

**SCOPING STUDY ON THE IMPACT OF MINING/QUARRYING ACTIVITIES ON
THE ORIGINAL INHABITANTS OF THE FEDERAL CAPITAL TERRITORY (FCT):
A FOCUS ON COMMUNITY DEVELOPMENT AGREEMENTS (CDAs)**



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ACRONYMS AND ABBREVIATIONS

Acronym

Meaning

<i>AMAC</i>	<i>Abuja Municipal Area Council</i>
<i>BSAs</i>	<i>Benefit Sharing Agreements</i>
<i>CDAs</i>	<i>Community Development Agreements</i>
<i>CTA</i>	<i>Centre for Transparency and Advocacy</i>
<i>EITI</i>	<i>Extractive Industries Transparency Initiative</i>
<i>FCT</i>	<i>Federal Capital Territory</i>
<i>FGDs</i>	<i>Focus Group Discussions</i>
<i>MCO</i>	<i>Mining Cadastre Office</i>
<i>MMSD</i>	<i>Ministry of Mines and Steel Development</i>
<i>NEITI</i>	<i>Nigeria Extractive Industries Transparency Initiative</i>
<i>NMMA</i>	<i>Nigeria Mining and Minerals Act</i>
<i>OIs</i>	<i>Original Inhabitants</i>
<i>PLWD</i>	<i>People Living With Disabilities</i>
<i>UN SGDs</i>	<i>United Nations Sustainable Development Goals</i>

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Introduction:

1.1 Background

The Original Inhabitants (OIs) of the FCT were made stateless following the creation of Abuja as the capital of Nigeria. The implications were that the people lost their livelihood, identity, environment, and voice among (Insert the link to the baseline study) others most especially causing a cultural genocide. Poor resettlement, inadequate access to basic amenities like water, roads, electricity, healthcare, education, and loss of their cultural heritage are some of the issues affecting these communities. This aligns with the United Nations Sustainable Developmental Goal 3 (Good Health and Well-Being), Goal 6 (Clean Water and Sanitation, Goal 8 (Decent Work and Economic Growth), Goal 14 (Life below Water), and Goal 15 (Life on Land). The need for Host Communities to have a better understanding and involvement in the Community Development Agreements and how to use this to improve their socio-economy, protect their cultural heritage and enjoy the freedom that has all been negatively affected by mining/quarrying activities, prompted the need for this study. This report is part of a larger project on the MacArthur Foundation-sponsored project that was commissioned by the Centre for Transparency and Advocacy Centre (CTA), Abuja, Nigeria.

1.2 OBJECTIVE.

- a) To investigate the cultural, socio-economic, and environmental impact of mining and quarrying activities on the original inhabitants of four communities (Karishi, Kubwa, Kuje, and Mpape) in and around the Federal Capital Territory, Abuja.
- b) To bring the attention of the people to the rich cultural heritage of the OIs of the FCT.
- c) To draw attention to the effects of mining activities on the OIs (cultural, health, and environmental effects).
- d) To provide a review of the Community Development Agreements.

1.2 HISTORY OF THE FEDERAL CAPITAL TERRITORY, ABUJA

The Federal Capital Territory is located almost at the geographical centre of Nigeria. It lies within Latitudes 8 23'N and longitude 6 35'E. It is bounded on the west by Niger state, north by Kaduna state, east by Nasarawa state, and south by Kogi state.

Originally, the region now referred to as Abuja was the southwestern part of the ancient Habe (Hausa) kingdom of Zazzau (Zaria). It consisted of many semi-independent tribes for centuries with Gbagyi (Gwari) as the largest, followed by Koro and some smaller tribes. After Zaria fell to Fulani invaders in the early 1800s, Muhammed Makau accompanied by some followers consisting of his brothers; Abubakar and Kwaka fled south where Abubakar succeeded his brother as king in 1825. He founded the kingdom of "Abuja" which later became a major commercial centre. According to legend, the name "Abuja" was coined from Abubakar (shortened as Abu), and his nickname "Ja" means red or fair skinned because of King Abubakar's complexion.

Farming and hunting were known to be the prominent occupation of the original inhabitants of the FCT. Agricultural products include corn, millet, groundnut, yam, cassava, beans, and sorghum. Abundant mineral resources present include Sand, Talc, Gold, Iron Ore, Lead, Feldspar, Marble, Lead, Limestone, Kaolin, Granite, Mica, Dolomite, Clay, Zinc, Granites, and Gneisses.

Administratively, a Minister is appointed by the President to be in charge of the management of the FCT. It has four districts (Maitama, Central, Wuse, and Garki) and six area councils (Kuje, Bwari, Abaji, Gwagwalada, Abuja Municipal, and Kwali).

Figure 2: Map of Abuja showing the Area Councils



Source: Modified from the Administrative Map of Nigeria

1.3 MINING IN NIGERIA

Mining of solid minerals in Nigeria is a long-standing activity, starting from the late 19th century. In the first half of the 20th century, mining of cassiterite and columbite in the Jos Plateau involved some medium to large-scale open pit and hydraulic placer operations which continued until the late 50s. In the southeast, some small-scale open-cast mining of lead-zinc-barite and underground coal mines was common. Currently, mining activity is limited mostly to small-scale (involving some mechanization) and artisanal (mostly manual) operations for gold, gemstones, and tin-tantalite.

Quarrying and related open-pit extraction of industrial minerals and rocks are major features of the mining landscape in Nigeria. Quarrying accounts for about 90% of the

sector's production which involves the removal of bulky materials of low unit value, such as limestone, shale, granite, sand, and laterite.

1.4 STRUCTURE AND OPERATIONS OF THE MINING CLUSTER.

- a. They have about 5 mine clusters with 200 people per cluster. The clusters have men (40), women (60), youths (60), and children (40). The communities have no form of ownership/control of the quarry. Only the men work as labourers at the quarry. The form of mining done is formal/ mechanized. There are transport facilities available (2 tractors, 7 trucks, 4 buses). Granite is the mineral being principally mined.

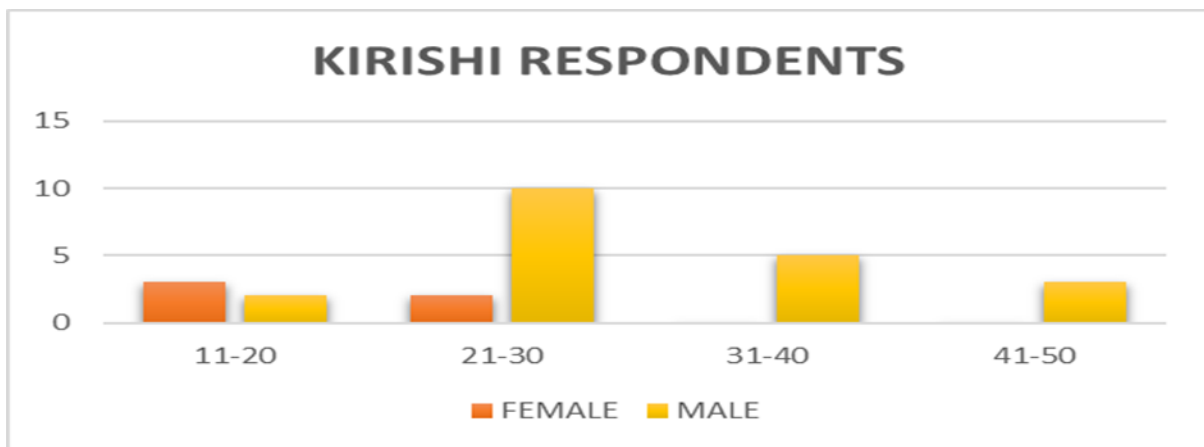


Figure 6: Age of respondents for Karishi Village

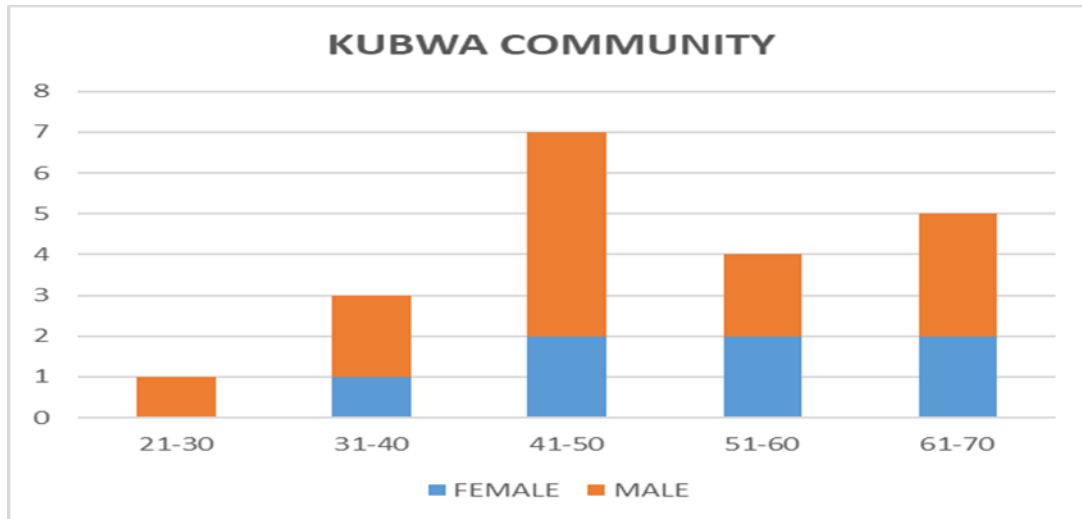


Figure 11: Age group of study representatives from Kubwa village

2.0 LEGISLATION AND REGULATORY FRAMEWORK SURROUNDING COMMUNITY DEVELOPMENT AGREEMENTS FOR MINING ACTIVITIES IN NIGERIA

Over twenty Nigerian legislations were reviewed. These legal reviews centred on the cultural, environmental, health and business (mining, companies, and finance) sectors of the economy.

- ❖ The 1999 constitution of the Federal Republic of Nigeria (CFRN)
- ❖ The Nigerian Minerals and Mining Act (NMMA) 2007
- ❖ The Companies and Allied Matters Act 2020
- ❖ Land Use Act of 1978
- ❖ Explosive Act
- ❖ Nigerian Minerals and Mining Regulation 2011
- ❖ Nigeria Industrial Revolution Plan (NIRP)
- ❖ Nigerian Minerals and Mining
- ❖ Medium Term National Development Plan (MTNDP)
- ❖ National Tourism Policy (1990)
- ❖ Antiquities Ordinance No 17 (1953)
- ❖ Antiquities Decree (1974)
- ❖ Decree No 77 (1979)

.2.1 Fundamentally, CDAs should have three aspects ¹

- (a) Employment agreement
- (b) Relationship agreement- this is to set up a mechanism for establishing the relationship between the community and the company. It will also include the means for resolving complaints and establishing the means of communication.
- (c) Development agreement.

2.2 Importance of Community Development Agreements

1. Provide a good engagement tool between communities and companies in the mining and quarrying sectors.
2. Serve as a mechanism for addressing and developing an understanding of issues relating to mining and quarrying activities.
3. Serve as a tool to not only preserve the culture of the people but also to fully engage communities and companies on ways to develop the mining and quarrying areas.
4. Serve as conflict mitigation and social development tool.
5. It can also help to protect the cultural rights of mining and quarrying areas, especially as regards the FCT indigenous people who are mainly displaced from their original living quarters.
6. It can serve as a community social responsibility (CSR) tool.

2.3 Stages of Community Development Agreements

2.3.1 Pre-negotiation stage

1. Community awareness and capacity building of the CDA process in conjunction with the responsible government bodies, national legal bodies, and companies.
2. Agreement on the language (local or English) of use for the CDA.
3. A wider community committee should be established to present the direct and indirect, long and short-term benefits the community will get and also properly

track the overall progress across the three stages, and also resolve or mediate conflicts between the parties.

4. Selection of the right community representatives for the drafting of the CDA (with the inclusion of the aged, women, youths, religious and vulnerable groups), especially those who are directly affected by mining who will understand the core issues affecting them.
5. Means of communication should be properly defined to avoid communal conflicts.
6. Establish the basis for negotiations.

2. 3.2 Negotiation Stage

1. increase their knowledge and capacity as regards negotiations.
2. The aim of the negotiation should be spelt out and mutually understood by all parties.
3. Proper definition and development of consultation strategy/need assessment plan.
4. An establishment of the agreement components and a proper definition of what should be included as direct and indirect benefits. This should include finances, provision of scholarships/schools, provision of infrastructural facilities such as water, recreational grounds, light, road, employment of local contractors or community members, etc.
5. All parties should be well represented.
6. All negotiations should be done within the confined of the laws (Land, Mining, and Cultural Laws). Legal assistance should be provided to the community with proper explanations on the document. This will provide equity and fairness in the process.

2. 3.3 Post-negotiation Stage

1. All parties must reach an agreement and a sign-off.
2. An implementation strategy should be developed to ensure adequate monitoring and evaluation. The implementation strategy will include measurable timelines and indicators.

3. According to the Act, the expiration of a CDA is five years. A framework must be put in place for re-negotiation review by the fourth year or in the early fifth year. The implementation strategy findings will be useful here. This will help in the tracking of challenges and opportunities and will serve as feedback to the new CDA.
4. Importance of Community Development Agreements
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2.0 . VILLAGES COVERED AND THEIR CHARACTERISTICS.

3.1 Karishi Village

Karishi is on the Outskirt of the FCT, and is 200 years old. The prominent tribe is Gwandara while the major languages are Gwandara, Hausa, and English. Interviewed the community chair and FCT Executive of the People Living With Disabilities (PLWD) Second and third generation of the original inhabitants of the FCT 20 respondents; 3 main mine clusters with an average of 50 people per cluster.

3.2 Kubuwa Village

Kubuwa village is almost 500 years old, Gbagyi tribe. Language- Gbagyi, Hausa, and English Cultural foods- Zhepo, Kandolo, Tuwomasara, and pounded yam Community groups- Akumibwanaijiye and Ayenayi.20 respondents (Acting traditional district head, the youth secretary, and other members of the youth group, the community association, and the

market women association)Two mining clusters. Granite is the major solid mineral quarried through formal/mechanized structure.The use of vigilantes and juju for protection against banditry and extreme forms of violent traditional healthcare is prevalent, especially for childbirth

3.3 MPAPE village

300 years old Tribe- Gbagyi. Spoken languages- Gbagyi, Hausa, and English 17 respondents (Eleven men, and six women) Groups- Women and youth associations, Gope and Dupe community groups. Structural unemployment (farming to mining labourers) although, there is improved youth employment (Selling of food, local herbs, drinks, etc).

3.4 GBEZHI VILLAGE (KUJE)

Gbezhi village is a rural village in the Kuje community resettlement About 75 years Tribe- Gbari Gbari, Hausa, and English languages.20 respondents Four mining clusters The village has no form of ownership or control of the quarry. Mining labour is limited to Formal or mechanized mining operations. Sand is the principal quarrying product. Resource curse.

3.4. The Socio-Economic Effect:

- a. They have been no significant improvement in their livelihood
- b. There is an increase in population through resettlement schemes and migration
- c. Their farming activities have been negatively affected by the quarrying activities
- d. There has not been any significant reduction in unemployment, as the companies mostly bring their workforce.
- e. There is a significant spike in crime rates (robbery, prostitution, drug abuse, smoking, petty theft, and communal clashes)
- f. The products from the mines have not been used to develop the community
- g. The community does not play a significant role in the quarry.

3.5 The environmental and health effects:

- a. Respiratory illness caused by dust from the blasts from the mining sites

- b. Deforestation which limits hunting activities, causes erosion, et
- c. Erosion is being caused by the tremors due to industrial mining operations, deforestation, and the activities of heavy-duty vehicles.
- d. Injuries from the stray debris from the sites especially to those closest to the mining sites.
- e. Sickness and deaths of domestic animals are caused by the air and water pollution from the mining sites.
- f. Low agricultural output due to erosion and pollution. This has resulted in a substantial increase in food prices in the communities.

3.6 Cultural Effects.

Like any other mining community, the respondents stated that they had no idea of any laws that protect their culture, especially concerning compensation and relocation aids. They noted that they were aware of a binding CDA in the past but efforts have not been made for any form of renewal. The cultural effects as stated by the respondents are:

- a. The mining companies have no regard for their sacred cultures; they encroach on the cultural sites.
- b. Their cultural food has been negatively affected as a result of low crop yield and land theft/encroachment.
- c. Debris from the blasts occurring in the quarries has caused damage to their grave sites.
- d. There is a reduction in the frequency of their festival celebrations
- e. Their religious activities are disrupted by the noise and tremors from the blasts and the buildings have cracks and sometimes collapse, as a result of the mining activities.

3.7 Highlights of Issues on the Original Inhabitants.

Original Inhabitants are still fighting for their full compensation for the loss of their lands and economic way of life. Environmental, socio-economic, health, cultural, and even structural negative effects were evident in the communities where the research was carried out. Extractive decisions are always done with little or no involvement from the host communities. Communal conflicts and unrests happen especially when the communities feel left out as they suffer the brute consequences and vulnerability risk which affect not only their livelihoods but also their culture.

3.8 The following were recorded to have been the resultant effect of mining and quarrying activities on the community:

- a. Deforestation
- b. Pollution (air and noise)
- c. Erosion
- d. Land tremors
- e. Shifts and cracks in the walls of their buildings
- f. Poor crop yields
- g. Land theft/encroachment
- h. Loss of natural habitat of the animals

4.1 Recommendation by the respondents on ways to preserve the culture of the village

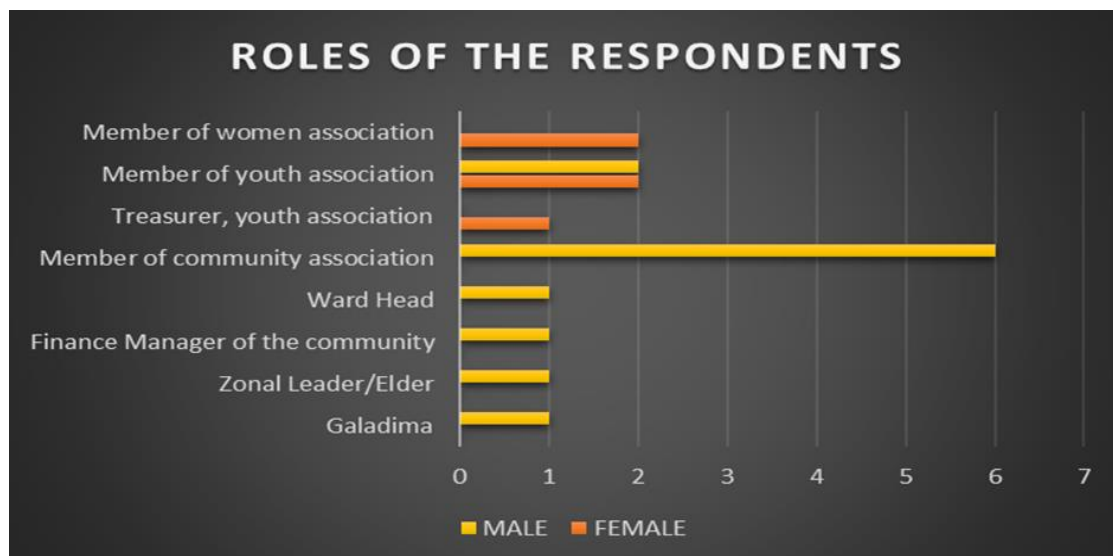
- a. Creating awareness for the companies on their culture and how they can be protected.
- b. The signing of an official/ legal document (like a CDA) stating quarry and mining activities will not harm the community in whatever form.
- c. Government intervention

- d. Cultural laws should be enforced
- e. Monitoring and evaluation should be carried out to ensure compliance
- f. Defaulters should be punished appropriately
- g. The community should be enlightened on their rights
- h. Advise the ministry of mines and steel development proactive in activities in mining in FCT.
- i. Grateful for what the NGOs are doing (CTA).
- j. The indigenous people need a voice.



A view of respondents during the data collection process in Kubwa Community

7.



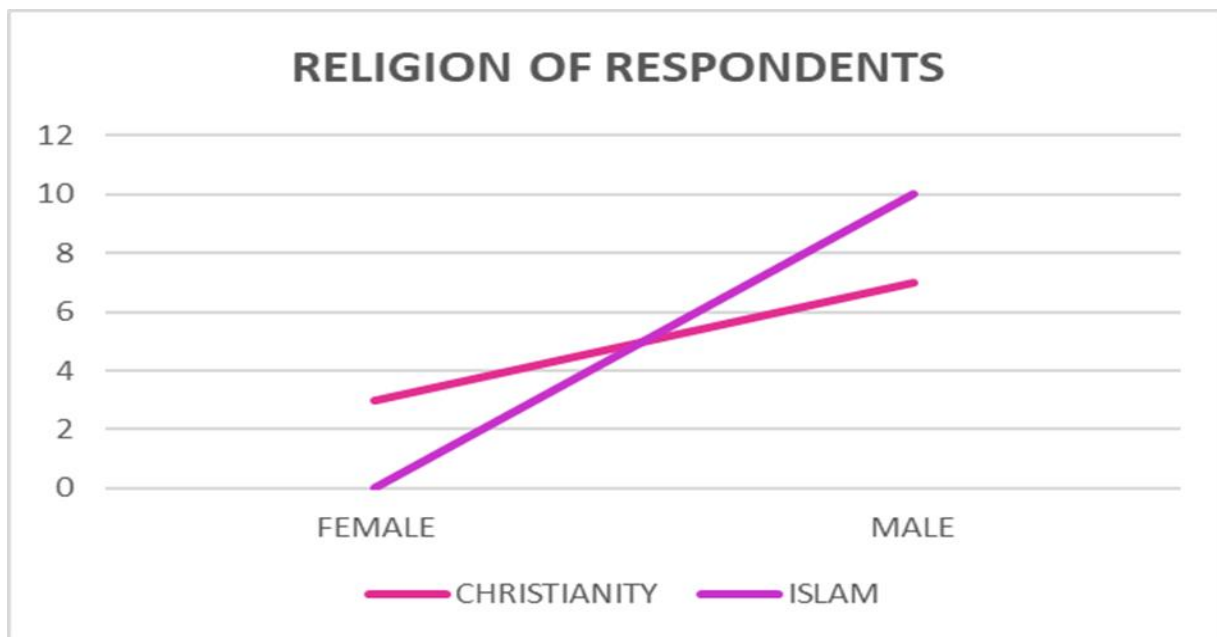


Figure 23: Religion of Gbezhi village

4.2 Overall Recommendation (For the government, community, companies, donors, CSOs)

Further to the recommendations provided by the respondents, the following should be considered:

1. Adoption of a model CDA that can be adapted to each community's peculiarity in simpler and clearer languages (preferably, the language of the community).
2. Ensuring a proper technical monitoring mechanism for the CDA by the government
3. Transparency in the drafting, adoption, and monitoring of CDAs
4. Active community participation in the drafting of the CDAs.
5. Ensuring communities are fully participatory through the establishment of an EITI model-like framework of a multi-stakeholder governing framework that will ensure adequate monitoring and evaluation and transparency
6. Like the new community host fund in the PIA, a fund should also be created to be transparently administered by the mining communities from a determined

percentage of tax by all stakeholders to fund the development and mitigate the effects of mining activities in the communities.

7. CSOs and media- are the voice of the voiceless. They are critical stakeholders in the CDA process as they have active roles in monitoring and evaluation, investigation of facts and injustice, provision of funds, and legal assistance to the community.
8. A comprehensive review of the Nigeria Mining Act 2017 to accommodate for stricter measures in the non-fulfilment of the CDA including cultural issues.
9. To ensure Nigeria aligns with its commitments to the EITI, Nigerian Open Data Initiative, Open Contracting, Open Ownership, and Open Government Partnership, all CDAs should be made not only publicly available.
10. Proper cultural legislation should be enacted by the Nigerian government to protect and compensate for the loss of cultural heritage especially those of the OIs.
11. Provision of avenues for communities to be sensitized on their role in the design and implementation of CDAs and contract negotiations.
12. Companies should properly review their organizational policies to ensure/include proper cultural practices.
13. Government should provide proper security infrastructure as many of these mining communities are prone to insecurity.
14. The Ministry of Mines and Steel Development should have a proper monitoring structure to ensure OIs are properly compensated for any change or destruction in their cultural heritage sites.
15. The legislative and judiciary arm of the government has a major role in ensuring defaulters in the non-preservation of Nigerian cultural heritage caused by mining are punished.
16. There should be a synergy/collaboration between the Ministry of Culture, the Ministry of Mines and Steel Development, the Ministry of Environment, and the Ministry of Trade and Investment.
17. The Nigeria Bar Association (NBA) and the legal department of the MMSD should play a critical role in properly interpreting the laws, especially on CDAs to the communities.

5.0 Conclusion

The indigenous communities in the Federal Capital Territory have endured many injustices since the creation of Abuja as the capital city and their resettlement. The impact of mining/quarrying on these host communities is enormous. They suffer losses to their sources of livelihood, structures, and cultural inheritance.

There is no direct involvement of women and youths in the economic activities of the mines/quarries. They serve mainly in menial roles as cleaners, drivers, and vendors. The influx of migrants has also led to an increase in various criminal activities like robbery, drug abuse, prostitution, and so on, which has affected these people.

These communities lack access to basic facilities and infrastructure needed for sustainable livelihoods. Poor healthcare facilities, road networks, educational facilities, electricity supply, good water, and environmental degradation are common features in these communities. All these issues necessitate the need for deliberate remediation to improve the issues affecting the indigenous people of the Federal Capital Territory.