



HUMAN RIGHT RISKS IN ARTISANAL MINING

Presented at WEED Seminar on Conflicts and Human Rights
Violation in Mining and Trade with Raw Materials



Date: 25th March, 2019



Estimate number of people

Country	Estimated ASM >100,000 worker numbers (Pact, 2008)
DRC	2,000,000
Tanzania	1,500,000
Zimbabwe	500,000
Ethiopia	500,000
Nigeria	500,000
Niger	450,000
CAR	400,000
Eritrea	400,000
Mali	400,000
Sierra Leone	300,000
Ghana	250,000
Burkina Faso	200,000
Mozambique	200,000
Sudan	200,000
Angola	150,000
Uganda	150,000
Liberia	100,000
Guinea	100,000
Chad	100,000
Madagascar	100,000
Cote d'Ivoire	100,000
Kenya	100,000



Numbers and meaning

- 9 million artisanal and small-scale miners are engaged in ASM activities and over 54 million people depend on it, (Karen Hayes, 2009)
- Buxton, A., 2013, “estimates of artisanal and small-scale miners vary from 20 to 30 million
- ASM employs 10 times more people than does the LSM
- 15-20 percent of the DRC cobalt is produced by ASM.






Why is ASM gaining prominence

- Poverty and unemployment due to poor state performance in Africa.
- Abundance of abandoned mines and tailing dams
- Occurrence of small and isolated deposits of minerals in the proximity
- Poor regulations
- Availability of market
- Cheap to perform/ Modest demand on capital expenditure



ASM Global categorisation

- **Formal versus informal ASM** (usually a development practitioner construct)
 - **Formal** implies ASM practised within legal boundaries and according to certain norms.
 - **Informal** is usually used for ASM which is practised strictly outside the law but on which is conferred a certain level of legitimacy or acceptance because it is an important livelihood for poor communities
- **Legal versus illegal versus extra-legal ASM**
 - **Legal** – ASM that is practiced within documented law
 - **Illegal** – ASM that is practiced outside the law
 - **Extra-legal** – ASM that is practiced outside the prevailing law, but the regulator or government authorities allow it for expediency



Legal Classification

- This is a relative classification usually with what appear to be “arbitrary” boundaries set in the law, concerning size and type of operation; sometimes distinguishing between ***artisanal mining*** and ***small-scale mining***, based on:
 - ***Capital applied***, i.e. level of investment
 - ***Methods of production***, usually reflected in level of mechanisation permitted
 - ***Production capacity*** sometimes in terms of throughput, output or number of workers



ASM and Social issues

- The majority of ASM caught in a poverty
- Poor income, and link to low productivity and poor investment opportunities,
- Illicit trade and link to conflict
- High criminality
- Cultural rights—artisanal invade cemeteries etc....



Environmental problems

- Land degradation (veld fires destroys pastures for livestock and wild animals,
- Diversion of streams and conversion into mine sites,
- Uncovered pits,
- Deforestation and loss of bio-diversity, and possible extinction of certain species—trees
- Destruction of farmlands
- Contamination of waterways by mineral processing
- Reduction arable land
- lowering the groundwater table through dewatering of mine pits,
- Hazardous abandoned sites close to communities - breeding grounds for mosquitoes, residual mercury and cyanide



Human rights: Women and ASM

- Women are often involved in processing and waste disposal, exposing them to harmful chemicals, with severe consequences for family well-being and health, including during pregnancy (Buxton, A., 2013).
- Women make less money than man for similar tasks (Eftimie , et al., 2012:9).
- Women provide supportive services- food, sex to the miners, which expose them to potential abuse, exploitation and disease.
- The sector is known for crime, domestic violence and rape and small girls are forced to into prostitution.
- Women who work in mines are often required to abandon or compromise their traditional role in agricultural production and family care, which has the knock-on effect of increasing the vulnerability of children.





Human rights: Children and ASM

- Presence of women in ASM is linked to the presence of children in mine
- Poor school system push Children to find what do do—ASM is one option.
- Poverty push children find work in the mines.
- ASM is one of the worst forms of child labour (widespread and severe hazards that risk death , injury and disease (ILO, 2005.
- School dropouts and teen pregnancies, prostitution, drunkenness
- Children work in difficult conditions –they live and work in conditions of slavery
- Forced labour—work long hours
- Violence by state and private security
- Rape and forced prostitution
- Work without protective cloths and appropriate equipment
- Sickenss cholera et la dysenterie.
- Work in all activities --extraction cleaning and transport)

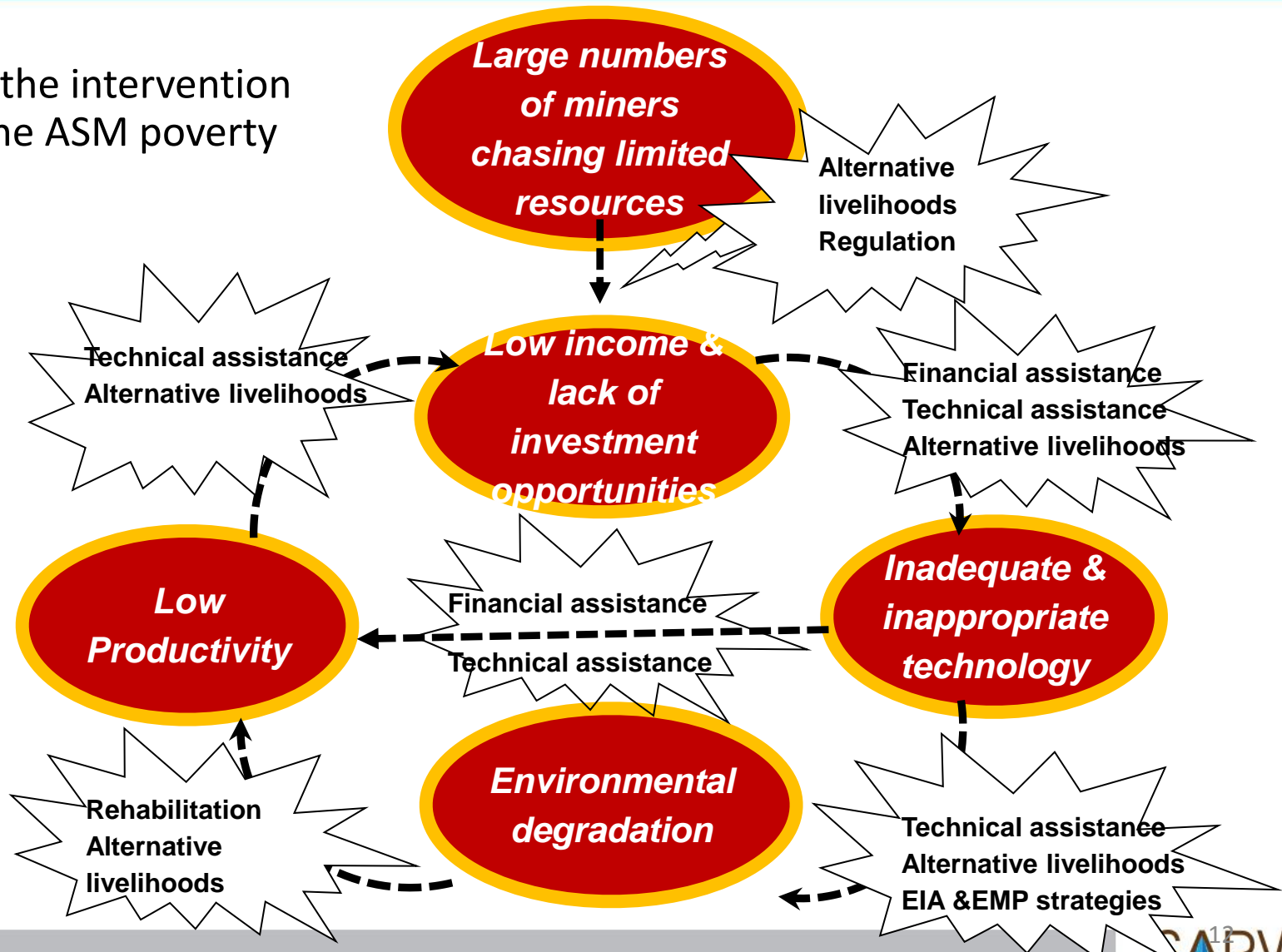


ASM and Economic Issues

- Lack of knowledge of the value of their product is regularly a problem for artisanal miners (Pact, 2010).
- ASM trading chains are extremely complex and sometime illegal. The sector is seen as disorganised and chaotic (Buxton, A., 2013).
- Trading houses seek to maximise their profit margins and impose various buying prices to artisanal and small-scale miners .
- ASM activities are rarely taxed, meaning huge revenue losses to the government and country from key natural resources (Buxton, A., 2013)
- ASM sector and governments are caught in negative circles of cause and effect. A poverty trap results from a denial of choices and opportunities whilst living in a marginal and vulnerable environment
- Overprice of basic commodities
- Reduction in agriculture productivity
- Decline in output and food security
- Financing of armed groups

Breaking The poverty Trap

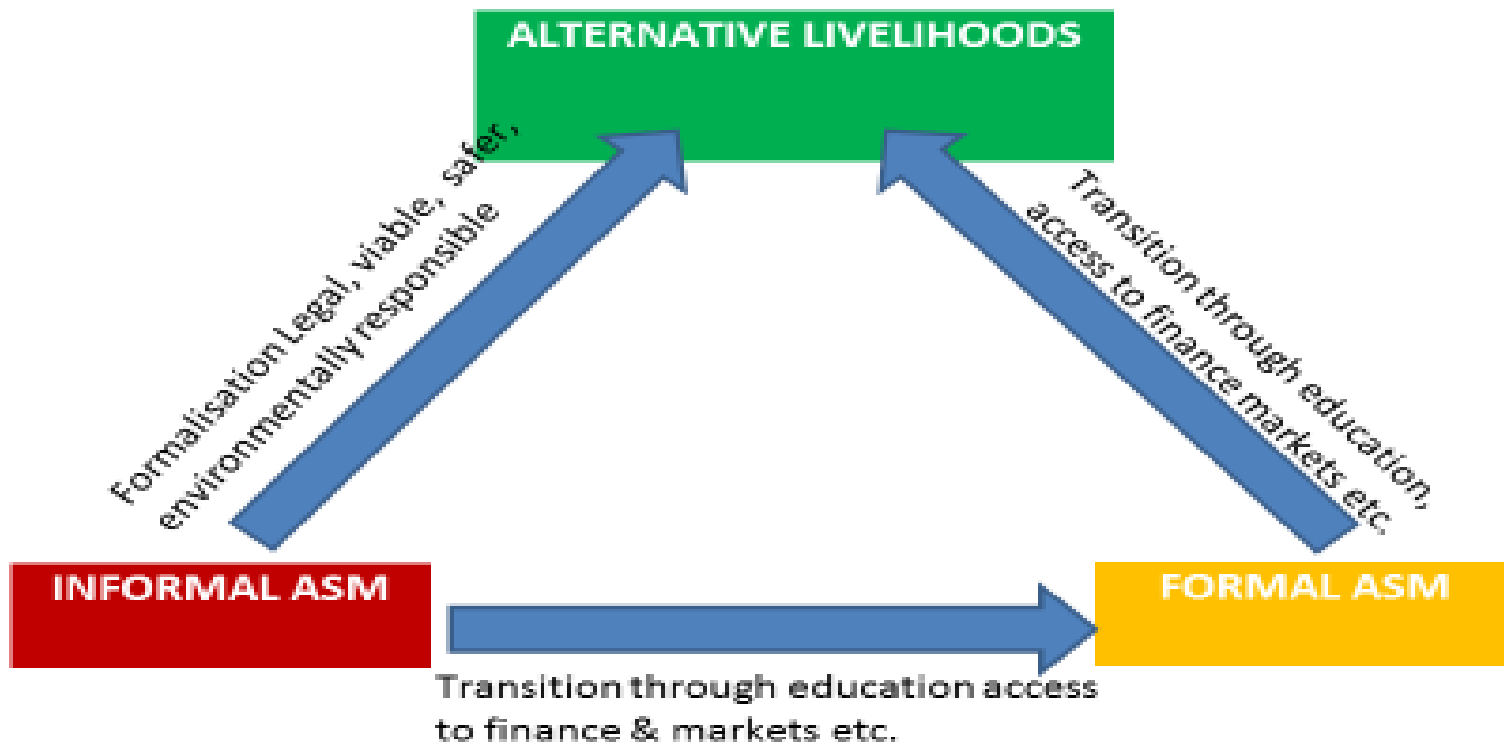
These are the intervention to break the ASM poverty trap



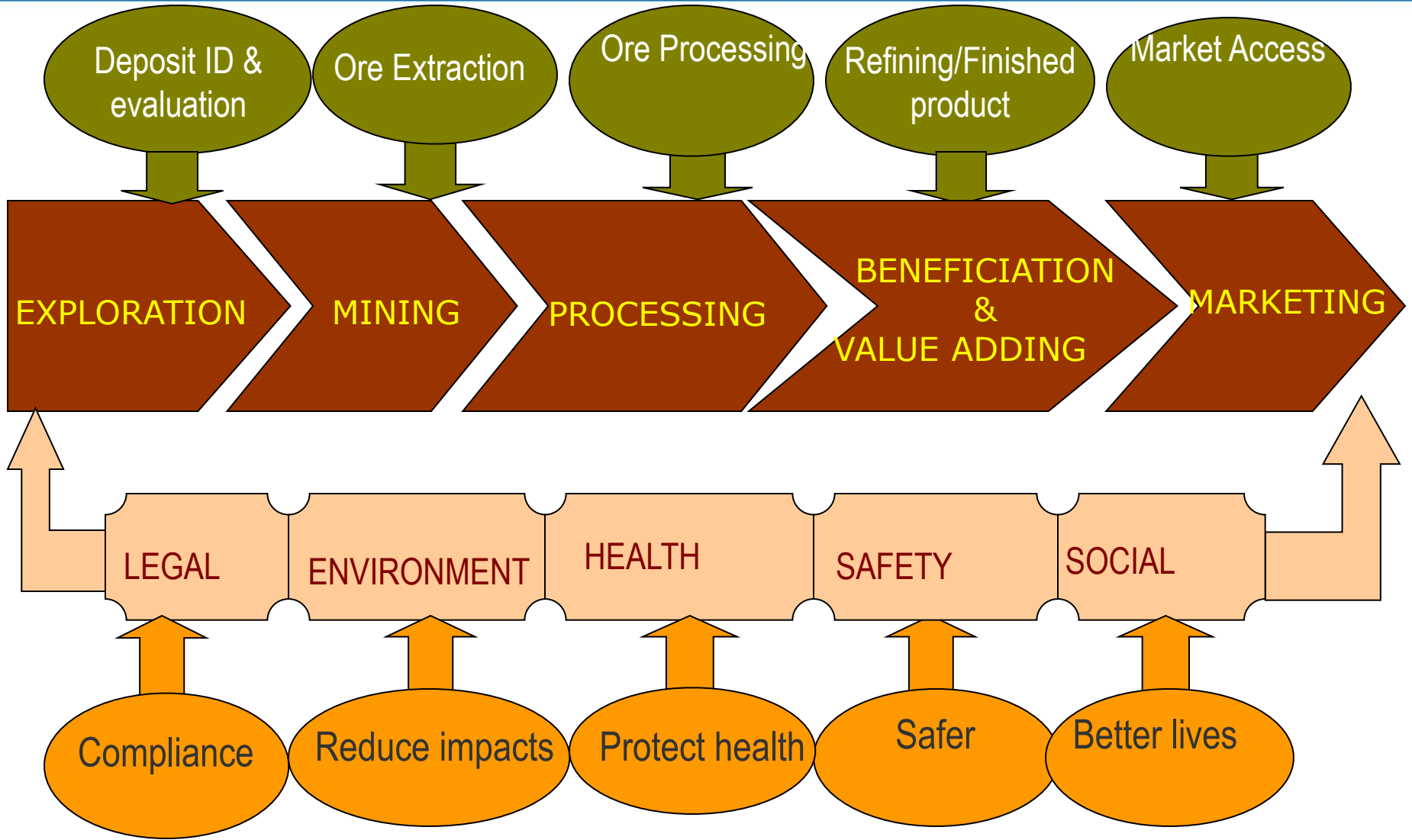
ASM Triangle of Transformation

ASM Triangle of Transformation

This is about transforming ASM sector through formalisation while acknowledging that minerals are wasting asset and therefore needs to be transformed into more sustainable forms of capital for alternative sustainable livelihoods



ASM Value Chain, Development & Support





Recommendations

- Introducing preferential rights, which give local companies preference in the granting of licences, but which also give them strong negotiating powers to enter into third-party agreements. The third party shall be equally bound by the conditions governing the licence, which supersedes the third party's country agreements or laws;
- Passing strong legislation on the safety of vulnerable populations, especially women and children; and,
- Formalising artisanal mining and legislating for the creation of small enterprises, such as cooperatives or companies, which can be properly managed.



Recommendations

- Promote small-scale mining of small deposits in a sustainable manner while safeguarding social, environmental, safety and health concerns
- Give mining rights to local communities-they are more likely to look after their environment better
- Enforce rehabilitation or charge a rehabilitation fee
- Passing strong legislation on the safety of vulnerable populations, especially women and children; and,