

# Status of Domestication of Africa Mining Vision in Uganda's ASM Sub-Sector

## POLICY BRIEF



## INTRODUCTION

This policy brief evaluates how well Uganda has integrated the African Mining Vision (AMV) into its mining policies. It also identifies gaps and provides recommendations for improving artisanal and small-scale mining and ensuring sustainable mineral resource governance. The brief covers various aspects of the AMV implementation, such as an overview of the gold artisanal and small-scale mining sector in the country, policy and legal frameworks for artisanal and small-scale mining, institutional framework and capacity, financing and taxation, environmental concerns in artisanal and small-scale mining, occupational health and safety, artisanal and small-scale mining and livelihoods, access to information and technology, and other relevant and emerging issues and recommendations.

The policy brief is based on a study that draws analytical depth from qualitative research approaches, including an extensive literature review. To enhance the findings of the desk review, in-depth interviews were conducted with selected key informants, mainly from government ministry departments and private sector players in the mining sector. The study also explored examples where policies and laws have faced implementation challenges.

## BACKGROUND

Many mineral-rich countries have realised that sustainable development of mineral resources could promote economic growth. Therefore, they have adopted international and regional frameworks to develop mineral resources. For instance, several African states have embraced the Africa Mining Vision (AMV). The Africa Mining Vision (AMV) is a policy framework adopted by all 54 African Union (AU) member countries in 2009. The Vision aims to promote "Transparent, equitable and optimal exploitation of mineral resources to underpin broad-based sustainable growth and socio-economic development." The African Union (AU) created the Africa Mining Vision (AMV) to enable Africa to strategically utilise its mineral resources for inclusive development. The AMV presents an opportunity for mineral-rich countries to address issues of unfair value distribution and unsustainable Artisanal Small Scale Mining (ASM) practices.

Additionally, it provides a way to identify and address rights violations and unsafe labour practices in the ASM sector. In 2009, all 54 African countries adopted the AMV and pledged to incorporate the framework into their mining policies. According to the Mining and Mineral Policy for Uganda 2018, Uganda has abundant copper, nickel, gold, chromite, iron ores, tin, tantalite, tungsten, limestone, marble, graphite, and gemstones. Resources such as sand, clay, and rock have also become significant in Uganda's economic growth journey. With over 50 different types of minerals, Uganda is among the African countries with the most significant number of minerals. This presents an excellent opportunity for benefits that can contribute significantly to the country's economic growth.

## ANALYSIS

For decades, Uganda's mining sub-sector has seen both progress and obstacles, reflecting a complex interplay of factors, including regulatory frameworks, infrastructure, investment climate, environmental concerns, and global market trends. The sub-sector has continued to face challenges of low funding, limited institutional capacity to manage the mineral resources, value addition to minerals, the complex nature of artisanal and small-scale mining, conflicts and environmental degradation (Saferworld, 2017).

The sub-sector has undergone significant transformations in recent years, driven by domestic and international factors. Uganda has established a rich policy and legal framework for managing mineral resources. The policy and legal regime stems from the Constitution of the Republic of Uganda, 1995 (as amended), which vests the ownership and control of natural resources in the hands of the people.<sup>1</sup> The third National Development Plan (2021-2025) highlights Mineral Development as one of the critical program areas to increase mineral exploitation and value addition in selected resources for quality and gainful jobs in industrialisation. The Third National Development Plan (NDP III) separated mining from oil and gas, giving the sub-sector special attention to the government and projecting its contribution to the GDP to surpass 10% (NPA, 2020). Chapter 6 of the NDP III provides a planning framework for the Mineral Development Program. The Focus of Mineral Development over the NDP III period (2021-2025) is to build on existing investments along the value chains and address the challenges limiting the realisation of the full potential of minerals. It highlights the following programme objectives; - (a) Increase exploration and quantification of priority minerals and geothermal resources across the country (b) Increase adoption and use of appropriate and affordable technology along the value chain; (c) Strengthen the legal and regulatory framework as well as the human and institutional capacity; (d) Increase investment in mining and value addition; and (e) Expand mineral-based processing and marketing.

These national objectives aim at fulfilling the significant tenets of the AMV which include the following :- (a) acknowledge -driven African mining sector that catalyses & contributes to the broad-based growth & development of, and is fully integrated into, a single African market (b) a sustainable and well-governed mining sector that effectively garners and deploys resource rents and that is safe, healthy, gender & ethnically inclusive, environmentally friendly, socially responsible and appreciated by surrounding communities; (c) a mining sector that has become a vital component of a diversified, vibrant and globally competitive industrializing African economy; (d) a mining sector that has helped establish a competitive African infrastructure platform, through the maximization of its propulsive local & regional economic linkages; (e) mining sector that optimizes Africa's finite mineral resource endowments and that is diversified, incorporating both high value metals and lower value industrial minerals at both commercial and small-scale levels; (f) a mining sector that harnesses the potential of artisanal and small-scale mining to stimulate

1 Article 244 of the 1995 Constitution of Uganda, the Government of Uganda holds in trust for the people of Uganda all the natural resources, such as minerals and petroleum

local/national entrepreneurship, improve livelihoods and advance integrated rural social and economic development; and finally (g) a mining sector that is a significant player in vibrant and competitive national, continental and international capital and commodity markets.

Uganda's participation in international initiatives and compliance with standards such as the Extractive Industries Transparency Initiative (EITI) demonstrates its commitment to aligning with global industry best practices (EITI, 2020). The enactment of the ICGLR ACT 2018 represents a pivotal moment in the country's efforts to harness its mineral wealth while ensuring sustainable and responsible extraction practices.<sup>2</sup> Uganda has also implemented initiatives to recognise the ASMs in its Mining sector. In 2021, the Government of Uganda, through the Directorate of Geological Survey and Mines, commenced formalising artisanal and small-scale miners through the National Biometric Registration of Artisanal and Small-scale Mining (BRASM). The BRASM aimed at keeping an updated register of all ASMs, service providers, dealers and agents, creating a database with all the bio-data of all miners, including names, sex, age, location, affiliations to registered ASM associations and National Identification Numbers (NIN) to establish numbers and categories of people involved in ASM operations. The BRASM project has registered 6,211 artisanal miners within Busia, Namayingo, Buhweju, Kasanda, and Mubende districts.

Under the ACP-EU Development Minerals Program, the Government of Uganda is also working with the European Union (EU) and the countries of the African, Caribbean and Pacific Group of States (ACP-EU) to support efforts to formalise operations in the mining sector. The program has helped develop and implement an Artisanal and Small-scale Mining (ASM) Strategy to enable Artisanal and Small-scale Mining Enterprises (SMEs) to achieve better livelihoods through higher employment and incomes from their mining operations. The MEMD has supported the mobilisation of Artisanal and Small-scale Mining Enterprises (ASMEs) for training in various aspects of responsible and sustainable mining and identifying multiple ASMEs that need further support to formalise their operations. To date, 350 ASMEs with 3,932 miners have been trained and sensitised in 25 districts of Uganda. Efforts are underway for the Ministry of Energy and Mineral Development to formally launch the Formalization and Business Development Strategy for the Development Minerals sector in Uganda.

## **Summary assessment of Uganda's ASM status against the Key ASM tents of the AMV**

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This section provides a comprehensive evaluation of the state of Uganda's ASM in relation to the fundamental principles of ASM under the African Mining Vision (AMV). The analysis is based on the need for Improvement in the availability, progressivity and sustainability of the artisanal and small-scale mining subsector to enhance its contribution to growth and development through gaining access to training, extension services, finance, marketing and cleaner and efficient technologies.

<sup>2</sup> <https://egj.uganda.org/wp-content/uploads/2021/08/Mining-Amendment-Act-2021.pdf>

FRAMEWORK ASSESSMENT CATEGORIES	CURRENT STATUS
<p>Policy and Legal Framework for Artisanal and small-scale mining.</p>	<p>Uganda has put in place a strong policy and legal framework for licensing, regulation and monitoring of ASM activities;  The policies and laws include issues that focus on;  - registering and encouraging ASMs to form associations for their operations; Licensing ASMs mapping and demarcating areas for ASM; ensuring that artisanal mining is a preserve for Ugandan citizens and encouraging joint ventures for small-scale mining operations; providing extension services and technical assistance to ASMs in adopting safe, environmentally, and socially acceptable mining and processing practices. Promoting the establishment of buying centres for mineral commodities for ASM and encouraging them to participate in supply chain initiatives. Promoting technological transfer and the use of appropriate equipment. Establishing mechanisms for ASM to access financing; and collaborating with development partners and civil society to promote best practices in the ASM subsector.</p>
<p>Institutional framework and capacity</p>	<p>A strong institutional framework with the following Key institutions has been established;  - Ministry of Energy and Mineral Development, Directorate of Geological Survey and Mines, Uganda Chamber of Mines &amp; Petroleum, National Forest Authority, Parliament, Ministry of Finance, Planning and Economic Development and National Environment Management Authority exists.  Some of the other notable initiatives include:  - Establishing the Directorate of Geological Surveys and Mines [formerly a department in the Ministry of Energy and Mineral Development] has centralized the oversight of mining activities, leading to more effective coordination and enforcement of regulations. DGSM is demonstrating efforts to enhance its organizational structure, staffing, and technical capacity, contributing to improved regulatory control by streamlining administrative procedures and adopting digital platforms to expedite the licensing process.  - Enhanced transparency and accessibility of licensing information are essential to promote fairness and discourage corruption. The DGSM is improving its online portal for license applications and approvals.  The Online Mining Cadastre Transaction Portal, was established in 2019 to manage mineral rights, including licensing, communication, reporting and payments, is being upgraded with the online mineral licensing system to align with the new law.</p>
<p>Financing and taxation of artisanal and small-scale mining.</p>	<p>Clause 207 (4) of the Mining and Mineral Act 2022, provides for royalties collected to be distributed in a manner prescribed under Schedule 2. Under this, Parliament prescribed for the central government to retain 70% of all royalties. Local governments and subcounties/Town Councils are entitled to a total of 15% and 10%, respectively. The remaining 5% is for owners (both lawful and bonafide occupants) of the land subject to mineral rights.<sup>3</sup></p> <p>The revenue distribution mechanism above is progressive. It is noted that the revised royalty-sharing mechanism has enhanced the overall share of local governments by 8%. Secondly, the law has introduced a specific royalty share of 10% for subcounties/town councils. Thirdly, royalty share of owners of land subject to mineral rights has also been enhanced by 2%.</p>

<sup>3</sup> Schedule 2, Mining and Minerals Act, 2022

FRAMEWORK ASSESSMENT CATEGORIES	CURRENT STATUS
<p>Environmental issues in artisanal and small-scale mining</p>	<p>The Mining and Minerals Act 2022 contains diverse provisions for the protection of the environment, health, and safety. Clause 4 of the Act explicitly enjoins all persons involved in mining and minerals operations to abide by the environmental principles set forth in the National Environment Act of 2019. In addition to this, the law contains even more comprehensive provisions for environmental protection under Part XVII. These include provisions for the prohibition of and imposition of strict liability for pollution,<sup>4</sup> mandatory environmental and social impact assessment and audits for all mineral right holders, submission of environmental management and monitoring plans for approval by NEMA<sup>5</sup> decommissioning plans and establishment of a decommissioning fund in case of closure of operations,<sup>6</sup> closure of open pit mines<sup>7</sup> financial security for environmental protection, and the safe disposal of explosives among others.</p> <p>Furthermore, mineral rights holders are required to conduct their activities in accordance with the highest levels of safety, the best industry practices, technological developments and the Occupational Health and Safety Act, 2006. The law also provides for the right to work under satisfactory, safe and healthy conditions.</p> <p>It is an offence to exploit minerals without complying with environmental protection, health, and safety standards under Clause 305 (c). Clauses 301 and 302 also make it a criminal offence to use explosives and hazardous chemicals such as mercury and cyanide without authorization.</p>
<p>Occupational health and safety.</p>	<p>Despite introducing a tremendous environmental safety and management regime in respect to mining operations, the law as passed left some gaps. Clause of the Act presented to Parliament expressly barred the use of mercury and cyanide in mining operations. This is however challenged by limited investment in alternative technologies. The ASM therefore continue to use mercury due to lack of cost-effective alternative technologies.</p> <p>The use of mercury amalgamation to extract gold in the artisanal mining sector is widespread and its harmful effects on the environment and health of people are well documented. The capacity of government to monitor and regulate the use of these dangerous substances is also highly doubtful especially in relation to artisanal and small scale whose numbers are very high, and the miners are spread out across the country.</p>
<p>Artisanal and small-scale mining and communities.</p>	<p>The new mineral rights also include small-scale mining licence and artisanal mining licence alongside large-scale mining licence, and medium-scale mining licence to provide for local participation in artisanal mining which has been ring-fenced for Ugandan citizens. Ugandans can operate small-scale mining enterprises with majority shares alongside foreign investors for purposes of raising capital. This is designed to further incentivize local participation.</p>
<p>Artisanal and small-scale mining and sustainable livelihoods.</p>	<p>Focus has been on formalisation and licensing whilst the strategy to improve livelihoods is not clearly provided to support community assets. The ASM is still characterised by poor technology, limited access to finance, poverty, and lack of livelihood options. They do not access key social services like health, education and they still form a bigger percentage of the poor. The ASMs in Uganda are not integrated in government development initiatives such as the Parish Development Model an initiative of government to Eradicate poverty.</p>

<sup>4</sup> Clauses 240 and 241

<sup>5</sup> Clause 244

<sup>6</sup> Clauses 245 and 246

<sup>7</sup> Clause 247

FRAMEWORK ASSESSMENT CATEGORIES	CURRENT STATUS
Gain access to information and technology.	<p>The directorate of Geological Surveys and Mines has taken steps to improve transparency by publishing information about the licensing process, requirements, and fees.</p> <p>Upgraded the online mining cadastre portal. Now, all mineral licensing processes and transactions are conducted online to ensure transparency and accountability in the mineral. The government embarked on a national sensitisation campaign to popularise the new law. The Ministry of Energy and Mineral Development conducts community outreach and engagement with stakeholders such as miners, communities, district local governments, civil society and the media.</p> <p>The DGSM is currently undertaking a data validation exercise of all mining licenses in Uganda. In the Ugandan context, public officials and their close affiliates have been implicated for their illegal involvement and interference in the mining sector by hiding behind corporate bodies.</p>

## Overview of the Status of Uganda's domestication of AMV in the ASM sector

Uganda's mining and minerals sector has a rich history and significant economic potential. Since the inception of the Africa Mining Vision, Uganda's mineral sector has undergone significant transformations driven by domestic and international factors. New issues like mineral certification requirements and regional and international commitments have emerged. Uganda also started heeding the global need for responsible and sustainable mining practices. Uganda's participation in international initiatives and compliance with standards such as the Extractive Industries Transparency Initiative (EITI) demonstrates its commitment to aligning with global industry best practices (EITI, 2020). The enactment of the Mining and Mineral Act in 2022 represents a pivotal moment in the country's efforts to harness its mineral wealth while ensuring sustainable and responsible extraction practices.<sup>8</sup> The Mining and Minerals Act 2022 enactment marks a critical step towards addressing past challenges and realising the sector's full economic potential. The successful implementation of this new legislation, considering the historical, economic, and environmental contexts, will shape the sector's development and realisation of its full potential.

True to most of its objects, the law addresses many critical areas not previously covered, i.e., the Mining Act of 2003. It puts in place a relatively comprehensive mining regulatory and administrative framework; reintroduces the public trust doctrine in mining; establishes protections for the rights of landowners, children, women, and workers; establishes a state mining company; recognises rights of artisanal miners and supports the regularisation of the sector; promotes transparency & accountability in mining; and safeguards the environment and health. The law is also primarily responsive to emerging developments and challenges in the minerals sector and national, regional, and global aspirations such as those in the Africa Mining Vision. The law promotes mineral beneficiation and value addition, community participation, local government oversight in mining, local content, and equitable revenue sharing.

<sup>8</sup> <https://egiuganda.org/wp-content/uploads/2021/08/Mining-Amendment-Act-2021.pdf>

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- a. Formalising artisanal and small-scale mining,
- b. Increasing incomes of ASMEs and enhancing business development (entrepreneurial skills, access to finance, technology, market, and market information)
- c. Ensure environmental and social safeguards in and around mining operations.
- d. Supporting women-owned and run ASMEs along the value chain.
- e. Facilitating inter-ACP knowledge exchanges.






The MEMD has supported the mobilisation of Artisanal and Small-scale Mining Enterprises (ASMEs) for training in various aspects of responsible and sustainable mining and identifying multiple ASMEs that need further support to formalise their operations. To date, 350 ASMEs with 3,932 miners have been trained and sensitised in 25 districts of Uganda. Efforts are underway for the Ministry of Energy and Mineral Development to formally launch the Formalization and Business Development Strategy for the Development Minerals sector in Uganda. Whereas the government has attempted to develop the Mining sector, gaps still need to be addressed if the country is to fulfil the ambitions of the African mining Vision in line with ASM. Although a new legal framework has been implemented, this has just been recent.<sup>9</sup> The sub-sector, therefore, still faces several challenges, including illegal mining activities, inadequate infrastructure, environmental degradation, and issues related to transparency and accountability. Illegal mining operations in some areas continue to affect the environment and revenues generated from mining operations.

<sup>9</sup> Ugandas Mineral Law, the Mining and Mineral Act was passed in the year 2022. The mining and licensing regulations have just been fanalised in this year 2023. Ugandan government has embarked on development of other 7 pices of regulations to operationalise the Mining and Minerals Act 2022.



## Ranking of Uganda's progress in the domestication of AMV on ASM

The ranking of Uganda's progress in the domestication of AMV on ASM has been done using the table below:

Rank	Colour code	Country descriptor	Comments
V	Red 	Beginner	The country is at the early stages of Africa Mining Vision implementation, with low average progression in all Seven Framework Assessment Categories of ASM
IV	Orange 	Moderate	The country is at the middle stages of Africa Mining Vision implementation, with fair or moderate progression throughout the Seven Framework Assessment Categories of ASM
III	Grey 	Intermediate	The country is at an intermediate stage of Africa Mining Vision implementation, with a mix of progression, regression and neutrality throughout the Seven Framework Assessment Categories of ASM
II	Green 	Advanced	The country is at an advanced stage of Africa Mining Vision implementation, with a high rate of progression throughout the Seven Framework Assessment Categories of ASM
I	Gold 	Peak	This is the highest score on the Africa Mining Vision progress scale and shows that the country has attained, or is very close to attaining, full Africa Mining Vision implementation, with maximal progression throughout the Seven Framework Assessment Categories of ASM

The Eight Framework Assessment Categories of ASM are (1) Policy and Legal Framework for artisanal and small-scale mining, (2) Institutional framework and capacity, (3) Financing and taxation of artisanal and small-scale mining, (4) Occupational health and safety (5) Artisanal and small-scale mining and communities (6) Artisanal and small-scale mining and sustainable livelihoods (7) Gain access to Information and technology. Based on the assessment done in this study and using the ranking in the above table, Uganda's implementation of ASM in line with the African Mining Vision can be concluded to be Grey or Intermediate stage because the country has a mix of progression, regression, and neutrality throughout the Seven Framework Assessment Categories of ASM assessment.

## RECOMMENDATIONS

The enactment of the Mining and Mineral Act in 2022 represents a pivotal moment in the country's efforts to harness its mineral wealth while ensuring sustainable and responsible extraction practices.<sup>10</sup> The Mining and Minerals Act 2022 enactment marks a critical step towards addressing past challenges and realising the sector's full economic potential. The successful implementation of this new legislation, considering the historical, economic, and environmental contexts, will shape the sector's development and realisation of its full potential. The key recommendations include the following;-

1. In order to enhance the performance of the mining and minerals sector, the government needs to expedite the development of regulations that will guide the implementation of the new mining and minerals law. Additionally, solid enforcement mechanisms should be put in place to ensure compliance with the regulations. Uganda has already finalised the Mining and Licensing Regulations of 2023, which only regulates licensing. However, seven other pieces of legislation are being developed to regulate different aspects of the sector. It is essential that these regulations are fast-tracked to ensure effective and efficient governance of the mining and minerals sector.
2. There is currently a presidential directive that prohibits the export of raw minerals. As a result, some of the mines controlled by artisanal and small-scale miners (ASMs) have been closed down because they need more funding to carry out value addition through processing. To address this challenge, the Ministry of Energy and Mineral Development needs to implement a program aimed at reorganizing artisanal miners and building their capacity to ensure the improved recovery of mineral resources. The government should also fast-track the establishment and equipping of mineral beneficiation centres to enhance recovery and build the capacity of local artisanal miners.
3. The Minister needs to speed up the process of creating regulations that establish the prescription procedures and conditions for designating, publishing, and revoking areas for artisanal mining under Clause 96. Additionally, separate regulations should be made to address the environmental, health, and safety issues that arise from artisanal mining.
4. The DGSM (Directorate General of Mines Safety) should offer extension services and support to mining operations by providing training and making capacity building mandatory. This can be accomplished by enhancing coordination among institutions and reinforcing the capacity of mandated institutions to operate effectively. For instance, the DGSM's human resources and financial capacity should be strengthened to facilitate the scaling up of mine site inspections.
5. The Ugandan government should provide active support towards the procurement of eco-friendly mining technology by artisanal and small-scale miners. Such support can be provided in the form of physical assistance or through incentives that enable ASMs to obtain the technology at affordable rates.

<sup>10</sup> <https://egiuganda.org/wp-content/uploads/2021/08/Mining-Amendment-Act-2021.pdf>

6. Although there has been progress in disclosing mining information, there is still a need to strengthen the online portal with the latest information during the licensing process. This is important for the public and potential investors. It is also crucial to disclose the information on royalties transferred to district and local governments. The government must enforce the implementation of beneficial ownership guidelines by requiring everyone involved in mining activities to provide helpful ownership information. This information should be easily accessible to the public in a clear and understandable format.
7. Finally, the Ugandan government should establish a system to enhance the availability of financial resources for artisanal and small-scale miners (ASMs). This measure will enable the miners to organize themselves better, improve their responsible mining practices, and develop their capabilities. One way to achieve this objective is to integrate ASMs into government development initiatives like the Parish Development Model. Alternatively, the government can create specific funding models that cater to the needs of ASMs.

## CONCLUSION



This policy brief provides an in-depth analysis of how Uganda has incorporated the Africa Mining Vision (AMV) into its mining policies and identifies areas that require improvement to ensure sustainable mineral resource governance and enhance artisanal and small-scale mining. The brief evaluates various aspects of the AMV implementation, such as artisanal and small-scale mining policies and legal frameworks, institutional framework and capacity, financing and taxation, environmental concerns in ASM, occupational health and safety, access to information and technology, and other relevant issues.

While Uganda has abundant mineral resources, the mining sub-sector has faced challenges such as low funding, limited institutional capacity, conflicts, and environmental degradation. However, recent transformations driven by domestic and international factors have led to the establishment of a rich policy and legal framework for managing mineral resources. The policy brief recommends enhancing the legal and regulatory framework, financing and taxation, occupational health and safety, and access to information and technology to ensure sustainable mineral resource governance and improve ASM in Uganda.

This policy brief is a summary of the full report “Status of domestication of the AMV in Uganda: The case of Artisanal and Smallscale Mining in Uganda.”

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————— **POLICY BRIEF** —————



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