Ethical Minerals: Fairer Trade for Whom?

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Abstract

This paper offers preliminary reflections on the direction and impact of the emerging 'ethical minerals' agenda, focusing specifically on the case of sub-Saharan Africa. Over the past two decades, the mining industry in this region has experienced profound change, reshaped by large injections of foreign investment. During this period, host governments have redrafted fiscal policies in an attempt to attract multinational mining and exploration companies. These moves, however, have stifled the regularization of artisanal and small-scale mine operators, hundreds of thousands of whom have struggled to secure their own permits due to a lack of available land, the exorbitant costs of legalizing their activities, and excessively-bureaucratic registration processes. Ethical mineral schemes and standards, which seek to connect producers to consumers, have been championed as potential mechanisms for alleviating the hardships of these operators. But further analysis reveals that there is considerable discrepancy between the implied and at times, stated, aims and impacts of the interventions being piloted/implemented in the region on the one hand, and what is actually happening in practice on the other hand. The analysis serves as a stark reminder that the ethical mineral schemes and standards being piloted/implemented are *not* development interventions, as is often believed.

Introduction

This paper reflects critically on the direction and impact of the 'ethical minerals' agenda, focusing specifically on the case of sub-Saharan Africa. Over the past two decades, the region's mining sector has undergone profound transformation, reshaped by large injections of foreign investment. During this period, host governments have redrafted fiscal policies with the aim of 'growing' their large-scale mineral exploration and mining economies. The rapid expansion of activity that has followed, however, has often stifled efforts to formalize and support artisanal and small-scale mining (ASM) – the low-tech labour-intensive mineral extraction and processing undertaken mostly by local people.

Although long neglected in development circles, ASM's economic importance can no longer be disputed. In sub-Saharan Africa, in addition to providing jobs to millions of otherwise-unemployed people, and tens of millions more in the downstream industries it spawns (Table 1), the sector's activities account for a sizable proportion of the region's mineral output, including gold, diamonds and coloured gemstone production, and in many countries, have inseparable links with subsistence agriculture. Those who engage in ASM in sub-Saharan Africa, however, mostly do so informally, without a license and generally, under suboptimal working conditions (Hilson, 2016). Aspiring licensees have struggled to secure permits due to a lack of available land, significant quantities of which have been demarcated to, and are now controlled by, foreign large-scale mineral exploration and mining companies; the exorbitant costs of registration, brought about by host governments which have failed to take stock of the circumstances facing the individuals in question, in particular the limited financial means at their disposal; and excessively-bureaucratic registration, a direct result of formalization processes not being sufficiently decentralized in practice (ILO, 1999; Hentschel et al., 2002; Hilson and Potter, 2005; Banchirigah, 2006; van Bockstael, 2014). The experiences, working conditions and struggles of these miners are well-documented in the literature (Fisher, 2007; Tschakert and Singha, 2007; Hilson and Potter, 2005). Discouraged and marginalized, most have elected to lead an informal sector existence.

[Insert Table 1 here]

Without an accurate picture of these dynamics, policymakers and donors have, not surprisingly, struggled to formalize and support small-scale miners across sub-Saharan Africa. More creative, dynamic solutions are desperately needed if the region's artisanal and small-scale mine operators who now find themselves entrenched – and occasionally, trapped – in the informal economy are to escape its clutches. Ethical mineral schemes and standards, the vast majority of which, according to their designers (mostly NGOs and industry bodies), seek to connect these miners to the manufacturing and retail 'space' and in the process, develop supply chains in which commodities can be traced to their origin, could assist immeasurably on this front. The schemes piloted/implemented in sub-Saharan Africa are mostly packaged as 'pro-poor' interventions capable of empowering these individuals and lifting them out of poverty. Designers' skilful use of development jargon and imagery which hint that marginalized operators are, indeed, the focus of these schemes, has provided a much-needed source of inspiration at a time when informal ASM activity is expanding unabated across the region.[1]

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[1] In sub-Saharan Africa, the policy and development agenda for ASM is focused on formalization – bringing activities into the legal domain, where they are treated as any other small business. Experts have openly debated whether formalization is the 'silver bullet', capable of resolving the problems associated with ASM. This includes the reviewer of this paper, who stated 'The assumption which is implicit in this paragraph is that formalisation is the solution to the problems in the sector. This assumption is not valid - the legal/formal status of an activity is no guarantee that negotiations will be somehow more just or favourable to marginalised actors – what has been happening in the LSM sector for decades is testimony to that'. What the reviewer and countless others seem to overlook, however, are the many changes that would need to be made in order for governments to be in a realistic position to formalize: freeing up land, prospecting and identifying viable areas for people to work, simplifying licensing schemes, and encouraging support services for activities. Formalization would also put regulators in an improved position to address more comprehensively the environmental, health and safety and social concerns which have long plagued the sector and have intensified due to its widespread illegality. In short, whilst formalization would not necessarily be a 'cure all' for all of the sector's problems, it would certainly put policymakers in an improved position address a number of pressing

Further analysis, however, reveals a very different story: that most such interventions are *not* targeting the poor and needy at all but rather *established* small-scale miners. There is little disputing that the programs being launched in sub-Saharan Africa could help to empower marginalized artisanal miners. But few appear to have been conceived for this purpose, despite claims which may suggest otherwise. Most were rather launched to facilitate the supply of minerals capable of being tracked from the sites where well-networked miners are working, through to manufacturers and retailers, essentially via the most navigable routes possible. The result, in most cases, has simply been a retracing and fortification of the supply chains these operators are a part of.

The paper begins by examining more closely the changes that have occurred in mineral-rich sub-Saharan Africa in recent decades. Emphasis is placed on explaining how the region's informal ASM economy was 'created', and ultimately, highlighting the areas which ethical mineral schemes and standards *should* be targeting and the challenges with doing so. Section 3 of the paper examines more closely which groups the schemes and allied interventions launched in the region to date are actually targeting and empowering, and surveys their impact at the local level. As will be shown, there is considerable discrepancy between the suggested aims and impacts of the ethical mineral schemes and standards being piloted/implemented in sub-Saharan Africa on the one hand, and what is actually happening in practice on the other hand. The paper concludes by reflecting critically on the direction the ethical minerals agenda is taking in sub-Saharan Africa, and offers recommendations on how to recalibrate efforts to ensure that they better serve the needs of the region's poorest mine operators.

concerns. But perhaps most importantly, making all of the above changes would mean that the sector is on governments' radar.

Manoeuvring in the Reformed Mining Economies of Sub-Saharan Africa

It is instructive to first provide some level of detail on the locations in sub-Saharan Africa where ethical mineral schemes and standards are being piloted and implemented. As indicated, the countries where this work is being undertaken have endured profound economic transformation in recent decades. Who are the poor miners in the region in need of assistance and who *should* be the focus of ethical mineral schemes and standards? This section of the paper identifies these miners, and the circumstances that have contributed to their marginalization.

Circumnavigating Mineralized Landscapes

In addition to sweeping changes made under structural adjustment, most countries in sub-Saharan Africa have, in recent years, implemented major mining sector reforms (Campbell, 2012) aimed specifically at revitalizing defunct mineral exploration facilities and underperforming extraction projects (Otto et al., 2006). The World Bank has catalyzed this, providing counsel and lending to host governments: it contributed, during the period 1988-2012 alone, approximately US$1.4 billion to support mining sector reform.[2] Through a series of technical support loans which have emphasized the overhauling of laws, fiscal regimes and regulatory institutions, the Bank, alongside other donors, has changed the investment climate for mining in sub-Saharan Africa. By 1995, 35 of the region's countries had revised their mining codes (Campbell, 2010), many of which have since been further amended (Table 2), for the sole purpose of luring foreign investment.

[2] 'Mining: Sector Results Profile', www.worldbank.org/en/results/2013/04/14/mining-results-profile (Accessed 11 July 2014.

There have certainly been considerable macroeconomic gains from mining sector reform observable across sub-Saharan Africa. By ushering in new policies and legislation, host governments have established more appealing economic climates; this has stimulated rapid investment in mineral exploration and extraction. World Bank officials regularly draw attention to these 'achievements', singling out the experiences of a small group of countries, in particular Tanzania and Ghana. In the former, the *Mining Sector Technical Assistance Project*, 1994¸ is often credited with stimulating marked increases in gold production. By 2004, annual gold production was 1.4 million oz, and there were six large-scale mines in production/development alongside 3000 prospecting licenses: private investment in the sector, during the period 2001-2008 alone, was reportedly US$250 million annually (McMahon, 2010). In Ghana, gold mine production increased 700 percent, on the back of US$4 billion in investment, during the period 1983-1998 (Aryee, 2001). This was facilitated by a lowering of corporate income tax to 35 percent in 1994, the removal of import duties on mine-relevant commodities, and a reduction in the minimum royalty rate to 3 percent of profits (Campbell, 2010). Africa, long a neglected space on the mining 'map', was re-emerging as a major player: by the late 1990s, it was attracting 28 percent of global investment in mining, more than double the amount a decade earlier (Bridge, 2004).

[Insert Table 2 here]

The recent resurgence of industrial-scale mining interests in sub-Saharan Africa, however, presents two major challenges to organizations committed to empowering disadvantaged groups through ethical mineral schemes and standards. The first is a territorial concern. The Bank's landmark report, *A Strategy for African Mining* (World Bank, 1992), provided the initial blueprint for mining sector reform in the region, drawing on the experiences of its 'first generation' of reformers, namely Ghana, as well as those of other developing countries, such as Chile. The document argues that 'Modern mining codes intended to provide a framework for large-scale private investment rest on two guiding principles: the investor has the right to explore for and mine minerals in return for specific commitments which can be assessed and monitored; and the investor should have secure and long-term title to mining rights' (p. 21). It first called on host countries to formulate favourable 'tax packages' for large-scale miners.

What seems to be overlooked repeatedly in discussions about ethical minerals and standards, at least in the case of sub-Saharan Africa, is the availability of land – specifically, how the overhaul of mine investment policies, despite triggering the aforementioned explosion in production and exploration, has also led to sizable sections of the region coming under the control of foreign multinationals. For example, in Uganda, in the mid-2000s, there were 221 outstanding exploration licenses (136 Exclusive Prospecting Licenses, 95 Location Licenses, and 15 Mining Leases) in the country, more than four times the number of licenses in 1990 (Government of Uganda, 2005). In Ghana, as much as 40 percent of gold-mineralized land could be in the hands of close to 400 foreign mining and mineral exploration companies (Hilson, 2011b), and in Tanzania, by the mid-2000s, the situation had become equally serious because companies were being granted areas as large as 150 km^2 for reconnaissance and prospecting (Lange, 2006). A quick glance at the concession maps available on Flexcadastre (http://www.spatialdimension.com/Map-Portals), including those of Tanzania, the DR Congo, Mozambique, Zambia and Uganda, illustrate, clearly, the extent of the problem.

Ferguson (2005, 2006) and others (e.g. Ackah-Baidoo, 2012) fittingly refer to these enormous spaces as 'resource enclaves', arguing how, despite being pockets of 'booming' extractive industry activity, they are largely mirages: that attractive investment climates – in this case, for large industrial-scale mining – have facilitated capital 'hopping' into, as opposed to 'flowing' through and catalyzing development in, these settings. Whilst this argument has buoyed debates on the resource curse, a discussion beyond the scope of the present paper, recognizing the ownership and power dynamics of resource enclaves is nevertheless important as it helps to underscore the challenge with launching ethical mineral schemes and standards aimed at empowering marginalized operators.

The reform-induced mining renaissance which swept across sub-Saharan Africa in the 1990s and early-2000s ushered in a number of 'new faces' to the region, a long list of multinationals headed by Barrick Gold and Newmont Gold Mining, as well as countless Canadian, American and Australian-headquartered exploration companies. The 'resource enclaves' awarded to these companies are not only sizable, as indicated, but are also autonomous: territories that have come under the exclusive control of, and policed by, the corporations they were demarcated to. The organizations looking to design and implement ethical mineral schemes and standards, therefore, face the onerous task of circumnavigating this vast territory and potentially wrestling demarcated space away from these multinationals.

This leads to the second concern, which is the ability of an individual to exercise agency, particularly when it comes to brokering financial transactions. Though at times seemingly idealistic and rather simplistic in their explanation, in the field of international development, some of the more widely cited works are those of Amartya Sen, who equates agency and empowerment with individual freedoms. Drawing heavily on the experiences of disempowered groups in India, the author initially argued 'Agency freedom is freedom to achieve whatever the person, as a responsible agent, decides he or she should achieve' (Sen, 1985, p. 169), and later reasoned that 'Greater freedom enhances the ability of people to help themselves, and also to influence the world, and these matters are central to the process of development' (Sen, 1999, p. 18-19). Despite having his share of detractors, Sen must be credited with helping to galvanize thinking about empowerment of the disadvantaged by drawing attention to the importance of ‘freedom and capability in a sense in which it entails decisive preference, not necessarily decisive choice’ (Pettit, 2001, p. 15). It is not the intention here to champion or to build on Sen’s work but rather to underscore how it has reduced ‘The transformative project of development…to that of enlarging individual agency understood as choice-making capacity’ (Chandler, 2013, p. 15). His work has spawned landmark texts (e.g. Narayan 2002; Alsop et al. 2006) which capture the essence of the struggles endured by marginalized groups, and the challenge of restoring their agency to a point where they can renegotiate their situations.

For the ethical mineral schemes and standards being implemented in sub-Saharan Africa to have any chance of restoring agency to disempowered mine operators, designers will need to conceptualize, more dynamically, the Global Production Network (GPN), a metaphor commonly used in geographical scholarship ‘to capture the multi-stranded connections between producers, traders, retailers and consumers’ (Hughes et al., 2008, p. 4). Calls made by Carswell and De Neve (2013) for a more ‘horizontal’ approach of GPNs, specifically how, in addition to ‘vertically linked production networks’, labour agency is also fashioned ‘as much by social relations and livelihood strategies that are themselves embedded in a wider regional economy and cultural environment’, have particular resonance here. A ‘horizontal analysis’, explain Neilson and Pritchard (2010), ‘understands fair and ethical trade as a set of *introduced* discourse and practices within producer communities that are already institutionally embedded within particular sociospatial environments’, and which ‘can bring into focus partialities, contradictions, and challenges that may accompany the incursion of these agendas within regional production systems’ (p. 1834). Undertaking such an analysis of mining in sub-Saharan Africa would no doubt yield fresh insight into the lives of marginalized operators.

Connecting with the Marginalized Mine Operator

Who, exactly, *are* the miner equivalents of the farmers being targeted by ethical and Fair Trade certification bodies in underdeveloped sections of the globe such as sub-Saharan Africa? As has been reported by several researchers in recent years (e.g. Hilson and Pardie, 2006; Jønsson and Fold, 2009), the region's most marginalized miners operate on a small and artisanal scale, and, as noted at the outset of this discussion, tend to be confined to the informal economy. Their lack of security of tenure typically leads to interactions with a host of unsavoury individuals at the local level who are looking to extract payments: chiefs, various middlemen, landowners and government officials. In recent years, 'horizontal analysis' of selected ASM communities in the likes of Ghana and Tanzania (Fisher, 2007; Hilson, 2010) has revealed how complex the organizational structures can be at the local level; cast light on the number of actors engaged in activities both directly and indirectly, and the composition of labour hierarchies; and captured how challenging the removal of exploitative characters from the system can be.

The dynamics that have surfaced, however, are largely a result of operators being confined to informal 'spaces', which has prevented them from accessing credit, finance and training. Failure to do so, in turn, exposes unlicensed miners to the many nuances of the informal economy, where, out of desperation, they are often forced to partner with local actors, forging deals which are not on their own terms. Drawing on the works of Narayan (2002), Alsop et al. (2006) and others, Ibrahim and Alkire (2007) argue that the solution to empowering such marginalized groups is: 1) agency-related, specifically – and reinforcing points raised earlier – enhancing 'their [marginalized peoples'] ability to act on behalf of what you value and have reason to value'; and 2) emphasizing change to the institutional environment so that individuals can 'exert agency fruitfully' (p. 383).

In the case of ASM, it is largely the latter which has magnified the former. The key challenge, institutionally, is coping with the large-scale mining 'bias' that has produced countless foreign-controlled extractive enclaves across sub-Saharan Africa, often at the expense of ASM's growth and development. Whilst the rhetoric may suggest that a number of donors, NGO groups and host governments now recognize this, the policy and institutional machinery in place for mining was, quite problematically, designed with this bias in mind. It was, again, *A Strategy for African Mining* which helped to lay the initial groundwork, calling on host governments to treat large-scale and small-scale mining equally – that 'A state mining enterprise should compete on the same terms as a privately-owned company, foreign on the same terms as national, large companies under the same broad rules as small ones' – in policy, despite being two very different activities (World Bank, 1992, p. 22).

The Bank's position on ASM seemed little different to the views circulating in donor, policymaking and academic circles at the time: namely, that the sector was populated solely by enterprising businessmen looking to 'get rich quick', and that reformed regulatory frameworks implemented for operators should be designed with this in mind. Shaped heavily by this perception, the institutional and policy structures that have emerged in sub-Saharan Africa for ASM over the past three decades have, not surprisingly, proved both ineffective and inappropriate. As indicated, prospective small-scale permit holders have struggled to secure a license, which has given rise to the countless informalized mining 'spaces' found across the region today. Over the past decade, these 'spaces' have proliferated, as wider economic changes in the region, ushered in by structural adjustment, have pushed hundreds of thousands of African families to the edge. Many have had no choice but to turn to ASM out of desperation for additional income (Barry, 1996; ILO, 1999; Hentschel et al., 2002).

But whilst the need to connect with and empower those confined to informal ASM 'spaces' in sub-Saharan has never been more pressing, doing so in a coordinated fashion requires understanding why these dynamics have emerged altogether. The first reason why is the pedestrian pace at which ASM has been legalized and formalized under reform. The main purpose of mining sector reform in sub-Saharan Africa, and a message preached throughout *A Strategy for African Mining* (World Bank, 1992), is to transform the sector into a vibrant export-led industry which, World Bank officials and other proponents claim, could generate the revenue so desperately coveted by host governments. As explained, the blueprint being promoted calls for a major overhaul of taxation policies to encourage foreign investment in mineral exploration and mining.

This could explain why, at least in the case of the region's initial wave of reformers, ASM was not prioritized from the beginning. If the aim was to avoid creating 'differential access to mineral rights', as prescribed by *A Strategy for African Mining*, then ASM, with its mostly local inputs and low investment, could never be relied upon to generate export-led growth. Host governments, therefore, would not have felt compelled to address ASM concerns immediately. Such was the case in Ghana, for example, where the sector was not fully legalized until a full three years *after* the passing of the *Minerals and Mining Law*, a landmark piece of legislation designed specifically to facilitate foreign investment in large-scale gold mining and exploration (Aryee et al., 2003; Hilson and Potter, 2005). Tanzania, which ushered in reform with the passing of its *1998 Mining Act*, only began seriously attending to the needs of ASM following implementation of its newest piece of mining legislation, the *2010 Mining Act*. As Jønsson and Fold (2014) explain, it properly decentralized licensing procedures for operators and abolished the Primary Prospecting Licensing (PPL), which, under the pre-existing *Mining Act*, was a stepping stone to a Primary Mining License (PML), Tanzania's equivalent of a small-scale mining permit. The ASM sector, despite its low levels of mechanization, minimal capital investment and poverty-driven nature, was being viewed and handled identically to large-scale mining: as an industry with complex, drawn-out 'stages' such as prospecting and exploration, and therefore requiring different licenses for each. By the time governments began to recognize the inappropriateness of this approach, however, large-scale enclaves were already firmly in place.

The second reason concerns the permitting systems installed for ASM in sub-Saharan Africa. Few, if any, seem to equip eligible permit holders with the requisite agency to negotiate the excising of plots of their choice and on their own terms. In fact, and as underscored in the landmark report, *Social and Labour Issues in Small-Scale Mining* (ILO, 1999), the permitting systems and procedures installed have done precisely the opposite: ASM, it correctly points out, 'is bedevilled with too many regulations that are mostly designed to constrain it' (np). Ironically, in their attempts to *not* 'create differential access to mineral rights', host African governments have made it difficult, if not impossible, for small-scale miners to secure the requisite permits. In Ghana, it has been a case of licensing fees being exorbitant – registration and associated fees amounting to tens thousands of US dollars – and there being lengthy delays on decisions on applications (Hilson et al., 2014). The same appears to be happening in Tanzania:

> …the 2010 Mining Act (as did the 1998 Mining Act) dictates 'first come, first served' procedures regarding license acquisition. However, although gold discoveries are often made by artisanal miners or local people, the restricted capacity of mining authorities to disseminate legislative information on how to acquire licenses to artisanal miners in a timely manner favours large-scale and junior mining companies as well as well-connected, typically urban-based, speculators. These have in-depth knowledge of the legislation and secure licenses in mineral-rich areas before the vast majority of artisanal miners know of the opportunity…When gold was discovered in Londoni, a foreign junior company was interested in securing a Prospecting Licence (PL) to the area. As a

consequence, artisanal miners' initial PML applications were rejected. The ones who had already put up pegs for their requested claims subsequently lobbied to get the area designated for artisanal mining. [Jønsson and Fold, 2014, p. 118-119]

There have been reports of the same taking place in other countries in the region, notably Zimbabwe and Zambia.[3]

The rhetoric towards ASM has certainly changed in donor circles over the past decade, largely in response to mounting evidence that the sector is markedly distinctive from large-scale mining and therefore warrants its own 'space' in policy. But in the case of sub-Saharan Africa where, during this time, in response to deteriorating economic conditions and mounting poverty, ASM has become a vital source of income for hundreds of thousands of people, an infusion of new ideas has failed to facilitate much change in policy. The strategies of the region's newest 'generation' of mining sector reformers, headed by the likes of Nigeria and Malawi (World Bank 2009, 2012), remain very large-scale 'biased'. Failure to adequately address the needs of artisanal and small-scale operators has, as indicated, produced the pockets of informal mining activity now found across sub-Saharan Africa today.

The NGOs and industry bodies implementing ethical mineral schemes and standards certainly hint that these interventions are effecting some change on the ground (see Tables 3 and 4 for a comprehensive list of schemes and standards worldwide). Certain organizations have gone as far as populating their websites with stories laden with phrases such as 'Fair Trade', 'poverty alleviation and 'pro-poor', alongside graphic images, to suggest that they are, indeed, targeting the informal mine operators marginalized under reform. But further

[3] 'High fees knock off artisanal miners', www.thezimmail.co.zw/2014/02/17/high-fees-knock-off-artisanal-miners/ (Accessed 13 June 2014); 'Licenses delay leads to illegal mining, say small miners'. http://ukzambians.co.uk/home/2011/11/05/licences-delay-leads-to-illegal-mining-say-small-miners/ (Accessed 12 June 2014).

analysis reveals a very different story: that these interventions are not targeting the poor masses and were not conceived with this in mind. In fact, the schemes and standards implemented to date are now embedded within existing 'uneven' policy and institutional frameworks. The next section of the paper provides clarification on *who* these schemes are, in fact, targeting and examines critically their potential impact developmentally, in the process reflecting on what the ethical minerals agenda has become in sub-Saharan Africa.

Ethical Minerals: Fairer Trade for Whom in Sub-Saharan Africa?

Efforts made to deliver more ethically-sourced minerals to market have undoubtedly been buoyed heavily by a global drive to mine more responsibly. But as Hilson (2014) explains, with no international guidelines in place, designers and implementing bodies have found themselves in a position to devise their own definitions of 'ethical'. Consequently, many of the schemes and standards being piloted/implemented were founded on very different conceptualizations and ideas (See Tables 3 and 4). This confusion likely extends to consumers, who have displayed naivety about the inner workings of the ethical mineral schemes implemented in sub-Saharan Africa (Figure 1). Proponents of ethical consumption argue that consumers, who are rightly demanding more information about the products they purchase, 'at a personal level', are able to 'lead lives that are more moral', and that 'at a public level,…can use their purchases to affect the larger world by putting pressure on firms in a competitive market to change the way that they do things' (Carrier, 2010, p. 672). Ethical – and more broadly, alternative – trade 'attempts to make the relations of production – in terms of labor and its impact on nature – a visible part of the commodity' (Hudson and Hudson, 2003, p. 414). For consumers, the decision to embrace alternative and by extension, ethical, trade is certainly well-placed, influenced heavily by political injustices and 'the notion of unequal exchange in North-South economic relations' (Renard, 2003, p. 89). Is the ethical minerals agenda speaking to deliver justice to the marginalized masses in sub-Saharan

Africa? Specifically, through these initiatives, are the millions of African 'barefoot' prospectors, marginalized under structural adjustment and who now find themselves trapped in the informal economy, 'reacquiring' any agency and gaining a more autonomous foothold in a reformed mining economy?

[Insert Figure 1 here]

In an attempt to answer these questions, the discussion that follows reflects critically on the direction, objectives and projection of the main ethical mineral schemes and allied interventions implemented in the region to date. It combines the content analysis of key media (websites, brochures and project reports) with feedback from interviews conducted, during June-October 2011, April-September 2012 and January-August 2014, with 12 individuals involved in the design, implementation and/or running of selected schemes and standards. The analysis serves as a reminder that – at least in the case of sub-Saharan Africa – ethical mineral schemes and standards are *not* development interventions as is commonly believed. Where necessary, the respondent is anonymized.

[Insert Table 3 here]

[Insert Table 4 here]

Ethical Minerals: Empowering Africa's Poor?

Few areas of international development have projected more ambiguous and at times, spurious, messages than ethical minerals and standards. With the exception of perhaps the Development Diamond Standards, no scheme implemented in sub-Saharan Africa to date was designed to 'reach', empower and provide agency to marginalized ASM operators; nor will many likely ever be in a position to do so. Making this happen would require considerable effort on the part of designers to *adapt* schemes appropriately or for marginalized groups to undertake the onerous task of complying with stringent standards, a necessary first step being to legalize activities by acquiring the requisite permits, which, as explained, is challenging for most.

Some implementing bodies have been quite transparent about this. The World Gold Council, for example, acknowledged at the time of its inception that its Conflict Gold Standard is 'available to any party involved in the extraction of gold, including artisanal and small-scale mining enterprises' but made clear that it 'contains a demanding set of processes and practices that entities need to meet in order to demonstrate performance…[and that these] demanding criteria, as well as the requirement for external assurance, may be well beyond the capacity of many artisanal and small-scale mining enterprises' (World Gold Council, 2012, p. 3). These points were emphasized in a recent interview with an official:

> The Standard is written for any gold miner, not just for our members…it is not…and in theory, it is open to any gold producer but clearly, the standards set out are demanding for large scale producers, large scale miners that support that responsible conflict free gold is good for their business, and that they can get external assurance and publish

> their results, and gives confidence to their producers in a responsible way…We do recognize that these standards are likely to be taken up by large-scale miners…[4]

Conceivers of the Initiative for Responsible Mining (IRMA Standard) are equally clear on who they are targeting, explaining that 'it is not designed to be applicable to small-scale or artisanal mining, but is intended to avoid or mitigate potential negative impacts of industrial mining on small-scale or artisanal miners' (IRMA, 2014, p. 8).

Other bodies, however, have not been particularly transparent about which groups they are targeting. Many imply that they are, in fact, reaching and empowering the poorest of operators in sub-Saharan Africa. For example, Fairtrade Gold is pitched as a scheme which targets the 'Some 15 million artisanal and small-scale miners [who] scrape a living doing backbreaking work in harsh conditions to produce 200-300 tonnes of gold a year', and who 'are at the end of long and complex supply chains and have little option but to accept the price offered by traders, however low'.[5] Officials at the Alliance for Responsible Mining argue that implementation of its Fairmined Standard leads to 'improved environmental management, especially mitigating the effects of use of mercury and other toxic chemicals, enhancing ecological restoration, and responsible water management' and 'promotes the wellbeing of families and children in mining communities, brings better social security, gender equality, child protection and the elimination of child labor in certified organizations' (ARM, 2014). Officials at Columbia Gem House have gone as far as stating on the company's website that 'when conscientious consumers sip their fair trade coffee, the fingers that hold their cups can be adorned with Fair Trade Gems from Columbia Gem House, Inc.'[6] — the implication being that purchases of 'Fair Trade' rubies are mobilizing and empowering poor rural masses (Hilson, 2014).

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[4] Interview, 24 July 2014.
[5] 'Gold', http://www.fairtrade.org.uk/gold/ (Accessed 3 April 2014).
[6] See 'Fair Trade Gems', www.columbiagemhouse.com/fairtradegems.html (Accessed 4 July 2014).

The evidence tells a very different story, however: specifically, that few of the ethical mineral schemes and standards being piloted/implemented to date in sub-Saharan Africa are reaching poor operators, or are even attempting to do so. Moreover, without assistance, it is unlikely that the individuals who carry out the subsistence ASM activity described by Hilson (2012), Luning (2014) and others could *ever* position themselves to access schemes such as Fairtrade Gold or Fairmined Gold. Again, these miners are impoverished, lack support and, most significantly, are unable to secure licenses, which despite claims by one official in an interview that the (official's) organization is 'working to helping these [artisanal] miners even if they are never likely to certify',[7] immediately excludes them from these certification processes. In the rare instance that these family-based operators are able to secure a license, they must reorient their practices entirely in order to position themselves to comply with near-impossible certification criteria. For Fairtrade Gold, to 'receive a guaranteed minimum price and an additional 10% Fairtrade Premium to invest in improving their business or in community projects such as education, clean water and healthcare', it is explained, 'strict standards on working conditions, health and safety, handling chemicals, women's rights, child labour and responsibility to the environment'.[8] The Fairmined Gold certification process is equally comprehensive. It requires that 'All operators in the supply chain…be Fairmined certified, authorized or licensed and maintain the Fairmined labelled Gold completely separate from any other gold, and no mass balance or mixing of sources with non-Fairmined is allowed' (ARM, 2014).

During a recent presentation, a pioneering Fair Trade jeweller conceded that reaching the informal, unlicensed mine operator in Africa was, indeed, exceedingly challenging, which is why most ethical mineral schemes and standards target 'low hanging fruit' (Valerio, 2014). When probed about why they are not doing so, despite suggesting that impoverished groups

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[7] Interview, 17 April 2014.
[8] 'Gold', http://www.fairtrade.org.uk/gold/ (Accessed 3 April 2014).

are being targeted, an official echoed these sentiments, explaining in an interview that, 'at the moment, you know, the only thing we can do is support the acquisition of mineral titles, whether it be agreements with other mining entities'.[9] Another official, in direct contradiction to the reference made to Fair Trade coffee on the (official's) company website, explained in an interview: 'Don't go the artisanal route [which is] Wild and uncontrollable', furthermore expressing his scepticism 'of running up the Bolivian Andes and the Amazon Jungle and finding a miner and saying "this is Fair Trade" because it doesn't work'.[10]

Although not stated explicitly, it is apparent that, in sub-Saharan Africa, marginalized ASM operators are being overlooked or excluded outright from participating in ethical mineral programs and standardization schemes.

Ethical Mineral Schemes in Sub-Saharan Africa: Who Benefits?

Who, then, are designers of ethical mineral schemes and standards targeting in sub-Saharan Africa? One official cast considerable light on this during an interview, asking: 'Do you think Fair Trade and ethical minerals are consumer or retailer-led?'[11] If informal miners, marginalized by regulatory frameworks and the state, were the centrepieces of initiatives, then such officials would likely be asking very different questions. This is further evidence that ethical mineral schemes and standards are *not* development interventions, as is often projected.

Returning to the question, both retailers and consumers have shaped the ethical minerals agenda, and seem willing to forge partnerships with the poorest of operators. But the lack of policy 'space' provided for, and attention given to, informal ASM, the low public

[9] Interview, 13 April 2014.
[10] Interview, 13 October 2011.
[11] Interview, 14 July 2014.

awareness of the sector's dynamics, and the general lack of guidance given to implementing bodies has spawned schemes and standards which connect with licensed, more established operators. Some organizations initially denied this to be the case but have since changed their views. For example, the policy issued by the Alliance for Responsible Mining states that the '[Fairmined] scheme is for artisanal and small-scale miners as defined in section 0.2.1, *not* industrial medium- or large-scale mining' (ARM, 2014).[12] An official from the organization, however, painted a very different picture during an interview, conceding that only a small fraction of operators could realistically access the Standard:

> …We have kind of identified that within our maybe in the global ASM gold sector, that we have kind of pinpointed that maybe only 10% of the mining ASM mining organizations in the world would actually be potential like certified communities…You know, just that top 10% would be able to meet the requirements of the Standard.[13]

The same applies to the Fairtrade Gold Standard, which, according to its website, was 'developed to help miners formalise and improve their mining and business practices'.[14] Fairtrade certified gold mines, including the famous Colombia-based Oro Verde cooperative, are closer to being medium-scale than artisanal. An official implied as much in an interview, hinting that the organization was, indeed, pursuing more 'ready-made' setups. The official further noted that 'We [Fairtrade] chase volume of supply before demand, 600 kg certified gold from Latin America for 200 kg of demand'.[15] Other organizations, such as Gemfields and Columbia Gem House, have built their programs around more mechanized, large-scale activity, labelling their efforts to develop vertically-integrated supply chains 'Fair Trade' (Columbia Gem House, 2010; Gemfields, 2013).

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[12] Authors' italics.
[13] Interview, 14 April 2014.
[14] 'Gold', http://www.fairtrade.org.uk/gold/ (Accessed 3 April 2014).
[15] Interview, 1 April 2014.

The informal African miner has not been *deliberately* excluded during the design phase. It is rather a case of implementing bodies not paying sufficient attention to this category of operator. Specifically, in the absence of any real pressure to do so, organizations have cultivated partnerships with formalized small-scale, medium-scale and industrial mines (the so-called 'low-hanging fruit'), arguably those operations which, in the current policy environment, are best positioned to fulfil stated objectives. Thus, whilst certainly not directly excluding informal operators from certification, designers of ethical mineral schemes have shown little interest – at least in the case of sub-Saharan Africa – in challenging the trade and policy structures which have marginalized their existence.

A preoccupation with delivering traceable mineral product has led organizations, conservative and fairly inflexible in their approaches, to circumnavigate, as opposed to challenge, existing structures and networks. The groundwork was laid by the Kimberley Process Certification Scheme (KPCS), launched specifically to eradicate conflict diamonds from circulation and to assure the delivery of traceable stones to the market. Spiegel (2014) projects the KPCS as a development intervention, presenting arguments based on interviews conducted with miners who claimed to have extracted diamonds in the Marange diamond-producing area of Zimbabwe. It is author states at the outset of his analysis that 'advocacies *against* diamond certification as well as advocacies *favouring* certification *both* tended to overlook the interests of artisanal miners, focusing narrowly on certain forms of conflict while associating artisanal mining with illicitness' (p. 1). The author insinuates a link between KPCS certification and 'Fair Trade', arguing that, 'This analysis adds to growing skepticism among geographers when contemplating the power of a ''conflict-free'' brand to account for complex injustices in the mining sector and to critiques of ''fair trade'' movements for ''fetishizing'' while obfuscating capitalist commodity chains more broadly', and points to how 'The Marange case suggests that critiques of ethical branding instruments should take into account the diverse and dynamic political interests inherent in mining industry/ civil society/government initiatives that strive for the certification of commodity chains' (p. 9). The KPCS, however, despite focusing on the output from informal mines, was never conceived for ASM. The Working Group on Artisanal and Alluvial Production (WGAAP), described on the KPCS website as 'the youngest working group of the Kimberley Process (KP)' (Van Bockstael and Vlassenroot, 2009), was not established until 2007, or a full four years following the intervention's official launch and a year after the diamond rush in Marange commenced, which the author himself acknowledges.

The KPCS – again, an initiative not designed for informal ASM, despite heavily focusing on the commodities it produces – has set the tone for more recent interventions. Whilst often packaged as 'Ethical' or 'Fair Trade', most schemes are nothing of the sort. Shaped by discourses on security, conflict minerals and civil war, the main priority for most is to supply commodities that can be traced to the source. An initial group of schemes – specifically, those designed for implementation in sub-Saharan Africa – are aligned with the requirements of two major legislative/policy interventions. The first is the US *Dodd-Frank Act*, 2010, which deals specifically with the DR Congo and adjoining countries. Section 1502 of the act requires companies listed and traded on US stock exchanges to disclose information on the use of 'conflict minerals', defined as cassiterite (tin), columbite-tantalite (tantalum), gold and wolframite (tungsten), needed to fabricate a product. Although the act applies to only companies listed on American stock exchanges, because each is required to provide details of suppliers, it has significant implications for European corporations as well (Herda and Snyder, 2013; Manhart and Schleicher, 2013). The second is the complementary *OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas*, which 'provides detailed recommendations to help companies respect human rights and avoid contributing to conflict through their mineral purchasing decisions and practices' (OECD, 2012).

Both landmark interventions have nourished and supported more established medium-scale miners. Although the instability in the DR Congo and surrounding countries has been fuelled by power struggles, debates over land, identity and citizenship (Vlassenroot and Raeymaekers, 2004), the *Dodd-Frank Act* has had the effect of linking violence in DR Congo directly to minerals, a view which has proved popular with NGOs such as Global Witness. This has given industry bodies, looking out for the business interests of their members, even more reason to target 'low hanging fruit'. Excluded from these schemes, the 8-10 million people in the Eastern DR Congo who, as Vogel (2014) explains, make their living from informal ASM and claim they were not consulted prior to the passing of the *Dodd Frank Act*, have struggled to earn an income, leading many to join militias and triggering the outright collapse of local economies. The *OECD Due Diligence Guidance* reinforces the minerals-conflict narrative but misleadingly suggesting that it focuses on local development, contesting that, 'In conflict-affected and high-risk areas, companies involved in mining and trade in minerals have the potential to generate income, growth and prosperity, sustain livelihoods and foster local development' (p. 12). It even contains an Appendix, *Suggested measures to create economic and development opportunities for artisanal and small-scale miners*, the stated aim of which is 'to minimise the risk of marginalisation of the artisanal and small-scale mining sector, particularly the victims of extortion, while promoting conflict-free gold supply chains, thereby creating economic and development opportunities for artisanal and small-scale miners' (p. 114). It is clear, however, from the repeated reference to 'companies' in *The OECD Guidance*, and the requirement for such companies to integrate into their management systems a robust 'Five-Step Framework for Risk-Based Due Diligence in the

Mineral Supply Chain' (OCED, 2013), that partnerships with informal ASM operators are not being sought.

Although not stated explicitly, it is clear, from the results thus far, which operators the designers of ethical mineral schemes and standards built around the *Dodd Frank Act* and/or the *OECD Guidance* are targeting. One of the more illustrative examples of this is iTRi's Sustainable Tin Supply Initiative (iTSCi), which 'assists upstream companies (from mine to the smelter) to institute the actions, structures, and processes necessary to conform with the OECD Due Diligence Guidance (DDG) at a very practical level, including small and medium size enterprises, co-operatives and artisanal mine sites'.[16] Officials have made it clear that the scheme focuses solely on 'traceability' which, they maintain, 'is essential for ensuring that minerals from certified mines can be credibly identified and traded' (iTRi, 2010, p. 1). Although the organization does not intentionally exclude any operation from its program, given the highly-complex tagging system it has instituted, it is clearly targeting specific operations. Not surprisingly, as confirmed by an official, the 460 sites in Rwanda and 500 in DRC (South Kivu) that were certified at the time of writing are sophisticated, medium scale setups (Cooper, 2014).

A second group of schemes has emerged on the back of these efforts: those packaged as 'Fair Trade' and/or 'ethical'. The Fairtrade and Fairmined programs, which top the list, have struggled to gain much traction in sub-Saharan Africa. The standards for each were modelled after sophisticated, well-established small and medium-scale mining operations located in unique geological environments in Latin America, such as Colombia-based Ore Verde. Although interviews with officials failed to clarify why such operations are being targeted, it seems, from material published in documents and on websites that, much like the

[16] 'iTSCi Project Overview', www.itri.co.uk/index.php?option=com_zoo&view=item&Itemid=189 (Accessed 13 April 2014).

first category of schemes, the primary objective here is to deliver traceable product. For Fairtrade gold, it is stated that Fully Traceable Gold 'will remain the core business model'.[17] The Alliance for Responsible Mining is even more concise on this issue, stating that the *Standard* 'adheres to the *OECD Due Diligence Guidance on Conflict and High-risk Areas*, while seeking to enable traceable supply chains to market in support of traditional ASM' (ARM, 2014).

These organizations seem reluctant to *adapt* their standards and reach out to marginalized informal operators in sub-Saharan Africa. They have rather made a series of deliberate and curious decisions, including siting a project in Kenya, a country that barely has a gold mining sector; launching other projects in fairly off-the-radar locations, such as Burkina Faso and Uganda, which offer few transferable lessons; and targeting well-to-do operators in the 'mature' mineral economies of Ghana and Tanzania. One official explained why in an interview:

> The standard [is] open to any miner who is organized. [This] used to be a cooperative structure but it can be any organizational setup. In East Africa [however] the best run miners are entrepreneurial-run…We are looking for ones who could get certified quickly.[18]

Thus, despite being packaged as 'ethical' and, through imagery and text, at times implying that poor, marginalized operators are being empowered, such schemes were clearly implemented with a view of targeting 'low-hanging fruit', forging partnerships with operations that are mechanized and which would be considered more affluent and/or medium-scale.

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[17] 'New Fairtrade Gold and Precious Metals Standards Published', www.fairtrade.net/single-view+M538639b3300.html (Accessed 12 March 2014).
[18] Interview, 1 April 2014.

A final category of schemes and standards, which also seek to deliver traceable commodities to market, have been built around large-scale operations. Topping this list of producers is Gemfields, with its flagship operation in Zambia, and Columbia Gem House, which, following its internally-published *Quality Assurance and Fair Trade Gems Protocol*, works to source gemstones, through its manufacturing/retailing platform, Trigem Designs, 'Direct from the Mine'. On the website of the former, it is explained that 'Gemfields, in partnership with its dealers and manufacturers, ensures a consistent supply of coloured gemstones to its consumers and offers certification of full disclosure directly to these discerning clients'.[19] An official explained in an interview that the company engages in 'sustainability and health and safety' around its mine and sells stones 'through auctions in Zambia'.[20] The latter undertakes similar activity, its managers claiming not to 'support those who utilize business practices such as: employing child labor or slave labor, demanding employees to work exorbitant hours, paying below the standard or minimum wages, destroying the environment, smuggling, or supporting terrorists groups'.[21] To clarify, however, neither seeks to provide agency to the poorest of – in this instance, gemstone – operators. Their concern seems to be providing assurance, which their executives believe can best be accomplished through implementing vertically-integrated supply chains. As Cross et al. (2010) explain, with gemstones, 'The relationship between artisanal or small-scale miners and their buyers and dealers are almost entirely undocumented' – specifically, that 'There is practically no record of who these actors are, what their links are to the communities involved in production or to the companies involved in large-scale mining operations in the wider gemstone industry'. Although, as the authors further point out, 'industry associations play an important role in mediating relationships between [artisanal] traders', and that 'Recent

[19] ' *Transparency*, from mine to market, http://consumer.gemfields.co.uk/responsible-gemstone-mining/transparent-route-to-market (Accessed 12 August 2014).
[20] Interview, 14 July 2014.
[21] 'Fair Trade Gems', www.columbiagemhouse.com/fairtradegems.html (Accessed 12 April 2014).

research suggests that these industry associations are likely to be pivotal to the introduction of any ethical initiatives in the sector in relation to gathering support and ensuring that local understanding is embedded in the initiative' (p. 25), the work being undertaken by the companies which fall into this category and packaged as 'ethical' are more reminiscent of Corporate Social Responsibility or basic community development exercises.

Ethical Mineral Schemes: Surveying Impacts in sub-Saharan Africa

To date, it has mainly been the retailers, suppliers, a select group of 'elite' operators and implementation bodies themselves that have benefited from the launch of ethical mineral schemes and standards in sub-Saharan Africa. Henderson et al.'s (2002) comprehensive three-part GPN conceptual framework is a useful framework for debating further the distribution of the impacts of these interventions in the region.

The first element of the framework is *value*, specifically, its creation, the circumstances under which it can be enhanced and the ways it can be captured. As explained, the targeting of 'low hanging fruit' and subsequent 're-tracing' of *existing* or easy-to-construct supply chains for the purposes of guaranteeing traceability has had minimal developmental impact both directly and indirectly. For most of the organizations purportedly working to deliver ethically-sourced precious minerals, a point of emphasis has been forging partnerships with established operators with export licenses and/or who have links to the jewellery market. The design of standards based on experiences in Latin America could explain why parallel moves made in sub-Saharan Africa have had such little traction thus far: the unwillingness of implementing bodies to engage with the region's informal operators who have been marginalized in an era of reform has likely led to such a random selection of mine partners in the region. In the rare instance where genuine efforts are being made to partner with marginalized operators, the most illustrative example being the Development Diamond Standards pilot project in Sierra Leone, the absence of 'supportive' development policy could prove too formidable to overcome, and consequently, force a move to link with a more reachable, well-established operator.

On the decision to target more established operators – so-called 'low-hanging fruit' – interviewees consistently broached the idea that 'one must start somewhere'. But when interviewees were probed about the possibility of providing agency to informal operators, there was a feeling of trepidation detectable. Officials consulted at some organizations, such as the Alliance for Responsible Mining and Fairtrade Foundation UK, do not seem particularly enamoured with the idea in the slightest. This could explain why, at present, the former's Fairmined Gold Standard is 'neither intended for new gold rush situations, nor for newcomer mining in environmentally sensitive areas' (ARM, 2014), and in the latter's Fairtrade Gold Standard, 'responsible mining' is described quite rigidly as 'artisanal mining without environmental contamination and with full ecological restoration, and entails avoiding rush-type mining and invasion of protected areas' (Fairtrade International, 2013).

Many interviewees believed the forging of robust partnerships with large and medium-scale mining companies to be a key to empowering informal operators. One official, for example, explained that 'I would like to try also sites which are a bit more, I would say, a bit more wild but where the industrial permit holder would be involved in the process as well as, for example, as marked in their CSR policy'.[22] Another explained that his organization wants to 'go gradually' through 'work with the mid-scale mines to try to do some kind of with the illegal ones we negotiate with them and if we can shed off part of the concession where they are working, so that we, we, we support them to formalize or to regularize their operations'.[23]

[22] Interview, 17 April 2014.
[23] Interview, 13 August 2014.

Such a move, however, would depend on companies being open to the idea of working with informal operators, in many cases, with individuals they have long feuded with over land (see Hilson and Yakovleva 2007; Lange 2008). It also assumes that established mining companies are willing to take full responsibility for the groups they invite to work on their concessions. Some are not prepared to do so, as one official made clear during an interview:

> But throughout our work [in Ghana]…clearly…some of them [the companies] are seeing small-scale miners as a threat to their operations and wouldn't want to go near them at all. You see? There was one mine...Endeavour Resources…they are in the process of shedding off some of their concession…but we go to them to partner to manage the activities of these small scale miners…[but] they told us point blank, they don't want to have anything to do with them…[24]

Even if potential partners can be identified, informal ASM parties must also be willing to participate. Curiously, no interviewee seemed to recognize the potential challenges with persuading artisanal mining groups to work with the very companies which have prevented them from securing licenses.

The jewellery community is in a position to benefit from these efforts, regardless of who is being empowered. Many retailers, manufacturers and distributers have skilfully expanded their portfolios to include 'ethical minerals', therefore facilitating access to a perpetually-expanding consumer base. Significantly, aspirations to conform to the Responsible Jewellery Council's comprehensive Chain of Custody (CoC) Certification, which 'aims to support claims for responsibly-sourced jewellery materials (known as CoC Material) produced, processed and traded through the jewellery supply chain',[25] effectively

[24] Interview, 21 August 2014.
[25] 'Chain-of-Custody Certification', www.responsiblejewellery.com/chain-of-custody-certification/ (Accessed 14 August 2014).

prevents these parties from reaching out to informal mine operators. The *Certification Handbook* (RJC, 2012) is very explicit about what mining activity is 'eligible', stating that gold and platinum group metals must be 'produced under responsible mining practices, as defined by the RJC Code of Practices or a comparable standard recognised by the RJC [Responsible Jewellery Council], or by ASM on an Entity's concession under an initiative supporting professionalisation and formalisation of ASM, or Mining Byproduct declared by a CoC Certified Refiner, and Conflict-Free as demonstrated by Due Diligence' (p. 14). The RJC is in the process of examining ways in which to make CoC certification more accessible to the full complement of ASM operators. But in the meantime, it is limited to a small group of companies such as Honduras-based Eurocantera, which 'extracts' one third of its gold from independent artisanal miners operating on its concession (Blackmore et al., 2013). This type of partnership has proved highly-elusive thus far in sub-Saharan Africa.

In the case of interventions linked to the *OECD Due Diligence Guidance* and the Dodd-Frank Act, the policy machinery currently in place appears to be little more than a complex self-regulatory apparatus comprised of several independent branches. Hilson (2014) singled out Columbia Gem House for designing and implementing its own *Quality Assurance and Fair Trade Gems Protocol* as a framework for determining 'Fair Trade Gems'. Other organizations, however, have done the same. For example, the World Gold Council, an industry association and market development organization for the gold industry, administered, at the time of writing, its own *Conflict-Free Gold Standard*, 'designed to be implemented by World Gold Council member companies and other entities involved in the extraction of gold' (World Gold Council, 2012, p. 1). Similarly, iTSCi, which is a 'not for profit membership based organisation' that 'represents the tin industry and is supported by the world's most important tin producers and smelters',[26] is funded mainly by export levies (Cooper, 2014). These schemes are elaborate and feature comprehensive tracking and tagging systems but have mainly benefitted an assortment of upstream businesses which, as a result of calibrating their management systems with the *OECD Due Diligence Guidance*, have appeased their customers and likely profited handsomely in the process.

The evidence in support of this lies in the magnitude of corporate reconfiguration that has taken place within the manufacturing and service sectors. It was estimated, at the outset, that compliance with the *Dodd-Frank Act* would cost companies a combined US$3-4 billion up-front, and an additional US$200 million annually. This includes in the range of 6000 American and foreign companies that must comply with Section 1502 which again, covers products containing tin, tantalum, tungsten and gold.[27] This expenditure, however, has nothing to do with improving local livelihoods. It has rather been made to recalibrate retailing and manufacturing activities to align more closely with changing consumer tastes and new legislation. But whilst the upstream diligence based on the *OECD Due Diligence Guidance* is now widespread, downstream efforts are less developed (Manhart and Schleicher, 2013).

This leads to *power*, the second strand of Henderson et al.'s (2002) framework – specifically, the idea that its sources and ways in which it is exercised in GPNs 'is decisive for value enhancement and capture and thus for the prospects for development and prosperity' (p. 450). With few exceptions, within the ethical mineral schemes in place across sub-Saharan Africa, power is, indeed, disproportionately distributed, confined to retailers, manufacturers, distributors and implementing bodies. Their decisions to partner with more-

[26] 'About ITRI', www.itri.co.uk/index.php?option=com_zoo&view=item&Itemid=9 (Accessed 13 July 2014).
[27] 'Wal-Mart, Target Avoid Mining Rule', http://online.wsj.com/news/articles/SB10000872396390444082904577605630361858586 (Accessed 11 April 2014).

established operators and implement elaborate systems of self-regulation have, for the most part, gone unquestioned. Doing so runs the risk of fuelling elite capture among established small-scale operators, creating even more resource enclaves in mineralized landscapes already heavily under the control of foreign large-scale companies exporting large quantities of mineral output. This, in turn, can further marginalize informal operators who have endured monumental struggles under reform.

There are signs that this is already taking place. In the Kivu Provinces, for example, new mineral tracking systems have reportedly created monopolies, making it difficult for artisanal miners to negotiate ore prices (Johnson, 2013; Manhart and Schleider, 2013). As Seau (2012) explains, Section 1502 and complementary measures taken to deliver traceable conflict-free products, which have resulted in a boycott on most Congolese minerals, have had a devastating impact on local families. Most are forced to work in deplorable, unsafe conditions at artisanal mines for income because there are no alternative job opportunities other than agriculture and – ironically, given the intention of delivering 'conflict-free' product – joining a local militia. Moves taken to connect with established mines which readily conform to criteria provided by the likes of the RJC, the World Gold Council and iTRi in response to growing pressure to deliver traceable product, has left an estimated 1-2 million Congolese artisanal miners out of work, of whom, as many as 12 million additional civilians depend for their livelihoods.

The assortment of gold certification programs taking root across sub-Saharan Africa could have the same effect, insulating in enclaves a series of well-established small and medium-scale miners under an umbrella of 'Fair' or 'Ethical' trade in states headed by governments that have criminalized informal artisanal activity (see Tschkert and Singha, 2007; Childs, 2008; Katsaura, 2010). These programs will have the likely effect of fortifying trade for these privileged, well-connected parties, whilst doing sparingly little for marginalized artisanal groups persecuted by host governments for not having the requisite permits. It is unlikely that attention will turn to the concerns of these operators anytime soon because officials seem more preoccupied with preserving the images of their own organizations, as noted earlier. This in part explains why – however unlikely it is to happen – they are willing to wait for established miners to 'reach out' to informal operators. Moreover, without encouragement, few of the region's artisanal mine operators would likely initiate any such partnership voluntarily. Drawing on the case of Ghana, one interviewee explained why:

> …the cooperative concept is a constitutional provision in this country…people in any activity can come together and form a cooperative and be registered. So, I don't see why this small-scale miners in these small communities are exempted…they [the government] say they're exempted because once they tag them as 'illegal', it keeps them away from government and then from experience, we have seen government sending military men, and policemen and a whole lot of things. So the people are afraid of coming out and engaging with government to say you know, 'we have a place in this system, to be registered to go beyond where we are'. So one of the reasons is that because of the tag on them, it is very difficult to get them together to believe that they have the right to form a cooperative.[28]

For informal artisanal miners operating in sub-Saharan Africa to have any chance of escaping state persecution and being a more integral part of such interventions, therefore, NGOs and the industry bodies implementing ethical mineral and standards in the region must assume a more catalytic role.

[28] Interview, 13 August 2014.

If the intention is for the suite of interventions being piloted and/or implemented in the region to have a greater impact developmentally, then schemes and standards – which again, were never intended for this purpose – must be adapted to local conditions, taking into account the unique experiences of informal artisanal operators (after Blackmore et al., 2013). The next, and final, section of this paper reflects more closely on how the schemes and standards in the region are being marketed, and the challenges with making informal artisanal operators more of a centrepiece of these efforts.

Discussion and Conclusion: Critical Reflections on the Ethical Mineral Agenda in Sub-Saharan Africa

This paper began by detailing how mineralized sections of sub-Saharan Africa have changed under reform. Guided by the landmark World Bank publication, *A Strategy for African Mining* (World Bank, 1992), host governments have sought to transform their mining economies into export-based industries. They have achieved this by providing generous investment incentives to foreign multinational mining and exploration companies. The vast sections of land awarded to these parties across the region, however, has stifled the formalization of ASM: hundreds of thousands of operators, struggling to secure the requisite permits, have been reduced to leading an informal sector existence.

This leads to the third and final element of Henderson et al.'s (2002) framework: *embeddedness*, or the idea that GPNs 'not only connect firms functionally and territorially…[as well as] connect aspects of the social and spatial arrangements in which those firms are embedded and which influence their strategies and the values, priorities and expectations of managers, workers and communities alike' (p. 451). Certainly, if these operators were a part of GPNs and connected to actors in the retailing and manufacturing sectors, their worlds would legitimately become more of a centrepiece of the ethical minerals agenda taking shape in sub-Saharan Africa. But it has been a point of emphasis to retrace existing supply chains as well as fortify networks by reaching out to established small-to-medium sized mining operations. In the process of working to deliver traceable mineral commodities to Western markets via the easiest means possible, the livelihoods of the region's informal artisanal operators have, once again, been ignored.

This, however, has not stopped the telling of very different stories. The websites of many of the organizations examined in this research often use imagery and text to narrate very different stories. For example, on the website of the Dutch-based NGO Solidaridad, which has both assisted organizations with certifying their mines and launched projects on its own, the following is written:

> Small-scale miners are especially vulnerable. They work long hours in dangerous conditions for less than a living wage. Too often the wealth generated is minimal and goes to middlemen, who exploit poor miners and add no value to the chain. Miners may be aware of the risks, but do not have the resources to improve.[29]

Yet, although claiming it 'sees that there is a solution to these problems and works together with mining communities, small-scale miners and jewellers to develop good gold: fair, safe gold mining', Solidaridad had, at the time of writing, partnerships with only mid-level operators.

Similarly, with passages such as 'Globally, the roughly 100 million ASM miners are characterised by high levels of poverty and are often from the most disadvantaged part of society' and 'It is often the poorest of the poor with no other options who turn to ASM mining'[30] populating its website, Fairtrade also hints that it is targeting poor, informal

[29] 'Solidaridad's gold campaign', www.opwegnaargoedgoud.nl/english (Accessed 13 August 2014).
[30] 'Q&A', www.fairgold.org/q-a/ (Accessed 12 July 2014).

operators with its *Fairtrade Mining Standard*. Even iTRi, which is clearly not targeting informal ASM operators, implies the same:

> In Africa alone it is estimated that between 6 and 9 million people are directly employed in ASM, with many more million livelihoods depending on the sector…ASM is reported to be the most important segment of the mining sector in the DRC, not only because it produces the highest volume of mineral commodities, but also because of the people dependent on artisanal mining. [iTRi, 2008, p. 1]

The skilful use of language, particularly development jargon, and accompanying imagery seems to have captured the attention of scholars, many of whom have misinterpreted these messages. Notable examples include Levin (2008), who, perhaps prematurely, declared that certification, particularly Fair Trade, presents 'a massive opportunity' for artisanal and small-scale mining (p. 3), and Spiegel (2014) who – as noted earlier – seems to equate the KPCS with development.

The question that should be asked is: how are organizations able to do this? As mentioned, with no guidance, organizations, including the OECD, have been afforded considerable space to devise their own conceptualizations of 'ethical' and 'fair', as well as project, without scrutiny, images of activities which their management clearly has little interest in. The source of the problem is the diversity of 'ASM': it comprises an assortment of activities of varying skill and mechanization, from the informal gold panner in West and East Africa, to the more mechanized operations of Latin America. It is because of this heterogeneity that international organizations have struggled mightily to conceive universal definitions of 'artisanal mining' and 'small-scale mining', a task which experts spent much of the 1970s and 1980s undertaking, albeit with little success. Reflecting on the dialogue that materialized, Jennings (2003) later described these efforts as 'essentially futile attempts to define and compartmentalize small-scale mining' (p. 156), and Hollaway (1997) rather cynically mused that experts at the time were meeting 'to define what it is they were talking about' (p. 35).

A featured element of many of the stories being told, and which no doubt captures the attention of a range of individuals, is *exploitation*, specifically the idea that informal operators are being marginalized by corrupt middlemen. Consider the following passages from selected websites:

> Too often the wealth generated is minimal and goes to middlemen, who exploit poor miners and add no value to the chain.[31]

> Many of the estimated 15 million people working in the artisanal and small-scale mining (ASM) sector risk disease, serious injury and death. ASM miners also face exploitation by unscrupulous middle men.[32]

The media[33] have echoed these sentiments, drawing further attention to – and at times, sensationalizing – the idea that middlemen are exploiting informal operators, and that ethical mineral schemes and standards, by connecting producer to retailer, are capable of fixing this 'problem'. But implementation bodies and designers, despite expending considerable energy speculating and writing about middlemen, have again, shown little interest in partnering with the very informal operators they claim are being exploited. What is perhaps even more disconcerting is the simplicity with which the situation facing informal ASM operators has been diagnosed, and the condemnation of the middlemen on whom they depend. In the absence of state support, middlemen are indispensable, providing sponsorship, access to

[31] 'Solidaridad's gold campaign', www.opwegnaargoedgoud.nl/english (Accessed 13 August 2014).
[32] 'Fairtrade/Fairmined Certified Gold Gives New Hope to Miners', http://fairtrade.ca/en/news-views/news/fairtradefairmined-certified-gold-gives-new-hope-miners (Accessed 11 March 2014).
[33] See also, for example, 'Gold: you can now buy Fairtrade bullion and jewellery', www.telegraph.co.uk/finance/personalfinance/investing/gold/8323260/Gold-you-can-now-buy-Fairtrade-bullion-and-jewellery.html (Accessed 12 August 2014).

markets and pastoral care. The bonds forged with these so-called unsavoury individuals, however exploitative they may seem, are built on trust. Childs (2014) provides an illustrative example of this is Tanzania, where the *makota*/miner relationship is deeply entrenched. A similar situation persists in Ghana, as detailed by one interviewee:

> The [unlicensed] miners are well-organized…in the sense that you must work together before you can go and dig in the ground…yes that's trust, and also you might you know ignore the fact that look there's another stage after mining. There are people who will sit down and put these things together. It is also based on trust. Then beyond that, it goes to another level, where there is someone there to buy. In most cases, if you track the way these processes go, somebody first of all will pre-finance activities…And so…this is a very organized this thing…because they don't sign papers…It is just based on trust…[34]

These relationships, are, in fact, based on many years of trust and reputation, which promises of a premium and greater connection to retailers could not possibly eradicate.

As a point of departure, it is worthwhile asking whether the ethical mineral schemes being implemented in sub-Saharan Africa could be adapted to take on more of a development role, despite not being conceived for this purpose. It seems ironic that the organizations behind the region's ethical mineral schemes and standards are expending so much energy raising the profiles and providing detailed accounts of marginalized informal artisanal miners – and therefore suggesting that for them, development *is* a priority – when they are targeting a completely different audience altogether. Specifically, despite often being portrayed as development interventions, these schemes and standards are doing little more than further empowering *established* ASM operators, 'retracing' the supply chains which they have long

[34] Interview, 13 August 2014.

been a part of. Moves to fortify supply chains capable of delivering traceable product to market – albeit through targeting 'low hanging fruit' – speak to a mining and development agenda that has become fixated on transparency. They also speak to the direction in which host African governments seem to be moving with ASM. As the ASM formalization debate rages globally, moves are quietly being made in sub-Saharan Africa to mechanize operations. For example, in Tanzania, there is now a *Mineral Processing License*, which grants holders the authority to process gold using cyanide, and in Ghana, there are discussions on-going about creating a new 'Medium-Scale Mining' category. Such 'forced' mechanization, however, is not a viable development strategy because of the level of sophistication required in making the transition. It runs the risk of stifling informal operators' access to mineralized lands even further by protecting and insulating more established miners.

In summary, donors, the NGO community and host governments are far removed from the realities in ASM in sub-Saharan Africa. Unless development policy is completely overhauled to the point where the region's informal operators, their struggles and experiences are recognized, calls for these individuals to be featured more prominently in ethical mineral schemes will continue to be ignored.

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