



IFE JURIS REVIEW

*Journal of Contemporary Legal and Allied Issues,
Published by the Department of Jurisprudence and Private Law,
Faculty of Law, Obafemi Awolowo University, Ile-Ife, Nigeria
IFJR, 2017 Vol. 11 (1) (January- April) ISSN: 0794-1048*

ARTICLES

- ▶ **Babafemi Odunsi & Ife Oluwayimika Bamidele:** Environmental Pollution and Women's Reproductive Health Rights in Perspective. - 1 - 19
- ▶ **Suzzie Onyeka Oyakhire & Anwuli Irene Ofuani:** "Reverse onus" Provisions in the fight against Corruption in Nigeria: A Radical Therapy for a Stubborn Ailment? - 20 - 40
- ▶ **Ibijoke Patricia Byron:** Customary Arbitration as a Tool for ensuring Access to Justice for Women in Nigeria: A Case Study of the Women's Law Clinic, Faculty of Law, University of Ibadan. - 41 - 55
- ▶ **K.O. Fayokun:** Laws Governing University Administration in Nigeria, Discipline of Staff and Fair Hearing. - 56 - 70
- ▶ **Aderonke Esther Adegbite:** Baby-Making Factories in Nigeria A 'Crime' begging for Legal Identity? - 71 - 87
- ▶ **Aderemi Olatubora:** An Examination of the Onus of Proof and the Rule against Hearsay Evidence in Election Petition. - 88 - 113
- ▶ **Abiodun Amuda-Kannike:** International Law and Human Rights Implications of Communal Violence in Nigeria. - 114 - 123
- ▶ **Ganiat Mobolaji Olatokun:** Feminism and Feminists' Perspectives: The World Toda. - 124 - 138
- ▶ **Okafor Amalachukwu & Olusegun Olaitan:** Human Rights in a Democracy Nigeria in Perspective. - 139 - 157
- ▶ **Awoniyi A. Alabi:** Impacts of a free Press on National Development. - 158 - 172
- ▶ **N. A. O. Ijaiya:** The Supreme Court's Decision in the Olofa of Offa's Chieftaincy Matter A Critique. - 173 - 186
- ▶ **Alaka Oladipupo & Awoma Kunle Andrew:** Applicability of the UNIDROIT Principles of International Commercial Contract in Courts and Arbitration Proceedings. - 187 - 209
- ▶ **Oyeniyi Abe:** International Climate Change Governance: Lessons for Nigeria. - 210 - 229
- ▶ **Bello Adesina Temitayo:** Arbitration as a Panacea for Investment Disputes Resolution. - 230 - 246
- ▶ **Moruf O. Mimiko:** A Nigerian Perspective on Terrorism. - 247 - 261
- ▶ **Hilary Nwaechefu & Olanrewaju Abel Adedeji:** Legal, Public Health and Environmental Issues arising from Mining activities at Itangunmodi Community of Atakumosa West Local Government Area of Osun State. - 262 - 274
- ▶ **Fatimoh Funsho Abdulrazaq:** Child Labour in Kwara State: Causes and Implications. - 275 - 294

**LEGAL, PUBLIC HEALTH AND ENVIRONMENTAL ISSUES
ARISING FROM MINING ACTIVITIES AT ITANGUNMODI
COMMUNITY OF ATAKUMOSA WEST LOCAL GOVERNMENT
AREA OF OSUN STATE**

Hilary Nwaechefu & Olanrewaju Abel Adedeji***

ABSTRACT

Mining hazards caused by unregulated and unprofessional miners had plagued a community known as Itangunmodi, located at Atakumosa West Local Government Area of Osun State in Nigeria, spanning over three decades. Reporters and Journalists from different media platforms have been conducting investigations, seeking the views of experts and making necessary recommendations on the issues of mining hazards in this particular community of Itangunmodi amongst others. The primary objective of this paper is to identify mining hazards in this particular community and then make useful recommendations to address the identified challenges. This paper will approach the Itangunmodi community mining hazards by reference to Internet sources, Newspaper publications and text books. This paper finds, amongst others, that, despite legislations to regulate environmental hazards, the Nigeria government and other stakeholders have done little or nothing to address the hazardous challenges of mining activities to the communities where precious stones and other rich mineral deposits are found, such as the Itangunmodi community under review herein.

1. INTRODUCTION

The degradation of the Nigerian environment through legal and illegal mining activities across different communities is an age long phenomenon that has attracted the attention and criticisms of different stakeholders, particularly the environmentalists. Notwithstanding the persistence of concerns and criticisms, mining activities, particularly the illegal one, have continued unabated in different Nigerian communities. These activities have also continued to leave in their trails monumental environmental pollution and degradation in Nigeria. When issues of mining pollution are brought before the courts, some are visited with punitive award of damages against polluters while many attract insignificant award of damages in favour of the affected

communities or persons. Several writers in the past and present notably Rau and Wooten (1980)¹, Fagboun and Simpson (1998)², Osondu (2012)³, Atsegbua (2004)⁴ among others have all condemned mining corporations especially the illegal miners who have polluted and degraded the Nigeria environment via unregulated mining activities. Notwithstanding scholarly efforts drawing attention to the menace of environmental degradation arising from mining activities – legal or illegal, it would seem that little or nothing has been achieved to stem the tide. However, there have been legal and policy responses of late to address the menace. In particular, the Constitution of the Federal Republic of Nigeria, 1999 (as amended) makes a very clear provision on the safety and conservation of the environment. There is no gain saying that many Nigeria communities have suffered great and unquantifiable damages resulting from the unregulated, poorly regulated activities of mining corporations and private mining individuals both indigenous and foreigners. There should be stiff penalties vide legislations and enforcement for those who flout mining laws and regulations. There is no doubt that this article will serve the immediate and future value for Nigeria Legislature and the Executive in dealing with issues of mining in Nigeria, thereby preserving the health and lives of the host mining communities.

2. MINING

Mining is defined as: *“The process of excavating ore or minerals from the ground; the working of a mine. This term also encompasses oil and gas drilling.”* Pollution, on the other hand, is defined⁵ thus: *“to corrupt or defile; especially to contaminate the soil, air or water with noxious substances.”*⁶

The term environment is also defined as: *“the whole complex of physical, social, cultural, economic and aesthetic factor which affects individuals, communities and ultimately determine their form, character, relationship and survival.”*⁷ Further, environment is defined as: *“consisting of all or any of the*

*LL.B, LL.M, BL: Doctoral Candidate University of Ibadan, Lecturer, Institut Littoral Des Etudes Professionnelles Superieures (ILEPS) (Littoral University) Port Novo, Republic of Benin. Email: larryokev@yahoo.com. **LL.B, LL.M, BL: Faculty of Law, University of Jos Plateau State.

¹ Environmental impact analysis hand book, MC Graw-Hill publisher

² Environmental law and Policy, Lagos state university press

³ Our common environment, university of Lagos press

⁴ Oil and Gas law in Nigeria, New era publications

⁵ *Black's Law dictionary* (Ninth Ed.) By Bryan A Garner. P.1277

⁶ *Black's Law dictionary* (Ninth Ed.) By Bryan A Garner. P.1085

⁷ Rau J G & Wooten D C *Environmental impact analysis hand book*, MC Graw-Hill publisher (1980) p.2

*following media namely: the air, the water and the land, and the medium of air include the air within the building and the air within other natural or man-made structure above and below ground”.*⁸

Rau and Wooten classified environment into four categories thus:

- a. The physical environment (natural and constructed) which includes land and climate, vegetation, wildlife, the surrounding land uses and the physical character of an area, infrastructure/ public services, air, noise and water pollutions.
- b. The social environment which includes community facilities, services and the character of communities.
- c. The aesthetic environment-scenic area, vistas, views including architectural character of buildings.
- d. The economic environment which includes employment, land ownership pattern and land values.

From the foregoing definitions, mining pollution can safely be defined as the tendency to corrupt or defile; especially to contaminate the soil, air or water with noxious substances through the process of excavating ore or minerals from the ground; the working of a mine and drilling oil and gas.

Mining activities takes place on man's environment. The environment is provided by nature. The environments we are referring in our context are plants, animals, and seas, land (mountains, hills and valleys) including the wind and the air. It therefore means that Lagos Bar beach and the cocoa and rubber plantation in Ibadan, Oyo state, including the mining sites in Itangunmodi, located at Atakumosa West Local Government Area of Osun state and mining sites in Zamfara state are part of the environment.

The Nigeria constitution, being the grundnorm, was not silent on healthy environment and public health. Section 20 provides thus: *“The state shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria.”*⁹ If the constitution has stated that the state shall protect and improve the environment, what it then means is that; it is a right of the citizen to be protected against pollution; and whoever pollutes the environment has breached the constitution and is liable to criminal prosecution or private action in tort.

⁸ *Environment Protection Act 1990 as amended 1995 (UK)*

⁹ *The 1999 Constitution of the Federal Republic of Nigeria (CFRN) as amended, section 20*

There are mining activities at *Itangunmodi community*, located in Atakumosa West Local Government Area of Osun state, Nigeria. Attendant upon these activities are hazardous environmental pollution. Such pollution in the community without any remediation by the pollutants amounts to a breach of Section 20 reproduced above. The survival of *Itangunmodi community* dwellers depends on safety of their environment which the local, state and federal governments should jointly and severally protect against unauthorized mining and excavations.

A cursory look at the Nigeria criminal code¹⁰ will reveal consequential sanctions against any act which fouls the atmosphere so as to make it noxious to the health of persons dwelling or carrying on business in the neighbourhood or passing along a public high way; or any person who does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, whether human or animal; is guilty of a misdemeanour, and liable to imprisonment for six (6) months. If this position is anything to reckon with, then those illegal and unauthorized miners, including the authorized miners who have caused infections and hazards to the dwellers of Itangunmodi community, located in Atakumosa West Local Government Area of Osun state, Nigeria ought to be prosecuted at the relevant law courts in Nigeria. Ironically, because of the peculiar nature of Nigeria, this has not been the case till date.

2.1 Public Health

Public health means¹¹ 'organized efforts of the community to protect its members against diseases. In this wise, good health practices ensures that the water we drink is treated, milk is pasteurized, meat and other food products are inspected to eliminate contamination by pathogenic organism such as vibrocholerae and Shigella, mycobacterium bovis which causes tuberculosis in humans, Samolinella typhi which causes typhoid fever in humans.

Public health can also be defined as conscious efforts to ensure the members of a given community live healthy lives. Healthy life implies life free from preventable infections, such as safe drinking water, safe food and meat and milk, safe and unpolluted air.

¹⁰ Cap 77 Laws of the Federation of Nigeria 2004, section 247

¹¹ Onokhoraye. A.G (1994) *Element of Man's Physical and Social Environment in Africa*. The Benin Social Science Series for Africa p.339

3. MINING POLLUTION AT ITANGUNMODI COMMUNITY

Oba Michael Olalekan Famadewa-Kosile is the traditional ruler of Itangunmodi, located at Atakumosa West Local Government Area of Osun State. Itangunmodi-renowned as the land of gold, basically so because of its rich mineral deposits, has enjoyed a growing reputation as a result of its abundance of precious stones which not many human settlements can boast of across the world. Itangunmodi community has witnessed a state of bewildered living. A visitor to the community will be welcome with inscription on a raised stone-post with the letterings 'Itangunmodi; city of gold and peace announcing the presences of the community. With an array of brown roofs, collapsed mud houses, nothing glittered there. Other adjoining communities-Iyere, Igun, Eepe and Gbadeye which share such rich gold deposits with Itangunmodi have maintained similar fate of gross underdevelopment.

As reported in the Newspaper,¹² there was palpable frustration all over *Itangunmodi community*. The Monarch of the community revealed the frustration of his subjects in these words: "Our rich gold deposits have remained our undoing. "We have known nothing but waste and environmental degradation. Our limitations are many.- Many people, who have not visited Itangunmodi and other sister communities who have gold deposits as we do, are quick to conclude that this place must have been transformed through the many centuries as result of gold mining activities going on here. "I have been a traditional ruler here for 23years. " I have struggled with a lot of challenges since I became a monarch over Itangunmodi. We do not have a health centre. There are no motorable roads. We have been cheated for so long. People come in the name of the government, brandishing all kinds of licenses to perpetrate all kinds of fraud against my people". "All the farmlands have been destroyed as a result of indiscriminate mining activities. Aside that, mining has corroded the water that we drink. Many have died as a result of what can be safely assumed to be chemical poisoning because they drank from the contaminated water deposits. Many have respiratory infections. The acidity level contained in the mining process is destructive and therefore keeps affecting our source of water. We have reached out to the government but nothing has been done concerning this. Even the borehole constructed by the government has been destroyed by the acidic nature of the water going into the reservoir. It has corroded the iron rods used in holding the tanks. 'The health officials sent here have deserted us. We have lost pregnant women for lack of health centres. The

¹² Tribune Newspaper of Tuesday, 3rd January, 2017 p.19

foreign miners have taken over everywhere. There are no checks. "The pits dug during mining have caused bodily injuries and death to many of our people. When it rains, people fall into these open or semi-open pits. Many have fallen to their deaths. Others have sustained terminal injuries; some have lost limbs. The miners have no regards for us the host community. They enter into people's farmlands and commit havoc. The miners come even from Niger Republic, Chad and other-foreign countries. We feel threatened. Many have left the town with their families.' There is no life here; it is death.¹³"

The traditional ruler, Oba Famadewa-Kosile, also pointed out some of the victims of the unregulated mining activities going on in the area, one of such victim is a 54-year-old Olaleye Famuremu, a resident of Itagunmodi, who could barely walk on his two legs. The problem was with his 14-year-old deformity represented in his right leg which had been fractured after he fell into a hole dug by miners. Looking pained, he narrated his ordeal in the following expression: "I am from Itagunmodi. On April 18, 2002, I decided to visit my farm, on getting to a place, I saw two mine pits already dug. There was a narrow path between the pits. I thought it was passable and so I decided to go through the narrow path. Unfortunately, it collapsed and I found myself in a deep pit. My right leg got seriously broken. I have been to various hospitals spending so much on treatment. It has been difficult for me to feed myself and family. I have had to borrow money, amounting to over N600, 000 just to treat the leg. I need help. This is what the mining has cost some of us who are residents,¹⁴" he said.

For 80-year-old Rhoda Ajanaku, also a resident, it has been one loss after the other. She narrated how she lost her husband due to respiratory infection. She bemoaned her fate as she has also lost the use of her eyes. In her words, "I really do not know how to start counting my losses. I have lost my eyes. My eyes are bad. I can't see. I have been having the eye problems for a very long time. I noticed that my eyesight was becoming weak. I used water from the wells around here. I do not have any other source. We have been warned not to drink the water or use it in any other way. But where do I get the money or wherewithal to get potable water? I drink it; use it in cooking, bathing. But I kept on using it until it affected my eyes. My husband died as a result of respiratory infection. He would visit his farm which had become

¹³ *ibid*, Tuesday, 3rd January, 2017 p.20

¹⁴ *ibid*, Tuesday, 3rd January, 2017 p.20

polluted by mining activities. By the time his situation worsened, it was difficult to get help for him,¹⁵ she said.

Mr. Kayode Rotimi, who is a resident of Iyere, nearby community equally affected by mining activities, lamented, among other things: the extent of insecurity, prostitution and poverty. He recalled that the number of miners was not as large as it was now. The number has grown so much that community became very worried. Mr. Rotimi lamented that the gold miners came from as far as Niger, Chad, and some other countries. Of course, many of them equally were from the northern part of Nigeria. Mr. Rotimi further recalled that the former governor of Osun State, Prince Olagunsoye Oyinlola, was able to curtail the activities of these miners but the present governor, Rauf Aregbesola, decided to allow them more opportunities. The devastation was huge. Once each miner pays ₦100 per day to the government, they are allowed to mine anywhere in the town. Mr. Rotimi further said, "It is depressing to say that despite the rich presence of gold here and the many years of mining activities, the community dwellers have not enjoyed communal benefits. We do not have electricity, potable water, schools or roads. We have no government presence here. It is worse because we are helpless. Since the government has allowed such mining, we cannot do anything to stop the land degradation that is daily carried out on our lands. At a point, we became so disturbed about security that we had to report at the Police station and the army barracks particularly because of the daily influx of foreigners whose language we do not understand. They come from far in large numbers to mine. Each day, about eight buses enter into this town for such purpose¹⁶". During General Ibrahim Babangida regime, a gold refining outpost was built so that all the gold mined would be taken there. Unfortunately, that place never saw the light of the day. Nobody uses that place. The moment the miners came across the precious stones, they left the town. "We are worse hit by the mining activities. It has affected the soil texture of the earth. Our farmers out of fear allow them to mine for a pittance. But our cocoa and other crops get destroyed as a result of the mining activities. It has affected our agricultural products to a large extent. Those who refuse to allow them use their farmlands for mining are mysteriously killed. I must equally add that we refused them bringing their wives and families here. This has given rise to prostitution. Many women find their way here to prostitute,¹⁷" Mr. Kayode Rotimi stated with anguish feelings.

¹⁵ *Ibid*, Tuesday, 3rd January, 2017 p.20

¹⁶ *Ibid*, Tuesday, 3rd January, 2017 p.20

¹⁷ *Ibid*, Tuesday, 3rd January, 2017 p.20

Now the hazards associated with the mining activities are quite disturbing. It has polluted the water which in turn has poisoned so many of residents of the community. The death toll can better be imagined than been told. Usually miners use all kinds of chemicals in the digging. This will also affect agricultural produce in a mining area. The government seems not to be doing anything concerning unchecked miners. The obvious truth is that wherever is dug, the chemicals used would kill any plant life there. The community dwellers couldn't chase these miners away because the miners claimed they had the backing of government. Today, Itangunmodi, and other communities of Iyere, Igun, Eepe and Gbadeye have been affected adversely.

Naturally endowed with the capacity to transform themselves into modern towns with all the needed social amenities, Itangunmodi and others have known nothing but increasing environmental degradation, public health hazards and deaths. Like many other gold mining boom towns across the globe, Itangunmodi, Iyere; -Igun, Eepe and Gbadeye, have degenerated into lawless enclaves where alcohol, drug abuse, theft, prostitution and murders thrive.

3.1 *Public health concerns for Itangunmodi Community*

Chemicals of varying colour and smell takes possession of the air wherever mining activities occurs. Public health experts have insisted that cyanide and mercury which are the two commonest extraction agents used for gold are toxic when released into the water and air¹⁸.

In his remarks, Professor Kayode Oshagbemi, public health physician, with emphasis on public health disasters and emergency, University of Ilorin, Ilorin, Kwara State, outlined the public health damage being carried out in the in any mining area. His words: 'The impacts of mining are very diverse. Mining has negative implications on individual health as well as public health. The pits that are dug constitute water bodies when there are heavy rain falls. These water bodies constitute breeding spaces for vectors that can transmit diseases. "I must equally add that the residents can come down with respiratory diseases and contamination of their blood system. This is so because of the toxic chemicals used during mining. Professor Kayode Oshagbemi explained further: "public come in contact with the chemicals used in mining processes

¹⁸ *Ibid*, p.20

through the water they drink and use and get infected. Some of them can come down with simple pneumonia to other serious respiratory ailments in the future. "Also, the chemicals that are used in processing these metals can cause pollution of the water bodies that are available in that area. Livestock and other aquatic lives are affected in the process. There is also degradation which will negatively affect the quality of food that can come from the area. The chemicals used in mining have serious consequence on crops. When people consume these crops, they can be adversely affected. The vegetation of the area is also affected which can result in food shortage for residents. You find out that many of the farmers will record low farm yields¹⁹.

In most cases, these miners do not wear protective kits. Many of them inhale very dangerous metallic materials and dust while mining. They get into dark gullies and burrows. They come across all kinds of dangerous animals and reptiles. Sometimes, the pit they have dug also collapses on them while they are digging. Many of them have died in that process. There is no doubting the fact that uncontrolled mining activities constitute health hazards to members of the host communities. The government must regulate the activities of the miners. The miners must get registered. Now that the Nigerian government is looking elsewhere aside petroleum, something tangible must be done to regulate the industry. They must be made to follow global standard geological processes that would make mining there less hazardous.

Professor M.O. Olonrunfemi, a geo-physicist from the Obafemi Awolowo University, Ife, Osun State, shared a similar bent. According to him, "Itagunmodi is noted for gold and gold has been mined in that community over a long period of time mostly by illegal miners. Every mining activity will degrade the environment. What is being done there is open caste mining. When that is done, a lot of environmental degradation takes place. Gullies, holes are created. The miners, of whatever gems, get affected also. When you create gullies by mining and then it rains, the gullies get filled with water and artificial lakes are created. People get affected health-wise. Professor M.O. Olonrunfemi further recalled what happened in Zamfara state in Nigeria where many people died as a result of mining. The gold in Zamfara is associated with galena. Galena is lead-sulphite. When they get this gold, they will wash into water-galena. The people in that area used the water for drinking and cooking and so they were consuming lead. It became bio-accumulated in their system.

¹⁹ *Ibid*, Tuesday, 3rd January, 2017 p.22

When it gets to the toxic level, it becomes deadening. That is while we have a lot of deaths in Zamfara state.²⁰

3.2 Economic losses of illegal Mining

The Minister of Mines and Steel Development, Dr Kayode Fayemi, stated that Nigeria boasts of 10million illegal miners, making it lose 100kg of Gold daily to this. "The truth of the matter is that, this is very pervasive. It is extensive; it is all over the country. There may be as many as six to 10 million Nigerians involved in this. We need to reduce the use of mercury to the barest minimum. About 100 kilogramme of gold leaves the country everyday without any record, Dr Kayode Fayemi noted with disapproval. Dr Fayemi said the government has decided that it will give the miners licenses, that is, mini licenses for their areas. Let them come under artisanal and small scale mining offices," he said. With about 10million illegal miners plying their trade, 100kg of gold leaving the country each day without any record and the level of environmental degradation and avoidable deaths cross the country; it would indeed be difficult for the nation to contain the various areas of losses²¹.

Like *Itangunmodi* and its neighbouring communities, the devastation would continue unabated given the near handicap of government at various levels to develop workable frameworks to check the fatal excesses of the perpetrators.

4. RIGHTS OF THE COMMUNITY OF ITANGUNMODI COMMUNITY TO HEALTHY AND SAFE ENVIRONMENT.

Several international instruments, conventions, protocols and declarations have emphasized the need to keep the environment healthy and safe for mankind irrespective where the persons may reside or be domiciled. The Rio declaration²² on its principle one emphasizes the need to protect the environment so as to sustain the health of the people. The African Charter of Human and Peoples Rights²³ made provision for the people to have satisfactory environment favourable to their development. These are international instruments related to health and it has been a source of law on health and safety of citizens of member nations.

²⁰ *Ibid*, Tuesday, 3rd January, 2017 p.22

²¹ *Ibid*, p.22

²² (1992) *United Nation Conference on environment and Development* (UNCED) principle No. 1

²³ (1981) Art 2

As noted earlier, section 20 provides²⁴ and section 17 (3) (c) (d)²⁵ emphasized the duty of the government of the federation to ensure good “health, safety and that the welfare of all persons in employment are not toiled with, and that no one is endangered or abused” and (d) of the section 17 went further to direct the state to ensure that “there are adequate medical and health facilities for all persons. It was in pursuance of section 20 and section 17 (3) (c) & (d), of 1999 Constitution of the Federal Republic of Nigeria (CFRN) as amended, that the Nigeria Parliament passed criminal code²⁶ to sanctions any act which fouls the atmosphere so as to make it noxious to the health of persons dwelling or carrying on business in the neighbourhood, as a misdemeanour, and liable to imprisonment for six months on conviction. In spite of the penal sanctions against those who foul the atmosphere, places in Nigeria particularly Lagos, Port Harcourt, Bayelsa, Warri, Kano are full of pollutions from multinational corporations, private business houses that endanger human being’s health and animals alike. The various levels of government in Nigeria seem not be serious about pollution. It is not morally wrong to say that although there are federal and state legislations on environmental pollutions, there is lack of political will for enforcements of environmental legislations. The situation of mining pollution in the community of Itangunmodi, in Atakumosa West Local Government Area of Osun State, Nigeria lives much to be desired and it is the reference point and the centre piece of this paper.

5. CONCLUSION AND RECOMMENDATIONS

- i. The Federal and the Osun state Governments of Nigeria should, as a matter of urgency and necessity build houses and resettle the inhabitants of Itangunmodi, in Atakumosa West Local Government Area of Osun State to a safer and new environment.
- ii. We recommend that, in further amelioration of suffering of the youths of Itangunmodi, in Atakumosa West Local Government Area of Osun State, the Federal Government should compel the multinational mining companies to employ all the youths who are able and willing to work in the companies because it is these companies and other illegal miners that polluted their environments.

²⁴ The 1999 *Constitution of the Federal Republic of Nigeria* (CFRN) as amended, section 20

²⁵ *ibid*

²⁶ *Criminal code* (supra) section 247

- iii. The Federal Government, in conjunction with the mining corporations should establish a water treatment plants, employ the indigenes of the Itangunmodi, in Atakumosa West Local Government Area of Osun State to produce portable water to serve the community free of charge; by so doing the incidence of cholera, and cancer among the people will be eliminated.
- iv. The Federal and Osun state Governments of Nigeria in conjunction with the mining companies, should establish a cancer screening and treatment centres to conduct diagnosis on the dwellers of Itangunmodi community, in Atakumosa West Local Government Area of Osun State, so that those affected by mining pollution and consequential cancer be urgently treated effectively with follow ups, free of charge.
- v. Companies and multinationals are interested more in maximizing profit by attaining production equilibrium; hence they devastate the environment through all mining activities, it is therefore recommended that tax be imposed on them. The income should be used in developmental projects in community.
- vi. There should be regular monitoring and enforcement of environmental regulations, by so doing these miners will be on their toes. The illegal miners will fissile away to avoid being caught and prosecuted.
- vii. Government should initiate negotiated settlements between miners and the host Communities; by so doing the Itangunmodi community, in Atakumosa West Local Government Area of Osun State will heave a sigh of relief. The mining companies should build a health centres, potable water supply, schools and access road for the community. These would at least serve as compensation to the devastation of the communities over three decades.
- viii. National Environmental Standard Regulations Enforcement Agency (NESREA) must wake up alive to its duties. Miners that are not complying with environmental impact assessment of their activities must be compelled to do so and those who flaunted the NESREA regulations should be prosecuted immediately.

- ix. National Environmental Standard Regulations Enforcement Agency (NESREA) should intensify its enlightenment campaign to educate the public on toxic and ways of avoiding and ameliorating mining hazards, particularly the Itangunmodi community, in Atakumosa West Local Government Area of Osun State and Zamfara state in Nigeria.

It is believed that if these recommendations are implemented with every sense of commitments, the people of the rich mineral deposits of *Itangunmodi community* will be saved from the life-threatening hazards of mining activities in their community. Illegal miners will fissile out and there will be an improved socio-economic development in the community, State and Nigeria.