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Enhancing Africa's response to transnational organised crime

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POLICY BRIEF

Illegal mining and rural banditry in North West Nigeria

Responses, successes and challenges

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Summary

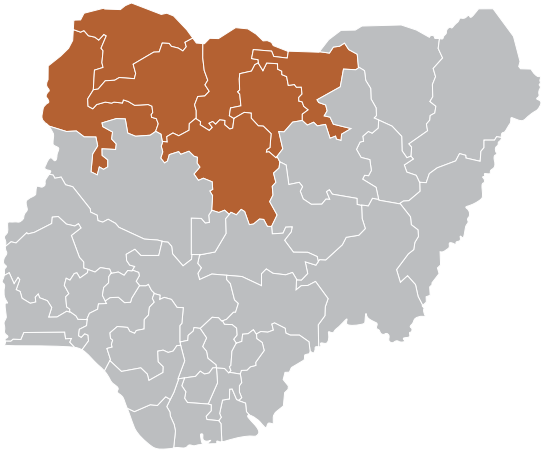
Although Nigeria's artisanal and small-scale gold mining sector has considerable developmental potential, it is undermined by the criminal consortia profiteering from it at the expense of vulnerable populations. In Nigeria's North West, North Central and, to some extent, South West regions, criminal collaboration in the illegal mining of gold between 'Nigerians in high positions of authority' and foreign corporations deprives the state of legitimate earnings. It also drives rural banditry and violent local conflicts. The Nigerian state will need to deal with the illegal mining networks that fuel rural banditry and violence both in the North West region and across the country.

Key findings

- Illegal miners front for politically connected individuals who collaborate with foreign nationals and corporations to smuggle and sell gold via neighbouring countries.
- Illegal mining in North Western Nigeria, combined with rural banditry, leads to criminality and violent local conflicts.

Key findings continued

- The rise in illegal mining and rural banditry highlights fundamental social, institutional and structural problems in Nigeria's governance system, namely:
  - i. The increasing rate of governance deficit and state failure or loss of control, creating opportunities for criminal groups to establish and expand their influence
  - ii. The unregulated or poor governance system in the mining sector and evident weakness and failure of regulatory oversight, which manifest in gross inadequacies in the enforcement of compliance by respective governmental agencies
  - iii. Prevailing socio-economic problems in the region, especially inadequate responses and poor service delivery by the state, with limited income-generating and job opportunities, especially for youth, who are vulnerable to recruitment by sponsors of illegal mining
- The state's failure to respond to illegal mining and rural banditry is informed by:
  - i. The obsolescence of and inherent contradictions in legal and regulatory frameworks that place the ownership and control of all mineral resources in the federal government instead of state governments, contrary to the Land Use Act, 2004, which places the custodianship of all lands in the hands of state governors.
  - ii. Institutional inadequacies and limitations in the organisational functionality and human capabilities of regulatory and law enforcement agencies.
  - iii. Excessive militarisation of state responses, which fail to address the ecological, anthropological, socio-economic and political factors that both cause and sustain the rise in illegal mining and rural banditry.
  - iv. The deep-rooted structural crisis that characterises the lopsided nature of Nigeria's fiscal federal system, which is increasingly tilting in favour of the federal government.



Introduction

Nigeria's North West region has large untapped deposits of solid mineral resources – gold, lead, tin and zinc – in commercial quantities. Section 1(1) of the Nigerian Minerals and Mining Act, 2007 gives the federal government ownership and control of all mineral resources in the country, as well as of the mining process. However, an estimated 80% of mining in the region is carried out illegally and on an artisanal basis.[1]

The negative impact of illegal mining on the environment includes erosion, the formation of sinkholes, a loss of biodiversity and contamination of the soil, groundwater and surface water. This has led to health risks and even deaths. Four hundred children died of lead poisoning in Zamfara state in 2010; many more perished in Pandogari and Shikira villages in the Kagara Emirate Council of Niger state, where illegal mining had contaminated the water.

Besides the negative impact of illegal mining on the environment, it also poses economic challenges for Nigeria. In 2019 the then minister of mines and steel development, Abubakar Bawa Bwari, reported that between 2016 and 2018 Nigeria had lost N353 billion (over US$900 million) to the activities of illegal miners and smuggling syndicates.[2]

Moreover, illegal mining is a security crisis for the country. Since 2011, violent local conflicts and rural banditry, associated with illegal mining, have been on the increase in the North West, especially in Kaduna, Katsina, Kebbi, Sokoto and Zamfara states.[3] Over 3 600 people were kidnapped between 2011 and 2019. In Zamfara state alone, a reported 6 319 people, including women and children, were killed between June 2011 and May 2019.[4]

Currently, the Birni-Gwari axis of Kaduna is referred to as 'the axis of danger and hazards', including the Katsina-Kebbi-Zamfara axis, which has become 'the epicenter of rural banditry'.[5]

In April 2019 the Federal Government of Nigeria banned all forms of gold mining in Zamfara state in response to the situation and deployed the military to enforce the ban. On their part, state governments in the region have led negotiations and held dialogues with criminal groups and illegal miners.[6] Despite these responses, illegal mining and rural banditry in the North West have continued unabated, along with associated conflicts.

More worrisome is the fact that illegal mining has extended from the north to the southern part of the country. On 19 May 2020, 15 days after 27 illegal miners

had been arrested in Zamfara state, 10 Chinese nationals, a Ghanaian and three locals, including a village head, were arrested in Osun state in the South West for illegal mining.[7]

This has raised questions about the effectiveness of the various state responses to the challenges, especially the capability of state security forces to enforce the ban and curtail rural banditry and escalating local violent conflicts across the North West and beyond.

Objectives

The broad objective of this policy brief is to assess the effectiveness of state responses to illegal mining and rural banditry in the North West region. Specifically, it seeks to:

- Identify the various forms of responses
- Examine the scope and dimensions of responses
- Discuss the successes and challenges of responses
- Recommend strategies for strengthening responses

Methodology

This policy brief combines an extensive desk and literature review with interviews and descriptive analyses. This mixed approach provided multiple sources for data collection.

ENACT staff carried out desk research on illegal mining, rural banditry and local conflicts in Nigeria.

Written sources included scholarly publications – books and journal articles – and non-scholarly works such as electronic publications, legal material (legislation, strategies, action plans, etc.), state security records and reports, press releases, speeches and official statements or declarations and other relevant policy documents.

Locals in the region, including miners, experts in the mining and security sectors, academics, and law enforcement and civil society organisations that work in this area were interviewed. Their responses informed conclusions and recommendations.

Illegal mining: both artisanal and corporate

Organised mining in Nigeria began in 1903 when the Mineral Survey of the Northern Protectorates was created by the colonial government. Since then, Nigeria's mining industry has been monopolised by state-owned corporations. This is because the rights to ownership of mineral resources are held by the federal government, which grants titles to organisations for the exploration, mining and sale of mineral resources.

Mining regulation is handled by the Federal Ministry of Mines and Solid Minerals Development, which oversees the management of all mineral resources, while mining law is codified in the Nigerian Minerals and Mining Act, 2007.

However, Nigeria's domestic mining industry has remained largely underdeveloped, contributing only 0.3% to its gross domestic product.[8] This has not only resulted in the country's having to import minerals that it could produce domestically, such as salt and iron ore, but has also created room for the prevalence of illegal mining activities.

Around 80% of the mining of mineral resources in the region, especially of gold, is carried out on an illegal and artisanal basis

The underdeveloped state of the mining sector may have been informed by the state's failure to properly map its mineral deposits and produce a mining cadastral. This failure is also informed by the fact that the government does not find it necessary to exploit other potential mineral deposits, in large part because oil satisfies its fiscal needs.

The evident neglect of the mining sector results in poor state oversight and the absence of standard operational guidelines. Thus around 80% of the mining of mineral resources in the region, especially of gold, is carried out on an illegal and artisanal basis.

In this context, illegal mining refers to mining activities that are undertaken without state permission, land rights, mining licences, and exploration or mineral transportation permits. It can take the form of a subsistence activity such as artisanal mining, or it can manifest in large-scale organised crime spearheaded by illegal mining syndicates.[9]

Furthermore, illegal mining may also refer to mining activities that do not comply with mining requirements or adhere to labour laws, environmental regulations and tax legislation. These various dimensions of illegal mining obtain in Nigeria, where illegal mining operations are often located in remote areas, making it more difficult to enforce mining standards.[10]

Despite the variety of largely untapped mineral deposits in Nigeria, illegal miners have concentrated on gold. First, unlike tin and zinc, alluvial gold – like alluvial diamonds – is easy to mine and, like diamonds, highly fungible and easy to smuggle. This accounts for its attractiveness to illicit miners.

Second, gold has high economic value and strategic importance. Following a rise in the world market price of gold since 2009, illegal gold mining activities have spread across the North West, North Central and South Western regions of Nigeria, 'attracting other miners from Mali, Burkina Faso, China and India'.[11]

Thus, gold has become one of the most routinely smuggled commodities in Nigeria. Much of it is traded on the international market through neighbouring Niger and Togo to Dubai in the United Arab Emirates by a syndicated smuggling ring.

Despite the variety of largely untapped mineral deposits in Nigeria, illegal miners have concentrated on gold

Currently, there are several states where illegal mining activities hold sway in Nigeria. These include Kebbi, Kogi, Nasarawa, Niger, Osun, Oyo, Plateau and Zamfara states, where 'over two million people depend on illegal mining for survival'.[12]

In the North West and North Central and, to some extent, Southern regions criminal collaborations in the illegal mining of gold between some 'Nigerians in high positions of authority'[13] and Chinese corporations,[14] among other multinational companies, drive rural banditry and violent local conflicts.

A staff member of the Nigerian Extractive Industry Transparency Initiative (NEITI)[15] told the author that the abundant gold deposits in Zamfara are being exploited by two categories of miners – multinational mining companies largely staffed by expatriates, and local/artisanal miners.

The May 2020 arrests of Chinese nationals, a Ghanaian and three locals, for instance, and of two other Chinese nationals in Zamfara State, lend credence to claims of a powerful network of organised criminal activity involving the local population and foreign nationals.

The fact that the governors of Katsina, Niger and Zamfara states led negotiations in August 2019 with sponsors of illegal mining, especially criminal syndicates, under conditions determined by the sponsors, indicates the level of political connection and state protection they enjoy.[16]

Bandits, Boko Haram and violent crime

Rural banditry, which refers to armed violence driven principally by the criminal intent to steal and plunder and motivated by the quest for economic accumulation, has been prevalent across northern Nigeria since the earliest times. Recently, it has been on the increase, especially since 2011, reaching a high point in 2019.

The resurgence of rural banditry has been largely concentrated in the North West and North Central regions, traversing Benue, Kaduna, Kano, Kebbi, Kwara, Nasarawa, Niger, Plateau, Sokoto and Zamfara states. There have also been reported cases of rural banditry in Delta, Ebonyi, Enugu, Ondo and Oyo states.[17] One thing these states have in common among is solid mineral resources in large quantities.

Rural banditry involves armed violence perpetrated by criminal groups and syndicates in the countryside and border areas. It comprises acts of armed criminality targeted at human life or property. The most common examples of rural banditry in Nigeria are armed robbery, kidnapping, stock theft or cattle rustling, and village and market raids.[18] The victims are usually individuals and communities with material valuables.[19]

There are various perceptions of the causes and drivers of rural banditry across northern Nigeria. According to some, rural banditry, especially in the North West and North Central regions, derives impetus from the poorly governed mining and small arms sectors.

According to conflict analyst Idris Mohammed,[20] organised rural banditry started in Zamfara alongside illegal mining, targeting mining sites and village markets where there was a large flow of liquid and unbanked cash. For instance, on 7 November 2016, gunmen on motorcycles killed at least 40 miners at a site in Bindin village in the Maru Local Government Area (LGA) of Zamfara state, stealing all the mined gold and a large amount of cash.[21]

The theory is that bandits have been drawn to the region by illicit and artisanal mining, raiding mining sites for gold and cash.[22] This narrative is supported by the view that the gold sector's weak regulation and

the cash-based nature of transactions in gold mining have attracted rural bandits, who are responsible for the deaths of over 150 people in the north-western part of Zamfara. These deaths occurred between mid-2016 and mid-2019 in the course of bandit raids on mining sites.[23]

It is further theorised that the 'concentration of administrative, regulatory and oversight agencies [in] the mining sector at the federal level has created the challenges of inadequate supervision. Consequently, mining sites have become harbours and safe havens for criminals, including rural bandits.'[24]

There are other perspectives that suggest that the governance deficit, which manifests in the collapse of state services and an absence of law and order, especially in the rural parts of the North West, has created a hospitable environment for banditry.[25] Some security analysts thus believe that the phenomenon of rural banditry is the fallout of a volatile security context characterised by the existence of ungoverned spaces where state authority has either been weak and declining or where there is a complete absence of state capacity to govern.

The gold sector's weak regulation and the cash-based nature of transactions in mining have attracted rural bandits

This has enabled the existence and operation of transnational criminal networks that exercise control over these territories. The result is a thriving lucrative underground economy in liquid cash from which clandestine organisations and criminal syndicate groups, including illegal miners and rural bandits, are benefitting.[26]

With particular reference to Zamfara state, an analyst[27] has pointed out that the state is mostly surrounded by forests (with little or no government presence) from where bandits launch their attacks on outlying towns, highways and villages. According to him, the Rugu, Kamara, Kunduma, and Sububu forests have become major hideouts for criminals.

With a fragile state system and waning public confidence in police and state security institutions, the allegiance of defenceless rural communities is gradually shifting towards informal armed groups and local vigilantes.

This lack of confidence has been complicated by numerous allegations of corruption against state security operatives, the judiciary, community and village governments, and even some vigilante groups.

The public institutions responsible for offering protection and delivering justice are unable to take action against bandits owing to inadequate resources and widespread corruption. The bandits are so brazen that they notify villages ahead of time of attacks and impose illegal tolls on farmers seeking to gain access to their farms.

Some other perspectives see the problem from the standpoint of ethno-communal violence that feeds on structural fault lines and existing identity conflicts, with bandits as aggressors who are motivated wholly by criminal intents to raid, maim, steal money and gold, and rustle cattle.[28]

There are also perspectives that rural banditry, especially in North West and North Central, is an extension of the Boko Haram insurgency in the North East region, prevalent since 2009.[29] From the standpoint of the crime–terrorism nexus, there are clear indications supported by local narratives[30] that Boko Haram and other terror groups have resorted to cattle rustling, kidnapping for ransom, and the raiding of mining sites and local markets, including villages, as alternative financing sources.

Following its 'technical defeat' by Nigeria's state security forces, Boko Haram has seemingly found hiding places within the civilian population in remote and unguarded villages, especially in the North West and North Central regions, and has continued its attacks from there. Unfortunately, most of these attacks have been considered as conflicts between sedentary farmers and nomadic herders.[31]

Within the context of these narratives, some security analysts and practitioners have identified four different dimensions of rural banditry in the North West, namely village raids, especially of mining communities; highway robbery; kidnapping; and cattle rustling. Village raids are the invasion of rural communities, especially at night, with the principal purpose of material plundering.

These various dimensions of rural banditry have been prevalent across the North West, especially in southern Kaduna, Kano, Katsina and Zamfara states.[32] In 2018, for instance, Amnesty International (AI) noted that several villages in the Birnin-Gwari LGA of Kaduna state

continued to face security challenges similar to those in Zamfara state owing to the proximity of its LGA. Challenges to its villages were even more volatile than in Zamfara.

According to AI, the forests that cut across the two states (Kaduna and Zamfara) make the residents vulnerable to repeated abductions.[33]

Another worrisome development in illegal mining and rural banditry in northern Nigeria is the gendered dimension. In an interview with Mohammed, ENACT was told that between Zamfara state and the Republic of Niger, illegally mined gold is exchanged for arms and ammunitions using young girls and women as carriers. They are used to transport weapons from the border to the mining sites in Zamfara and illegally mined gold from the sites to the border.

A worrisome development in illegal mining and rural banditry in northern Nigeria is the gendered dimension

An example, according to Muhammed, was the use of girls and women to transport the arms carried by youth from the North West who were returning from Libya after the death of Muammar Gaddafi following their recruitment into the Gaddafi fighting forces. Most of the youth returned to engage in illegal mining and rural banditry.

Mohammed identified two factors that inform the use of girls and women as carriers of arms and ammunition across the border. First, their involvement attracts less attention from border security officials and, in some cases, they are used by arms traffickers to bribe security officials. Second, arms traffickers spend less on fees using girls and women than their male counterparts.

A 2020 study by the Nigerian Extractive Industries Transparency Initiative (NEITI) has identified the negative impact of illegal mining on women to include crude and non-systematic manually induced artisanal mining practices that often result in wastage, occupational dislocation, severe injury and death. At the same time, socio-economic dislocations resulting from illegal mining lead to armed robbery, illicit trade in drugs, alcoholism and prostitution that put women in mining camps and communities at risk.[34]

Into the mix: violent local conflicts

The intersection of illegal mining, rural banditry and violent local conflicts in the North West, especially in Kaduna, Katsina and Zamfara states, seems evident. Some locals in Zamfara state agree that rural banditry is a fallout of illegal mining.

ENACT was told by locals from Zamfara, on conditions of anonymity, that those who sponsor illegal mining also sponsor rural banditry and cattle rustling in mining communities in order to create conflict situations for local cattle breeders. Such conflicts lead to 'the sacking of villages' and the displacement of local populations, which creates opportunities for illegal miners to operate.

This position is supported by Nigeria's Minister of Information and Culture, Alhaji Lai Mohammed, who noted that 'banditry, kidnapping, killing and cattle rustling were largely sponsored by the illegal miners in the state'. The minister added,

> The miners were fuelling instability in the state to pave the way for their illegal activities. People begin to ask: What is the nexus between instability in Zamfara, kidnapping and banditry and illegal mining. There is a lot. For instance, if you are doing illegal mining, *ab initio*, it is illegal. The more unsettled the area is the better for you. We find out that a lot of ammunition and money were being turned out to the bandits so as to make the area ungovernable. The higher the rate of the crisis, the better for the illegal miners.[35]

Yet some analysts and security operatives continue to blame violent local conflicts in the region on rural banditry. Thus, they fail to address the linkages between these conflicts and illegal mining.

Contestations over the control of mining fields among sponsors of illegal mining result in violent conflicts. In an interview, ENACT was told that, because the sponsors of illegal mining enjoy the support and protection of some state governments, they seem to be above the law.[36]

The actors in illegal mining and rural banditry are varied. Nigeria's Minister of Mines and Steel Development, Olamilekan Adegbite, has identified 'Nigerians in high positions of authority'.[37] At the same time, Mathew Page, a researcher with the United States Institute for Peace (USIP) in Abuja, has established an intersection between China's commercial interests and violent local conflicts in states in the North West and North Central regions.[38]

Some have interpreted the minister's allusion to 'Nigerians in high positions of authority' to mean 'serving and retired top military officials, high-ranking politicians, political party chieftains, state officials, and traditional rulers'.

Chitra Nagarajan[39] has identified three main community militia groups with some mutual membership and interaction. These are the *yan banga* (vigilantes), which existed beforehand; the *yan sakai* (those who act in response to violence); and the Civilian Joint Task Force (CJTF), set up by the previous state government in response to human rights violations committed by the *yan sakai*. These groups are involved in rural banditry and other forms of criminal activity. However, the CJTF has been disbanded by the present administration.

The sponsors of illegal mining enjoy the support and protection of some state governments

Thus, illegal mining, especially in gold in Nigeria's North West, clearly indicates a criminal network between the local Nigerian population and international corporations with criminal business activities. This was alluded to when ENACT was told that 'it is not possible for foreign illegal miners to operate in an environment without the support and cooperation of the locals who live and know the environment'.[40]

This intersection of illegal mining and rural banditry with attendant violent local conflict in the North West and across Nigeria highlights numerous fundamental social, institutional and structural problems in Nigeria's governance system.

First, there is an increasing rate in state loss of control and the expanding influence of criminal groups across the country. In northern Nigeria generally, there is incontrovertible evidence of governance deficit and state failure, which creates opportunities for criminal groups to take over.

Second, it highlights the poor governance system in the mining sector and evident failure of state regulatory institutions. Yunusa Ya'u, executive director of the Centre for Information, Technology and Development in Kano, alluded to this weak sectoral regulatory framework when he told ENACT that '[t]he involvement of foreign corporations in illegal mining depicts the weakness and failure of regulatory oversight and gross inadequacies in the enforcement of regulatory compliance by respective governmental agencies'.[41] It also clearly illustrates the political economy of illegal mining and rural banditry, as well as the subterfuge of some foreign corporations.

Third, it highlights the prevailing precarious socio-economic challenges in the country, especially the inadequate responses to poverty and poor service delivery by the state. That over 2 million people depend on illegal mining activities for their livelihood shows a high degree of social, institutional and structural deformity in Nigeria's governance system. It also indicates the increasing level of unemployment and poverty. Youth in particular have limited job and income-generating opportunities, and it is from youth that sponsors of illegal mining recruit their labour force.[42]

Fourth, the scenario highlights the inherent contradictions in and obsolescence of the legal and regulatory framework that places the ownership and control of all mineral resources in the federal rather than state governments.

Section 1(1) of the Nigerian Minerals and Mining Act, 2007 empowers the Federal Government of Nigeria

> to exercise ownership and total control over all mineral resources in the country, including the mining process. This is a contradiction of Section 1 of the Land Use Act, 2004, which vested all land comprised in the territory of each state in the Federation in state governors who shall hold the lands in trust and administer them for the use and common benefit of the people.

The contradiction is heightened by the provision of the Land Use Act, 2004 in Section 12(1) that

> it shall be lawful for the Governor to grant a licence to any person to enter upon any land which is not the subject of a statutory right of occupancy or of a mining lease, mining right or exclusive prospecting licence granted under the Minerals Act or any other enactment, and remove or extract therefrom any stone, gravel, clay, sand or other similar substance (not being a mineral within the meaning assigned to that term in the Mineral Act) that may be required for building or for the manufacture of building materials.

While governors hold the land in trust for the people, the federal government exercises its ownership of mineral resources. This is a contradiction of the principle of property law – *Cuius est solum, eius est usque ad*

coelum et ad inferos – he who holds the land holds everything in the air above and the ground below.

Fundamentally, the situation illustrates the deep-rooted structural crisis that characterises the lopsided nature of Nigeria's fiscal federal system in favour of the central government.[43]

Successes and challenges of state responses

Responses to illegal mining and rural banditry by both the federal and state governments have been varied. Relying on the provisions of the Nigerian Minerals and Mining Act, 2007, the federal government has consistently pushed for the prosecution of local and foreign illegal miners and bandits across Nigeria. Currently, 19 foreigners are standing trial for illegal mining activities in Osun and Zamfara states.[44]

'Godfathers' are increasing pressure on the federal government to release those arrested for illegal mining

The challenge, however, is that locals in mining communities have no confidence in the ability of the judicial system to successfully prosecute them. Considering the inadequate resources and widespread corruption in the judiciary, they do not view state institutions of being capable of bringing illegal miners and bandits to justice. It has already been reported that 'powerful Nigerians' and 'godfathers'[45] are increasing pressure on the federal government to release those arrested for illegal mining, amid calls by members of civil society for their speedy prosecution.[46]

Secondly, the federal government's ban on all forms of mining out of fear of a strong nexus between the activities of armed bandits and illegal miners may have seen some degree of success. The ban seems to have reduced criminality in the area. However, the challenge is that some beneficiaries of illegal mining, including members of traditional institutions,[47] want the government to lift the ban. The government's willingness to rebuff the pressure will show its determination and courage to deal with the situation.

Thirdly, there have also been military responses by the federal government, which has deployed, in addition to the military, police and other state security forces. In early 2016, the military launched Operation Sharan Daji to tackle illegal mining and deal with criminal gangs behind a spate of killings and kidnappings across the region.

Between January and April 2019, the military also launched a number of operations, namely Operation Harbin Kunama, Operation Diran Mikiya and Operation Puff-Adder, to tackle rural banditry in the North West. The Zamfara state government said it had spent over N17 billion funding military and security operations in the state.[48]

Military responses may have recorded limited successes in enforcing the ban on illegal mining and tackling criminal gangs and rural bandits. According to Nigeria's minister of information and culture,

> the commencement of Operation Puff-Adder, a full-scale security offensive against the bandits, had yielded results in the past weeks. We have a harvest of criminals, many of them arrested, their actions neutralised and cache of ammunition recovered. On April 14, they neutralised 11 kidnappers, recovered six AK47, 1 200 rounds of ammunition. Shortly after that, they were able to arrest those who kidnapped the Channels Television correspondent.[49]

The challenge is that the state's response is largely underpinned by excessive militarisation, which has been counterproductive. For instance, the military response, especially in the Birnin-Gwari area of Kaduna state, led to the movement and extension of banditry to Kebbi and Sokoto states.

Despite the ban and deployment of security forces, illegal mining and rural banditry with attendant conflicts have continued unabated. In October 2019, bandits killed nine soldiers in Zamfara state.[50] In 2020, soldiers killed 13 bandits in Zamfara and Kebbi states during a clash on 22 February; bandits killed four soldiers in Zamfara on 22 April; the police arrested two Chinese nationals[51] for illegal mining in Zamfara on 27 April; and bandits killed 40 people in Katsina on 10 June 10.[52]

The irony, according to analyst Samaila Suleiman, is that 'despite enormous amounts being invested in military and security operations, the security situation seems to be deteriorating'.[53]

Moreover, there have been allegations by the locals that security agents benefit from the crisis through corrupt practices such as demanding money in the absence of any form of identification.[54] As the negotiations with bandits and criminal groups by some state governors,

facilitated by the police, were held under conditions determined by the criminal groups rather than the governors,[55] this calls into question how binding these agreements will be.

Besides the foregoing, state responses to illegal mining and rural banditry are challenged by a number of factors. Firstly, the obsolete and contradictory passages in the legal and regulatory frameworks, which place the ownership and control of all mineral resources in the federal instead of state governments, are contrary to the Land Use Act, 2004 that hands the custodianship of all lands to state governors. What is happening in the North West and in other regions of the country is simply the deliberate refusal of state governments to exercise security control over their mineral resources, not just because they benefit from the proceeds of the criminality in the mining process but also because the resources are considered the property of the federal government.[56]

The response process has been excessively militarised and devoid of non-military dimensions

Secondly, responses are challenged by the inadequacies of regulatory institutions and supervisory agencies in terms of the organisational and functional capabilities of these agencies, including the Ministry of Mines and Steel Development. The concentration of regulatory and supervisory agencies at the federal level has, in practice, left communities with no local backup.

Thirdly, the judiciary and security agencies as public institutions of protection suffer from a crisis of confidence and a trust deficit, having been accused of corruption, extortion and benefiting from the crisis.

Finally, the response process has been excessively militarised and devoid of non-military dimensions in dealing with similar situations, namely, addressing the ecological, socio-economic and political factors that cause and sustain the rise in illegal mining and rural banditry.

Most fundamentally, government at all levels in Nigeria has failed to address poor service delivery, especially in the area of poverty eradication among youth and other vulnerable members of the public from where sponsors of illegal mining recruit.

Recommendations

1. Short term

i. Besides deploying the military, federal and state governments should adopt a multi-stakeholder approach. This may include engaging traditional and religious leaders, as well as community vigilante and neighbourhood watch groups, in dealing with illegal mining and rural banditry.

ii. Federal and state governments should through deliberate policies address the links between unemployment, poverty and criminality by promoting alternative, non-criminal livelihoods for youth in both rural areas and urban centres.

iii. Governments at all levels should address the ecological, socio-economic and political factors that cause and sustain the rise in illegal mining and rural banditry across the country, namely poor service delivery and the absence of jobs and other income-generating opportunities, especially for youth and other vulnerable members of the population.

iv. The Federal Ministry of Mines and Steel Development should collaborate with other regulatory agencies in the mining and extractive sectors, such as NEITI, to build the capacity of staff in order to maintain mining standards and enforce compliance with national laws and regulations.

v. The Federal Government of Nigeria should deal, through diplomatic channels, with the involvement of foreign nationals and corporations in illegal mining.

vi. The federal government should liaise with the governments of Niger, Togo and the United Arab Emirates to develop a multilateral memorandum of understanding aimed at halting gold smuggling from Nigeria.

vii. Governments at all levels should deal with corruption in the security, judicial and mining sectors, including the prosecution of sponsors of illegal mining and rural banditry.

2. Medium term

i. The Federal Ministry of Mines and Steels Development should develop a procedure for formalising and mainstreaming artisanal mining into the mining sector, and develop standard operational guidelines for the sector.

ii. The federal government should carry out a comprehensive and radical reform of the security

and judicial sectors by changing the leadership of security institutions and developing a new national security architecture that promotes discipline and professionalism.

iii. The governments of border states should work with the Presidential Committee on Small Arms (Prescom) to address the inflow and illicit proliferation of small arms and light weapons.

iv. The federal government should strengthen arms control efforts in border areas by enhancing the organisational capacity of border security agencies through the use of modern technology to strengthen the inspection and control of cross-border trade.

3. Long term

i. The National Assembly should amend the Nigerian Minerals and Mining Act, 2007 to align it with the provisions of the Land Use Act, 2004 by placing the ownership and control of mineral resources with state governments rather than the federal government.

ii. State governments should develop long-term strategic plans for the development of Nigeria's mining sector, especially the artisanal and small-scale gold mining sector, and of mining communities.

Conclusion

Although Nigeria's artisanal and small-scale gold mining sector has a lot of developmental potential, it is undermined by criminal consortia profiteering from it at the expense of vulnerable populations. Nigeria's North West, North Central and, to some extent, South West regions are targeted by criminal collaborations between members of the political elite and foreign corporations that engage in the illegal mining of gold. This drives rural banditry and violent local conflicts. The Nigerian state will need to take steps to deal with these criminal networks.

Notes

1 Nigeria suspends mining in Zamfara state after banditry surges, *Reuters*, 7 April 2019, www.reuters.com/article/usnigeria-security/nigeria-suspends-mining-in-zamfara-state-after-banditry-surges-idUSKCN1RJ0IS.

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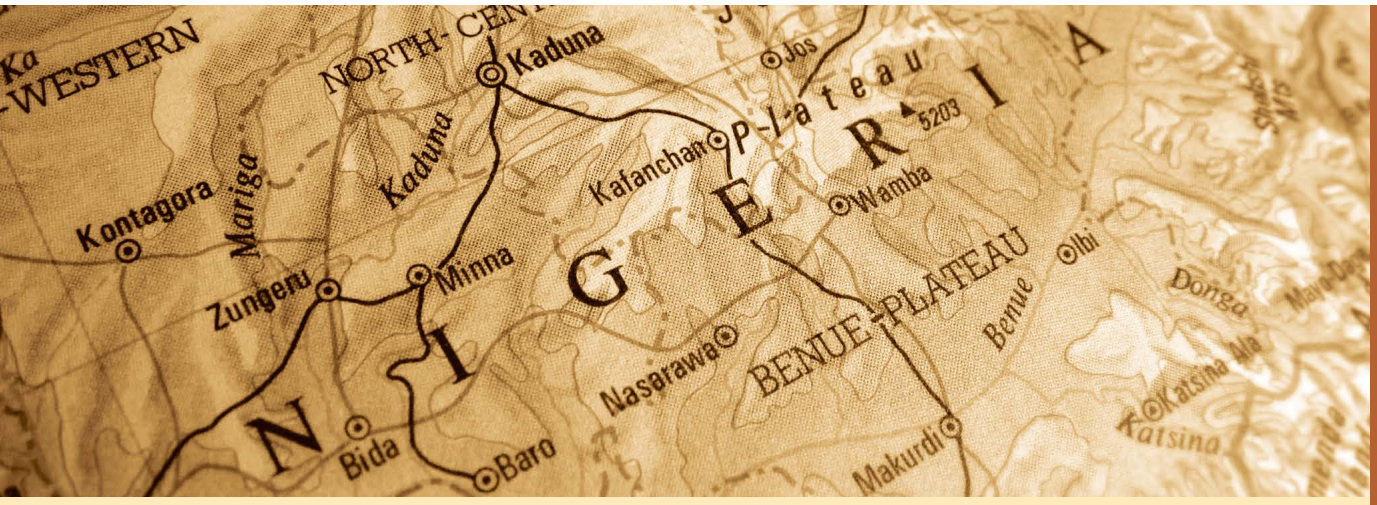

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ENACT builds knowledge and skills to enhance Africa's response to transnational organised crime. ENACT analyses how organised crime affects stability, governance, the rule of law and development in Africa, and works to mitigate its impact. ENACT is implemented by the ISS and INTERPOL, in affiliation with the Global Initiative Against Transnational Organized Crime.

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