

A BILL

FOR

AN ACT TO ESTABLISH MINING INTELLIGENCE AND SECURITY THROUGH PUBLIC-PRIVATE PARTNERSHIPS ACROSS MINING COMMUNITIES IN NIGERIA, TO PROMOTE THE SUSTAINABLE DEVELOPMENT OF THE MINING SECTOR, ENSURE THE SAFETY AND SECURITY OF MINING OPERATIONS, AND PROTECT THE RIGHTS AND WELL-BEING OF MINING COMMUNITIES 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 PART I - ESTABLISHMENT AND OBJECTIVES OF MINING INTELLIGENCE

2 AND SECURITY

3 1.-(1) There is established a body to be known as the Mining Establishment
4 Intelligence and Security (in this Act referred to as "the Mining Intelligence of Mining
5 and Security") which shall- Intelligence and
6 Security

6 (a) be a body corporate with perpetual succession;

7 (b) have a common seal; and

8 (c) sue and be sued in its corporate name.

9 2. The objective of the Mining Intelligence and Security is to- Objectives of the
10 (a) provide clear direction and leadership in the establishment of a Mining Intelligence
and Security

11 platform for national mining security;

12 (b) encourage the development of expertise in local and global
13 mining security;

14 (c) promote awareness of mining information and communication
15 technologies for the Nigerian mining industry;

16 (d) provide security information and mechanism to protect all
17 national mining and mining related infrastructures within Nigerian

1 territorial mining land; and

2 (e) regulate corporate body or person engage in the provision of
3 mining security services within Nigerian territorial land.

4 PART II - FUNCTIONS AND POWERS OF THE MINING INTELLIGENCE
5 AND SECURITY

Functions of
Mining Intelligence
and Security

6 **3.-(1)** The Mining Intelligence and Security shall-

7 (a) Be responsible for the provision of mining security;

8 (b) in collaboration with other regulatory and security agencies of
9 Government in the mining sector;

10 (c) have responsibility for the provision of security for national
11 mining infrastructure;

12 (d) Conduct air and land surveillance;

13 (e) interface with the operations and the activities of security organs
14 of State in the discharge of its functions;

15 (f) Inspect, investigate and prevent mining destruction;

16 (g) initiate or assist in search and rescue operations of all agencies and
17 Organisations, in the mining sector;

18 (h) develop and maintain a database of national mining infrastructure;

19 (i) establish a security and infrastructure protection mechanism for all
20 mining areas in Nigeria;

21 (k) pool and co-ordinate resources towards mining security and
22 necessary industry upgrade for intra and inter industry co-ordination capacity.

23 (l) ensure professional management of information and co-operation
24 between the general mining community and the national intelligence and
25 security forces community;

26 (m) conduct mining intelligence and security training; and

27 (n) carry out such other activity to promote and realise its objectives
28 as specified in this Act.

Powers of the
Mining Intelligence
and Security

29 **4.** The mining intelligence and security shall, notwithstanding the
30 provisions of any other Act, have power to-

1 (a) receive and consider any report of the commission of an offence
2 in relation to this Act;

3 (b) demand the production of any license, permit, record,
4 certificate or other document or make copies of or take extracts of such
5 license, permit, record, certificate or other document in relation to matters
6 provided for under this Act;

7 (b) cause an investigation into any offence which it has reason to
8 believe is being committed or is about to be committed or has been
9 committed in relation to this Act;

10 (c) exercise the right of pursuit in conjunction with other security
11 agencies;

12 (d) exercise through its staff and employees, the right to carry light
13 arms in the execution of its functions and powers under this Act;

14 (e) examine and seize any article, device, goods or any other item
15 related to any offence which has been committed or it has reason to believe
16 has been committed in relation to this Act;

17 (f) dispose off any article, device, goods or any other item related to
18 any offence which has been committed or it has reason to believe has been
19 committed in relation to this act provided it is not subject to litigation; and

20 (g) arrest any person whom it has reason to believe has committed
21 any offence;

22 (3) Without prejudice to the generality of subsection (1) of this
23 section, designated officers of the security shall have, for the purposes of
24 this Act, all the powers which any law enforcement security mining may
25 exercise under any Act applicable to the Nigerian mining zone.

26 **5.** In the exercise of its powers, the mining intelligence and
27 security may collaborate with, request for and shall be entitled to receive
28 assistance from other government agencies responsible for the maintenance
29 of security in the mining zone of Nigeria.

Collaboration with
other Agencies

Supervision	1	6. The mining intelligence and security will be supervise by the
	2	Ministry of Mines and Steel Development, just as customs under the
	3	supervision of Federal Ministry of Finance, NCDC, Immigration, Prison under
	4	Ministry of Interior and NDLEA supervised by Ministry of Justice.
Governing Board of the Mining Intelligence and Security	5	7.-(1) There is established for the mining intelligence and security a
	6	Governing Board (in this Act referred to as "the Board") to be appointed by the
	7	President on the recommendation of the Minister of Ministry of Mines and
	8	Steel Development.
	9	(2) The Board shall consist of-
	10	(a) a Chairman;
	11	(b) the Commandant General;
	12	(c) the Commandants of the intelligence;
	13	(d) a representative each not below the rank of a Director from-
	14	(i) Federal Ministry of Finance;
	15	(ii) Federal Ministry responsible for mining;
	16	(e) a representative of the Office of the National Security Adviser;
	17	(f) a representative of the Office of the Chief of Defense Staff not
	18	below the rank of Brigadier-General or its service equivalent;
	19	(g) a representative of the office of the Inspector General of Police not
	20	below the rank of Assistant Inspector General of Police; and
	21	(2) The Board is responsible for the determination of the general
	22	policies of the Mining Intelligence and Security with regard to its financial,
	23	commercial and operational programmes.
	24	(3) In managing the affairs of the mining security, the Board shall
	25	have regard, in addition to any general guidelines on the running of public
	26	institutions, to such generally acceptable principles of good corporate
	27	governance as is reasonably applicable to the security.
	28	(4) The Board shall make standing orders regulating its proceedings
	29	and meetings;

1	8. -(1) A member ceases to hold office if-	Cessation of Membership
2	(a) he/she has been certified to be of unsound mind; or	
3	(b) he/she is an undischarged bankrupt; or	
4	(c) he/she has been convicted in Nigeria or elsewhere of a criminal	
5	offence involving fraud or dishonesty; or	
6	(d) has, at any time, been removed from an office on account of	
7	mistrust or misconduct; or	
8	(e) his/her retention on the Board is inimical to public interest.	
9	9. -(1) Members other than ex-officio, shall hold office for a term of	Tenure of Members
10	four years and may be eligible for re-appointed for a further term of four	
11	years and no more.	
12	(2) A member other than ex-officio may resign his appointment by	
13	giving one month written notice to the President through the Minister of	
14	Mines and Steel.	
15	(3) Ex-officio members shall hold office for a non-renewable term	
16	of 2 yrs.	
17	(4) The Commandant General shall give 3 months written notice of	
18	resignation to the President through the Minister of Mines and Steel.	
19	10. -(1) A member may be suspended or removed by the President	Removal of Member by President
20	on the recommendation of the Minister of Mines and Steel.	
21	(2) In making a recommendation under subsection (1) of this	
22	section, the Minister of Mining and Steel shall have regard to section 10 of	
23	this Act.	
24	11. -(1) A vacancy occurs in the Board if a member-	Vacancy in the Board
25	(a) dies;	
26	(b) is medically certified unfit;	
27	(c) is removed;	
28	(d) resigns;	
29	(e) completes his term of office.	
30	(2) The President, on the recommendation of the Minister of Mines	

	1	and Steel shall appoint another person into the Board to replace a member
	2	whose office became vacant pursuant to subsection (1) of this section and the
	3	person shall represent the same interest as that of the former member.
	4	(3) A person appointed under subsection (2) of this section shall serve
	5	the unexpired term of the former member and may be reappointed for another
	6	term of four years and no more.
Remuneration of Members	7	12. All payments, allowances, benefits and expenses payable to a
	8	member shall be determined by the Board in accordance with Government
	9	guidelines.
Other staff and conditions of service	10	13.-(1) The mining intelligence and security may employ such
	11	number of staff or employees as it may deem necessary for the efficient
	12	performance of its functions.
	13	(2) The Board shall determine the job description, title, terms,
	14	qualifications, salaries, allowances and other benefits of staff or employees
	15	who are subject to the conflict of interest rules in the Second Schedule to this
	16	Act.
	17	(3) Staff of the mining intelligence and security, including the Board
	18	Secretary, shall be subject to such terms and conditions as may, from time to
	19	time, be stipulated by the Board and as contained in their letters of
	20	employment.
Pensions Reform Act, 2004	21	14. Service in the mining intelligence and security shall be approved
	22	service for the purpose of Pension and staff or employees of the mining shall be
	23	entitled to retirement benefit as prescribed in the Pension Reform Act.
	24	PART III - ESTABLISHMENT, FUNCTIONS AND FUNDING OF MINING
	25	INTELLIGENCE AND SECURITY PARTNERSHIPS
Establishment of Mining Intelligence and Security Partnerships	26	15. There is established for the mining intelligence and security
	27	partnerships (in this Act referred to as "the Partnerships").
	28	(a) The Federal Ministry of Mines and Steel Development shall
	29	establish and oversee public-private partnerships for the provision of mining
	30	intelligence and security services across mining communities in Nigeria;

1 (b) The partnerships shall be formed through a transparent and
2 competitive bidding process, ensuring the participation of qualified private
3 entities with expertise in mining intelligence and security; and

4 (c) The partnerships shall be governed by legally binding
5 agreements, specifying the roles, responsibilities, and obligations of the
6 government and private entities involved.

7 **16.** The functions includes-

8 (a) Collect, analyze, and disseminate information related to mining
9 activities, including but not limited to exploration, extraction, processing,
10 and transportation of minerals;

11 (b) Develop and implement strategies to prevent and address
12 illegal mining activities, including the identification and prosecution of
13 offenders;

14 (c) Conduct risk assessments and provide recommendations for the
15 enhancement of mining security measures;

16 (d) Collaborate with relevant government agencies, law
17 enforcement, and mining stakeholders to ensure the safety and security of
18 mining operations, personnel, and assets;

19 (e) Provide training and capacity building programs for mining
20 community members on safety, security, and responsible mining practices;
21 and

22 (f) Promote community engagement and participation in mining
23 intelligence and security initiatives.

24 **17.** The mining intelligence and security shall establish and
25 maintain a fund into which shall be paid-

26 (a) The funding for the establishment and operation of mining
27 intelligence and security partnerships shall be sourced from the Federal
28 Government's budgetary allocation for the Ministry of Mines and Steel
29 Development; and

30 (b) The partnerships may also generate revenue through fees,

Functions and
responsibilities
of Mining and
Intelligence
Security Partnerships

Funding

	1	charges, or other means as specified in the legally binding agreements.
Reporting and accountability	2	18. The reporting and accountability of mining intelligence and
	3	security includes-
	4	(a) The partnerships shall submit regular reports to the Federal
	5	Ministry of Mines and Steel Development, detailing their activities,
	6	achievements, challenges, and financial performance;
	7	(b) The Ministry shall review and evaluate the reports, ensuring
	8	compliance with the objectives and provisions of this Act;
	9	(c) The partnerships shall be subject to periodic audits by the
	10	appropriate government agencies to ensure transparency and accountability in
	11	the utilization of funds.
Regulations and Guidelines	12	19. The Federal Ministry of Mines and Steel Development shall issue
	13	regulations and guidelines necessary for the effective implementation of this
	14	Act.
Penalties	15	20. Any person or entity found to be in violation of the provisions of
	16	this Act shall be liable to penalties as prescribed by relevant mining laws and
	17	regulations.
Savings and Transitional Provisions	18	21. All existing mining intelligence and security initiatives shall be
	19	integrated into the newly established partnerships within a reasonable
	20	timeframe, as determined by the Federal Ministry of Mines and Steel
	21	Development.
Transitional Provisions	22	22.(a) Within six months of the commencement of this Act, the
	23	Federal Ministry of Mines and Steel Development shall initiate the process of
	24	establishing the mining intelligence and security partnerships; and
	25	(b) During the transitional period, existing mining intelligence and
	26	security initiatives shall continue to operate until the partnerships are fully
	27	established and operational.
Review	28	23. The effectiveness and impact of this Act shall be reviewed by the
	29	Federal Ministry of Mines and Steel Development every five years, and
	30	necessary amendments or adjustments shall be made to ensure its continued

1 relevance and effectiveness.

2 **24.** Nothing in this Act shall affect the rights, privileges, or Savings
3 obligations of any person or entity acquired or incurred before the
4 commencement of this Act. Section 18: Citation This Act may be cited as the
5 Mining Intelligence and Security Enhancement Act,

6 **25.** In this Bill- Interpretation

7 (a) "Mining Intelligence" refers to the collection, analysis, and
8 dissemination of information related to mining activities, including but not
9 limited to exploration, extraction, processing, and transportation of
10 minerals;

11 (b) "Mining Security" refers to measures and actions taken to
12 ensure the safety and security of mining operations, personnel, and assets;

13 (c) "Public-Private Partnership (PPP)" refers to a cooperative
14 arrangement between the government and private entities for the provision
15 of mining intelligence and security services.

16 **26.** This Bill may be cited as the Mining Intelligence and Security Short title
17 Enhancement Bill, 2023.

EXPLANATORY MEMORANDUM

This Bill seeks to establish Mining Intelligence and Security through public-private partnerships across mining communities in Nigeria, to promote the sustainable development of the mining sector, ensure the safety and security of mining operations, and protect the rights and well-being of mining communities.