



COUPLED POLICY BRIEF

Empowering women in Tanzania’s artisanal and small-scale mining sector

Women in Tanzania’s artisanal and small-scale mining (ASM) sector face many challenges as they navigate in a male dominated field. At the core of these challenges is the lack of recognition and representation of women. The legal framework exacerbates this issue, as it only acknowledges license-owners in its definition of small-scale miners. Since women are rarely the license-owners, they are not included in this category. To ensure an inclusive development of the sector, it is important to promote the recognition and representation of women.

KEY MESSAGES

- Strengthen local and national women miner associations to improve the representation of female miners on local, regional and national level
- Include non-licensed miners in the legal framework to give female miners better opportunities for participating in the formal economy
- Facilitate platform meetings where women can communicate their challenges and participate in decision-making processes
- Invest (financially and educationally) in female miners to strengthen their position in the sector



Women in Tanzania's artisanal and small-scale mining (ASM)

For hundreds of thousands Tanzanian women, ASM is a vital livelihood practice and a crucial source of income. It is a sector immersed in hope, risk and uncertainty, and it continues to be characterised by its unsafe, unhealthy and environmentally damaging practices. While many of the challenges in ASM cut across gender, there are challenges that are experienced by women in particular. These include harassment, limited access to finances, restricted access to land, restricted mobility, health issues and lack of representation and recognition. To address these challenges, it is important that women are included in the legal framework and encouraged to participate in decision-making processes on local as well as national scale.

ARTISANAL AND SMALL-SCALE MINING (ASM) IN TANZANIA

- It is estimated that 450,000 - 1,5 million Tanzanians engage in ASM.
- 27.6 % of artisanal and small-scale miners are women.
- Up to 9 million Tanzanians are depending on ASM.
- The main ASM activities in Tanzania involve the production of gold, building materials, diamonds, gemstones, copper and salt.

The legal framework of ASM

The juridical landscape of ASM dates back to 1979 where the first Mining Act was introduced. In this, Tanzanians were given an opportunity to acquire a prospecting license (Jønsson and Fold 2009). Since then, small-scale miners have been acknowledged in the legal framework. In the Mining Act of 1998, the Primary Mining License (PML) was introduced, which is a license available for small-scale miners by which they can obtain the legal rights to mine in a certain area (The United Republic of Tanzania 1998). In 2010, the validity of the PML was extended from 5 to 7 years and more licenses were introduced for smelting and refining. This was done to ensure value addition of minerals (The United Republic of Tanzania 2010, 2009). Under the Amendments of 2017, the focus on control,

compliance and revenue enhancement increased (The United Republic of Tanzania 2017). This meant, among other things, a raise of the tax on mineral trade by 1 % (Huggins & Kinyondo 2019).

Recently, the government has taken new measures to formalise ASM by introducing the mineral markets and prohibiting all trade outside of the markets. These markets have been established in the mining regions of Tanzania throughout 2018. At each market, there is a government official present to record and tax all transactions. This has led to a significant increase in revenue collection. However, informal trade persists since not everyone has the capacity to reach the markets, and/or the willingness to pay the government revenues. Particularly for the workers who only excavate and process small amounts of minerals, it is easier to sell to a broker at the mining site, even if it means that they have to sell at a low price.

PRIMARY MINING LICENSE (PML)

To be officially recognised as a small-scale miner in Tanzania, one must obtain a Primary Mining License (PML). This requires the financial means to:

- Pay an application fee of 50,000 TZS (approx. 21 USD)
- Pay an annual rent of 90,000 TZS per hectare (approx. 39 USD)
- Compensate the people living on and/or using the area for agriculture

A PML is given on a 'first come, first serve' basis. It is valid for 7 years and gives the claim-holder the right to mine in a certain area. The maximum size of a licensed area, under a PML, is 10 hectares.

National and local governance structures

ASM in Tanzania is mainly governed by the Ministry of Energy and Minerals. Under the ministry, there are four sub-institutions: Geological Survey of Tanzania (GST), Mineral Resources Institute (MRI), The State Mining Corporation (STAMICO), and The Mining Commission. Especially STAMICO and The Mining Commission are influential in an ASM context. While STAMICO is a governmental enterprise who facilitates and promotes small-scale miners in Tanzania, The Mining Commission is in charge of the licensing procedures and the implementation of national policies. The Mining Commission is divided into national, regional and local offices. Besides the ministerial institutions, the mining associations are important links between national and local scale. FEMATA, the Federation of Miners Association in Tanzania, is a national federation representing miners. It functions as an umbrella institution for the REMAs (Regional Miners Associations). With the support from the government, FEMATA and the REMAs were formed in the 1990s to give artisanal and small-scale miners a voice (Mwaipopo et al. 2004). The associations lobby the interests of miners, support the local implementation of policies, and facilitate the miners when there are issues or disputes to be solved. However, a study of three different ASM communities in Tanzania showed that in 2004, only 10 % of the miners in the survey were part of a REMA (Mwaipopo et al. 2004).



Formalisation for the few

By formalising ASM, the government hopes to enhance the revenue collection and increase the mineral production. A current measure is the collaboration between government institutions and the NMB Bank. Together, they aim to provide small-scale miners with loans. To be eligible for a loan, the miner must acquire a PML, a bank account at NMB bank, sufficient records over production and transactions, an official office address and a security for the loan. Only a minority of Tanzanians engaged in ASM can check these boxes. Restricted access to bank loans is a persistent struggle among artisanal and small-scale miners because of the high degree of uncertainty embedded in the sector.

Local realities: complex and informal ASM structures

One of the main challenges in the Tanzanian ASM sector is the lack of geological data. This means that the majority of artisanal and small-scale miners mine 'blindly', not knowing if their work will pay off. As such, the miners can invest large amounts of labour and money in pit constructions, and get no return. To minimise these risks, artisanal and small-scale mining is organised in complex, informal partnerships between different stakeholders. There are many variations to these partnership structures but often the PML-owner subleases his/her area to a sub-contractor who can finance the mineral production. The sub-contractor hires workers to extract and process the minerals (Fisher 2007; Jønsson and Fold 2009). These activities can be sponsored by a broker or a dealer who supports the miners during low production and in return get a percentage of the outcome when the production is high (Lange 2006). After the minerals are extracted, they are sold to brokers and subsequently to dealers who all profit from the trade. These informal hierarchies in ASM result in uneven distributions of profit, where the workers who risks their lives excavating and processing minerals are the ones profiting the least. Among other things, it means that the majority of the workers have little opportunity of prospering. Especially women are struggling to succeed in ASM as they are often the ones performing the lowest paying tasks.

Being a woman in a male dominated sector

When women engage in ASM, they immerse themselves in a sector full of challenges. Often, they are positioned at the bottom of the hierarchy, crushing ore or performing other tasks related to the processing of minerals (Merket 2018). Some of the challenges women experience in ASM include sexual harassment, discrimination, limited mobility, limited access to resources and health issues (particularly exposure to contaminating chemicals and sexually transmitted infections)

(World Health Organisation 2016; Clift et al. 2003; Merket 2018; Mutagwaba et al. 2018). There are several reasons to why women are restricted in their access to land and finances, one reason being superstitious beliefs saying that the presence of women will cause minerals to evaporate (Mutagwaba et al. 2018). Moreover, discrimination and pre-existing gender structures can make it difficult for women to access loans and raise enough capital for a license (Mutagwaba et al. 2018). In Tanzania, the only formally recognised small-scale miners are the PML-owners. This means that the majority of artisanal and small-scale miners work outside the legal framework. Often, women engage in day-to-day work with no written contracts. When women are excluded from the legal framework and work without contracts, they have no official claims, titles or legal documents concerning their work. This means that they become vulnerable to exploitation, and they struggle to partake in the formalisation and development of the sector. As such, the discrepancy between the legal framework and the local reality exacerbates already existing inequalities in ASM.

KEY CHALLENGES TO TANZANIAN WOMEN IN ASM

- Restricted access to land
- Limited access to finances
- Restricted mobility
- Harassment and discrimination
- Health issues
- Lack of representation and recognition

Towards a better representation of women in ASM

Women are a minority in most of the ASM platforms, dialogues and workshops in Tanzania. Yet, there are local, regional and national women miner associations (such as TAWOMA and GEWOMA) representing and promoting women in ASM. When women become members of associations or organise themselves in groups, they have better access to workshops and platform meetings, and as such, they get an opportunity to represent themselves and air their challenges. However, previous studies have showed that these organisations often lack capacities in terms of management, funding and outreach (Mwaipopo et al. 2004). In order to empower women in ASM, these groups and associations must be strengthened. Moreover, it is crucial that they become inclusive so all female miners have the opportunity of being represented. Another measure that must be taken is to ensure that the formalisation of ASM does not marginalise women, but empower them. Firstly, there is a need for formally acknowledging artisanal and small-scale miners beyond the license-holders. Only so, can women be included in the debate. Secondly, it is important that women are not only considered a marginalised group, but a vital part of ASM. In other words, it is crucial to invest in women rather than victimise them, in order to strengthen women's position in the sector and reach the target of gender equality in ASM.

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Sources and other interesting links

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