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**WORKING PAPER**

**Digging for Power: A Research into Women's Experience of Extractive Industries Developments in Karamoja**

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**Abstract**

In Karamoja, the development of extractive industries created new challenges and opportunities for local communities. While a lot of attention has been paid to the gender-differentiated impact of such developments, much less is known about how women deal with those changes in their everyday lives. Based on qualitative data collected throughout ASF's and ANARDE's activities with (women) miners and relevant stakeholders in the region, this research looks into women's initiatives to adapt to, prevent or mitigate the impacts of extractive industries.

The research finds that the arrival of EIs in already fragile environments creates avenues for women to take initiatives to answer some of their immediate concerns, while limiting their ability to react when facing other types of injustice, such as health issues, gender based violence, environmental degradation, etc. On such issues, action is hindered by the fact that women have to call upon external supporting structures many of which have been transformed and weakened by the growing presence of EIs. This is especially the case for the local institutions and traditional justice mechanisms, which struggle to deal with issues involving mineral companies.

Among the many recommendations suggested by this research, there appears to be a need to strengthen the structures to which women resort to solve their issues (such as the local leadership and administrations) or through which they channel their concerns (such as women rights groups). In a context of high asymmetries of power, those actors should be able to protect and advance women's interests and rights.

## Introduction

The development of Extractive Industries (EIs) in resource-rich regions where institutions and law enforcement are weak can be both a curse and a panacea for local communities. As they stand between the benefits and disadvantages of boosting economic activity, a large body of evidence from research and practice shows that women tend to be more adversely affected than men by the industrial exploitation of their natural resources, and that the development of EIs tends to fuel gender inequality.<sup>1</sup> Men are likely to get a greater share of the benefits than women in terms of employment and income. Women on the other hand are more exposed to the negative consequences – social disruptions, environmental degradation – as those often affect their source of income.

Uganda has so far shown to be no exception to those trends, as extractive resources are put at the centre of economic development strategies.<sup>2</sup> In recent years, the mining sector has been through processes of expansion, industrialisation and formalisation. Private companies, more and more funded by international capitals, play an increasing role in a sector still largely dominated by artisanal and small-scale mining (ASM) – 90% of the country's industrial and metallic mineral production in 2008.<sup>3</sup> Revision of the mining regulations and policies are ongoing.<sup>4</sup> Along with industrialisation, the partial implementation of legal frameworks have led to multiple violations of the rights of land owners and users, as well as workers employed in these industries.<sup>5</sup>

A lot of attention has been paid already to the impact of mining exploitation on local populations and on women specifically.<sup>6</sup> However, less is known about how women deal with those changes in their everyday lives. In carrying out this research, Avocats Sans Frontières (ASF) aimed to shed light on women's initiatives to adapt to, prevent or mitigate the impact of EIs. Taking an interest in their individual and collective initiatives, our purpose is to put forward ways of action to foster women's participation in economic development.

What most strikingly stood out from the research is that the arrival of EIs in an already fragile environment creates avenues for women to take initiatives to answer immediate needs, often of an economic nature, while limiting their ability to react when facing other, larger-scale types of injustice, such as violations in their rights to access land or gender based violence (GBV). On such issues, action is

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<sup>1</sup> See e.g. Eftimie, A., K. Heller and J. Strongman. 2009. *Gender Dimensions of the Extractive Industries: Mining for Equity*. The World Bank, *Extractive Industries and Development Series* 8; UN Women. 2014. *Gender Equality in the Extractive Industries in Africa*. Policy Brief. Eastern and Southern Africa Regional Office; UN Women. 2016. *Promoting Women's Participation in the Extractive Industries Sector: Examples of Emerging Good Practices*. Eastern and Southern Africa Regional Office; Macdonald, C. 2017. *The role of gender in the extractives industries*". United Nations Institute, *WIDER Working Paper* 52; Hill, Ch., Ch. Madden and M. Ezpeleta. 2016. *Gender and the Extractive Industries: Putting Gender on the Corporate Agenda*. Oxfam.

<sup>2</sup> Cf. plans made for the development of the country by 2040, in which 'oil and gas' and 'minerals' are identified as key economic opportunities. Government of Uganda. 2010. *Uganda Vision 2040*.

<sup>3</sup> Barreto, L., P. Schein, J. Hinton and F. Hruschka. 2018. *The Economic Contributions of Artisanal and Small-Scale Mining in Uganda: Gold and Clay*. Pact Global UK & Alliance for Responsible Mining.

<sup>4</sup> See *ibid.*: 5. The new Minerals and Mining Laws and Policy are pending adoption. The 2018 Draft Minerals and Mining Policy, among others, sets gender equity as an objective and establishes an ASM Fund to support miners and a Mining Tribunal to "arbitrate minerals and mining disputes".

<sup>5</sup> Avocats Sans Frontières (ASF). 2014. *Human Rights Implications of Extractive Industry Activities in Uganda: A Study of the Mineral Sector in Karamoja and the Oil Refinery in Bunyoro..*

<sup>6</sup> See e.g. *ibid.*; Global Rights Alert. 2017. *Assessing Gender Sensitivity in Uganda's Extractives*; Human Rights Watch (HRW). 2014. "How Can We Survive Here?": *The Impact of Mining on Human Rights in Karamoja, Uganda*; Ngabiirwe W, R. B. Tumwesigye and H. B. Muloopa. 2012. *Human Rights Status in the Gold Supply Chain of Uganda: A Case for Artisanal Small-Scale Mining in Karamoja Region*. Global Rights Alert; Saferworld. 2017. *Mining in Uganda: A conflict sensitive analysis*.

hindered by the fact that women have to call upon external supporting structures, many of which have been weakened by the growing presence of EIs or do not have the power to deal with issues involving companies.

## **Research design and methods**

The research was carried out in the framework of a project aimed at improving access to justice for communities affected by extractive industries, implemented by Avocats Sans Frontières (ASF) and its partner organisation Advocate for Natural Resources and Development (ANARDE). The research covered two areas: the Karamoja sub-region and the Bunyoro Kingdom, though this paper only covers the former. Two mining sites displaying different characteristics were targeted in Moroto District: Lolung and Lotonyir gold mining sites in Rupa Sub-County (artisanal mining); and Kosiroi limestone quarry in Tapac Sub-County (both ASM and medium-scale industrial exploitation).

107 people were interviewed, selected through local mobilisers. 42 women (artisanal miners and women in leadership positions in mining communities) and 8 men (community leaders), gave their views during semi-structured interviews or Focus Group discussions (FGDs). Those were administered in local languages, transcribed and translated by trained local interviewers using an interview guide. Five open interviews in English also took place with key informants (NGOs and local government representatives). Desk-based research and activity reports from ASF and ANARDE were used to complement the data. Finally, additional information came forward during the restitution of the main research's findings to participants and stakeholders in Moroto.

The fact that the research was part of an ongoing project supporting local populations potentially brought a bias towards answers seeking to elicit support. However, ANARDE's field presence was key in ensuring access to communities, respondents and interviewers. Local presence also offers opportunities for concrete follow-up action, as the data collected will feed into new projects.

## **Results**

### *Facing change*

Mining, ASM in particular, is an essential activity for many Karamajongs alongside livestock herding and agriculture. In practice, it is not always easy to determine where ASM stops and industrial exploitation starts, but the industry's growth as a whole has had a series of impacts on women's and communities' lives, both positive and negative. To start with, artisanal mining does not require specific qualifications, making it accessible for women who are more likely to be uneducated than men.<sup>7</sup> As women make up a large proportion of the miners, mining not only enables families to generate additional revenue, but also women to increase their financial contribution to the household.<sup>8</sup> Women typically perform tasks such as splitting big stones or sieving the ore for gold excavated or extracted by men or companies. They also undertake a series of related activities including fetching water and firewood, preparing and selling the 'local brew' (a sorghum-based alcohol) and running small food businesses. All women interviewed

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<sup>7</sup> The Karamoja region and women score poorly on the majority of education indicators. For instance, the Net Enrollment Rate for children enrolled in primary education is of 24.7% in Karamoja (23.24% for girls) compared to the national average of 80.31%. The proportion of the female population aged 10+ in Karamoja that has never been to school is of 76.5%, against of 64.0% males and a national average of 12.9%. See Uganda Bureau of Statistics, *Education: A Means for Population Transformation*, UBS Thematic Series Based on The National Population and Housing Census 2014 (Kampala: November 2017), 24.

<sup>8</sup> Barreto *et al.* *Economic Contributions*, 19. Estimated percentages of women in mining vary according to sectors, from 40-80% in alluvial gold mining to 30-40 % in hard rock gold mining.

underline the positive effects of artisanal mining in their lives,<sup>9</sup> both in terms of fulfilling short-term needs (building houses, feed the household, pay medical bills) and investing in the longer-term through investing in small businesses (brewing, food catering). Importantly, women explain how increasing their income enabled them to start saving money and opening bank accounts – often through credit and savings groups – which boosted their financial independence.

These improvement notwithstanding, it remains a struggle for many Karamojong miners to generate sufficient income to meet basic needs.<sup>10</sup> Women undertake mining on top of their household obligations and other revenue-generating activities. Health issues caused by heavy work are frequent and safety standards and regulations poorly applied, if at all existing. Occurrences of sexual harassment have been observed on the mining sites. Complaints of unfair prices set by companies and gold buyers abound, particularly affecting women who are not in a position to negotiate for lack of organisation, time and bargaining power.

More generally, industrialisation has come hand in hand with migrations, lands acquisition and relocation processes that deeply affected socio-cultural structures. Increased rates of alcoholism, HIV, prostitution and gender-based violence have been reported.<sup>11</sup> Women also express concerns about deforestation, soil degradation and air pollution that occur as a direct result of industrialisation. The resulting decrease in agricultural productivity jeopardises women's economic role as it affects their main source of income, contributing to a sentiment of powerlessness which underlies most of their accounts of change.

In the background, the patriarchal social context in which change takes place taints women's experience of it. On the one hand, women are traditionally concerned with domestic and family maintenance and often considered an economic backbone for the household.<sup>12</sup> On the other hand, they are largely excluded from decision-making and participation in households and communities and their opinion considered unworthy in public debates.<sup>13</sup> Somehow, this tension between a strong economic role yet weak social status is being exacerbated by socio-economic progresses. As shown, mining developments have in many ways been a catalyser of injustice for women who suffer from the negative consequences, sometimes disproportionately, while their marginalisation does not always enable to respond to violations of their rights. Conversely, we also found that women have been able to turn their existing and growing economic power into opportunities, making use of the new possibilities offered to them.

### *Mobilising*

Savings groups have been increasingly popular among women in the past years, with as primary objective to improve household resilience and boost entrepreneurship. This country-wide phenomenon<sup>14</sup> also reached the areas surveyed.<sup>15</sup> Women's descriptions of savings groups indicate that they truly contribute to their economic and social empowerment. Alongside those groups, and sometimes out of those groups,

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<sup>9</sup> Note that women interviewed were all involved in ASM, this study therefore does not cover employment in mining companies.

<sup>10</sup> See e.g. World Food Programme and UNICEF. 2016. Food Security & Nutrition Assessment: Karamoja, Uganda;4, 7-8. The study shows that half of the Karamoja household is food insecure, with female-headed households being in a worse-off position. Although this data is not disaggregated by occupation, the miners interviewed underline the challenges they are still facing to meet basic needs.

<sup>11</sup> Those issues have been largely documented and are confirmed by our observations. See e.g. Barreto *et al.* 2018 and HRW 2014.

<sup>12</sup> See e.g. International Alert. 2013. Governance and livelihoods in Uganda's oil-rich Albertine Graben: 25-28.

<sup>13</sup> This was repeatedly mentioned during interviews in both regions.

<sup>14</sup> See Karlan, D., B. Savonitto, B. Thuysbaert and C. Udry. 2017. Impact of savings groups on the lives of the poor. *PNAS* 114 (12): 3079.

<sup>15</sup> Barreto *et al.* 2018: 43-44.

several women's rights groups have emerged. The exact interplay between rights and savings groups is still understudied, yet savings groups empowerment objectives and tendency to pursue women's rights agendas make them a means of resistance as such. Not only can women capitalize on the profits made through mining; savings group can also provide grounds for conceptualising collective action.

A first example is the strike initiated at Kosiroi mining site by one of the women miners groups<sup>16</sup> in February 2018. Women's complaints covered a range of issues, including sexual abuse by Tororo Cement workers and the failure of the company to sign a memorandum of understanding with local communities – which contains provisions to protect the community's land rights, the environment and guarantees that the community will continue to be employed. The strike was called off as the company started to threaten miners with imprisonment. The community's reaction to women taking action was mitigated, some members commending them for the initiative while other considering this was not a role for women. Another example was the initiative taken by women to act out dramas to raise awareness on the dangers of collapsing mine pits in Rupa. As a result, "men saw women doing a great job [...] and supported the women in blocking the holes that were falling on people in the mines."<sup>17</sup>

Beyond those few examples of mobilisation, interviewees struggled to highlight women-led initiatives. On the collective side, women reported no initiative to tackle environmental issues. For health issues encountered in the mining industry, the recurrently mentioned solution was to go to the closest health facility, but no collective action was mentioned although lack of adequate care is a chronic issue. There was also little women-led mobilisation against GBV. From an individual point of view, we observed some recourse to justice, police and local leaders to denounce rape cases and violations of women land and property rights, but those avenues have been limited in their effectiveness and ability to bring structural change.

## Discussion

The discrepancy between the wide array of negative impacts of EI developments described by women and the relatively few reactions they report should be read in the light of the socio-cultural norms that constrain women's agency and narrow it down to largely pragmatic considerations. The fact that those issues are usually not conceived of as rights also prevents them to act as proactive right-holders. Women make use of the structures that give them room for action, such as savings groups. But when they must rely on external actors (men, NGOs, leaders, companies) their actions are largely constrained by those actors' ability to provide support. This is particularly the case when rights violations or conflicts need to be addressed. Analysing those external constraints, we put forward the argument that extractive industry developments contribute to increase the unreliability of supporting structures.

When faced with issues related to mining, women can resort to different justice mechanisms. Courts of law are rarely considered for a variety of reasons,<sup>18</sup> but other formal actors are sometimes involved. In Tapac for instance, a series of reported rape cases by company workers prompted the filing of complaints to the police. In Rupa, rape cases were reported to the Sub-County Chairman, who handled the issue. Such resort to local leaders is the most frequent way used to solve conflicts,<sup>19</sup> especially for women who resort more often to informal and local dispute resolution mechanisms.<sup>20</sup> With varying degrees of formality, the 'local leadership' is key justice actor, covering a broad spectrum of individuals ranging

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<sup>16</sup> The group was in the process of legally registering at the time of writing.

<sup>17</sup> Interview with Female Limestone Miner (3), Tapac Sub-County, Moroto District, 19 April 2018, transcript.

<sup>18</sup> See e.g. The Hague Institute for the Internationalization of Law (HIIL). 2016. Justice Needs in Uganda 2016: Legal problems in daily life: 155.

<sup>19</sup> International Alert 2013: 37-38.

<sup>20</sup> HIIL 2016: 67-68.

political and administrative staff at all levels (such Local Councils I, III and V or Area Land Committees), traditional leaders, Religious leaders and basically anyone in a position of leadership in the community who is respected and trusted. Yet, along with other factors, the arrival of extractive industries has impacted the local leadership's ability to solve conflicts.

Community members and local leaders both point at the fact that they are powerless in handling many of the issues involving mining industries. This research supports previous findings that in Moroto, traditional justice mechanisms were not consulted to adjudicate on business-related issues, concluding that the latter's "lack of formal recognition [under the law] also aggravates the power imbalances between the communities and the business, leaving cultural leaders with no authority to summon representatives of mining industries."<sup>21</sup> In the same vein, there is a reluctance to consult Elders for industry-related matters, which is not only linked to perceptions of incompetence but also of corruption. When they can, women seem to prefer resorting to actors with a high-perceived degree of authority or legitimacy, such as the police, Sub-County leaders or NGOs.

While the decreasing trust in traditional leaders is likely part of a more general phenomenon linked to modernisation, it can be argued that the trend was accelerated by the presence of powerful private actors in the competition for land and natural resources. As guardian of customary land, clan leaders are at the forefront of negotiations with third parties wishing to acquire the land, be it compulsorily (government) or through transactions (companies). Women, who are excluded from those traditional structures and decision-making processes, have been barred from exercising influence on economic development processes.

Opacity characterises the licensing, taxing and land acquisition processes that are supposed to regulate industrial mining, fertilising the grounds for corruption at both central and local level. According to those interviewed, bad faith tends to characterise mining companies operating in Moroto District. Numerous cases of land-grabbing and instances of companies walking straight to the site of exploitation with a license from the government and without notice to the local authorities or land owners have been reported.<sup>22</sup> For local leaders, the temptation is high to abuse their position as interface between companies and the communities. Recent development in Rupa Sub-County have shown how local elites supposedly negotiating on behalf of their communities can misuse their power in their own interests. Often excluded from the local structures, women and other vulnerable groups are the first to pay the consequences.

Politico-administrative actors can play a central role in closing some of the above-mentioned gaps by adopting binding regulations and supporting women empowerment. However, our research shows that those institutions have been inconsistent, if not entirely absent, when it comes to answering women's concerns and promoting their rights. This is certainly the case for central authorities, which most respondents see as distant, corrupt and siding with companies. Local governments on the other hand, Sub-Counties in particular, seem to be a relevant space for relaying women's voices and acting in their interest. On the whole, local government structures remain largely male-dominated. As is the case for community structures, women tend to be confined to roles of women representation and equal participation is far from achieved. Yet, many respondents confirmed that women voices are heard within Sub-County and Village institutions, for instance through women-specific meetings. In turn, several examples show that local officials such as Community Development Officers or Women Councillors have been promoting women's interests or taking initiatives to empower them.

There appears to be a strong personal factor in whether or not a Sub-County will proactively support women, a fact probably reinforced by the weak legal and policy frameworks regarding the role of local

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<sup>21</sup> ASF 2014: 45.

<sup>22</sup> See *ibid.* 20-24 ; Saferworld 2017: 12-13.

governments.<sup>23</sup> Lower levels of administration are usually unaware of latest mining developments and unable to fulfil their duty to inform, which can lead communities to believe they hide information from them. Discrepancies between areas were clear in Moroto, where the two Sub-Counties surveyed showed opposite types of behaviour. In Rupa, authorities have been proactive in raising awareness, passing by-laws and establishing rules which protect miners and women in particular. The Sub-County is perceived more positively by women and civil society actors we interacted with, and it is an actor frequently resorted to for solving issues. In Tapac, no such action was reported to us and Sub-County leaders were described perceived as corrupt, powerless and unwilling to act.

All in all, the poor material conditions in which local institutions operate, their lack of information and little bargaining power contribute to creating a highly unequal distribution of power. EI developments do not only widen power asymmetries between private actors and local communities, but also within communities between leaders and the more vulnerable community members. As stakeholders' focus is set on the competition for resources, be they land or what lies under, the institutional gaps described above cater for systematic disregards of the interests of those who cannot make their voices heard.

## Conclusions

As any important factor of change, EIs have brought about positive and negative consequences for the communities in which they develop. This paper pointed at some of the factors enabling or constraining women's ability to solve problems and seize opportunities but also, at the risks for power abuse in a hugely asymmetrical context. Those risks can be mitigated through a multi-faceted legal empowerment action, targeting actors across the whole justice spectrum.

On the demand side, women and communities affected by industrial developments need to be equipped to not only redress the injustices they face, but take an active stance in socio-economic developments. Understanding one's rights is a pre-condition to act upon them. New realities also call for redefining legal empowerment programmes, focussing on socio-economic rights and looking at new categories of vulnerable justice seekers, such as miners and small entrepreneurs. Among those groups, women deserve specific attention as they continue to face challenges tied to their position in society. The new configurations of local politics also highlight the necessity to strengthen the communities' ability to monitor and hold their elites accountable.

Of equal importance is to work on the supply side, ensuring the availability and efficiency of justice mechanisms, as safeguard for inclusive development. Comprehensive legal empowerment also entails working on coordinating those mechanisms into more coherent justice journeys (e.g. through referrals pathways between different levels or addressing the lack of legal services at community-level). Actions range from empowering community-based justice actors to act on cases involving mining industries, to enacting and implementing national and local regulations through which private and public stakeholders in the extractive industry can be held accountable.

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<sup>23</sup> See *ibid.* 11-14; Hinton, J. *et al.* 2018. Baseline Assessment of Development Minerals in Uganda, Volume 1. ACP-EU Development Minerals Programme and UNDP: 85 ff.

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