Cogent Social Sciences

ISSN: (Print) (Online) Journal homepage: www.tandfonline.com/journals/oass20

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To cite this article: Linda Mensah (2024) Battling on multiple frontiers: an African feminist examination of women's struggles in artisanal and small-scale mining (ASM), Cogent Social Sciences, 10:1, 2399935, DOI: 10.1080/23311886.2024.2399935

To link to this article: https://doi.org/10.1080/23311886.2024.2399935

Published online: 19 Sep 2024.

COGENT SOCIAL SCIENCES
2024, VOL. 10, NO. 1, 2399935
https://doi.org/10.1080/23311886.2024.2399935

SOCIOLOGY | RESEARCH ARTICLE

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Battling on multiple frontiers: an African feminist examination of women's struggles in artisanal and small-scale mining (ASM)

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ABSTRACT

This paper presents an African feminist response to the invocation of culture in the exclusion and marginalization of women from access to and participation in resource spaces such as artisanal and small-scale mining (ASM). It explores the intersection between culturally endorsed patriarchal subjugation and the ongoing colonialities of an extractivist mining political economy enmeshed with local displacements, classed consolidation, male-centered tenurial arrangements and changing gender relations that continue to militate against the advancement of women. Building on the African feminist conceptualization of extractivist patriarchal capitalism, this paper addresses how women in ASM battle capitalist patriarchy from both formal state laws and informal customary legal regimes. It emphasizes the need for an African feminist intervention in re-imagining culture, not as opposed to women's advancement in ASM, but as a crucial lever of liberatory possibilities for women seeking livelihood opportunities in the sector.

ARTICLE HISTORY
Received 4 March 2024
Revised 8 August 2024
Accepted 30 August 2024

KEYWORDS
African feminisms; artisanal and small-scale mining; intersectionality; culture; extractivist patriarchal capitalism

SUBJECT
Cultural Studies; Gender Studies - Soc Sci; Environmental Law – Law; Land Law

Introduction

> For many African women, the sustainable solutions to their oppression, exploitation, and subordination hardly lie in vague, alien legal rights, but in a careful and creative deployment of the more familiar cultural norms and values (Tamale, 2008, p. 64).

Despite decades of research highlighting their historical involvement and significant contribution to the sector, the position of women in artisanal and small-scale mining (ASM) remains precarious. Artisanal and small-scale mining, the term that is generally used to depict the predominantly manual-intensive, low-tech, and low capital mineral extraction and processing (ILO 1999; Hilson, 2002) has become a significant fodder of employment opportunities for many women across several mineral producing countries in the Global South. Globally, women account for approximately 10-50% of the ASM workforce (ILO 1999; Hinton et al., 2003), which is estimated to employ over 40 million people in addition to providing indirect employment to over 150 million others (IGF 2017). Women in Africa constitute 40-50% of ASM workers, performing various core and ancillary roles (Buor & Godwin, 2019; Orleans-Boham et al., 2020; Hilson & Maconachie, 2020a). In countries like Guinea, women are known to dominate the sector, while in others such as Ghana, Madagascar, Malawi, Mali, and Zimbabwe, the number of women in ASM accounts for 50% of the workforce (Hinton et al., 2003; Kanyimo & Kanyimo, 2018). Ibrahim et al. (2020) on their part reported that Sierra Leone at one time had 90% of alluvial miners in most of its mining sites to be women.

As Ofosu et al. (2024a) have recently hinted, these statistics on the percentage of women in ASM needs updating in light of more recent findings and disparities in country-level estimates. This notwithstanding, the underlying fact remains that women constitute a significant portion of the ASM workforce and their participation in the sector needs to be viewed beyond the lens of invisibility, marginalization and exclusion. While working in the field, many researchers have met with strong reservations about the

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appropriateness of women's involvement in what is generally perceived as a 'masculine' sector (Hinton 2011; Buss & Rutherford, 2020; Danielsen & Hinton, 2020). The notion that women do not belong in ASM is often conveyed through subtle and explicit messages conveyed as concern for women's health, safety and well-being (Buss & Rutherford, 2020). Additionally, there are also those who view themselves as arbiters and defenders of African culture, who, whether consciously or unconsciously, invoke a catalogue of patriarchal traditions and sexist assumptions about the position and value of women in ASM. I personally recall several of such encounters during my doctoral studies, while researching the intersection of law, history and gender in ASM. One such instance was at the EX4DEV19 Workshop on *'Artisanal and Small-Scale Mining and the Sustainable Development Goals'* at the University of Surrey on the 8th of November 2019, where I presented a paper on, '*Gender Inequality and Criminality: Navigating Multiple Identities in Ghana's Artisanal and Small-Scale Mining (ASM)'.* Among other things, this presentation introduced my decolonial, African feminist examination of the structural violence women face within the legally pluralist spaces of formal and informal ASM. A conversation that ensued with a fellow African participant generated questions not only about the propriety of women in ASM but also about the relevance of African feminism as a theoretical and methodological intervention in the ASM gender discourse.

In the words of my interlocutor, much of the research on indigenous norms and taboos that restrict women's presence in ASM missed a crucial point: namely, that the aim of these cultural prescriptions was not to discriminate against women but to safeguard their protection from the precarities of the physically demanding and masculine spaces of ASM. In other words, the cultural prohibitions were for women's own benefit, and research like ours would better serve women's interests by focusing their attention on alternative livelihoods away from the dangers and unsafe conditions of ASM. This interaction further spiraled into an interrogation of my approach as *African* feminist. Here, my interlocutor was under the impression that my insistence on validating the participation of women in ASM could hardly be described as *African* since its premise contravened the very tenets of *African culture,* which, according to his interpretation, demanded the exclusion and, ultimately, expulsion of women from ASM for various cultural reasons. My deployment of African feminism in the defense of women in ASM was therefore perceived as a mimicry of imperialist Western-centric ideas and an attempt to tarnish and misrepresent African culture as discriminatory or oppressive to women, whereas these cultural traditions were simply constructed to protect women.

This experience drove home the casual dismissiveness of African feminist thoughts, even by those who studied and theorized about African women in ASM from various feminist perspectives. It underscored the need for a more reflexive probe into the epistemic erasures perpetuated by the failure to engage with the decades of African feminist scholarship on gender, culture, customary land tenures, the gendered nature of informal work, post-war migrations, sexual violence, the political economy of mining and the gendered injustices of resource extractivism, all of which are themes pertinent to the ASM and gender discourse. Additionally, this deployment of African culture in regurgitating exclusionary rhetoric highlighted what Dosekun (2021) has addressed as the dangers of weakly essentialist and culturalist theorizations, fetishizations and presumptions about African autochthony and authenticity. This further necessitated the urgency in resisting the colonialist imaginary of a single 'African culture' and 'authentic African womanhood' in the past and present (Dosekun, 2007), particularly as it permeates discussions about women belonging in resource spaces like ASM.

Ugandan feminist scholar Sylvia Tamale has defined 'culture' broadly, as the various ways that social business is conducted and mediated through language, symbols, rituals and traditions influenced by issues such as race, ethnicity, religion and material base, among others (Tamale, 2008). Tamale addressed the mainstream demonization of African culture as an instrument of oppression to women, and in doing so, admonished African feminists to transcend the mainstream polarity between 'culture' and 'rights' by working within the specificities of culture in realizing our goals of social transformation (2008, p. 56). This does not present as an easy task, because at the same time as 'culture' is being interpreted to marginalize women in ASM, formal legal frameworks have also not proven to be particularly gender responsive in attending to women's rights and the particularities of issues adversely affecting women in the sector. Even the symbolic gestures of progressive gender mainstreaming under ASM formalization and its promises of gender inclusivity, statutorily guaranteed fairer wages, better health and safety, and labor protection measures have failed to address culturally engrained gendered restrictions.

Since Jenkins and Yakovleva respectively, first highlighted how women's issues in ASM were under-researched and under-theorized nearly two decades ago, impressive strides have been made towards addressing various aspects of women's invisibility in the sector (Yakovleva, 2007; Jenkins, 2014). However, despite the widespread theorization of African women's struggles in ASM from various feminist approaches, there remains a conceptual blindness to how these issues are situated within both statutory and customary law regimes, as well as the broader interstices of an extractives industry imbricated with classed disparities, heightened indigenous and capitalist patriarchy and a colonial legacy of resource extractivism. Valerie Biwa's African feminist examination of the Namibian mineral mining industry, sought in part, to address this by drawing attention to how certain common law privileges enshrined under the country's colonialist property rights regime reinforced a legacy of hyper-masculinity and gendered exclusions within the country's broader extractives sector (Biwa, 2021). On their part, Mengba et al. (2023) critiqued the limitations of feminist political economy approach in fully unpacking the patriarchal nature of deep-seated indigenous belief systems prevalent in ASM and tackled this conceptual gap by employing postcolonial theoretical perspectives. Nevertheless, research on this subject is often characterised by the usual emphasis on traditions that restrict the participation of women, where culture and the advancement of women in ASM are framed as intrinsically antagonistic and oppositional. For these reasons, this paper engages with the ongoing discourse by presenting African feminism as a response to the invocation of African culture in the exclusion and marginalization of women in ASM. It aims to shed light on the embeddedness of gendered oppression in ASM within social relations fashioned around land and labor, and the many ways in which it manifests within both formalized ASM governed under state law and informalized ASM where customary and informal regulations are predominant. On methodological and theoretical approach, this paper is conceptual in its orientation, drawing from a combination of the established literature on gendered struggles in ASM and a further epistemic prioritization of African feminist thoughts.

In the first section following this introduction, I offer African feminism as the overarching conceptual framework for the theoretical interventions I present in this paper. In the second section, I employ an intersectional lens to provide a concise overview of the multiple structural battles faced by women within both formal and informal ASM, as examined in the extant literature. My African feminist intervention offers three arguments. The first, which I explore in the third section, situates the gendered struggles in ASM within the androcentric and Eurocentric rationality inherent in policy measures such as formalization, which fail to address how economic models based on resource extractivism militate against vulnerable women in ASM. I build on African feminist analyses of extractivist patriarchal capitalism by drawing attention to the wider functions of centuries of colonial and postcolonial pillage that continue to extract not only from the land, but also from women's bodies. The second position that I present in the fourth section is an incisive critique of the ahistorical and acontextual invocation of culture and its paternalistic rationalization of the supposed inferiority, irrelevance and exclusion of women in ASM. Here, I argue that the contemporary deployment of culture in marginalizing women from ASM and the neoliberal economic policies that enable classed consolidation and resource extractivism are both sides of the same coin of structural and material dominance that entrench the plight of women seeking resource livelihoods from ASM. Ultimately, this section underscores how gendered subjugations can be implicated both within our most cherished cultural forms and even well-intentioned, state-centric interventionist policies like formalization, alternative livelihood and other women empowerment projects. Through this exercise, I investigate the possibility of achieving transformative gender reforms through formalization and other quick-fix alternative livelihoods that do not address the underlying capitalist patriarchy and culturally ingrained discriminatory practices within ASM.

To address these multiple vectors of gendered oppressions, I present in the fifth section an African feminist re-imagination where I advance the critical embrace of culturally situated knowledge in constructing radical, transformative possibilities for women involved in ASM. In this paper's final African feminist intervention, I argue that the ASM and gender discourse is sufficiently acquainted with how socio-cultural norms and taboos inhibit women's participation in ASM. While the work is being done to confront these oppressive aspects of African culture, the time has come for the equally important conversation about how culture, indigenous knowledge systems, beliefs and traditions can be/are being harnessed to achieve the uncompromising goal of transformative possibilities for African women in ASM.

African feminisms and theorizing women's lived experiences in ASM

Critical perspectives developed by so-called 'Third World' feminists addressed the different experiences of political, economic, and cultural struggles faced by women in formerly colonized countries, with a focus on their experiential knowledge of the social relations of gender, class, race, ethnicity, and imperialism (Mohanty, 2003). African feminism is uniquely situated within these critical approaches as a woman-centered, radical social theory that emerged through repeated analysis of the ways in which multiple and intersecting oppressive regimes facilitate the exploitation of African women (Mama, 2019). African feminist scholars have spent decades mapping out what feminist politics and praxis mean for African women. This has included challenging assertions about the 'un-Africanness' of feminism (Dosekun, 2007, 2021), as well as proactively engaging in action-oriented research theorized from the everyday realities of African women as a means to redefining the spaces and modes of knowledge production (Gqola, 2001; Ahikire, 2014; Mama, 2019; Tamale, 2020). In claiming the right to theorize, write, strategize and speak for themselves, African women have utilized several conceptual expressions, including a renunciation of the term 'feminism' for being too Eurocentric and substitution with terms such as womanism (Ogunyemi, 1985; Kolawole, 1997), motherism (Acholonu, 1995), nego-feminism (Nnaemeka, 2004), femalism (Opara, 2005), STIWANISM—Social Transformation Including Women in Africa (Ogundipe-Leslie, 1994) and snail-sense feminism (Ezeigbo, 2012). These theoretical diversities notwithstanding, there is a common feminist identity and shared commitment to a transformatory agenda for all African women. African women are not a monolith, hence the explanation for African feminisms with a plural 's', underscoring the consensus that there is no 'one' African feminism that can explain the multi-faceted lived experiences of women on the continent (Arndt, 2002; Mekgwe, 2006; Nkealah, 2016; Dosekun, 2021). Moreover, the Charter of Feminist Principles for African Feminists, one of the key outcomes of the African Feminist Forum held in 2006, categorically re-affirmed African feminists' resolve to 'define and name ourselves publicly as Feminists…not qualified with 'Ifs', 'Buts', or 'Howevers'. We are Feminists. Full stop.' (Charter of Feminist Principles for African Feminists, 2006, p. 3).

This African Feminist Charter further accentuates the centrality of an intersectional paradigm in challenging the legitimacy of the structures that keep African women subjugated. It explicitly calls for contextualizing the current struggles of African women through the prism of the continent's past, diverse pre-colonial contexts, slavery, liberation struggles, neocolonialism and globalization (Charter of Feminist Principles for African Feminists, 2006). African feminism insists that any conceptualization of gender from the African perspective cannot take place without situating it within the context of other oppressive mechanisms, such as racism, neocolonialism, cultural imperialism, socio-economic exclusion, and other dictatorial and corrupt systems. This is underscored by the recognition that while their experiences vary and diverge on ethnic, cultural, and geographic levels, the interlocking systems of poverty, race, gender, and class produce a particular structural violence against African women, denying them their right to access sustainable and just livelihoods (Pereira, 2002). Sierra Leonean feminist scholar Filomena Steady (1989) had earlier addressed how African feminist knowledge combined the racial, sexual, class, and cultural dimensions of oppression to produce a more humanistically inclusive brand of feminism. This intersectional framework emphasizes the recognition that men's access to and control over resources and rewards within the public and private spheres derived its legitimacy from the patriarchal ideology of male dominance, which varies in time and space according to class, race, ethnic, religious and global imperial relationships and structures (Charter of Feminist Principles for African Feminists, 2006).

This approach bears some semblance to Crenshaw's (1989) intersectionality, which addressed the ways in which social categories of gender, age, ability, race, nationality, religion and class reinforced one another in the production of Black women's marginalized identities. While Crenshaw's analytical framework helped to challenge the Western-centric practice of binary categorizations and its imposed hierarchies, decolonial and other critical feminist theorists have drawn attention to its conceptual limitations, particularly, the ways in which its approach to analyzing oppressions solely through the lens of given identities is inadequate in understanding its complexities (Wagner, 2021). Rather, decolonial feminists honour and complicate intersectionality by emphasizing an anti-colonial and anti-racist lens through additional cultural, geopolitical and historical contexts in their analysis. Decolonial feminism, as proposed by Lugones (2010), combines the politics of gender with critical race theory and an analysis of imperial

power structures in rereading the interconnections between the colonial introduction of the instrumental modern concept of nature central to capitalism and gender. This, according to Lugones (2010), provides a way of understanding the oppression faced by those who have been subalternized through the combined process of colonization, capitalist exploitation and heterosexualism.

These anti-capitalist and anti-imperialist paradigms have been pivotal to earlier Black feminist movements, as epitomised in the Combahee River Collective statement, as well as the formulation of 'triple oppression' by Black women domestic workers in the early 1960s in explaining their oppressions within capitalist society by reason of their race, gender and class (McDuffie, 2011). The African feminist approach to intersectionality is intrinsically decolonial and draws from a longstanding history of African women's anti-capitalist, anti-imperialist resistances and liberation movements (Tamale, 2020). This, as Ghanaian feminist scholar Wunpuni Fatimata Mohammed has rightly stated, underscores the need, as we build on and produce new ways of conceptualizing intersectionality, to not only challenge the institutional co-option and depoliticization of a concept that emerged from the material conditions and radical movements of minoritized women, but to conscientiously acknowledge what earlier African feminists, Black feminists and other feminists of colour have done in utilizing intersectional framework even before it was coined by Crenshaw (Mohammed, 2023).

African feminist epistemologies emphasize the lived experience and its intersecting social categories as a criterion of meaning through which hegemonic notions about African women can be challenged. This further explains African feminist critiques of narrow and restrictive assumptions from Western feminists who perpetuate epistemic erasures of African women's situated knowledge and the intersectionality of racial, classed, and imperialist dominations that impinge on African women's lived realities. A crucial area of departure from Western feminism is the interrogation and reconceptualization of gender, which African feminists have extensively theorized as deriving its impetus and meaning from particular historic-cultural specificities, including the complexities and contradictions in gender construction across the distinct societies on the continent (Amadiume, 1987; Oyewumi, 1997). This critique of gender is not confined to the polarized binary oppositions of men and women but is rather premised on the African feminist idea of co-operation or complementarity with men, affirmation of motherhood and the family, and critiques of the differentiated manifestations of patriarchal subjugation in African societies (Steady, 1981; Mama, 1998; Arndt, 2002). African feminist theorists have drawn attention to the supremacy of other forms of discrimination across many African societies that were organized hierarchically according to age(seniority), class, and ethnicity rather than gender (Oyewumi, 1997). Dei (1994) highlighted how the intersectionality of such social phenomena reflected African women as occupying shifting, often contradictory and conflicting positions.

In addressing the challenges women face in ASM, it is crucial to examine the interactions between these varying social categories and the intersecting dynamics of power wielded by government officials, traditional authorities and foreign forces, where expressions of masculinity determine which issues are considered priority and whose voices matter in the determination of development policies (Enloe, 2013). What then, is the African feminist position on the invocation of culture against women's involvement in ASM, and what interventions can the decades of African feminist theorization and praxis offer in the ongoing discourse on the systemic and intersecting gendered constraints within the sector? In the following sections, I draw on the African feminist approach to intersectionality, the conceptualization of extractivist patriarchal capitalism and expositions on culture to unpack and address the often-overlooked levers of oppressions that complicate women's lived experiences in ASM.

Battling on multiple fronts: an overview of women's multiple trials and triumphs in ASM

In her recent work on women underground miners, South African feminist scholar Asanda Benya (2023), traced the debates on women's involvement in the mines, beginning with the conservative position which viewed women's participation in mining as a snub to femininity. This conservatism, underpinned by Victorian ideas about women's work and their bodies, aimed to protect women by encouraging what was deemed as appropriate gender roles. This was based on the notion that 'mine work is men's work and women's work is outside the mine gates' (Benya, 2023, p. 129). According to Benya, the liberal feminist stance against this has been the celebratory position of holding women's inclusion in mining as a

progressive step towards equality. On the other hand, radical feminists, particularly those situated within environmentalism, denounce women's inclusion in mining, arguing that the demand for equality should not be seen in inclusion in an extractivist industry that destroys the environment, lives and livelihoods. Radical feminists therefore argue for a mining reform grounded in sustainability and an end to the profit-seeking extractivist culture within the industry. Another critical perspective did not wade into the debate on whether women should be involved in mining but viewed their inclusion as a disruption of masculine normativity and hegemony, even if it did not necessarily dislodge the gender order and hierarchy (Benya, 2023).

Beyond these conservative/feminist debates lies a plethora of empirical evidence pointing to African women's involvement in ASM where they navigate various dimensions of social relations, namely, gendered division of labor, access to and control over resources and benefits, and decision-making (Danielsen & Hinton, 2020). A considerable number of studies, many of which employed feminist lenses, including feminist political economy approach, postcolonial feminist perspectives, feminist standpoint theory and other critical gender approaches, have addressed how women's motivations, involvement, and livelihood options in ASM are shaped by varied, complex power relations and intersecting social inequalities (Jenkins, 2014; Lahiri-Dutt, 2015; Koomson-Yalley & Kyei, 2022; Ibrahim et al., 2020; Adam et al., 2022). In probing the theory of standpoint feminism through an African feminist lens, Naidu (2010) explored the power relations that rendered African women bizarrely invisible through a process of hyper-visibility. In the ASM context, this manifests in the hyper-visibility of women as evidenced by their increasing numbers in the sector and numerical advantage at certain mine sites, giving a semblance of the feminization of ASM (Lahiri-Dutt, 2015; Ofosu et al., 2024a). However, the longstanding history of women's involvement in indigenous mining and the contemporary surge in women's labor force participation in ASM have neither translated into a dismantling of the entrenched androcentrism that valorizes ASM as 'men's work', nor has it addressed the invisibilization and under-remuneration of women's work in the sector (Buss et al., 2017; Arthur-Holmes & Abrefa Busia, 2021; Arthur-Holmes, 2021). Such gendered differentiations, as will become more evident in this section, play out in both formal and informal ASM, and within customary and statutory legal systems where hierarchized social capital and power asymmetries are nurtured to impose multiple strands of sociocultural and economic barriers to women in the sector.

Ofosu et al.'s (2024a) recent study of the constraints to women's effective participation in ASM registered how these gendered limitations were co-constituted by the intersectionality of socio-cultural norms, state regulations, taboos and structural gender inequalities. Crucially, the authors also raised important questions about formalization as an interventionist policy in addressing these multiple and complex gendered struggles in the ASM sector (Ofosu et al., 2024a). This point, as Kenyan feminist scholar Lyn Ossome has explained, is significant as it offers the practical possibility of understanding why under the current conditions of capitalism, both formal and informal labour develop tendencies of feminization and de-feminization, both accompanied by features of under-remuneration, casualization and devaluation (Ossome, 2021). This framework further unravels how blurred the boundaries of formality/informality is within the ASM context, as they are rendered nearly inseparable by the glue of what will be explained later in this paper as the African feminist conceptualization of extractivist patriarchal capitalism.

Over the past four decades, efforts to address the negative environmental and social externalities associated with ASM have led to the formulation of formalization measures aimed at facilitating the legalization of ASM and streamlining the regulatory process for acquiring licences and access to concessions (Hilson & Mcquilken, 2014; Hilson, 2017; Hilson et al., 2022). Such legal formalisms, according to Ossome (2015), have become one of the foremost preoccupations of neoliberal capitalism, where state-sanctioned legality determines who is legible and the very basis of any claim to legitimacy. These formalization efforts, which were hailed as having the potential to address the gendered struggles in ASM have, however, yielded marginal results since a substantial number, reportedly, 80-95% of artisanal and small-scale miners continue to operate without state-issued licences (Hentschel et al., 2002).

In many mineral producing countries across the continent, this persistent informality is criminalized under the state laws underpinning ASM formalization, which further sanctions the imposition of bans, arrest, prosecutions, militarized evictions, confiscation, and the burning of informal miners' equipment through a cohort of government mandated institutions (Eduful et al., 2020; Osei et al., 2021; Bansah et al., 2022). In what Tschakert and Singha (2007) referred to as contaminated identities, criminalized

informal small-scale miners have become the subject of widespread devaluation, misrecognition, and mainstream notoriety, where they are widely perceived as reckless environmental criminals, problems, cancer, and menace deserving to be flushed out of society (Hilson, 2017; Tuokuu et al., 2020; Kaufmann & Côte, 2021). States' response to informal ASM is further seen in the combative language through which they declare 'war', 'battle' and 'fight' against ASM operators and their perceived social and environmental ills to society (Hilson, 2017). In her examination of cobalt mining sites in south-eastern Democratic Republic of Congo, Katz-Lavigne (2024) highlighted how corporate actors, mainly foreign-owned large-scale mining firms and international commodity traders reinforce this narrative of ASM as 'illegitimate' and 'dirty', while positioning their operations as 'clean' and 'legitimate', thereby justifying their frontier expansionism into ASM spaces.

The ASM legal regime in many African countries exists within a bifurcated space of colonially inherited plural legal systems, where state laws govern the formalized sector, whereas customary laws and other informal arrangements dominate the structures of production in informal ASM (Lund, 2006; Nyame & Blocher, 2010; Verbrugge et al., 2015; Persaud et al., 2017; Mensah, 2021; de Jong & Sauerwein, 2021). In examining women's agentic navigation within this complex plurality of ASM's governance domains, Bashwira and Cuvelier (2019) identified four overlapping governable orders that emerge as state authority becomes increasingly fragmented and contested. These include state institutions, military orders, international mining capitalism, and traditional authorities headed by local chiefs. On their part, Serwajja and Mukwaya (2020) identified new social realities and hierarchies of governance and influence in local mining communities where power moved from traditional authorities to the central government and its local representatives. Their study of the Karamoja sub-region of Uganda observed four clusters of authority controlled by army and police officers, politicians, local government officials, civil servants and businessmen who were not directly involved in ASM but operated as financiers and enforcers. As diverse as these multi-layered governance, capital accumulation and class structures are, what is evident is their shared commonality in reproducing gendered subjugations where women in ASM constitute a significant portion of the proletarians confined to underpaid support work.

Under the prevailing legal framework of ASM formalization, women who operate in criminalized informal spaces are caught at the crossroads of state-sanctioned wars against ASM informality, while at the same time dealing with the disdain associated with venturing into the traditionally male-dominated landscape of a sector that demands their subservience, invisibility, and even exclusion from accessing resource benefits. Research on states' criminalization of informal ASM and its associated bans have revealed that these stringent enforcement mechanisms have been largely unsuccessful in serving as a deterrent to ASM informality and addressing the sector's harmful environmental impacts. Rather, the evidence suggests that these imposed bans have unleashed untold hardships in the local mining communities and further driven many ASM workers into illegality (Osei et al., 2021; Ofosu et al., 2024b). For women in particular, criminalization and bans on informal ASM have proven to be a catalyst for intense poverty, forced migrations, increased vulnerability and susceptibility to coerced sexual relations, high incidences of teenage pregnancies and school dropouts, among others (Zolnikov, 2020; Orleans-Boham et al., 2020; Yakovleva et al., 2022; Arthur-Holmes et al., 2023; Ofosu et al., 2024a,2024b). Women in informal ASM have also been known to be subjected to working unsafe and unpredictable hours during periods of ASM bans upon instruction from employers who want to escape detection by government-sanctioned military raids (Arthur-Holmes & Busia 2022b).

Gendered limitations are not particularly addressed within the formalized ASM either, hence the need to critically interrogate the axiomatic positioning of ASM formalization as the process through which the challenges of women in the sector can be fully addressed. This is because despite the immense human, technical, institutional, and financial investment in operationalizing formalization over the past decades, there remains a yawning gap between what is avowed in policy and what actually pertains in practice, particularly when it comes to measures aimed at improving the conditions of women in the sector. Despite the important steps taken by relevant regional and international agencies, such as the International Labour Organisation(ILO), the Organisation for Economic Co-operation and Development (OECD), the UN Global Compact Office, UN Women, the United Nations Economic Commission for Africa (UNECA), and the African Commission on Human and Peoples' Rights to address the specific risks facing women in ASM, there are still significant absences within both domestic and international instruments

in efforts towards a more gender-responsive policy and regulatory framework for ASM (Hilson & Ackah-Baidoo, 2011; Byemba, 2020;Geenen et al., 2022). Kanyimo and Kanyimo's (2018) feminist analysis of the African Mining Vision (AMV) in the Zimbabwean context highlighted the absence of African women's voices and how the AMV only pays lip service to women's rights. According to Tobalagba and Vijeyarasa, very few African countries have successfully managed to address the contributions and risks faced by women in their mining legislation, and even where women are featured, it is often only in the definitions and without further elaboration of the law. Indeed, some of the legislations aimed at rendering women's work more visible have ended up being discriminatory and facilitating the marginalization of women into less secure forms of work in ASM (Tobalagba & Vijeyarasa, 2020).

Furthermore, the prevailing ASM legislative framework in many African mineral-producing countries lacks clarity in streamlining women's access to land, mining titles and licences for operations (Hilson et al., 2022; Hilson & Hu, 2022). Very few women are able to afford licences or access loans from formal financial institutions to pursue the process of formalization. Additionally, many women are unable to navigate the onerous bureaucratic technicalities that demand the filing of a long list of application forms, including statements requiring an outline of the applicant's capital and experience, particulars of the mining operation, hired workforce, anticipated environmental effects, risks to health and safety, mineral yields and marketing arrangements for the sale of mineral production (Ibrahim et al., 2020; Hilson et al., 2022). While such prescriptive regulations attempt to model formalized ASM along large-scale mining companies with the assumption of improved working conditions and better monitoring of tax and environmental compliance, they ultimately become enmeshed in the existing gendered and classed configurations of the extractives industry, thereby alienating and limiting the possibilities for the advancement of women in the sector. In making a case for the re-categorization of ASM licences as a way to addressing the environmental and socio-economic challenges in the sector, Arthur-Holmes and Ofosu (2024) offered multi-tier ASM licence classifications as a crucial step to the economic empowerment of women and their economic visibility in ASM. While this study showed the openness of ASM operators to the idea of re-categorized ASM licences, it remains to be seen how governments are willing to scope the feasibility of such policy recommendations as part of efforts to streamline ASM formalization and ease access to licenses for women in the sector.

In recent years, ASM has rapidly evolved from a predominantly subsistent, low-tech, labor-intensive mineral extraction and processing into more professionalized and highly financialized types of operations (Ferring et al., 2016; Crawford & Botchwey, 2017). This increased capitalization and mechanization reflects a global shift in rural governance towards private property with the aim of strengthening incentives for production, innovation, and investment. However, the euphoria surrounding new gold finds and its association with a boost in livelihood opportunities in the local communities is dwindling, as jobs such as cooking, cleaning, washing, panning, and digging are increasingly being outsourced to already hired, outside workforce, or being replaced by the growing use of machinery (Ofosu et al., 2022). These changes, which are evident within both formal and informal ASM, have had precipitous impacts on women who have for a long time relied on these roles for their livelihoods. While women in formalized ASM settings are known to enjoy better employment opportunities such as occupying high-positional roles with increased remuneration and improved occupational health and safety, these opportunities are highly limited due to the increasing mechanized substitutions (Ofosu et al., 2022; Ofosu et al., 2024a). The low number of women in formalized ASM is indicative of how women are often crowded out of opportunities as resource sectors become intensively capitalized, increasingly corporatized, and more profitable. This as Ofosu et al. (2024a) have mentioned, necessitates further research into the experiences of women in formalized ASM. It also calls for in-depth examination of heavily funded policy intervention measures such as Ghana's Community Mining Scheme which aims to operationalize ASM formalization through community-oriented mechanisms, in order to assess their contributions to ensuring ease of entry, mobility and improvement of women's workplace conditions in formalized ASM (Mensah, 2021; Hilson et al., 2022).

A classed dimension further emerges as we see that most women in formalized ASM are privileged with post-secondary qualifications, which afford them entry and opportunities for upward mobility in the sector. This contrasts with the reality of women in informal ASM, most of whom, as Ofosu and Sarpong (2022) found, were barely primary school leavers. Moreover, the ASM sector, which was viewed for a long

time as the preserve of low-educated, poverty-driven individuals (Hilson, 2009) has over the past years witnessed a mass exodus of graduate and postgraduate degree holders, all of which have changed the social and power dynamics within the sector (Arthur-Holmes et al., 2022). The implication of this 'graduate incursion', its class hierarchies and the exclusionary risks it poses to the many poor, less formally educated women in ASM is yet to be studied extensively. Ultimately, low educational levels intersect with poverty, leaving the majority of women seeking employment opportunities in ASM to the informal sector, where they are more likely confined to casualized labor with no entitlement to paid sick leave, maternity leave, annual leave, or other statutorily guaranteed social security benefits (Banchirigah, 2006, 2008; Arthur-Holmes, 2021; Arthur-Holmes & Abrefa Busia, 2021).

Byemba (2020) attests to the visibility and credibility that ASM formalization processes have brought to the works of women cooperatives in the tin, tantalum, tungsten and gold ore sector in eastern Democratic Republic of Congo. More recent studies by Martinez et al. (2021) and Ofosu and Sarpong (2022) have provided further empirical evidence to the improvements in women's occupational health and safety in formalized ASM settings compared to the prevailing circumstances in informal ASM sites. It is undeniable that the precarities of ASM have severe health implications for miners who perform them, more so at a disproportionate cost to women, whose issues are generally disregarded and not prioritized in key policy reforms in the sector (Eftimie et al., 2012). This is even more pertinent for women in informal ASM where there is an established notoriety for disregard for occupational health and safety measures, limited provision of training, and personal protective equipment such as boots, helmets, earplugs, masks and gloves (Kitula, 2006; Diemel & Cuvelier, 2015; Mantey et al., 2016; Stemn et al., 2021; Arthur-Holmes & Busia 2022b). These women suffer grave health implications, such as severe back pains from mud panning, rock grinding and exposure to toxic substances like mercury (Bansah et al., 2018; Arthur-Holmes & Busia 2022b). Baiyewu's (2021) account of gold-mining related lead poisoning in parts of northern Nigeria pointed to the excruciatingly disproportionate impacts of ASM on the health and well-being of women and children in local mining communities. Furthermore, limited childcare options for women who are also primary caregivers have often meant that children are brought into mine sites where they are also exposed to the dangers and precarities of the field (Yakovleva, 2007; Arthur-Holmes & Busia 2022b).

As it stands, concerns about women's health and safety in ASM have scarcely led to substantive gender-responsive reforms. Rather, they have effectively fed into the sexist rationalization of the exclusion of women and the exploitation of wage labor in the sector. Buss et al. (2021) highlighted the 2013 Minamata Convention on Mercury's explicit provisions for countries to include strategies to prevent the exposure of children and women of child-bearing age, especially pregnant women to mercury use from ASM. This problem of mercury risks and vulnerabilities, as the authors observed, have rather been framed in strong protectionist ethos where women are positioned as both at risk and risky, with the available solution being the removal of women from ASM. This further relates to the predominant perception that characterizes men's roles as not only involving more skill, knowledge, and experience, but also as much more strenuous and fraught with danger and risk of death, injuries from cave-ins and health hazards from dust inhalation (Koomson, 2019; Danielsen & Hinton, 2020). Such disproportionate valorization of men's roles and associated risks contributes to the clustering of women to under-recognized, undervalued, and underpaid roles, thus rendering women trapped in the vicious cycle of poverty that is symptomatic of the sector (ILO 1999; Hentschel et al., 2002; Heemskerk, 2003; Sinding, 2005; Arthur-Holmes & Abrefa Busia, 2021). This is even more pertinent considering the prevailing harsh economic realities and depletion of natural resources (Kumah et al., 2020).

A male-dominated sector inevitably reproduces male-led leadership, which tends to focus on and prioritize the interests of their male membership. This is seen in informal ASM cooperatives, where leadership is largely made of men, mostly those with sufficient socio-economic capital and power who make all the pertinent decisions concerning management and operations (Labonne, 1996). The corporatist settings of formalized ASM operations and their associations are no exception, as the status quo of masculinist working environments, operational methods, and management styles are further institutionalized (Lahiri-Dutt, 2008, 2018; Ofosu et al., 2022). Women's invisibility in the echelons of ASM leadership explains why issues that will improve their conditions of work, such as access to childcare support, provision of places of convenience, menstrual health, and other occupational health and safety measures are

not particularly addressed in key decision-making processes. By failing to engage with women's voices on issues regarding their own well-being within the sector, the voices of those who advocate exclusion as a way to protect women become particularly loud and prominent in key policymaking. This failure to recognize and respond to women's needs accentuates inequalities and further marginalizes women who are already poorer and less powerful.

The de-prioritization of issues affecting women in ASM and the deployment of their precarities in rationalizing their exclusion is particularly troubling, considering the fact that women's participation in ASM renders important economic contributions not only to themselves but also to their households and extended families (Hilson et al., 2018; Buor & Godwin, 2019; Osei et al., 2021; Orleans-Boham et al., 2020). The disadvantaged positionality of women in ASM results in the loss of much-needed livelihoods and opportunities for social and political engagement that will benefit the entire society. This is because women in ASM are known to use their incomes to contribute to a variety of household expenses, including reinvesting in farming and trading activities (Maconachie & Hilson, 2011; Buss et al., 2017; Hilson et al., 2018; Zolnikov, 2020). Arthur-Holmes and Abrefa Busia's (2020) study of women artisanal miners in the Prestea/Bondaye Mining Area in the Western Region of Ghana found that women's participation in ASM came with improved bargaining power, which enabled them to make informed decisions about their personal and household finances, reproductive rights, children's health, educational and nutritional needs, independent of their husbands' control or contribution.

Pivotal to concerns about women's well-being in ASM spaces is the disturbing prevalence of sexual violence within mining sites and local mining communities (Rustad et al., 2016; Kotsadam et al., 2017). The argument that some women move into ASM as a matter of choice to enjoy a certain level of respite from patriarchal dependencies and sexual coercion in the households (Bashwira & van der Haar, 2020) is further complicated by the reality of a significant number of women who are also confronted with all forms of domestic and sexual violence in mining settlements. Women, particularly those in conflict resource-rich areas, have had to endure sexual harassment from male miners, whereas others are coerced into commoditized sexual relations as a means of survival (Werthmann, 2009; Yakovleva, 2007; Perks, 2011a; Bashwira et al., 2014; Arthur-Holmes et al., 2023). This creates cause for concern especially with the limited access to sexual and reproductive health services in these areas and its attendant increased incidence of HIV and other sexually transmitted infections (STIs). In some cases, women who work in ASM risk ruining their social reputations due to notions of rampant illicit sexual activities occurring at mine camps (Werthmann, 2009). According to Bashwira and Cuvelier (2019), the incursion of international mining capitalism as part of efforts to address the linkages between resource extraction, violent conflicts, and sexual exploitations has instead extended capitalist frontier enclosures in ASM on the continent. Indeed, the implementation of the Dodd-Frank Wall Street Reform and Consumer Protection Act, which was intended to halt the sale of conflict minerals has reportedly done little to address the cycle of violence in mining communities in the Democratic Republic of Congo. Rather, it has succeeded in impeding the viability of ASM as an income generating activity, causing a significant number of Congolese ASM operators to be without a means of livelihood (Maclin et al., 2017; Bashwira & van der Haar, 2020). Ofosu et al.'s (2024a) intersectional analysis highlighted the negative impacts of some of these so-called protectionist mining reforms, in particular, how their one-dimensional representations of conflict minerals and war rapes obscured the complex gender dynamics of ASM in eastern Democratic Republic of Congo.

As the state's institutional machinery becomes increasingly inept at addressing the precarities of ASM, the popular response becomes the resounding argument that the sector is too dangerous for and unwelcoming women. Relatedly, women's participation is viewed as supplementary or only temporary, a situation which as Ibrahim et al. (2020) observed, makes it difficult for women to develop long-term strategies for advancement in the sector. This does not appear to be a problem for governments, as many of them treat ASM as short-term and focus their policies on diverting women's attention towards alternative livelihood measures outside of ASM. Some of the community development and alternative livelihood projects pushed by governments and external agencies include mushroom, fish, and snail farming, rose gardens, batik making, raising silkworms, palm oil production, and grasscutter rearing (Tschakert, 2009). For women in ASM, alternative livelihood opportunities are said to be exceedingly dire given the lack or low levels of formal education, and the fact that the most appealing viable options such as cocoa

farming, dressmaking, hairdressing, and trading often come with their own hazards and demand for start-up capital, which most women are unable to meet.

However relevant these alternative livelihood measures are in addressing the social and environmental challenges women face in ASM, they miss several crucial points, the first of which is the underlying economic factors that drive women into ASM. Many of the proposed alternative livelihood projects have been met with skepticism and, in some cases, utter disinterest, because not only are they not as lucrative as ASM, but they are also inconsiderate of other women's choices to remain in the sector. It has been established that women's decisions to move into ASM are not only informed by short-term economic goals but also, in some cases, driven by long-term livelihood diversification strategies (Maclin et al., 2017). Even when ASM is not seen as a choice career but as a short-term means to raise start-up capital for other endeavors (Tschakert, 2009), this economy of dreams, as Pijpers (2014) calls it, does not materialize for many reasons, leaving women with no other choice but to remain in ASM. In their examination of the imagined futures of ASM youth in three mining communities within the Talensi District of the Upper East Region of Ghana, Osei and Yeboah (2023) found that while mining was not considered a mainstay employment but as a means to secure income for other ventures, challenges such as lack of financial capital and credit rendered the pursuit of these imagined futures nearly impossible. While there are women who have managed to build profitable businesses and alternative livelihoods out of their earnings from ASM (Perks, 2011a,2011b), these success stories, as Bashwira and van der Haar (2020) observed, are often the result of individual opportunity and do not detract from the wider systemic failures that keep women within these mining centres in poverty. According to Osei and Yeboah (2023), policy recommendations for entrepreneurial opportunities away from ASM are mostly rendered futile because of the undue emphasis on individualized responsibility without commensurate regard for the creation of enabling environments that can sustain long-term alternative livelihood endeavors.

Ultimately, uneven access to land and capital, limited job opportunities, lower income earnings from agriculture and other proposed livelihood projects compared to the quick turnover from ASM means that for some women, defying hazardous working conditions, state criminality, and the stigma associated with informal ASM remains the only viable option to earn meaningful income (Banchirigah & Hilson, 2010). If agricultural poverty, which describes the inability of subsistence agriculture to sustain the livelihoods of rural families due to decline in productivity and consistency of returns, accounts for the surge in women's participation in the relatively viable ASM sector (Hilson, 2010; Banchirigah & Hilson, 2010;Hilson & Garforth, 2013), then it is only reasonable to suggest that governments and policymakers take careful consideration of the comparative advantage of the expected returns from the mushroom farming, snail rearing, oil palm plantation, grasscutter rearing and other agricultural activities which they keep proposing as alternative livelihood projects. Earlier scholarly analyses on the subject have critiqued some of these alternative livelihood projects for being based on untested assumptions and merely serving as fashionable drop-in projects that only scratched the surface of the ASM impasse without fostering sustainable livelihoods and enhancing people's resilience (Tschakert, 2009; Bashwira et al., 2014; Maclin et al., 2017). This notwithstanding, government agencies such as Ghana's Precious Minerals and Marketing Company (PMMC) and the National Alternative Employment and Livelihood Programme (NAELP) continue to churn out these projects, signalling what Tschakert (2009) referred to as the unfortunate disjuncture between substitute livelihood strategies and the needs of local miners on the ground. Such widespread disparity between formalization's various operationalizing methodologies and the reality on the ground evokes a dire need for new and refreshing approaches in addressing the deeply engrained androcentric culture of a sector where women's pursuit of livelihood opportunities is constrained by systemic challenges on all fronts.

Capitalist extractivism and the gendered implications of 'large-scale mining bias' in ASM

According to Pereira and Tsikata (2021), capitalism has been a longstanding feature of extractivism since the 19th century, defined as the accumulation of wealth through the extraction of a broad range of natural resources from ex-colonies in the Global South, and the exportation of this wealth to the centers of global capital. At the core of this capitalist resource extractivism in Africa is a large-scale mining bias, which, as Hilson (2019) describes, refers to states serving as arbiters of mineral rights and facilitating

large-scale concessionary allocations in exchange for foreign direct investment, leaving little to no room for institutional support and access to land for local ASM operators. This bias forms a historical continuity of centuries of colonial domination and large-scale corporatist land grabs, which have had profound impacts on land, labor, gender, and class relations in local mining communities (Torvikey, 2021). Following flag independence, the extractives industry in many African countries were reconstituted in accordance with the colonially inherited laws and systems of production, whereby the extraction of high-value minerals such as gold, diamonds, and bauxite co-exists with highly financialized capital-intensive growth sectors orchestrated by state actors and market forces (Pereira & Tsikata, 2021). For instance, in Ghana, Hilson et al. (2022) recorded the total land area held by large-scale mining ventures under different reconnaissance, prospecting, and mining leases as 68,325.78 km^2, constituting approximately 30% of the country's total land area of 238,538 km^2. Fisher (2007) explained that, in many cases, these large-scale land acquisitions came about through expropriation and re-zoning of so-called informal claims originally held by local ASM operators. According to Tschakert (2009), the pressure on local miners to pursue alternative livelihoods away from ASM can be directly linked to states' desire for these miners to vacate their sites for re-allocation as corporate mining concessions. It is also safe to conclude that the legitimizing guise of safeguarding the social, environmental, health, and safety well-being of women is no different from the state's dubious deployment of environmental protectionism in driving away informal miners to make way for foreign large-scale mining land acquisitions (Hilson & Maconachie, 2020b).

As already established, this colonialist legacy, which maintains itself in the dual mining political economy is further articulated in the ASM binary of formality (suggestive of the state, structure, organization, developmentalism and modernity) and informality (ostensibly marked by indigeneity, arbitrariness, extra-legality, disorder and antithesis to modernity and development) (Ossome, 2021). Post-colonial formalization measures, which were formulated to address the challenges of ASM through the facilitation of legal and transferable rights in mineralized lands, have so far been unable to withstand the rising tide of capitalist frontier expansionism in the sector. In what was described as a 'legislative afterthought', Maconachie and Hilson (2011) argued that ASM legalization did not augment access to land for ASM operators, since these laws were effectively enacted three years after mining sector reforms had already yielded substantial concessions of geologically productive lands to large-scale mining companies. Within this hierarchy of ASM as an afterthought lies a further gendered segmentation in which women are footnoted and treated as appendages in the mining sector.

The interlinkages between these unequal redistribution policies within Africa's extractives industry and the overlapping axes of the structural marginalization of women on the continent have been conceptualized as extractivist patriarchal capitalism (Pereira & Tsikata, 2021; Hargreaves, 2023). Deploying extractivist patriarchal capitalism as an African feminist intersectional framework in the ASM context enables an understanding of how the gendered, racialized, classed and ethnicized labor in the sector are constituted by historical fragmentations of the colonial project of capitalist accumulation and its imperatives of labor logics and land dispossession. For African women, the intersection of colonial capitalism with indigenous patriarchies led to a reduction and loss in economic and political power, access to communal lands and resources, and control over reproductive and productive labor (Ossome, 2021). In particular, the introduction of European-owned industrialized mining disrupted indigenous mining systems and their existing gendered structures of production, as women's roles became increasingly excluded from the core extractive spaces into other forms of services, such as cooking and serving as domestic stewards to the male miners (Dumett, 1998; Biwa, 2021). Accordingly, the early wage labor force in the extractive enterprises of colonial African societies was composed almost entirely of male workers, leading to a masculization of the industry and the subordination of women's labor (Ossome, 2021). Ossome has argued that sex/gender divisions of labour did not by themselves, necessarily produce gender inequality. Rather, women's oppression within these segmentations emerged as a result of contextually and historically determined patriarchy that works in tandem with neoliberal capitalism, reproduced in contemporary times on a wider scale by economic internalization.

Even the production of salt, which according to Torvikey et al. (2024) was hitherto the most feminized mineral in Ghana, has also come under cycles of crises borne out of the legitimation of extractivism through state machinery. The authors observed how shifts in customary authorities' endorsement of industrial salt mining, as facilitated by the state as mediator of mineral rights has enabled dispossessions,

erosion of community management practices and disruptions to the livelihoods of women salt miners (Torvikey et al., 2024). The use of property ownership and indigenous land reclamation as symbolic re-occupancy and expression of the metaphoric reclamation of manhood and masculinity in many post-colonial African states (McFadden (2007) have augmented male-centered tenurial arrangements in many resource-rich societies on the continent (Awumbila & Tsikata, 2010; Brottem & Ba, 2019). Chimhowu (2019) described this development as the 'new African customary land tenure', where land commodification and increased commercial opportunities from mining led to a heightened capitalist patriarchy, enabling certain categories of men to assume greater control over mineralized lands and the entire process of consultation, negotiation and receipt of compensation from mining investors. In the mining enclaves of the Karamoja sub-region of Uganda, Serwajja and Mukwaya (2020) observed a predominance of male authority in all aspects of the ASM value chain, including all aspects of stewardship of land held by male traditional leaders, negotiations for access to mineral-rich lands and post-mining benefit-sharing arrangements—despite the prevailing communal tenure arrangements. Consequently, calls for land reform as a way to address women's limited opportunities in ASM need to be fully dissected within the context of the intersection of indigenous patriarchal customary land tenures, colonial legacies of resource extractivism and the ongoing capitalist accumulation engendered by large-scale mining bias within the extractives industry.

Furthermore, the World Bank's Structural Adjustment Programmes (SAPs) of the 1980s, under which the asymmetries of corporatist land acquisitions were orchestrated in the mining industry, were also the bedrock for the exacerbation of women's productive and reproductive burdens on the African continent. A significant number of women had to compensate for the cutbacks in much-needed social services, rising unemployment, and scarce resources by taking on additional work and caregiving services. Many women were forced away from their traditional roles in subsistence agriculture to more wage-oriented types of work, such as informal mining (ILO 1999; Hilson & Potter, 2005). For poor women in particular, this and the additional commitment to providing materially for their children and other family members imposed heavily on their independence and upward mobility in ASM (Yakovleva, 2007).

At the core of the SAPs neoliberal economic reforms were concepts imbued with male bias, through which women's triple roles in production, reproduction, and community management were demarcated as non-marketable and therefore largely unrecognized and unpaid/underpaid. Early feminists saw the division of labour as central to the subordination of women, where domestic work was particularly undervalued because it had been traditionally treated as women's unpaid duty in marriage (Mies, 1982; Imam, 1988). In spaces like the extractives industry, the androcentric nature of operations activates a disconnection between economy and life, which reflects the stark continuity of the public/private domain of women's work and the replication of such domestic labor relations (Cunha & Casimiro, 2021). This accounts for the treatment of household duties that are considered feminine and the everyday activity for women in the domestic sphere, such as pounding, grinding, washing, fetching of water and cooking in ASM as unskilled and grossly underpaid (Serwajja & Mukwaya, 2020; Arthur-Holmes & Abrefa Busia, 2021; Koomson-Yalley & Kyei, 2022; Mengba et al., 2023). Ultimately, women's unpaid care work, subsistence production, and social reproduction, despite being pivotal to capitalist accumulation and the effective running of ASM operations, remain invisible, unrecognized, and undervalued.

Moreover, the market-driven resource extractivism that has restructured the extractives industry in Africa has not only deepened poverty and increased power differentials, but it has also reinvigorated traditional patriarchies where a cohort of 'African culture' is invoked to rationalize the exclusion of women from resource spaces. According to Ossome (2015), part of the paradoxical nature of political liberalization under neoliberalism is that the set of rights ascribed to women is almost absolutely negated by the economic scarcity and dispossession reproduced under neoliberalism. Ossome highlighted the commonalities between capitalist accumulation under neoliberalism and patriarchal subjugation, emphasizing that the distinction between the sphere of cultural oppression and oppression based on political economy is nothing but superficial. This is because, as I will show in the next section, both indigenous patriarchy and neoliberal capitalist patriarchy are enmeshed in the same historical structural realities that deploy culture as a site for unabated reconstitution of oppression against women (Pereira, 2009).

Contesting culture as a site of exclusion for women in ASM

Several studies on gendered motivations into ASM have highlighted that while women share similar economic necessity and push/pull driving factors with their male counterparts in pursuing livelihood opportunities in ASM, escaping from gender-oppressive rules and cultural norms was also pivotal to women's motivation to move into ASM (Labonne, 1996;Dreschler, 2001;Werthmann, 2009;Yakovleva, 2007;Lahiri-Dutt, 2012; Hilson et al., 2013; Bashwira & Cuvelier, 2019;Buss & Rutherford, 2020; Arthur-Holmes & Busia, 2022a). Drawing from the United Nations Economic Commission for Africa's four-category classification system for ASM operators, namely, gold-rush miners, permanent miners, seasonal miners and poverty-driven miners, as well as the literature on motivating and driver factors for ASM, Maclin et al. (2017) mapped out the drivers and motivations for gendered migrations in ASM. These included distress-push (diversification of livelihood activities driven by desperation and desire to escape poverty, demand-pull (diversification driven by desire for greater economic return and rush-type ('get-rich-quick' entrepreneurship). Bashwira and van der Haar's (2020) analysis through the concept of social navigation in their examination of women's decision-making in conflict-affected mining areas of the eastern Democratic Republic of Congo further highlighted four important factors that explained women's decision-making in moving to the mining sites. These included seeking security, family ties and responsibilities, economic opportunities and the search for a better life. In conflict and post-war communities, women involved in agriculture or trading activities often switched to ASM because mining centres offered better protection and more security from being abducted while on their way to and from the farms or the markets. Further to the desire for a new and better life in ASM was the additional motivation to construct a life away from family ties that women found oppressive. Elsewhere, Arthur-Holmes and Busia (2022a) found that in addition to the unattractive nature of agriculture, the quest for social recognition for contributing financially to family needs and the general lack of viable employment opportunities, women from the northern parts of Ghana were also particularly motivated and driven into ASM in the south due to a desire to escape restrictive patriarchal and socio-cultural norms such as forced and early marriages.

However, while women in ASM are driven by these aspirations for emancipation from cultural subordination, they are soon met with the reality of ASM as a highly gendered patriarchal space where culture remains a site of contestation. Here, the exclusion of women is often carried on the wings of elaborate justifications consisting of superstitions and traditions such as the belief that women's presence in mines causes social imbalance that can negatively affect the working environment, create accidents and the disappearance of gold ore (Heemskerk, 2000; Dreschler, 2001; Hayes & Perks, 2012; ILO 2021). In some mining sites, fear of women bringing bad luck to diggers engendered gendered spatializations where women were denied access and restricted to specific points of purchase to engage in commercial activities (Bashwira & van der Haar, 2020). Serwajja and Mukwaya's (2020) study of women at Lulong and Chepkarajat mines in Karamoja, north-eastern Uganda, provided empirical evidence to the persistent manipulation of socio-cultural norms and customary moralities in the marginalization and exclusion in ASM. The masculinization of gold mining, as Serwajja and Mukwaya observed, manifested in statements like, 'gold likes men and detests women' which were used to rationalize men's absolute control of the mining process. From their study of five mining settlements in the Talensi District of the Upper East Region of Ghana, Mengba et al. (2023) further noted how taboos around the use and trade of shea butter, and the cracking of groundnuts, all of which involved roles primarily performed by women were used to limit women's access and livelihood options in ASM. Another common example is the entrenched notion of the 'polluting' or 'leaky' female body which is used to dictate how menstruating women and men who have been sexually involved with women operate within certain spaces at the ASM sites ((Hinton et al., 2003; Benya, 2023).

The realities of women in formal and informal ASM may differ in their encounters with the state. Women who operate in formal ASM under the governing order of the state are free from state criminality and the social ignominy associated with informal ASM. This notwithstanding, both groups of women share similar experiences of entrenched socio-cultural inequalities in the sector. Admittedly, patriarchal subjugations are not only a function of Western capitalism, as to posit so would deny the history of women's oppression in non-capitalist and pre-capitalist societies. Within both matrilineal and patrilineal

systems and between centralized and acephalous states, many African societies embraced a patriarchal culture in which women were subjected to the control of husbands, chiefs, elders, and other male heads of families. According to Apusigah (2006), these indigenous patriarchal systems served as fertile grounds for the sowing and nurturing of the seeds of Western paternalism in all its imperialistic and patriarchal manifestations. This, according to Mama (2019) accounts for the customary laws invoked to defend 'African culture' in positioning women like dependent minors, some of which were nothing more than colonial inventions made in consultation with male elders at the time. As already established, within local mining communities where traditional institutions that legitimate authority, knowledge, access to, and control over land are mostly made up of men, customary laws and traditional practices are continuously interpreted to uphold commonly held patriarchal beliefs that legitimize the exclusion of women from access to mineralized lands (Serwajja & Mukwaya, 2020).

One of the most dominant aspects of ASM where deeply engrained socio-cultural prescriptions are prevalent is the gendered division of labor (Werthmann, 2009; Dako-Gyeke & Owusu, 2013; Buss et al., 2017). Here, many of the direct roles that women partake in, such as the provision of water, panning, sifting, stirring, and hauling, are linked to feminine household chores (Hilson, 2002; Susapu & Crispin, 2001; Zolnikov, 2020; Arthur-Holmes & Abrefa Busia, 2020). Several of the indirect ASM activities are also feminized roles, such as cooking and cleaning, which are mostly undertaken by the women (Heemskerk, 2003; Hinton et al., 2003; Yakovleva, 2007; Arthur et al., 2016). However, roles such as digging, extraction and supervision, which are regarded as core mining duties, are largely undertaken by men (Heemskerk, 2003; Ibrahim et al., 2020; Danielsen & Hinton, 2020). While these gendered allocations vary based on different communities, mining sites, and the particular minerals to be extracted, the general phenomenon is that digging and underground mining, particularly of high-value minerals such as gold, diamonds, and bauxite, are primarily reserved for men. Claims of concern for women's safety and arguments of women being too weak are used to prevent women from engaging in such activities, and even where they are permitted, their extraction of ores is limited to thin overburden layers (Malpeli & Chirico, 2013; Danielsen & Hinton, 2020). This dichotomization of the mining space and its designation of core production roles as the preserve of men gained footing under the International Labour Organisation's (ILO) Underground Work (Women) Convention, 1935 (CO45), which under Article 2 restricted women of any age from underground mining activities. Despite the many inroads made by women within the mining scene, this Convention is still in force in 68 countries (ILO 2021).

Gendered segmentation in labor is so deeply entrenched that even women who have attained success and are able to exercise strategic agency in their positions as administrators, concession owners, and sponsors are not exempted from pervasive gendered subjugations in the sector (Bashwira & Cuvelier, 2019). Admittedly, women in ASM are not a monolith, as has been established by several studies examining the various social dimensions based on age, marital status, motherhood, ethnicity, religion and financial status, which reproduce further differences that are critical in evaluating women's inequalities in ASM. In their study on ASM women in the Prestea-Bondaye Mining Area in Ghana, Arthur-Holmes and Abrefa Busia (2021) deployed feminist standpoint theory, further referencing Goredema (2010) and Nkealah (2016) to pinpoint African feminism in their examination of women's multiple lived experiences in ASM. Standpoint theory emerged in the context of feminist critical theory's attempt to explain the relationship between the production of knowledge and practices of power. It advances the position that all knowledge is located and situated, and that the experiences of women and their standpoint needs to be valued as it proffers a vantage point which reveals the truth of social reality (Harding, 1986, 1993, 2004). Through this approach, Arthur-Holmes and Abrefa Busia (2021) explored how African women in informal ASM navigated multiple social categories as young, old, married, divorced, single, native, migrant, mothers or women without children. In doing so, the authors demonstrated the interactions between the diversity of gendered subjectivities with poor working environments, constant threats of termination and replacement, non-existent support from formal legislative mechanisms and tensioned ethnic differentiations in these informal spaces (Arthur-Holmes & Abrefa Busia, 2021). The utilization of such multiple standpoints as a theoretical framework has become relevant in avoiding the trap of homogenizing the experiences of different women in different ASM sites across different parts of Africa.

This notwithstanding, women in ASM, regardless of their social or financial status, share commonalities in their experience of culturally sanctioned patriarchal subjugation as a subordinate group, albeit in

different ways. While women licence holders, concession owners, providers of high-grade mining equipment and sponsors hold more power than other women, they are generally in the minority within ASM and are still subject to the confines permitted by the male leadership of prevailing governable orders. This includes constantly facing the risk of being swindled or having their concerns dismissed by their own workers. As Awumbila and Tsikata (2010) noted, the gendered market transactions and labor relations in ASM determine the level of earnings and respect, such that even women who assume roles typically played by men, such as sponsoring, could not fulfil some of the key labor requirements of successful sponsorship or securing the recognition and remuneration afforded by these positions. While men provided pre-financing in the form of cash and inputs, a common form of sponsorship by women remains the provision of credit facilities, mining equipment, and cooked meals for miners. Such credit procurement by women sponsors is however not recognized as sponsorship but as a kind of informal arrangement, a situation that constrains women's ability to recoup their investments. Again, while male sponsors tended to act as gold buyers in order to minimize cheating from miners, female sponsors were not afforded the same opportunity to buy gold to recoup their profits (Awumbila & Tsikata, 2010). Accordingly, whether it is the *magazia* (leaders of the shanking ladies) of Ghana or the *mères-cheffes* of Congo, the powers of women leaders in ASM are mediated by male powerholders, where livelihood outcomes depend on the continued existence of unstable informal liaisons and deeply entrenched socio-cultural norms. Moreover, the assumption that improved earnings from involvement in ASM liberates women from economic dependency is ruptured by the many socio-cultural rules that often demand the submission of their earnings to their husbands, or tie women's income to household expenses on the pain of domestic violence (Serwajja & Mukwaya, 2020; Adam et al., 2022).

African feminist scholar Charmaine Pereira attests to the considerable dilemma African feminists face regarding the subject of African culture. On the one hand, we stand accused of upholding uninformed Western agendas when challenging hegemonic gender relations based on culture. On the other hand, we are also bound by our decolonial aspirations to affirm and uphold indigenous culture that uplifts women or has social value, but which has been distorted by the global agenda (Pereira, 2002). This dilemma however unravels itself effortlessly, because African feminists do not operate under any delusion that age-old cultural practices and their contemporary manifestations have attained a halo of impeccability (Eze, 2006). Decolonial African feminism emphasizes the retrieval, revitalization and restoration of the African sense of indigenousness (Mkabela, 2005; Wane, 2011; Mohammed, 2022). As Nkealah (2016) has pointed out, African feminisms are grounded in an African ideological viewpoint and African cultural perspective which are centrally framed around our histories and cultures with the aim of harnessing the appropriate tools for empowerment. However, this embrace of African culture, indigenous knowledge, belief systems and socio-cultural norms is not uncritical. It is anti-essentialist and involves a careful critique of the flaws of traditional African cultures without denigrating them, understanding that they might be viewed differently by different classes of women (Mekgwe, 2006). As Tamale (2008) has explained, while we acknowledge that the negative indictment of certain African cultural practices is not completely unfounded, we also do not allow these negativities to obscure its liberatory possibilities, especially when we consider that African culture, like all cultures, has aspects that are both positive and disempowering. Accordingly, while we contest and reject racist, imperialist, colonialist and stereotypical connotations of African culture, we are also critical of particular interpretations of culture that are used against women as a means of social control.

In using African women's sexuality as a benchmark, Tamale (2008) highlighted the close connection between culture and gender, addressing gender as a relational concept constructed within cultures that are constantly changing and responding to shifting socio-economic and political conditions. As Benya and Yeni (2022) emphasized, women's subordination is a historical process rooted in specific organizations of social and work life, which also means that these socio-cultural orders are not permanent but can be contested and changed. Hernando de Soto, whose seminal work on the informal economy in Peru laid the foundation for the conceptualization of ASM formalization addressed the complexities of culture in his explanation of why capitalism fails outside the West. According to de Soto, while culture can be a mass of unexamined and largely untestable assumptions which can allow those who live in the privileged enclaves of this world to enjoy feeling superior, culture can also be shaped and changed (De Soto, 2000). Certainly, de Soto's concept of formalization has come under heavy criticism for its failures

to account for colonialist sanctioning of pre-emption, the role of capitalism and land titling in perpetuating colonial power structures and the inequalities faced by the poor who are pushed out by larger, wealthier and foreign investors attracted by the latent capital in land (Home & Lim, 2004). This notwithstanding, de Soto's point about the modifiability of culture and his caution about the weaponization of culture echoes African feminist sentiments on the subject. The real tasks, however, lie in ensuring that the inevitable winds of change will blow culture towards reimagining emancipatory possibilities, instead of morphing into a tool of extractivist patriarchal capitalism towards the exclusion and marginalization of women from resource spaces like ASM.

According to Mama (2019), the contemporary invocation of culture in marginalizing women often bears a false nostalgia to mobilizing patriarchal conservative social forces for an idealized past. This nostalgia serves no useful purpose, but only as a distraction from the horrors that neocolonialism, resource extractivism, classed consolidation, and capitalist patriarchy have unleashed on the continent. Moreover, a reference to African culture in rationalizing the exclusion of women from resource spaces like ASM is not only ahistorical, but also an apparent attempt to paint the diversities of African culture and its complexities of gendered social relations with the same homogenizing brush. Based on the oral and written historical accounts of women's longstanding involvement in various core and ancillary roles in mining, before, during, and even after the European incursion into the industry, African feminist defence of women's involvement in ASM cannot be charged to a spiralling westernization or a destruction of traditional African values and structures of production. This echoes Mohammed and Madunagu's (1986) assertion that owing to the long history of African women's resistances, activism and associations, feminisms or the fight for women's rights and interests cannot be attributed to a contamination by the West or a simple, blind, copy-cat imitation of Western feminism.

Even in communities where women's involvement in ASM is more recent and not tied to a longstanding history, women have validated their presence in ASM by using various gendered mechanisms, including what Arthur-Holmes (2021) described as gendered sympathy to gain entry into 'dig and wash' and hard rock mining sites where women's involvement is not the norm. By drawing on Nnaemeka's nego-feminism (which stands for 'no ego' feminism and represents feminism of negotiation) in her African feminist examination of the Namibian mining space, Biwa (2021) highlighted the various strategies rooted in accommodation, collaboration and compromise through which women collectively prompted and negotiated for inclusion and empowerment in the extractives sector. Arthur-Holmes et al. (2023) used multiple standpoint theory to examine the measures through which women who transport ore in informal ASM sites sought to address the gender wage disparity in the absence of formally drawn-out negotiation mechanisms. These women were known to leverage, among other things, their numerical advantage, working conditions (notably the distance and type of pans they used in carrying the gold ore), number of working years, ethnic affiliations, personalized networks and relations with employers in negotiating for standardized pay. The different social categories amongst the women became even more evident as the women who had brothers, uncles and husbands as supervisors used their proximity to their male relatives to negotiate for higher pay than other women.

Throughout history, African women have used various mechanisms to mitigate the extent to which patriarchal control and ownership could determine their social positions (Ossome, 2021). Amadiume for instance traced how women in precolonial Nnobi society accrued power and authority to navigate the traditional patrilineal system of land ownership, inheritance and succession by controlling the subsistence economy (Amadiume, 1987). Motherhood as an institution was also integral to the ways in which women in the Great Lakes Region responded to the patriarchal exclusions and restrictions on access to land. As mothers, women engaged with the heart of patriarchal ideology to convert their children into immediate sources of instrumental power (Schoenbrun, 1998). In the face of heightened masculinization of ASM spaces, African women have demonstrated creative gender-specific agency, pushing the boundaries of androcentric extractivism and proving the negotiability and malleability of even the most deeply entrenched taboos and gendered socio-cultural norms in ASM (Werthmann, 2009; Kelly et al., 2014; Buss et al., 2020). Women have established themselves in ASM by creating their own solidarity networks, welfare schemes, recruitment methods and other support systems within their various mining sites (Koomson-Yalley & Kyei, 2022). According to Mama (2013), the modes of resistance expressed by African women under colonialism were shaped by their struggle to retain productive and reproductive

autonomy within the male-defined systems of kinship, production, and administration. Indeed, what may have been considered as women's informal work comprised of elaborate life-centered social relations and provisioning networks, including what is often referred to as the 'quiet power of African women', which manifested in extensive subaltern farming, trading and mining activities through which African women sustained their families, communities, and societies (Mama, 2013).

Benya's (2023) examination of South African women industrial miners, whom she referred to as the 'quiet rebels', showed how these women deployed their marginality as an instrument of radical possibility and resistance, through which they refused to participate in the despotic logics of masculinity and capitalism in the underground mining world. These refusals and expressions of quiet power are pertinent to women in ASM, some of whom have been known to defy stringent gendered labor allocations by digging their own deep pits, or by initiating and thereafter hiring men to continue with the excavation (Bashwira & van der Haar, 2020; Koomson-Yalley & Kyei, 2022). This is done, notwithstanding the taunts that these women diggers are subjected to, where they are often masculinized and addressed as though they were brothers and sons (Rosen, 2020) or viewed as less of women or not true African women (Serwajja & Mukwaya, 2020). Serwajja and Mukwaya (2020) found other forms of refusals from women involved in gold washing who devised covert methods such as the 'test and withdraw strategy' in navigating exploitations from their employers. This strategy involved women withdrawing their labour from the panning and washing process due to the limited quantities of gold found in the test sample of crushed ore. Women were also known to go against the grain of socially constructed household dynamics that treated their domestic labour as free and unpaid by insisting on payment even when they engaged in panning and washing activities for their husbands. Further acts of resistance were observed in women's refusal to work with mercury owing to its harmful impact on their health, choosing rather to use natural gravitational processes of separating the gold from the earth (Serwajja & Mukwaya, 2020). Again, whereas the complex gendered stratification in ASM influences many women's refusal to self-identify as miners despite spending long hours and performing equally arduous roles as their male counterparts (Danielsen & Hinton, 2020), there are other women who insist on being referred to as miners (Koomson-Yalley & Kyei, 2022), in defiance of the dominant notion that 'the man is the miner'. African women have always consciously labelled themselves out of choice, opportunity, necessity, or as a shared sense of struggle to provide for their communities. These illustrate that African women are not passive, helpless victims of culture as they are often made to seem but have been active agents of change, seeking to make the most out of the harsh extractivist patriarchal capitalism under which they find themselves (Tamale, 2008).

The changing political economy of mining confirms that gendered divisions of labor in ASM and differences in access to, control of, and benefits from resource spaces are not fixed but are reflections of historically and culturally constructed arrangements imbued with power and contestations (Porro et al., 2010). Accordingly, any anxieties over transgressions of culturally assigned gendered roles in ASM need to be historicized within the context of the emergence of colonial capitalist extractivism, resource contestations, increasing unemployment, and women's resistance to their diminishing roles in the sector. Any approach to culture in ASM devoid of such analyses only provides a culturalist perspective that obscures the reconstitutions of gender relations and other intersectional forms of oppression prevalent within the sector. Moreover, positioning the exclusion of women from ASM as a solution to the perils they face in the sector is not only a curious proposition, but its appeal to culture appears more as deep-seated sexism and paternalism rather than a healthy preservation of tradition. In the true spirit of cultural revivalism in ASM, concern for women's health and safety, economic well-being and socio-cultural standing must first interrogate the colonial and postcolonial capitalist patriarchies that have systemically eroded women's historical and traditional participation in ASM. This will then need to be accompanied by measures that will restore, safeguard, and improve African women's participation in a safe, sustainable and environmentally responsible ASM.

Moving forward: an African feminist re-imagination of women's work in ASM

As an alternative to the increased push for short-lived alternative livelihood measures for ASM operators, Tschakert (2009) suggested a more parity-fostering approach in the form of reversing the misrecognition

and exclusion of local miners towards the creation of a more just and sustainable future for ASM. Drawing upon Fraser's theory of recognition, Tschakert argued for a radical re-imagination of misrecognized local miners that would reframe them, not as outlaws but as legitimate partners whose situated knowledge and lived realities are taken into consideration when drawing up participatory schemes for environmental monitoring and equitable land distribution. Such radical re-imagination of liberatory futures stands at the apex of African feminism, which, as Pereira (2002) has indicated, is not about 'adding' to existing progressive knowledge but more fundamentally, about the creation of invigorating and transformative knowledge that challenges what 'is' in ending the oppression of women. Pereira points out that there is no way of creating knowledge that is not circumscribed by the oppression of our times if we cannot imagine a better future, if we cannot dream of a way of life that does away with the domination that is part of our everyday realities, or if we cannot envision other ways of being (Pereira, 2002, p. 9).

Drawing from the above, this section offers policy implications and recommendations on how African feminism can help to re-imagine alternative futures and liberatory possibilities for women in ASM. First, an African feminist re-imagination of the ASM gender discourse does not only subscribe to a critical engagement with the social relations of gender, but also a radical transformation of the prevailing mining political economy and its regulatory frameworks. While the pursuit of legal reforms is a well-utilized strategy of feminists on the continent (Tamale & Bennet, 2011), an African feminist re-imagination of ASM seeks to transcend a blanket legislative integration of women into an equal share of the ongoing neoliberal mining economy and its underlying androcentric and bureaucratic centralisms. Rather, it tends towards the use of decolonial feminist legal methods grounded in African feminist ethics in interrogating the very basis of the legal framework underpinning the prevailing top-down, state-centric tools of ASM formalization. As Martinez et al. (2021) have forcefully argued, the answer to the challenges in ASM does not lie in simply legalizing the greatest number of miners possible, but by taking the perspectives and needs of these miners into account in generating holistic interventions and reform. After all, what is the essence of, and how feminist is an ASM legalization that only leads to the criminalization of a vast number of women who, in navigating the severe aftermaths of extractivist patriarchal capitalism, are forced to operate on the periphery of ASM formalization? Related to this decolonial feminist interrogation is a pursuit of 'de-patriarchalization' of formalization, through which institutions and regulatory mechanisms will be enhanced with the capacity to effectively transform the very structures which produce and perpetuate the sector's gendered inequalities in the first place.

This call echoes Fisher's (2007) caution against the uncritical integration of artisanal miners into formal institutional and legal structures, which, as she noted, tended to neglect existing power differences and social inequalities, thus benefitting a small elite of relatively wealthy people and reinforcing socio-economic exploitation and insecurity for the majority. The decolonial African feminist position on this is clear: an ASM formalization that is still nestled within the capitalist patriarchal system holds little liberatory potential for women. A feminist theorization that fails to see how such integration leaves poor and vulnerable women at the mercy of capitalism's brutality is ultimately complicit in their exploitation. As decolonial feminist writer Françoise Vergès has stated, one of the many betrayals of Western feminism is its heartless desire to integrate women into the predatory world of capitalism, where systemic exploitation prevails, especially within industries that thrive on the feminization of underpaid labor. Vergès likens feminist theories that are in the service of capital, state and empire with a politics of death that cannot be reanimated even by performative proximity to principles of gender inclusion, women empowerment and social justice (Vergès, 2021).

An African feminist re-imagination will also involve critical engagement with customary laws and other bottom-up approaches anchored in local culture and indigenous spirituality. This aligns with calls for creating awareness on the many ways in which traditions and socio-cultural perceptions about land ownership and indigenous belief systems inhibit women's involvement in and access to resource benefits from ASM (Serwajja & Mukwaya, 2020; Mengba et al., 2023). This is by no means an easy task, since African feminists' views on the issue of safeguarding women's rights, either through traditional practices and customary laws or state laws, are sharply divided (Whitehead & Tsikata, 2003). While there are those who uphold customs and advocate for customary laws to spearhead reforms and resistance to centralized and elite state power, there are others who believe that gender justice should be pursued primarily through state law (Goebel, 2005, p. 160). In their analysis of customary land tenures, Whitehead and

Tsikata (2003, p. 83) deliberated on whether women could seize opportunities within systems that discriminate against them to press their claims in deciding whether to change the system or retain it. Beyond these debates is the argument that the rigid binaries of African culture/tradition/customary laws versus Western/modern/state laws merely obscure the mutually constitutive nature of these different legal regimes.

Within the legally pluralist settings of many mineral producing societies in Africa, formal law by itself is not sufficient to ensure the grasp of women's rights in ASM, and preserving women's access to resource benefits does not begin and end with legislation. Consequently, while the dominant statutory laws and state policies are imperative in institutionalizing and providing logistical support for access to licences, health and safety, and other crucial needs for women in ASM, these measures need to be informed by and critically engage with how customary legal systems and indigenous cultural systems can also be harnessed in equally subverting the capitalist patriarchy that has become symptomatic of the extractives industry and the ASM sector. This is because despite its weaknesses, culture enjoys considerable social legitimacy which serves as a positive indicator of its potential for feminist re-imagination of deeply entrenched social relations (Tamale, 2008; Ntseane, 2011). Indeed, despite the many customs that seemingly deprived women of rights to livelihood in certain spaces, there are also many customary systems that assured women of their proprietary position, especially in economies that depended on their labor. As already established, it is not uncommon for women in many African societies to deploy customary laws and cultural traditions as a discursive means of reworking existing norms for their individual and collective gains (Goebel, 2010; Biwa, 2021).

There are pathways to locating and excavating values that resonate with indigenous cultures and invoking their emancipatory potential for women in ASM. However, as Tamale (2008) has advised, this will not happen unless we move past the myopic, dangerous, and extremely restrictive framework of viewing African cultures as primitive and paternalistic systems that only constrain women's involvement in ASM. Eze's (2015) use of feminist empathy as a theoretical model presented a useful framework through which African feminist researchers can centre African women's stories and move past the fear of backlash in the traditional, patriarchal sectors of African society, as well as the reactionary need to explain and validate African culture from Western audiences. Through this approach, Eze demonstrated how feminist empathy can be employed as a social liberatory virtue that opens new ways of exploring the African experience beyond the presumptive monolithic African identity and culture (Eze, 2015). Drawing from this analytical framework, ASM researchers can begin to amplify the already existing informal local groups, grassroots women's movements and pan-African eco-feminist organizations such as Womin Africa Alliance who are leading the way in how culture and African indigenous knowledges can be mobilized in navigating the androcentric culture of ASM. Their collective work demonstrate the possibility of harnessing local-based feminist vocabularies and strategies in resisting the disproportionate cost of extractivist capitalist accumulation on African women, and constructing alternative pathways through which women can engage in sustainable mining practices, obtain full participation in and benefit from mineral resources while centering people, ecosystems, and care for Mother Earth (Awumbila & Tsikata, 2010; Torvikey, 2021; Pereira & Tsikata, 2021; Benya & Yeni, 2022; Benya, 2023;Torvikey et al., 2024). Engaging with these women's modes of existence and resistances, and threading questions and solutions about the politics, alliances, and movements through which they imagine another world outside of predatory extractivism will be a good start to using culturally situated knowledges in addressing the multiple struggles of women in ASM (Hargreaves, 2023).

Conclusion

Women's significant contribution to the socio-economic infrastructure of ASM has been widely recognized over the past decades, despite the pervasive struggles they face in the sector. In responding to the invocation of culture in the marginalization of African women from ASM, this paper chose Sandra Acker's paradigm of seeing both the tree and the forest—in this case, extractivist patriarchal capitalism and the everyday forms of sociocultural practices that sustain it (Acker, 1994). This paper expanded on the definitions of gendered struggles in ASM by highlighting the intersections between capitalist resource contestations and the manipulation of culture in maintaining the material and structural

systems of domination against women in the sector. With the aid of extractivist patriarchal capitalism as an African feminist intersectional framework, this paper elaborated on the marginalities and vulnerabilities of women within ASM as a continuity of the hierarchies of gendered labour and large-scale mining bias invented and deepened by colonial logics of rule. It drew attention to contemporary deployment of culture and traditions not as separate from, but as constitutive of the masculinization of resource spaces and the feminization and exploitation of women's productive and reproductive labour under the overarching influence of extractivist patriarchal capitalism. In doing so, this paper examined how gender inequality in ASM remains a challenge unaccomplished by both customary law and traditional institutions, as well as statutory law and its formalization mechanisms that continue to reinforce class-based economies of extraction in the sector. As an intervention, this paper calls for a more critical interrogation of formalization and its promises of addressing the gendered struggles in ASM. Crucially, it suggests a critical review of the processes of integrating women into formalized ASM, with an emphasis on addressing the crowding out of women from formalized and professionalized ASM and enacting transformative mechanisms that will radically reshape power relations in the sector.

In transgressing conservative debates about the involvement of women in ASM, this paper wades into the extensive empirical evidence of women's historic and contemporary participation in ASM across Africa, with the hope that this would, once and for all, lay to rest debates about the propriety of women's participation in the sector. African women's gendered navigation of ASM are reflective of subtle negotiations and overt resistances that teach us that we can hold space for women who defy gendered assigned roles and breach into male-only spaces, and those who hold the fort in feminized roles, lest those spaces become encroached as the shrinking access to natural resources renders ASM even more competitive. This validation of women's participation in ASM then needs to be accompanied by addressing the health and safety of women in ASM, as well as the feminization and concurrent devaluation, under-remuneration and casualization of their roles.

This paper further emphasized the emancipatory potential of culture as a tool in addressing the challenges women face in ASM. Just as our feminist theorization has expansively weighed in on the many socio-cultural norms that militate against women's advancement in ASM, the time has come to embrace with equal enthusiasm, the aspects of African culture that hold liberatory possibilities for African women in ASM. On this, we have local women's groups and decades of African feminist intellectual labour to guide us. As Nigerian feminist scholar Molara Ogundipe-Leslie has rightly stated, 'All over Africa, African feminists are theorizing our feminisms and we would do well to listen to them' (Ogundipe-Leslie, 1994).

Acknowledgement

Special thanks to my dear friend and African feminist sister, Dr Corinne Knowles (Rhodes University, South Africa) for her insightful comments on an earlier draft of this paper. I am also grateful to the two anonymous reviewers for their invaluable feedback.

Ethical approval

Ethical approval for the doctoral research from which this paper emerged was duly obtained from the University Ethics Committee (Approval Number: UEC20/17) of the University of Strathclyde, where the author undertook her doctoral studies.

Disclosure statement

The author has no potential conflict of interest to disclose.

Funding

This article emerged from doctoral research that was partly funded by the University of Strathclyde Excellence Awards (SEA) and with support from the Socio-Legal Studies Association (SLSA) PhD Fieldwork Grant.

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Data availability statement

The author confirms that the data supporting the findings of this study are available within the article.

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