



NATIONAL WORKSHOP ON ARTISANAL AND SMALL-SCALE MINING, ILLICIT FINANCIAL FLOWS, AND CONFLICT IN NIGER

Hôtel Noom, Niamey

29 to 31 March 2022

INTRODUCTION

A national workshop on artisanal and small-scale mining, illicit financial flows, and conflict in Niger was held at the Noom Hotel in Niamey from March 29 to 31, 2022.

The workshop was organized by the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF), with funding and support from the United Kingdom's Foreign, Commonwealth & Development Office, (FCDO) and aimed to

- Explore through open discussions and working groups the current responses, gaps, and challenges in the governance of the Artisanal and Small-Scale Gold Mining (ASGM) sub-sector, conflict, crime, and illicit financial flows.
- Promote inter-ministerial and stakeholder dialogue in Niger.

- Provide a basis on which to develop an action plan to improve ASGM governance in Niger.
- Discuss the basis for a regional response to illicit financial flows.

The workshop was held in collaboration with the firm Levin Sources with support from the firm GEOMIN.

It was opened in the presence of Mr. Alma Oumarou, Minister of Transport of Niger, representing the Minister of Mines, and H.E. Ms. Catherine Inglehearn, Ambassador of Great Britain to Niger.

The workshop was attended by 52 actors and stakeholders from the public administration sector, the private sector, universities and research institutes, civil society, and development partners. More specifically, the workshop brought together representatives of the following structures:



- Presidency
- Prime Minister's Office
- National Assembly
- Regional Observatories for the Administrative Monitoring of Gold Mining Sites (ORSASO)
- Women's Association of the Extractive Industries of Niger (AFSIEN)
- Gold miners
- Ministry of Mines (Deputy Secretary General, Technical Advisor to the Minister, Inspector General, Central, Regional, and Departmental Directors)
- Ministry of Finance (CENTIF)
- International Organization for Migration (IOM)
- World Bank and others.

The three days were rich in exchanges and experience sharing and allowed, through a participatory and inclusive process, for the formulation of several recommendations and the production of a draft vision for responsible ASGM, which could be better integrated into the economic structure of Niger to fight against illicit financial flows and criminality linked to the gold mining sector.

This report summarizes the discussions of the three days. It comprises the following seven sections:

- Opening Ceremony
- Session 1: ASGM Legal Frameworks
- Session 2: ASGM and Illicit Financial Flows
- Session 3: ASGM and Conflict
- Session 4: Drafting a Vision for ASGM
- Summary of Key Recommendations
- Closing Ceremony.

FIRST DAY

Opening Ceremony

The opening ceremony began with a welcome address by Ms. Clémence Naré, Legal Advisor at IGF. After thanking the Ministry of Mines and the participants, who had responded in large numbers to the invitation extended by IGF, Ms. Naré reiterated that the holding of the workshop is part of the ongoing commitment of IGF and the Government of Great Britain to accompany Niger in the process of formalization and monitoring of the ASGM sector.

Following Ms. Naré was Ms. Catherine Inglehearn, Ambassador of Great Britain to Niger, who, in her speech, underlined the importance of ASGM as a socio-economic activity in Niger, given that millions of lives depend on it. The ambassador also stressed that when ASGM is effectively supported, it can contribute to the achievement of several sustainable development goals. However, despite its importance, ASGM is causing concern, as it is evolving into a context of increasing insecurity.

Finally, Mr. Alma Oumarou, Niger's Minister of Transport, acting as interim Minister of Mines, gave his opening address. He began by explaining the genesis of gold mining in Niger, describing how it first emerged following droughts in 1984–1985 and became widespread in all the country's mining areas, such as Liptako Gourma, Djado, Tafassasset, Aïr, and South Maradi. Gold mining has become a permanent economic activity but remains largely informal. As a result, the tax revenue it generates is insignificant, and the state has no reliable statistics, particularly on the quantities of gold produced and marketed. According to the minister, this activity causes significant damage to the environment and negative effects on society



(prostitution, drug use, worsening of child labour, etc.).

Mr. Oumarou maintained that the organization of the workshop testifies to the government's willingness to provide sustainable solutions to ASGM, as indicated in the National Mining Policy document 2020–2029, which affirms the need to ensure the promotion of small-scale mining by providing assistance to mining operators while implementing an appropriate environmental policy in this sub-sector.

Session 1: ASGM Legal Frameworks

Following the opening speeches, Mr. Alec Crawford, IGF Senior Policy Advisor, gave a brief presentation on IGF and its services. This was followed by a first presentation on the case study of ASGM in Niger by Mr. Adamou Ousmane, Technical Advisor to the Minister of Mines of Niger. The presentation dealt with the legal and institutional ASGM framework, the technical and environmental aspects, marketing, and, finally, the assets of the sector.

Mr. Ousmane also recalled the genesis of ASGM in Niger and the fact that its institutional framework is managed in Niger by the Directorate of Mines and Quarries in close collaboration with the regional and departmental directorates of mines. He also mentioned other important structures and organizations, such as the following:

- Niger Mining Heritage Company (SOPAMIN), which is involved in the supervision, marketing, and certification of gold to be exported from Niger.
- ORSASOs, which plays a role in monitoring ASGM activities.

He mentioned certain practices that have serious consequences for the environment and human health, including



- Failure to respect the 100 m depths
- Anarchic and illegal use of mercury on artisanal mining sites
- Manual crushing resulting in the emission of silica dust.

In addition, he touched upon issues linked to trade, such as

- The lack of precision in weighing during the purchase of gold
- The poor knowledge of the sector's taxation by gold miners
- The difficulties in controlling the movement of gold from Niger to neighbouring countries
- The degradation of the environment
- The particular situation of women in ASGM.

This was followed by a more in-depth presentation of the legal and institutional ASGM framework, given by Mr. Mahaman Ilo Inoussa of the Directorate of Legislation of the Ministry of Mines. During his presentation, he defined different concepts and explained the regional and sub-regional legal frameworks, the national legal framework—which is divided into legislative and regulatory texts—as well as the institutional framework at the central and decentralized levels. With regard to the national legal



Session 2: ASGM and Illicit Financial Flows

This session started with a presentation by Mr. Ollé Ostensson, an expert on illicit financial flows with the firm Levin Sources. Key information from this presentation was also taken from the IGF interim report on ASGM, illicit financial flows, and conflicts. This was followed by the presentation by Mr. Falalou Nassirou Sofo, Magistrate, and member of the National Financial Information Processing Cell (CENTIF). He indicated that illicit financial flows from Africa could reach USD 50 billion and that between 2016 and 2019, terrorists were thought to have mined USD 2 billion worth of gold in the three countries (Mali, Burkina Faso, and Niger). He pointed out that on some sites, it is the local elected representatives who have defined the site and authorized artisanal mining without having the prerogative to do so. He concluded by indicating that the control of money laundering is complicated by the fact that some taxpayers, such as notaries, do not play their role.

Discussions, questions and answers, and exchanges of experience brought the first day to a close.

framework, he focused on the Constitution of November 25, 2010; on Ordinance 93–16 of March 2, 1993, on the mining law; and on Ordinance 2017–03 of June 30, 2017, amending Ordinance 93–16 of March 2, 1993, on the mining law, which introduces semi-mechanized artisanal mining and heaps, slag heaps, and mine and quarry residues.

Finally, this session ended with a presentation of the legal and institutional framework of gold mining in Mali and Burkina Faso by Ms. Clémence Naré, legal advisor representing IGF. It should be noted that the information shared during this presentation is based on the report on ASGM, illicit financial flows, and conflicts that will be published by IGF in the coming weeks. Ms. Naré provided comparative information on the legal and institutional frameworks of gold mining in Mali, Burkina Faso, and Niger because of the similarities that these three countries have in ASGM. She focused her presentation on the institutional ASGM models, ASGM taxation in the three countries, the regimes for the trade of ASGM gold, the legal aspects of mobility in the Economic Community of West African States (ECOWAS) region and, finally, on the countries' difficulties in regulating the increasing mechanization of ASGM in their legislative texts.

SECOND DAY

Group Work

The day's work began with a summary of the first day and with group work on four themes:

- Facilitating administrative procedures
- Reducing the tax burden
- Solutions to the security risk related to the use of explosives and chemicals
- Monitoring, supervision, and improved collaboration between institutions.



With regard to administrative procedures, it emerged from the group work that administrative delays are generally acceptable but that administrative costs for gold miners, particularly instruction fees, are somewhat high. Based on this observation, the participants expressed the need to simplify procedures and devolve certain key services to better serve gold miners.

In terms of easing the tax burden, it was noted that taxes on artisanal mining are high and that solutions should be explored to ease the tax burden on the ASGM sector. The group concluded that of all the taxes applicable to ASGM, the fixed fees due for marketing approval (3,000,000 African Financial Community Francs [CFA]) and the export tax (6%) should be lowered in light of the experience of other countries in the sub-region.

Solutions to the security risk related to the use of explosives and chemicals were discussed in depth by a group of participants. The group reflected on the problem of non-compliance with the ban on chemicals and explosives in the context of insecurity in Niger and, moreover, the lack of qualification of actors to use such products. There are no simple solutions to this complex problem, and the emphasis should be on combating the clandestine marketing of prohibited products, as well as raising the awareness of actors.

With regard to monitoring, control, and improving collaboration between institutions, the group led a reflection on the challenges linked to the monitoring and supervision of ASGM in Niger with a view to proposing solutions adapted to the fight against illicit financial flows. Through a coherent approach, the group first identified the strengths and weaknesses of the legal and institutional ASGM framework and then proposed solutions that could contribute to improving the monitoring and supervision of ASGM. This could include revitalizing frameworks such as ORSASO and revising

the monitoring and control remit of certain agencies, such as the Niger Mining Heritage Company.

Session 3: ASGM and Conflict in Niger

Session 3 started with a presentation by the IOM. The presentation, given by Ms. Yodit, IOM representative in Niger, revealed important information on ASGM in the Agadez region, particularly on the sites studied (Faso/Tabelot, Guidan Daka, and Tchibarkatan). This information includes the following facts:

- 88% of the gold miners in the study sites are Nigerien nationals.
- Inter-regional migration of Nigerien citizens is more prevalent than that of foreigners from other countries.
- Most migrants explain their choice to migrate as being influenced by poverty and loss of income in other sectors of the economy.
- There are strong interdependencies between gold miners and gold traders in the Agadez region (financing of mining operations by traders). This debt system is widespread on the sites.
- Only about 15% of the gold miners work on their own account and 85% on behalf of their employers (bosses).
- Some people we met thought that sex work contributes to the balance of social life around ASGM sites.

Following the presentation by the IOM representative, the participants were again invited to reflect in groups on the links between the conflicts that occur in ASGM, through the following four themes: the limited state presence; political economy and corruption; socio-economic necessities and opportunities; and competition for land and resources.



The aim was to formulate recommendations for effective conflict mitigation. The recommendations for these themes have been included in the summary of recommendations at the end of this report.

Session 4: Drafting a Vision for ASGM

After a brief review of the activities on the second day of training, participants were invited to brainstorm together to draft a vision for ASGM in Niger. Participants used the methodology developed by IGF in its Guide for Governments on the management of artisanal and small-scale mining (IGF, 2017) to categorize ASGM practices into unacceptable practices; bad practices; and best practices. The different participants were able to identify existing best practices in Niger that should be further promoted as well as those that should be eradicated, either through awareness raising, education, or by tightening legislation and administrative controls.

The next step was to list the best practices and to inscribe actions in each practice.

Sixteen good practices were thus identified:

1. Compliance with texts and regulations
2. Awareness raising, coaching, and outreach
3. Organization of stakeholders into economic interest groups
4. Securing the sites
5. Formalization of sites and creation of gold mining corridors
6. Creation of local committees for conflict management
7. Establishment of a mining police force
8. Mapping of sites
9. Creation of dedicated mineral processing areas



10. Establishment of purchasing counters
11. Regulation of the use of explosives and chemicals
12. Access to credits
13. Promotion of income-generating activities
14. Access to efficient equipment
15. Rehabilitation of sites
16. Establishment of Joint Monitoring Committees



SUMMARY OF KEY RECOMMENDATIONS

- Define gold mining in Nigerien texts.
- Make the texts more widely available to stakeholders.
- Create zones reserved for artisanal mining.
- Promote the categorization of actors into economic interest groups.
- Regularly update the mapping of sites and actors.
- Formalize all illegal sites in order to strengthen the sector's potential.
- Promote access to credit for gold miners.
- Unify and decentralize the mining cadastre.
- Make the multi-disciplinary team responsible for administrative supervision operational.
- Respect the deadlines for the instruction and granting of mining permits.
- Simplify the procedure for opening explosive depots, as the distance from the barracks can hamper compliance with the regulations.
- Strengthen the presence of the state on the sites (military presence; tap into the Ministry of Mines' human, logistical, and material resources).
- Create multi-party consultation frameworks and revitalize existing ones (ORSASO, Joint Committees, Regional and Departmental Security Councils).
- Strengthen collaboration between the defence and security forces and customs to better control the transport and use of explosives.
- Raise awareness and train gold miners on issues related to illicit financial flows and the use of explosives.
- Create a mechanism for non-violent conflict management.
- Set up vigilance committees in all gold mining areas.
- Collaborate with informants to raise the alert on suspicious individuals or groups.
- Promote gold-processing centres.
- Involve customary authorities and gold miners in formalization and supervision efforts.
- Provide the administration with human, financial, and material resources.
- Create synergy between administrations.
- Organize training sessions and fora on ASGM.
- Carry out close monitoring of sites while working on supervision and communication.
- Involve all parties.



Closing Ceremony

The closing ceremony began with words of thanks from Mr. Alec Crawford, from IGF to the participants, followed by Ms. Clémence Naré, who read the main conclusions of the workshop.

Taking the floor for the closing remarks, Ms. Ousseini Hadizatou Yacouba, Niger's Minister of Mines, expressed her satisfaction for the work carried out and the results obtained.

She welcomed the support of IGF for the mining sector of Niger and concluded her remarks by declaring the workshop closed and wishing the representatives of IGF and all the participants who came from elsewhere a safe return to their respective families.



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For more information, please contact:

220 Laurier Avenue West, Suite 1100
Ottawa, Ontario Canada K1P 5Z9
Email: Secretariat@IGFMining.org

Secretariat hosted by



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