

A BILL

FOR

AN ACT TO PROMOTE SUSTAINABLE MINING INFRASTRUCTURE DEVELOPMENT IN NIGERIA THROUGH THE ESTABLISHMENT OF PUBLIC-PRIVATE PARTNERSHIPS (PPPS), BY LEVERAGING THE EXPERTISE AND RESOURCES OF BOTH THE PUBLIC AND PRIVATE SECTORS, THIS LEGISLATION SEEKS TO ENHANCE THE EFFICIENCY, SAFETY, AND ENVIRONMENTAL SUSTAINABILITY OF MINING OPERATIONS IN THE COUNTRY AND FOR RELATED MATTERS

Sponsored by Hon. Uchenna Harris Okonkwo

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

- 1 **1.**-(1) There is established a body to be known as the Sustainable Establishment of
- 2 Mining Infrastructure Development Authority (in this Act referred to as "the Sustainable Mining
- 3 Authority") which shall- Infrastructure
- 4 (a) be a body corporate with perpetual succession; Development
- 5 (b) have a common seal; and Authority
- 6 (c) sue and be sued in its corporate name.
- 7 **2.** The objectives of the Sustainable Mining Infrastructure Objectives of the
- 8 Development Authority is to- Sustainable Mining
- 9 (a) To generate profits, employment, and economic growth in Infrastructure
- 10 Nigeria; Development
- 11 (b) To promote the improved wellbeing of local communities, curb Authority
- 12 emissions, and improve environmental stewardship;
- 13 (c) To improved relationships with governments and communities
- 14 and better access to financial resources;
- 15 (d) To create a shared understanding of how the mining industry
- 16 can most effectively contribute to the SDGs;

	1	(d) To helps mining companies navigate where their activities, from
	2	exploration, through operations and mine closure;
	3	(e) Governments, civil society and other stakeholders can also
	4	identify opportunities for shared action and partnership with the industry;
	5	(f) To promotes the coherent implementation of the environmental
	6	dimension of sustainable development within the Nigeria; and
	7	(g) To serves as an authoritative advocate for the global environment.
Functions of the Sustainable Mining Infrastructure Development Authority	8	3. -(1) The Sustainable Mining Infrastructure Development Authority
	9	shall-
	10	(a) Stimulating, Monitoring and Coordinating the development of the
	11	MSMEs sector,
	12	(b) Initiating and articulating policy ideas for micro, small and
	13	medium enterprises growth and development,
	14	(c) Promoting and facilitating development programmes, instruments
	15	and support services to accelerate the development and modernization of
	16	MSME operation;
	17	(d) Serving as vanguard for rural industrialization, poverty reduction,
	18	job creation and enhance sustainable livelihoods;
	19	(e) Linking SMEs to internal and external sources of finance,
	20	appropriate technology, technical skills as well as to large enterprises;
	21	(f) promoting information and providing access to industrial
	22	infrastructure such as layouts, incubators, industrial parks;
	23	(g) Intermediating between MSMEs and the Government. SMEDAN
	24	is the voice of the MSMEs;
	25	(h) Working in concert with other institutions in both public and
	26	private sectors to create a good enabling environment of businesses in general,
	27	and MSME activities in particular
Powers of the Authority	28	4. The powers of Sustainable Mining Infrastructure Development
	29	Authority includes-
	30	(a) It can absorb up to 85% of jobs,

1 (b) improve per capita income, increase value addition to raw
2 materials supply,

3 (c) improve export earnings and step up capacity utilization in key
4 industries.

5 (d) It is also capable of diversifying the economy from a mono-
6 based one (overly dependent on oil) to being broad-based and stable.

7 **5.-(1)** Encourage the formation of PPPs between the government
8 and private entities for the development, operation, and maintenance of
9 sustainable mining infrastructure projects. Public-Private
Partnerships for
Mining Infrastructure

10 (2) Specify the criteria for selecting private partners, including
11 their technical expertise, financial capacity, and commitment to sustainable
12 mining practices.

13 (3) Outline the process for soliciting and evaluating proposals,
14 negotiating agreements, and monitoring the performance of PPPs.

15 **6.** The Sustainable Mining Infrastructure Development Authority Funding and
Incentives
16 shall establish and maintain a fund into which shall be paid-

17 (1) Allocate funds from the national budget and other sources to
18 support the development of sustainable mining infrastructure projects.

19 (2) Establish tax incentives, grants, and other financial
20 mechanisms to encourage private sector participation in PPPs.

21 (3) Encourage international cooperation and seek funding from
22 international organizations and development partners to supplement
23 domestic resources.

24 **7.-(1)** Mandate that all sustainable mining infrastructure projects Environmental
and Social Safeguards
25 adhere to strict environmental and social safeguards, including
26 environmental impact assessments, community consultations, and
27 mitigation measures.

28 (2) Require regular monitoring and reporting on the environmental
29 and social performance of mining operations, with penalties for non-
30 compliance.

Capacity Building and Research	1	8. -(1) Promote capacity building initiatives to enhance the technical
	2	skills and knowledge of mining professionals in sustainable mining practices.
	3	(2) Encourage research and development activities to advance
	4	innovative technologies and best practices in sustainable mining
	5	infrastructure.
Reporting and Evaluation	6	9. -(1) Require SMIDA to submit annual reports to the relevant
	7	government authorities, detailing the progress, challenges, and outcomes of
	8	sustainable mining infrastructure projects.
	9	(2) Establish mechanisms for independent evaluation and review of
	10	the effectiveness and impact of the legislation.
Transitional Provisions	11	10. Outline the transitional arrangements for existing mining
	12	infrastructure projects to comply with the sustainability standards set forth in
	13	this legislation.
Penalties and Enforcement	14	11. -(1) Specify penalties for non-compliance with the provisions of
	15	this Act, including fines, suspension, or revocation of permits or licenses.
	16	(2) Designate the relevant government agencies responsible for
	17	enforcing the provisions of this Act.
Repeal and Savings	18	12. -(1) Repeal any conflicting legislation or provisions that are
	19	inconsistent with the objectives and provisions of this Act.
	20	(2) Provide for the savings and transitional arrangements necessary
	21	for the smooth implementation of this legislation.
Interpretation	22	13. In this Bill-
	23	"Mining infrastructure" involves things such as access roads, storm water
	24	services, box cuts for new mining portals, railway lines, and much more;
	25	"public-private partnership" involve collaboration between a government
	26	agency and a private-sector company that can be used to finance, build, and
	27	operate projects, such as public transportation networks, parks, and convention
	28	centers;
	29	"Sustainable mining" refers to the reduction of negative environmental, social
	30	and governance impacts of mining operations.

- 1 **14.** This Bill may be cited as the Sustainable Mining Infrastructure Citation
2 Development Bill, 2023.

EXPLANATORY MEMORANDUM

This Bill seeks to promote Sustainable Mining Infrastructure Development in Nigeria through the establishment of Public-Private Partnerships (PPPS), by leveraging the expertise and resources of both the public and private sectors, this legislation seeks to enhance the efficiency, safety, and environmental sustainability of mining operations in the country.