



## Gender and Artisanal and Small-Scale Mining: Connecting Research with Resource Governance

Policy dialogues and training on women's gold mining livelihoods held in  
Osiri and Migori town, Migori 29-30 July and Nairobi 1 August 2019, Kenya.

Kenya's significant mineral wealth is poised to help transform the country into a "middle-income country providing a high quality life to all its citizens by the year 2030," as outlined by Mr. John M. Omenge, the Principal Secretary, State Department of Mining in the Ministry of Petroleum and Mining, May 21, 2019. To do this, the Government of Kenya has launched the 2016 Mining Act and Mining and Minerals Policy, along with various regulations, and drafts of a gender strategy, all aimed to develop the mineral sector to contribute to the country's economy and ensure equitable access to mineral resources and their benefits by Kenyans now and in the future. These documents recognize that the country's artisanal and small-scale mining sector – of gold, gemstones, but also materials like stone and sand – provide crucial livelihoods for women and men. Yet, data on women in ASM in Kenya is still lacking, as noted by Ms. Grace Wasike, Deputy Director Gender Affairs, Ministry of Petroleum and Mining.

Research on women's livelihoods in one gold artisanal and small-scale site in Migori (Matanda) was the focus of three workshops and one day of technical training held in Migori county ( 29-30 July), and Nairobi (1 August, 2019) organized by Ms. Caroline Katisya and Drs. Sarah Kinyanjui and Annette Mbogoh, School of Law, University of Nairobi, the Matanda Management Committee (under the direction of Mr. Kephers Ojuka), Professors Buss and Rutherford of Carleton University, Canada, with the assistance of Mr. Zack Gaya, National Council of Churches Kenya. The workshops and training sessions drew from data collected researchers investigating the gendered organization of gold artisanal and small-scale mining (ASM) in Migori county. Research on women and men's gold mining livelihoods in this area was carried out between 2015-2018, with annual visits to Migori and the Matanda mine site specifically, of four weeks at a time (two weeks in 2018) by a team of researchers including Ms. Sarah Katz-Lavigne and Mr. Aluoka (PhD students at Carleton/Groningen and Nairobi universities), Professor Buss, and Ms. Eileen Alma (Coady Institute, St. Francis Xavier University). Interviews with policy makers and civil society organizations were also carried out in Nairobi and Kisumu.

### **The objectives of the 2019 workshops were to:**

- a. Report back to the mining communities and validate research results on women's gold ASM activities;
- b. Engage the mining communities in discussing the gender dimensions of women and men's ASM activities and the implications for the regulation of the sector;

- c. Foster policy dialogue between local government officials based in Nyatike and Migori town, other authority figures like chiefs, civil society and community representatives, as well as members from the mining communities, on the challenges facing mining communities in their mining livelihoods and efforts to comply with the new laws;
- d. Foster policy dialogue between government officials, civil society organizations and mining community representatives in Nairobi on the gender dimensions of gold artisanal mining (AM) and the implications for changes underway to the laws and policies governing the sector; and
- e. Provide technical training to women and men miners to enhance their mining livelihoods and increase health and safety.

## Methodologies

### a. Workshop with community members in Osiri Junction (42 participants)

A workshop in Osiri Junction, next to the Matanda mine site was held on the morning of 29 July 2019 attended by 42 community members. Participants included women and men miners from an array of occupations in Matanda, including mineral processors, diggers, and shaft owners, with the list of participants compiled in consultation between Mr. Ojuka and the research team. Professor Buss and Mr. Otieno traveled to Migori and Matanda in advance of the workshops to meet with Mr. Ojuka and to conduct pre-workshop surveys of twenty-seven mining community members (on their knowledge of mining laws and regulations, the challenges they face, and the changes they would like to see). Dr. Marie-Luise Ermisch, from the Canadian International Resources and Development Institute and Mr. Griffins Ochieng, kindly assisted with the surveys.



The Osiri-Junction workshops were organized around an adapted photovoice exercise in which the participants were divided into groups of ten and given a selection of photos of women and men doing different mining-related activities in Matanda. The participants then discussed how the photos they chose raised issues about women and men's work and lives in mining. The workshop participants then chose six members (four women, two men) to represent them in a policy dialogue workshop in Migori town and to present key messages about the lives of women and men miners in Matanda and the challenges they face. Four from this group (three women, one man) were then chosen to travel to Nairobi to represent the community at a policy dialogue with government and civil society participants at the University of Nairobi (see below).

### b. Trainings with community members in Matanda mine on mercury and health and safety

Dr. Jennifer Hinton, a renowned ASM and gender expert (and mining engineer), living and working in Uganda, conducted multiple trainings in the busy Matanda site also on 29 July, providing training to

different women on safety in mercury use, and ways to enhance health and safety in processing roles. Dr. Hinton worked with suppliers and a metal-smith in Migori town to construct 'salad bowl retorts' as a means to safely amalgamate gold, while also helping to capture mercury (and hence reduce the amount of mercury in the environment). She then demonstrated to several women buyers how the salad bowl retorts work, leaving them with their own retorts that could be used as prototypes for others. Finally, Dr. Hinton distributed and demonstrated proper use of safety equipment in the form of face masks, goggles and rubber gloves to women doing stone crushing and processing roles.

c. Policy Dialogue workshop, Migori town, Migori

Under the skilled moderation of Mr. Zack Gaya, a meeting with local government officials from county and national governments, civil society organizations, mining associations, and representatives of the Matanda community was held the next day, July 30 at the Maranatha Centre, Migori town. The fifty-one participants included four miners from Kakamega (supported by Groots Kenya), six representatives from the Matanda mine (with one of those representatives supported by the Canadian International Resources and Development Initiative), as well as local and national government representatives from the Ministry of Petroleum and Mining, National Environmental Management Agency (NEMA), the County and National Women's representatives, and civil society organizations such as NCKK, RAPIDO, Fair Trade Africa and others. The meeting centered on a discussion of the research results on women's ASGM livelihoods, the new mining laws and regulations and how these may affect the women and men miners in Migori. This discussion was facilitated by presentations from a representative of the Matanda mining community, Professors Buss and Rutherford on their research results on women's livelihoods in ASGM sites in Kenya, Sierra Leone and Mozambique, and then by Professor Buss on the new laws and regulations in Kenya and their possible impacts on women and men miners in Migori. The meeting concluded with a roundtable with short presentations by Mr. Bizmark (Microdepro) on mining cooperatives and associations in Migori, a woman miner from Kakamega, on mining formalization in Kakamega, Mr. Abraham Amugune (Cooperatives Commissioner), Ms. Edrian Trinity-Davis, Network Movement for Justice and Development, Sierra Leone, and Ms. Achia Mulima Anaiva from the Mozambique women's rights organization LeMusica.

Key themes that emerged through the presentations and meeting discussions clustered around six main topics. The first was **women's mining roles**, equitable access to land for mining and good quality ore and remuneration equal to that of men. Many participants noted that women's mining roles resulted in important income for them and their families and that women's processing roles in Migori are an essential part of the mining value chain. But, it was noted, women in processing roles often earn very little and women can be deterred from going into shafts and/or owning shafts, either by cultural norms or even by active discouragement by some people (albeit, some women and men are also afraid to do digging work in mine shafts). Participants largely agreed that social norms against women going into shafts were changing and some women who owned or worked in mine shafts defied these norms. Others noted that even if women are able to access shafts, they are sometimes chased away if the quality of the ore increases. Participants from Kakamega noted there is a woman-owned and run shaft there, aided in part by some supportive men. Focusing on unequal treatment or barriers facing women in their mining work, it was noted, does not mean that the issue is one of women versus men. Women and men must work together to support women's empowerment. Finally, participants noted

that new technologies could be introduced to facilitate women's access to the full range of mining roles.

The workshop discussion then moved to consider some potential challenges facing women and men in Migori with implementation of the new Mining Act. **Accessing mining licenses/permits** was a recurring concern raised by many participants. The Mining Act provides that artisanal permits can be held by Kenyan individuals or groups but the government's approach is to issue permits only to cooperatives/groups, which was confirmed by the Ministry representative. Multiple participants raised concerns about the delays in accessing either artisanal or small-scale permits both in Migori and in Kakamega. In Matanda, participants noted that there was a lack of clarity and action on requirements for land owner permission for trust land. The resulting delay, participants noted, may mean that other, larger licenses could be issued for the area, thereby excluding miners from the community who are currently working in the site. Finally, the move to digital records was noted as a potential barrier to women and men in Migori accessing mining licenses/permits.

A third and related theme was the role of **mining cooperatives as permit/license holders**. The Mining Ministry representative noted that cooperatives were promoted because this would lead to better results for miners, encouraging them to combine their efforts to build their mining operations. Several participants noted that the cooperative structure in Kenya is generally used to conduct a business but in the mining context the cooperative is formed for the purpose of holding a permit/license. It wasn't clear if the cooperative form was the best structure for this. Further, cooperatives were being imposed by the government, they said. Professor Buss asked if there were barriers to women in joining and fully participating in cooperatives that hold mining licenses, noting that in Kenya women tend not to be as well represented in formally registered organizations. Participants noted that cooperatives require specified contributions to be made at prescribed time periods and this may be hard for women. Others noted that Kenya should look at experiences in other countries, like Tanzania where digital license applications were not successful.

**Devolution and the role of county governments** was also a recurring theme in discussions. One civil society participant noted the county should be doing more on disaster preparation, while others expressed frustration at delays in security county and national government approvals. County government officials noted that mining regulation vests with the national government and on many matters, their hands are tied.



The Mining Act and regulations also provide for the **designation of ASM areas**, the fourth main theme of discussion. Would Matanda be a designated area and what would happen if it was not? Participants raised concerns that the Act does not allow overlapping licenses, meaning that if Matanda is not a designated ASM area, an exploration license could prevent artisanal permits being issued. The Ministry representative provided two helpful interventions, noting first, that miners could consult the online cadaster to monitor mining licenses including those that may expire or be withdrawn. Second, the Artisanal Mining Committee for Migori is currently chaired by Mr. Kephers Ojuka, as the Chair of the Migori County Miners' Association, with an additional three positions to be held by representatives of mining communities. These four representatives could propose that Matanda be a designated artisanal mining area, he said.

d. Policy Dialogue workshop, University of Nairobi, School of Law, Nairobi – 1 August 2019

The final activity was held in Nairobi, with thirty-two participants coming from universities in Kenya, Mozambique, Sierra Leone and Canada, civil society organizations, members of the Matanda mining community in Migori, and Kenyan government ministries gathered at the University of Nairobi's School of Law for a half day workshop on gender and artisanal and small-scale mining. The morning session was followed by an afternoon roundtable to consider how university curriculum could be adapted to include material on gender and resource extraction including artisanal and small-scale mining.



Workshop participants included colleagues from the University of Nairobi, University of Sierra Leone, and Eduardo Mondlane University in Mozambique. A robust civil society participation was anchored by AWIEK, FIDA, Open Society, Earth Rights and Groots Kenya. The national government was represented by NEMA, Kenya National Commission of Human Rights, the State Department of Gender, and the Ministry of Mining. As in Migori, the event began with presentations from two representatives from the Matanda mining community in Migori (with another two also present) and by Professors Buss and Rutherford. In addition, the meeting benefited from an introductory presentation by a representative of the Permanent Secretary of State Department of Gender and Ms. Grace Wasike, Deputy Director, Gender Affairs, Ministry Petroleum and Mining.

The discussion at this event was more fully on women's mining roles and the government's gender strategy, with key themes including the use of mercury and government-providing training for women in the mining communities in Migori county; women's access to mining licenses and land for mining; the best means to support women's groups and possibilities for mining cooperatives, potential for technology to improve mining, and empowering women and men miners through training and access to funds for mining operations. In response to the excellent and fulsome presentation by the Deputy Director, Gender Affairs, participants urged more training by the government to limit mercury exposure, help women to adapt their mining businesses,



and more provision of technology to aid women in their mining work (see the separate summary of the University of Nairobi Workshop for a longer discussion).

### **A Partnered Knowledge Project on Gender and Artisanal and Small-Scale Mining (ASM)**

These activities took place as part of a project mobilizing research on women and ASM to foster networks and dialogue on the gender dynamics of artisanal and small-scale mining in sub-Saharan Africa. With funding from Government of Canada's Social Sciences and Humanities Research Council (SSHRC), the project activities include knowledge exchange, multi-stakeholder dialogue, training, and open access materials, to connect policy makers, researchers, civil society actors and mining communities in Kenya, Mozambique, and Sierra Leone, to the emerging research on gender and ASM.

Partners of this project include: Professors Doris Buss and Blair Rutherford, Carleton University; Dr. Aisha Ibrahim, University of Sierra Leone (Fourah Bay College); Network Movement for Justice and Development, Sierra Leone; Mr. João Colaço, University of Eduardo Mondlane (Mozambique); Dr. Sarah Kinyanjui, University of Nairobi (Kenya); Forum Mulher, Mozambique; Government of Germany's Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) Sierra Leone; United Nations Economic Commission for Africa, and Ms. Eileen Alma, Coady Institute, St. Francis Xavier University. Further information on the project can be found under "Project – Statebuilding and Women's Livelihoods in Artisanal and Small-Scale Mining" at <https://carleton.ca/africanstudies/research/artisanal-mining-and-gender-in-sub-saharan-africa-exploitation-miniére-artisanale-et-le-genre/>.



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