new mining laws and policies and have not received training on mining or on new legal requirements. This new regime will clearly affect women, but it is not clear that sufficient efforts are being made to ensure women will benefit and not be negatively impacted by these changes.

For example, women are under-represented in miners' associations and decision-making bodies, and in state offices overseeing resource development. Women in Matanda are not well positioned to form miners' cooperatives that are currently promoted by the Ministry of Petroleum and Mining.

Many women own or work in mining businesses along the value chain, including those that use mercury. It is not clear if women will be eligible for or able to access mining licenses, or if their business will continue to be viable with the implementation of the 2016 Mining Act.

Economic Activities in Artisanal and Small-Scale Gold Mining

The Matanda mine is on trust land in an area where colonial-era hard rock mines date to the 1930s. Mining shafts are deep, requiring machinery, blasting and/or water removal to excavate the mineral-bearing ore. Most women do processing activities: sometimes buying ore from men diggers to process; crushing and drying ore; sweeping areas of the mine site for small amounts of ore to process; working for others at the mechanized ball mills ('crushers') where dried ore is pulverized into sand, or at ponds ('odawo') washing and sieving the sand for gold. Some gold buyers at the Matanda site are women but most are



men, as are gold buyers in Migori Town. Finally, many women work at or own small enterprises (hotels, restaurants, shops) found throughout Matanda.

While women are concentrated in less well remunerated mining roles, other women own mining and related businesses, such as the mechanized ball mill machines or the many ponds/odawo found in Matanda. These businesses require significant financial investment of Ksh 300,000 or more. Some women also own shafts or buy 'shifts' (a time slot, sometimes 24 hours or less, in which to work a shaft and keep the ore).

Most women and men repeatedly said they earn more from mining than agriculture or other available economic activities. Some women said mining gives them financial security and allows

them to invest in other businesses, buy land and improve their houses. Almost everyone reported paying school fees with their mining income. Some women who do sweeping or other, small processing roles said they did not make enough money to pay school fees and feed and house their families.

The new licensing requirements in the 2016 Mining Act, which distinguish artisanal from small-scale mining, are not yet fully in force in Migori, and almost all women and men work without a formal license from the national government. Businesses (shops, crushers) have licenses and pay fees to the county government. Many government and civil society officials interviewed assume mining is 'bad' for women and seem unaware of the important economic contributions women and men make thanks to their mining work. Some officials view Osiri and Macalder-area mining communities with suspicion. Many women in Matanda are widows supporting multiple dependents through their mining work, yet are not receiving state assistance. Matanda has no public toilet facilities and community members said access to drinking water is limited.

Recommendations

1. Educate local government and community officials about the economic contributions of women and men's artisanal mining work in Matanda.
2. ASM formalization plans and implementation should be based on research and consultation with women from a range of mining roles, and a gender review of all systems to ensure women miners benefit and are not negatively impacted from new requirements for licenses and designated artisanal mining areas.
3. Provide outreach programs by local government officials responsible for health, and/ social development in mining areas, to ensure that women who are older, widowed, and/ or with numerous dependents are able to access services for which they are eligible.
4. Improve sanitation and access to drinking water in Matanda.

Barriers to Women's Access to Mining Resources and Representation in Mining Governance

Despite women's diverse mining activities, they do not usually work as diggers, with many women and men saying women are too weak, will bring bad luck, and/or will be subject to violence if they go into shafts. Women often rely on relationships with men to access ore for processing, and because they are not digging, most women do not learn about ore seams.

Yet, some women do work as diggers and one woman owns shafts in Matanda, as do others in Nyatike sub-county usually on their husband's family land. Without geological knowledge and being able to monitor shaft work, many women find it hard to invest in shafts.

Women are under-represented in discussions about the governance of mining at the site, county, and national government levels at a time when significant decisions are being made that will affect their livelihoods.

There are various groups and associations that represent artisanal miners, organize mining activities and provide communal loans and supports. Women participate in these and are sometimes on the executive, but not in representative numbers.

The management committee in Matanda has one woman executive officer (the treasurer). A recently formed Migori County Miners' Association (MICMA) is now in place as required by the Mining Act, to represent miners from Migori. The vast majority of women interviewed in Matanda were unaware of MICMA or the new law.

Women's care and home responsibilities make it difficult for them to form networks, join groups, and attend meetings. Their under-representation as shaft and land owners increases their exclusion from miners' groups and meetings at which decisions about mining organization are made and which often centre around shaft owners as the main decision-makers.

Recommendations

1. Support women through training, including in geology, and provide them credit/loans so they can access different mining livelihoods, including as shaft owners if they wish.
2. Provide additional training and mentoring to women by recruiting women shaft owners and/or developers to act as mentors or educators.
3. Require all miners' associations that are recognized by the Government to have a minimum 1/3 women executive members.
4. Support educational initiatives for male leaders that address the norms, beliefs and practices that prevent women from working in or becoming owners of mine shafts and other aspects of the ASM value chain.
5. Develop child care sharing models to ensure that women are able to access training and networking opportunities, and participate in associations where decisions are made about mining livelihoods.

Formalization and Legalization Requirements for ASM in Migori: Uncertainties for Women

A Gender Strategy for the Mining Sector is being developed but the 2016 Mining Act and Policy have already instituted ASM requirements that appear likely to have negative implications for women. Efforts are needed to ameliorate the possible gendered effects of the existing law and policy.

The 2016 Act requires an artisanal mining permit which is valid only for three years and can be renewed one time. Mercury use is not permitted in artisanal or small-scale mining. As women mostly do processing work, and many have invested their capital in ponds which use mercury, it is not clear if they must have, or are even eligible for, a permit. It is also not clear if pond businesses will be economically viable without using mercury, yet most of these are owned by women and employ many women working in Matanda. Most women interviewed were unaware of the new laws and licensing requirements and had not received any training.

Many women in Matanda are active in savings or 'table top' banking groups. They are not involved in formally registered groups nor those organized to increase investment in or expansion of mining work. The Government of Kenya has emphasized that miners should form cooperatives to access licenses.

Many women reported that such groups were not possible for them because of their: home and child care responsibilities; lack of time and money to formally register a group; and gendered barriers to pool and share mining assets (equipment; ponds) with others.

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Recommendations

1. Provide targeted training and information for women in Matanda and throughout Migori on the government's formalization efforts, clarifying the implications for women and men working in the sector.
2. Develop specific programs and training to assist women in applying for all categories of mining permits and licenses.
3. Provide training and support to women's groups on skills needed to form and manage groups for mining specific activities and that could be developed into cooperatives.
4. Train women processors and pond owners on mercury-free techniques and provide them with access to loans and equipment needed to operate viable mining businesses that comply with the law.
5. Ensure that women have access to training and equipment needed to comply with the law **before** enforcing the law.