



STIMULATING EFFECTIVE ALLIANCES AND NETWORKS FOR ARTISANAL AND SMALL-SCALE MINERS (ASM) IN EAST AFRICA

**A Synthesis Report of the Proceedings of the Workshop on Artisanal and Small-scale Miners
(ASM) in East Africa**



Minister of State for Mineral Development in Uganda, 5th from front row: Group photo of Participants in a Workshop Organised by the Action Coalition on Climate Change (ACCC) in collaboration with Community Action for Nature Conservation (CANCO) at Grand Global Hotel, Makerere-Kikoni, 8th April, 2015

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TABLE OF CONTENT:

TABLE OF CONTENT:	i
ACKNOWLEDGEMENTS	ii
1.0 BACKGROUND & JUSTIFICATION	1
1.1 Purpose of the workshop	1
2.0 WORKSHOP METHODOLOGY	2
3.0 OPENING SESSION	2
3.2 Key Note Address & Official Opening of the Workshop	4
3.3 An overview on the Status of ASM Networks and Alliances in Uganda	5
3.4 Strengthening Laws that work for the ASM communities in Uganda	7
4.0 SESSION II	10
4.1 Sharing Experiences on ASM in the East African region	10
4.1.1 Experiences from Artisanal Gold Miners Association, Mubende District	10
4.1.2 <i>Factors influencing people into ASM in Mubende</i>	11
4.1.3 <i>What needs to be done to stimulate effective networks and alliances?</i>	11
4.2 Experiences from Kenya	12
4.3 Human Rights in the Gold Supply Chain of Uganda	14
5.0 SESSION III	15
5.1 Successful Case Studies of Sustainable ASM Networks and Alliances	15
5.1.1 <i>Existing Networks</i>	15
5.1.2 <i>Strategies for achieving Successful Networks and Alliances</i>	16
5.2 Comments, Questions and Responses	17
6.0 CONCLUSIONS & RECOMMENDATIONS	19
ANNEXES	21
ANNEX - I: Workshop Program	21
ANNEX – II: List of Participants	Error! Bookmark not defined.

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The organisation of this Artisanal and Small Scale Miners Workshop involved a number of Stakeholders. Action Coalition on Climate Change (ACCC) Management team would, therefore, wish to extend its gratitude to the Community Action for Nature Conservation (CANCO), Kenya who contributed significantly to the success of the workshop.

Special thanks go to Mr. Enock Nimpamya, the Research and Administration Director at ACCC, and a trained Emerging Leader in African Mining by IM4DC for taking lead in coordinating activities of the workshop.

The tremendous success of this workshop is attributed to the high-level participation of the Minister of state for Energy and Mineral Development, Hon. Peter Lockeris; Representatives of the Artisanal and Small Scale Alliances and Associations who were the key participants; Community Based Organisations and Civil Society representatives; the excellent facilitation of Mr. Becha Hardly, the Executive Director, CANCO; Mr. James Muhindo of Global Rights Alert; Mr. Don Binyina, the Executive Director of African Centre on Mineral Policy (ACEMP); Mr. Kibirige Emmanuel, the General Secretary of Ssingu Artisanal Gold Miners Association; Mr. Griffins Ochieng, Projects Coordinator, Centre for Environmental Justice and Development (CEJAD), Kenya; Mr. Robert Baganda, the Executive Director, PROBICOU; and Mr. Stephen Turyahikayo, Executive Director, Centre for Research and Sustainable Solutions.

Action Coalition on Climate Change (ACCC) leadership is grateful to each of the participants for putting aside time to participate in this critical workshop on stimulating effective alliances and networks for artisanal and small scale miners in East Africa.

This workshop was organised under the Mining & Petroleum Programme of ACCC, and we would once again wish to extend our sincere gratitude to CANCO, Kenya that gave logistical support towards the success of this particular event.

LIST OF ABBREVIATIONS

ACCC	Action Coalition on Climate Change
ACEMP	Africa Centre for Energy & Mineral Policy
ASM	Artisanal & Small-scale Mining
ASMs	Artisanal & Small-scale Miners
ASGM	Artisanal & Small-scale Gold Mining
CANCO	Community Action for Nature Conservation
CEJAD	Centre for Environmental Justice and Development
CBOs	Community Based Organisations
CSOs	Civil Society Organisations
GoU	Government of Uganda
Gov't	Government
MEMD	Ministry of Energy & Mineral Development, Uganda
NASMA	National Artisanal & Small-scale Miners' Association in Uganda
PROBICOU	Pro-Biodiversity Conservationists in Uganda
UN	United Nations
WB	World Bank
WGI	Water Governance Institute

1.0 BACKGROUND & JUSTIFICATION

In many parts of the world, artisanal or small-scale mining (ASM)¹ activities are at least as important as large-scale mining activities, particularly in terms of the numbers of people employed². ASM plays a crucial role in poverty alleviation and rural development; most of those involved are poor and mining represents the most promising, if not the only source of income opportunity available. However, on a negative note, the sector is perhaps better known for its high environmental costs and poor health and safety record. Many continue to view it as dirty, unprofitable and fundamentally unsustainable.

Irrespective of one's perspective of whether or not the sector is a net contributor to sustainable development, the fact remains that small-scale and artisanal mining activities will continue for at least as long as poverty continues to be rampant. It is therefore essential that effort be made to maximise the benefits brought and enabled by small-scale mining, and to mitigate the costs of doing business in the sub-sector. To realise this, the need to stimulate effective alliances and networks cannot be overemphasised as one of the efforts for maximising the potential benefits the ASM sub-sector can bring across the East African region.

In view of the above observation, the Action Coalition on Climate Change (ACCC) together with Community Action for Nature Conservation (CANCO) based in Kenya organised a high-level one-day workshop for artisanal and small scale miners with the aim of **stimulating effective alliances and networking for artisanal and small-scale miners (ASM) in East Africa**. The workshop took place on the 8th April, 2015 at Grand Global Hotel; Makerere Kikoni, Kampala – Uganda. The workshop was attended by over 50 participants among whom included representatives of the ASM in Uganda, members of the Civil Society and Community Based Organisations in Uganda and Kenya.

1.1 Purpose of the workshop

The workshop aimed at providing a platform to ASM associations and Civil Society actors in the mining sector to stimulate discussions on how to build effective alliances and networks for artisanal and small-scale miners in East Africa.

1.2 Objectives

The workshop sought to achieve the following objectives;

1. To enhance and build the capacity of ASM networks in East Africa.
2. To enhance the ASM stakeholder engagement and interaction with government and other sector players.
3. To enhance information and knowledge sharing among different stakeholders in the sector.

¹ Broadly speaking, artisanal and small-scale mining refers to mining by individuals, groups, families or cooperatives with minimal or no mechanisation, often in the informal (illegal) sector of the market. Despite many attempts, a common definition of ASM has yet to be established. In some countries a distinction is made between 'artisanal mining' that is purely manual and on a very small scale, and 'small-scale mining' that is more mechanised and on a larger scale. In some West African countries (Mali, Niger and Burkina Faso), small-scale mining is differentiated from artisanal mining by the presence of permanent, fixed installations established once the existence of an ore body is confirmed (IIED, 2002).

² IIED: Global Report on Artisanal & Small-Scale Mining , 2002

3.0 EXPECTED OUTPUTS:

The workshop aimed at delivering the following outputs;

- Enhanced ASM knowledge, technical ability, and networking skills among the ASM miners and other related players
- Strengthened ASMs systems, rules and processes that influence collective behaviour (decisions and actions).
- Improved relationships between and among the different ASM networks, Civil Society, and Government.

2.0 WORKSHOP METHODOLOGY

The workshop was conducted using a combination of approaches including presentations, plenary discussions, and experience sharing concerning the ASM in the East African Region.

3.0 OPENING SESSION

The opening session involved welcome remarks from the workshop organisers, key note address from the Minister of State for Mineral Development, Brief overview on the status of ASM networks and alliances in Uganda, presentation and discussions on how to strengthen laws that work for the ASM communities. This session was chaired by Mr. Enock Nimpamya – Research and Administration Director at ACCC and Alternate chair of the Civil Society Coalition for Oil and Gas in Uganda.



Mr. Enock Nimpamya taking charge of the opening session during the workshop

3.1 Welcome Remarks

The opening session begun with welcome remarks from **Mr. Stephen Magume** – the Executive Director of Action Coalition on Climate Change (ACCC); Stephen emphasised the importance of collaboration between different stakeholders in order to stimulate and enhance

effective alliances and networks for artisanal and small scale miners in the East African region. He called upon participants to freely interact, discuss and share experiences so as to generate important information that can be applied in various mining fields to influence effective policy formulation and policy implementation in the ASM sub-sector. Stephen ended by appealing to the Uganda government through the Minister in attendance to take measures for effective implementation of the country's good laws for an improved mining sector in Uganda.

Mr. Becha Hardly – the Executive Director of Community Action for Nature Conservation (CANCO) Kenya, in his opening remarks underscored the need to empower communities on artisanal mining through networking and information sharing. He called upon CSOs and the ASM associations to take the initiative of developing the capacities of the ASM communities so as to have organised advocacy effort across the East African region for sustainable development and environmental conservation.



Mr. Stephen Magume – Executive Director, ACCC giving introductory and welcome remarks & appealing to the Minister of State for Energy & Mineral Development to promote ASMs in Uganda through policy formulation & effective implementation



Mr. Becha –the Executive Director, CANCO delivering his opening remarks during the workshop

3.2 Key Note Address & Official Opening of the Workshop

The workshop was officially opened by the Guest of Honour, Hon. Peter Lokeris; Minister of State for Mineral Development, Uganda.



The Minister of State for Energy & Mineral Development; Uganda, Hon. Peter Lokeris delivers a key note address and official opening of the workshop

In his key note address and official opening of the meeting, the Hon. Minister, Peter Lokeris began by thanking ACCC and CANCO for organising such an important regional meeting that provides the East African citizens a very useful platform to exchange information, ideas, experiences and lessons in the management of natural resources, especially minerals in a manner that creates lasting wealth in the respective countries of the East African region.

The Minister brought it to the participants' attention that, Uganda sees the mineral sector as vital to develop its economy. He however noted that, mining often involves a high environmental impact and that, the risk of causing or exacerbating social problems and conflicts is always very high, upon which he hinted the progress the Uganda government has made in the implementation of mechanisms that **(i)** stimulate ASM stakeholder engagement and understanding of the effective social processes for Alliance and Network building for empowered action among the ASM actors; **(ii)** creating an understanding on how ASM as individual groups can build their abilities and relationships to influence collective behaviour; and **(iii)** generate an action plan for Advocacy and Resource Mobilisation as a way of building and sustaining ASM's collective empowered action and strengthened voice.

The Minister concluded by expressing the hope that the Government of Uganda has fast tracked the ASM activity, hence, the review of existing laws and regulations to accommodate ASM sub-sector through formalisation and empowerment. He encouraged participants to discuss policy and legislative approaches that can be used to enhance resource development, social and economic benefits by the delegates and respective governments across the East African community.

3.3 An overview on the Status of ASM Networks and Alliances in Uganda

Mr. James Muhindo, a Lawyer at Global Rights Alert gave an overview on the status of ASM networks and Alliances in Uganda. He spoke about the history of ASM in Uganda, the current status of ASM, and highlighted the regulatory framework related to building strong alliances and networks in the country.

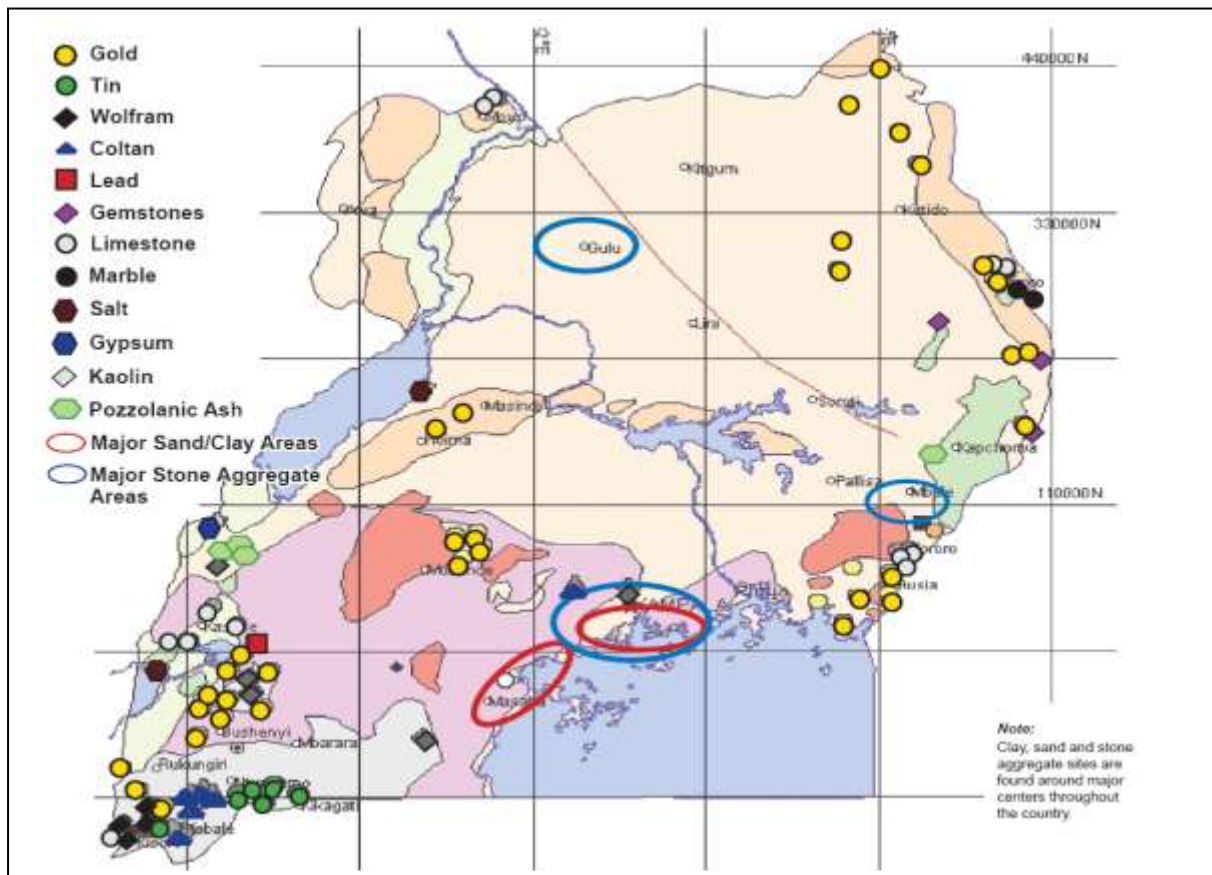


Mr. James Muhindo of Global Rights Alert giving an overview of the ASM in Uganda

On the issue of tracing the history of ASM in Uganda, James noted that ASM can be traced **through four periods** of minerals sector development over the past century. The four periods include; (i) **the period between 1920s and 1950s** – which he said included establishment of a number of colonial gold and tin mines across South-western Uganda; (ii) **the 1950s and 1970s** – **that involved** Kilembe Mines marking the first large—scale mine in the country. During this time, a number of small, semi--- mechanized lead, tin, wolfram, and coltan mines were operated in the Southwest region of Uganda; (iii) **The mid---1980s**, where a series of gold discoveries by artisanal miners generated rushes that drew between 1,000 to 5,000 miners and introduced ASGM to a number of farming and pastoral communities; and (iv) **The 1990s and 2000s**; a period that involved gold rushes drawing between 500 and 5,000 miners, respectively, to Buhweju in the Southwest and Napak in Karamoja region.

James explained the current status of ASM in Uganda, noting that the Minerals sector in Uganda has been hindered by a number of policy, legal, regulatory, and enforcement constraints. He reiterated that it is Stakeholder consultations that led to policy and legal reforms beginning with a **Mineral Policy in 2001**, followed by promulgation of the **Mining Act (2003)** and **Mining Regulations (2004)**. He brought it to participants' attention that all these laws are currently under review in order to accommodate new and emerging developments.

Figure 1: Map of Uganda showing the Active ASM in the country



On the issue of networks and alliances, James enumerated the different Articles and Regulations governing the participation of alliances, networks and CSOs in Uganda’s mineral development sector, where he cited Article 29 of the Freedom of Association, as well as the current Minerals Policy and Law all of which recognize civil society as crucial stakeholders in sustainable minerals development in the country.

James ended by observing that alliances and networks can help overcome the challenges faced by individual ASM, can make access to land easy, helps in negotiations for better prices, policies, and regulations.

3.4 Strengthening Laws that work for the ASM communities in Uganda

This was presented by Mr. Bwesigye Don Binyina, Executive Director - Africa Centre for Energy and Mineral Policy (ACEMP). Don spoke about Uganda's Mining Policy Objectives, the ASM legal framework, the application process for location licenses, rights and duties of location license holders, the distinction between artisanal and small scale mining, the ASM and Government interventions in Uganda, the policy and legal loopholes for improvement, and the Key Issues the New Minerals and Mining Policy 2015 and Legal Regime seek to address.



Mr. Bwesigye Don Binyina delivering his presentation on strengthening laws that work for the ASM communities in Uganda

3.4.1 The current Mining Policy Objectives

Mr. Bwesigye Don began by referring to the 2001 Mining policy for Uganda, indicating that the policy has seven objectives, and that of these, objective 3 is specifically on regularizing and improving artisanal and small scale mining in Uganda. Don noted however, that, from a legal perspective, Uganda has no specific law that looks at the ASM sub-sector, Don added that it is only under Part IV, sections 54-63 of the 2003 Mining Act that ASM is provided for.

Don further noted that the referred to sections 54-63 of the 2003 Mining Act are about location licences³ which can be applied for by any person that wishes to carry on small-scale prospecting and mining operations, such a person has to be a Citizen of Uganda; and in case of body Corporate- a license can only be issued where citizens of Uganda hold at least 51% majority shares of such a body.

Section 58 of the Act is about the size of the area covered by the location license. Don elaborated that the Size has to be 16 Hectares /40 Acres; and that in terms of validity of the location license, section 59 provides for a period not exceeding two years, but an application can be made to the Commissioner for renewal of such a licence for a further period not exceeding two years.

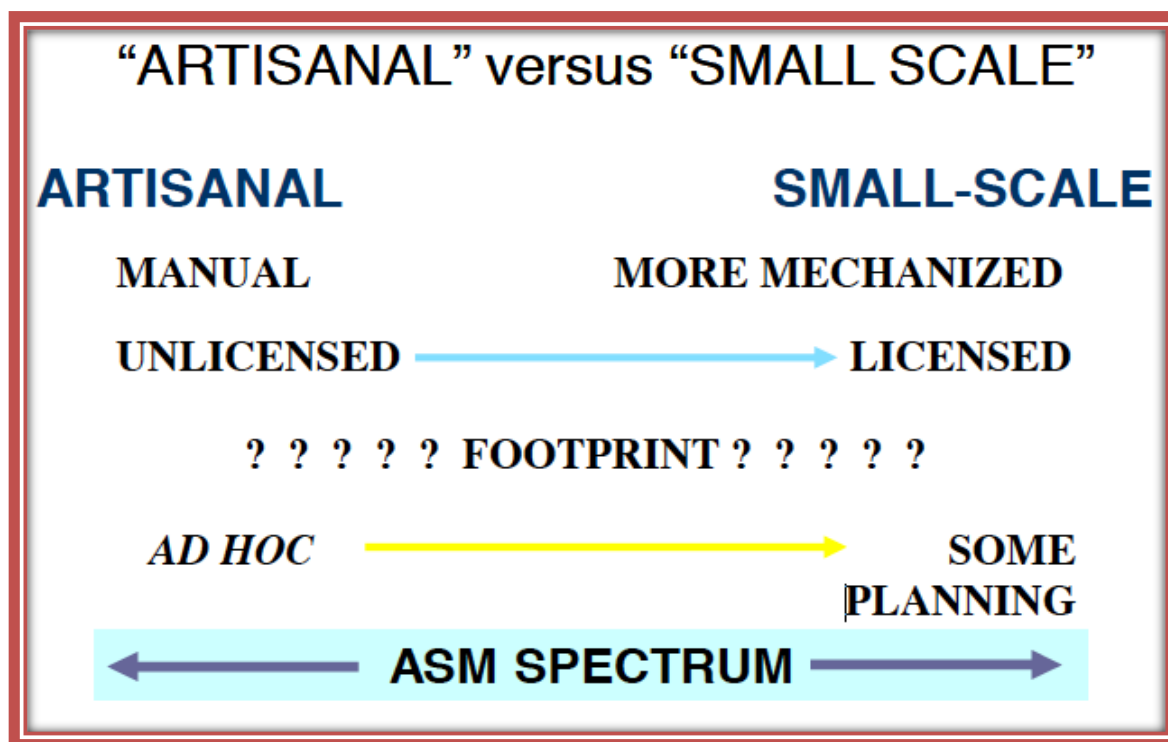
3.4.2 Distinction between Artisanal and Small scale Mining

Don explained the distinction between artisanal and small scale mining using an illustration as indicated below;

³ **Location license**" means a license for prospecting and mining operations by methods which do not involve "**substantial expenditure**" and the use of '**specialized technology**'; This License is by law granted by the Minister

◆ "**Substantial expenditure**" means expenditure in excess of five hundred currency points. (**A currency point is the equivalent of UGX 25,000/=**) $<25,000 * 500 = 12,500,000/=$

Figure 2: illustration of the distinction between artisanal and small scale mining



Don described Artisanal and Small Scale Mining as generally very manual, labour intensive, sometimes mechanized, Small in scale (< USD. 4,000), employing few workers- men, women and children, Disorganized or informally organized and unlicensed, although some others are licensed.

3.4.3 ASM and Government Interventions and Strategies in Uganda

Don observed that over 150,000 women and men miners are involved in ASM and about 1,000,000 other Ugandans indirectly benefit from the sub-sector. Of the estimated 150,000 miners, about 45% are women, noting that though, some sites have up to 70% women.

Don further indicated that ASM produce more than 90% of Uganda’s minerals, and that over 95% of ASM miners in Uganda are unlicensed, most pay fees to Local Governments and Land Owners, hence operating with no license.

He explained the different interventions and strategies put in place by the Government of Uganda (GoU) to improve the ASM sub-sector, noting that the GoU recognizes the role ASM plays in providing employment (especially in rural areas); Improving livelihood of people- directly or indirectly; Controlling rural to urban migration. As such, GoU implemented the Sustainable Management of Minerals programme under the Resources Project (2004- 2011)- WB, AfDB and NDF.

There are currently some proposed strategies by the GoU, among which include;

- **Mineral Policy and Mining Legislation Reforms:** capturing key aspects like Land, Royalties, Environment, Socio-economic aspects, and Good governance.
- Capacity building, awareness campaign and extension services.
- Increased budget.
- Regular monitoring and inspections.

- Formalization, registration then regulation
- Gazette areas for ASM operations
- Establishment of unit for ASM within the institutional structure
- Mainstreaming ASM in development programs

3.4.4 Policy and Legal Loopholes for Improvement

- Don made some observations in the current policy and regulatory framework in regards to the ASM sub-sector, indicating that The Constitution of Uganda (1995) does not explicitly refer to ASM sub-sector in the country, and that the principle legislation does not distinguish between “artisanal” and “small scale” mining yet its overarching objectives concerning sustainable development give a mandate to government institutions responsible for regulation, enforcement and management of the ASM sub-sector.
- The existing legislation does not make any requirements specific to profit sharing, as such, within ASGM producer groups, especially in Karamoja, Women end up forcefully surrendering their earnings to their husbands
- Although generic regulations for chemical handling, waste and water discharge and other standards apply, No specific provisions in the existing laws address the use of mercury and cyanide by ASM (cyanide use would require a Mining Lease).

3.4.5 Key Issues the New Minerals and Mining Policy 2015 and Legal Regime seeks to address

Don ended by appealing to government to focus on the issue of Establishing a clear policy and regulatory mechanism for ASM, access to property rights and obligations for ASM, formalization of the sub-sector to reduce conflicts and the competing interests with Medium-Large scale miners.

Among other recommendations proposed by Don included the following;

- **Availability of a Long-term strategy or funding to formalize the ASM sub-sector,**
- **Formalization to facilitate Gov’t revenue resource base**
- **Provide capacity building to improve savings in the artisanal mining communities.**
- **Strengthen the appropriateness, viability and transparency of policies and systems for collection, management and reinvestment of ASM revenues.**
- **Domesticate guidelines and principles of the ICGLR Regional Mineral Certification in the standardization and certification of ASM “fair trade” conflict minerals to harmonize and grow in scale.**
- **Encouragement through the permitting process collaboration of ASM and large-scale mining.**

- Reduce the social and environmental negative externalities of ASM by providing technical training to improve productivity and to safeguard the environment
- Develop and disseminate and enforce regulations with a particular emphasis on safeguarding water resources, reducing deforestation, ending or reducing the use of mercury and other toxic substances, improve safe working conditions and access to health care.
- Strengthen the monitoring and enforcement of laws against child labour in ASM.
- Strengthen the role and safety of women in ASM
- Promote the inclusion of ASM in rural development and job creation policies and promote alternative livelihoods.

4.0 SESSION II

Session II of the workshop focused on experience sharing on ASM in the East African Region. The session also involved a presentation and discussions on the Human Rights issues in the Gold supply chain of Uganda. This session was chaired by Mr. Henry Bazira, the Executive Director of Water Governance Institute (WGI).

4.1 Sharing Experiences on ASM in the East African region

Experiences were shared by the participants through presentations using case studies such as Gold mining in Mubende and Karamoja in Uganda, as well as other case studies in Kenya. The case study presentations later led to open discussions among the participants on the subject of artisanal and small scale mining in the East African region.

4.1.1 Experiences from Artisanal Gold Miners Association, Mubende District

This was facilitated by Mr. Emmanuel Kibirige, the General Secretary Ssinga Artisanal Miners Association. Kibirige spoke about the Association and what it does, the factors influencing people into ASM in Mubende, and what needs to be done to improve ASM alliances and networks in Uganda



Mr. Emmanuel Kibirige, The General Secretary, Mubende ASM Association sharing his experiences in Gold mining

Kibirige shared with participants that Mubende ASM Association promotes best practices in mining, engages in conflict resolution at the mining sites, builds the capacity of members, advocates for women rights and equal participation in mining activities, runs campaigns to

stop child labour in mining, and Networks with other partners in the sector e.g. Gov't Agencies, CSOs, and CBOs.

Figure 2: View of Mubende Gold Mining Site/Camp



4.1.2 Factors influencing people into ASM in Mubende

Kibirige enumerated the factors influencing people to join ASM in Mubende which he said include;

- Rapid population growth, high level of unemployment,
- High rural poverty levels,
- Increasing mineral commodity demands
- Increasing levels of climate change and land pressures that reduce livelihood options in agriculture and other traditional economic activities

4.1.3 What needs to be done to stimulate effective networks and alliances?

Kibirige pointed out a number of strategies that need to be employed in stimulating effective networks and alliances in Uganda which include;

- Use of the language ASM miners understand during information dissemination and awareness raising.
- Linking ASMs to relevant stakeholders involved in the mining sector and exposing them to visits and learning events.
- Supporting the ASMs to organise themselves into Associations that are licensed.
- Lobbying Government to formalise the ASM sub-sector

4.2 Experiences from Kenya

First, Mr. Griffins Ocheng, the projects Coordinator, Center for Environment Justice and (CEJAD) Kenya, in his presentations on experiences in Gold Mining (ASGM) in Kenya pointed out that In the past 5 years, significant interest has been raised in the extractives sector, with recent discovery of oil and gas, rare earth elements, coal, iron ore, gold, limestone, gypsum, soda ash, gemstones, manganese ore, fluor spar, diatomite, titanium, zircon, chromite, niobium and silica sand. Griffins noted however that all these minerals contribute less than 2% of Kenya's GDP.



Mr. Griffins Ocheng, projects coordinator, CEJAP sharing the Kenyan experience in ASGM

Second, Griffins noted that in Kenya majority of the ASM is in Gold, gemstones and soapstone mining, and that Kenya is currently reviewing and updating existing policies, legislative and institutional framework (Mining Bill, 2014 and New Ministry) in order to fill a number of policy gaps and incorporate contemporary issues in the current laws.

Third, Griffins shared the characteristics and challenges of the Artisanal & Small-scale Gold Miners in Kenya which he said among others include;

- largely manual, low skilled and dominated by peasant miners
- Open cast method is largely the main approach used due to the nature and occurrence of the minerals in Kenya.
- Voices and interests of ASM, local communities and vulnerable groups are very weak or still unheard.
- ASM miners not being recognized in the current Kenyan policy and law
- There is increased Environmental degradation characterized by disturbances of flora and fauna, visual squalor, noise pollution, dust and vibrations and use of mercury causing negative human health impacts and destruction of property.
- Poor technology and equipment
- Inadequate support from government
- Exploitation by intermediaries, unfair trade practices, and limited market access
- Lack of value addition
- Expensive mining licenses and permit
- Poor working conditions and exposure to health hazards e.g. Use of mercury and other chemicals

ASM Gold mining in Kenya and exposure to Hazards



Source: Presentation by Griffins Ocheng 8th April, 2014 at Grand Global Hotel, Kampala

Fourth, Griffins shared what has been done by the Center for Environment Justice & Development (CEJAD) to help respond to the challenges faced by the ASGM in Kenya which he said among others include;

- Development of a Mercury hotspot profile of the ASGM in a user friendly web-based interactive map
- Production of a video documentary on prevailing conditions in ASGM for media outreach, and;
- Promotion of awareness campaigns on health and environmental impacts associated with use of mercury

He further pointed out other measures undertaken by other partners such as the CANCO initiative that aims at stimulating effective representation of ASM in governance and development of the mining sector.

In his conclusion, Griffins called for arrangements to organize the ASM miners to participate in implementation of national and international plans (conventions); Promoting alternatives to mercury use in ASGM and promoting eco-entrepreneurship in ASGM; Initiating discussions on the development of a National Action Plan on mercury in ASGM in Kenya; and Conducting an in-depth inventory study on mercury use and sources in ASGM in Kenya.

4.3 Human Rights in the Gold Supply Chain of Uganda

“Human rights and freedoms belong to individuals by virtue of the fact that they are human beings. Human rights and freedoms are not granted by the State, neither can they be taken away by the State. A right is a power, privilege, or immunity guaranteed under the international Conventions and Treaties. Artisanal Gold mining in Uganda is basically a livelihood for poor people in Uganda, and like any other citizens, the Gold Miners too have to enjoy the same rights”.

Mr. Robert Baganda explained the different Human Rights’ violations and abuses in the ASM Gold supply Chain in Uganda. He said that most Gold miners are not registered therefore Gold Trading is done in a dubious manner and the rights of Gold miners are not recognized, hence calling the activity “illegal mining” by some actors. Robert mentioned some of the binding human rights frameworks that can be used to protect the rights of the ASMs in Uganda, among which include; the Social and Cultural Rights plus General Comment No. 23 of the UN Human Rights Committee of 1994; the 2007 UN’s Declaration on the Rights of Indigenous Peoples upon which he noted that, the international legal discourse enjoins a number of rights of Indigenous Peoples that require protection by the State. He added that the international legal instruments obliges States to recognize that Indigenous Peoples are those peoples whose “social and economic conditions are at a less advanced stage than the stage reached by the other sections of the national community” or whose “social, cultural and economic conditions distinguish them from other sections of the national community”. Robert reiterated that the ASM Gold Miners in Karamoja fit within this definition.

Robert referred to Article 40 of the Constitution of the Republic of Uganda which provides that “every person in Uganda has a right to practice his or her profession and to carry on any lawful occupation, trade or business”. The Article further provides that “every worker has a right to form a trade union of his or her choice for promotion of his or her economic and social interests”. Upon this, Robert called upon the government of Uganda to ensure that the social and economic rights of the ASM miners be promoted by legally recognizing the existence of these important stakeholders.

On the plight of the ASM Gold Miners in Karamoja, Robert brought it to participants’ attention that Gold Miners don’t have access to health care; the HIV prevalence rate in antenatal attendees is as high as 12% in some districts due to high incidence of polygamy and widow/wife Inheritance hence heightening deaths especially among the men. The probability of not surviving beyond 40 years is 45.1% in Nakapiripirit and Moroto districts alone. Robert quoted from CPRC & DRT, 2010 that Artisanal miners and Karamojongs suffer a lot from Malaria whose prevalence stands at 48.2% (CPRC & DRT, 2010).

In his conclusion, Robert called for the Urgent need to review the Mineral Policy and Mining Legislation, as well as the Land &, Royalty regulatory frameworks; Capacity building, awareness campaign and extension services to the ASM Gold miners; Regular monitoring and inspections by government; Formalization, registration and regulation of the ASMs in Uganda; and gazettement of areas for ASM operations.

5.0

SESSION III

This session involved a presentation on the successful case studies of sustainable ASM networks and alliances at the national and regional levels. The session also involved generation of views from participants for future action, as well as closing remarks from the workshop organizers. The session was chaired by Mr. Twebaze Paul, the Deputy Executive Director – Pro-biodiversity Conservationists in Uganda (PROBICOU).

5.1 Successful Case Studies of Sustainable ASM Networks and Alliances

The presentation on successful case studies of sustainable ASM networks and alliances was made by Mr. Stephen Turyahikayo, the Executive Director – Centre for Research & Sustainable Solutions. Stephen noted that Artisanal Small Scale Alliances & Networks are critical for the survival of ASMs in the present times because they aid in transforming the activity from just artisanal to a social business.



5.1.1 Existing Networks

Stephen mentioned some of the existing ASM networks in Uganda and their current status which he said include;

- (i) The National Artisanal and Small Scale Miners Association (NASMA)-An association that brings together all ASMs in Uganda. He noted that although this network is in place but it's currently Dormant.
- (ii) The District Artisanal and Small Scale Miners Association in 17 Strategic Mining Areas in Uganda-Created but Dormant.
- (iii) At the regional level, Stephen said that there exists the Fairmined and Fairtrade ASM Gold network that brings together ASM miners from Tanzania, Kenya, Uganda, and South America.

5.1.2 Strategies for achieving Successful Networks and Alliances

To achieve successful networks, Stephen noted that there is need to formalize networks & alliances through establishment of internal structures and formal registration of such networks and alliances. Successful networks and alliances are those that facilitate the voices of members to be heard, working collectively to achieve strategic objectives and interventions of the network rather than muzzling members up.



*“Our experience in ASM networks in Busia indicates that to achieve successful networks and alliances, there is need to extend financial & technical support: **Governments, the Private Sector and Civil Society Organisations need to extend a hand:** Members of the Busia ASM responding and contributing to the presentation made by Stephen on successful case studies of sustainable ASM networks & alliances”*

5.2 Comments, Questions and Responses

Following the presentations, participants were allowed time to provide comments and questions upon which responses were provided by the lead presenters and discussants.

Figure 2: Comments and Questions from Participants and Responses from the Presenters

Questions and comments from Participants	Responses from the Key Presenters
<p>1. Does the decommissioning plan apply to the ASM sub-sector?</p>	<ul style="list-style-type: none"> - NO, simply because there is no specific and clear law or contract between the government and the ASMs in Uganda. - People simply come in to mine with not even any form of Terms of Reference, so there are no limits and no particular scope of work followed, no one is there to check for environmental, health & safety issues.
<p>2. How can the issue of child labour be resolved in areas where ASM takes place?</p>	<ul style="list-style-type: none"> - Government needs to come up with stringent measures to ensure children are not subjected to child labour, the child labour laws need to be enforced, and above all, there is need to regulate the ASM sub-sector in the country.
<p>3. Why is it that areas with ASMs have not developed?</p>	<ul style="list-style-type: none"> - This is just a perception, the truth is that ASM miners have developments in terms of housing and have greatly contributed towards their local community development because the returns from mining are spent/invested in the communities where mining takes place
<p>4. How can NGOs/CSOs lobby govt for the benefit of all participants in the ASM sub-sector?</p>	<ul style="list-style-type: none"> - This is done through various ways, one of which is organizing such networking fora, undertaking joint research with the ASM miners, and tabling joint position papers on the plight of ASMs before relevant government ministries, departments and agencies.
<p>5. How are Artisanal Miners dealing with the issue of loyalties?</p>	<ul style="list-style-type: none"> - Although there currently exists the public finance management law in Uganda, the ASM sector in Uganda including other East Africa Partner states, is still regarded illegal, therefore, ASMs are not liable to paying loyalties or any form of direct taxes to government until their status is legally recognised.

<p>6. What plan is there for the ASM alliances and networks to share the benefits from the ASM with the communities in which artisanal and small scale mining takes place?</p>	<ul style="list-style-type: none"> - ASMs share the benefits with the communities through provision of direct and indirect employment to the people in the communities. - ASMs largely spend their monies in the communities hence contributing towards community development
<p>7. What is it that the ASM miners want the government of Uganda to do for them given their illegal status?</p>	<ul style="list-style-type: none"> - Government should recognize the effort of the ASM for shared benefits and national development, this can be through legalizing and regulating the activities of the ASM miners.
<p>8. Why is Mercury used by the ASMs in Uganda yet this material is on the list of internationally phased-out chemicals and materials?</p>	<ul style="list-style-type: none"> - Mercury is easy to access and this cuts the costs of ASMs. Besides, the ASMs have not found any problems with the material and don't even know whether it phased out or not.
<p>9. What Particular challenges face the ASMs across the East African Region?</p>	<ul style="list-style-type: none"> - These are very many, among which include; legalization of the sub-sector; inadequate financial resources to invest in the business, limited capacity among the ASMs to understand the technical and economic dynamics of the industry, the issue of middle men who continue to benefit from the sector more than the miners; Lack of social security; unskilled labour force; and challenges related to environment, health and safety.

6.0 CONCLUSIONS & RECOMMENDATIONS

6.1 Conclusions

The following conclusions were drawn from the presentations and discussions;-

Small-scale artisanal miners have certain common characteristics and are faced with more or less the same problems across the East African region. The sub-sector is unregulated, largely poverty driven, located mainly in rural areas, and miners are generally unskilled using rudementally techniques and approaches.

The existing ASM networks still have an only indirect effect on ASM communities. The main reasons for the missing participation of artisanal and small-scale miners in the networks are issues related to the language used for communication in such networks, insufficient communication infrastructure in rural areas and computer-illiteracy among miners. Nevertheless, a focus on trainings and capacity building among the miners could change this.

CBOs & CSOs especially those in mining areas are key in ensuring ASM networks work well, which is also enshrined in the policy and laws that encourage CSOs and CBOs to contribute towards the sustainable management of Mineral development in Uganda. As such, It is good coming together as CBOs, CSOs and ASMs at a regional level because most of the ASM issues such as illegal mining, environmental and social entropy are a matter of concern that cut across the East African Region.

The environmental costs of ASM are in general higher than those of other types of mines; this means that ASM is dirtier per unit of output than medium, large and modern mining operations. More to this, the problem of ASM is the great individual number of polluters, normally concentrated in a determined locality, which causes significant local impacts. The difficulties are worsened by the low commitments by the regulatory bodies to control, monitor and audit environmental compliance of the ASM operations due to lack of regulations in the sub-sector.

6.2 Recommendations

Participants made several proposals for future interventions. Therefore, the following recommendations were drawn from the participants' proposals, presentations and plenary discussions;-

- i) Upon revision of the legal dispositions governing mining activities, especially in Uganda, it is possible that the ASM sub-sector can be regularized. The main issue though, should be ***how can the ASM sub-sector be used as a basis for poverty reduction and sustainable development*** (without harming the communities)? Given the numerous issues presented in this report, it seems clear that only solutions which are “win-win” or at least “win – the country should not loose” are likely to create a successful sub-sector.
- ii) To build strong ASM networks and alliances, as well as a formidable sub-sector for that matter, and in consideration of the fact that the ASM sub-sector is very heterogeneous, effective interventions need to be focused on incentives and trainings rather than on

traditional monitoring and enforcement systems. Benefits need to be demonstrated and standards must not be unrealistic.

- iii) Trade unions, networks and alliances need to be promoted among the ASM as these help in negotiations and sustainable utilisation of the minerals among the artisanal and small scale miners.
- iv) Environmental issues are a great concern since there are no specific Terms of Reference and contractual obligations between the ASM and the Government, so environmental management is less of an issue to the ASM and as such there are no environmental risk management plans and procedures enforced by the ASMs in the different areas across the East African region. The need to lobby governments to regulate the ASMs in the East African region was thus suggested.
- v) The need for the CSOs and ASMs to come up with a joint position paper on Artisanal miners' protection and regulation of the sector for environmental protection was also emphasized and noted during the discussions. It was noted that miners use crude methods many of which seem to have detrimental impacts on the environment, Health and safety, including the use of internationally phased-out materials such as Mercury.
- vi) The need to summarize the technical language to local languages for the ASM to be able to appreciate the important information communicated to them including laws, policies, regulations and standards was noted as an issue of concern among the ASM that requires urgent action.
- vii) There are information gaps among the Miners, local leaders and communities where ASM activities take place, the need to increase awareness among such stakeholders on good practices, was thus emphasized during the discussions.
- viii) It was noted that ASM don't pay direct taxes to government because they are not regulated and their activities regarded illegal, as such participants appealed to the East African governments to formalise the ASM as a way of increasing the tax base and regulating the sub-sector.
- ix) The need for CSOs collaboration with ASMs to undertake baseline studies to guide in engagements with policy makers and other relevant stakeholders was also pointed out as one of the ways for strengthening effective ASM alliances and networks in Uganda.
- x) Participants called for strategies that can Support ASMs with affordable loans to push their alliances and businesses from artisanal status to at least small scale and/or medium scale mining.

ANNEX -I: The Workshop Programme

WORKSHOP ON STIMULATING EFFECTIVE ALLIANCES AND NETWORKS FOR ARTISANAL AND SMALL-SCALE MINERS (ASM) IN EAST AFRICA

Venue: Grand Global Hotel (Makerere Kikoni), Kampala

Date: 8th April, 2015

Time	Activity	Responsible Person
8.30am	Arrival and Registration	ACCC Uganda
9:00am	Session 1: Welcome Remarks, the Status of ASM networks and Alliances in Uganda	Mr. Nimpamyia Enoch, Chair
9:00-9:20am	Opening Remarks	<ul style="list-style-type: none"> Mr. Stephen Magume, Executive Director, Action Coalition on Climate Change in Uganda ,ACCC Mr. Becha Hardly, Executive Director, Community Action for Nature Conservation (CANCO) Kenya.
9:20-9:40am	Key note Address and Official Opening	Hon. Peter Lockeris, Ministry of State for Energy & Mineral Development, Uganda.
9:40-11:00am	An overview on the Status of ASM networks and Alliances in Uganda	Mrs. Winnie Ngabirwe, Executive Director, Global Rights Alert.
11:20 am	Strengthening Laws that work for the communities (ASM)	Mr. Don Binyina, ACEMP
11:20-11:40am	Plenary Discussion	ALL
11:40-12:00pm	Health Break	ALL
12:00pm	Session 11:Sharing Experiences on ASM in Uganda	Mr. Twebaze Paul, Chair
12:00-12:40Pm	Experiences from Artisanal Gold Miners Association, Mubende District. Experience from Kenya ASM	<ul style="list-style-type: none"> Mr. Kibirigye Emmanuel, General Secretary, Ssingoo Artisanal Gold Miners Association, Mubende District. Mr. Griffins Ochieng, Projects Coordinator, Centre for Environment Justice and Development (CEJAD),Kenya
12:40-1:00pm	Human Rights & Artisanal Mining	Mr. Robert Baganda, Executive Director, PROBICOU

1:00-1:40pm	Lunch	All
	Session iii: Building the Capacity of ASM networks and Alliances	Mr. Henry Bazira, ED, WGI
1:40-2:00pm	Strategies for building Sustainable ASM networks and Alliances	Mr. Twesigye Bashir, Executive Director, CRED
2:00-2:20pm	Successful Case Studies of Sustainable ASM networks and Alliances, national and regional	Mr. Stephen Turyahikayo, Executive Director, Centre of Research and Sustainable Solutions
2:20-3:40 pm	Session iv: Way Forward/Next Course of Action from the workshop proceedings	Edward Natamba South Western Institute on Policy & Advocacy, SOWIPA
3:40 pm	Plenary and Departure	ALL