

# An Assessment of the Effectiveness of Niger's Labour Laws in Mitigating Health and Safety Risks Associated with Mining Work

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## Abstract

This paper examines the regulatory framework governing health and safety in Niger's mining industry, a sector central to the country's economic development and subject to substantial investment despite ongoing political instability. It reviews the constitutional, mining, and labour codes that collectively aim to protect mine workers from occupational hazards, including exposure to radioactive materials and toxic chemicals, particularly in uranium mines. Despite the existence of these legal provisions, the paper finds that their practical effectiveness is undermined by inadequate enforcement, limited funding, insufficient legal coverage of emerging risks, corruption, lack of political will, exclusion of workers from policy-making, and scarcity of occupational health resources. Empirical evidence reveals persistent health and safety violations, especially in artisanal and small-scale mining, with frequent accidents and occupational diseases. The study concludes that, while Niger's legal framework has the potential to safeguard miners, systemic flaws in implementation and governance have resulted in ongoing health and safety risks, highlighting the urgent need for reforms to ensure legal compliance, worker participation, and resource allocation for occupational health and safety in the mining sector.

Keywords: Health, Safety, Mining, Workers, Niger, Radioactivity, Uranium, Legal Framework

## 1 Introduction

Several African countries have continuously relied on their extractive industry for economic development for decades. As a result, investment in the extractive sector in Africa has steadily climbed over the years. As an example, exploration budgets for Africa "continued to grow year over year in 2022, maintaining their 10 % share of the global budget".<sup>1</sup> Historically, mining has played a central role in Niger's economic growth. Even after the 2023

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1 *S&P Global Market Intelligence, Africa – mining by the numbers, 2022* (2022) <https://www.spglobal.com/marketintelligence/en/news-insights/research/africa-mining-by-the-numbers-2022> (accessed on 20 July 2024).

military coup, mining has continued to shape debates in the country. In 2024, the military junta revoked mining licenses, including a significant uranium permit, and proceeded to nationalise the Samira Hill gold mine in 2025,<sup>2</sup> and plans to nationalise the SOMAÏR uranium mine.<sup>3</sup> Despite political instability, Niger has granted new licenses for copper and lithium mining in the Agadez region, with the government holding significant stakes in these new ventures.<sup>4</sup> In addition, Niger possesses significant mineral wealth, particularly in uranium, and has potential in rare earth elements and battery minerals.<sup>5</sup>

The above demonstrates a growing appetite for investing in extractive activities. However, such investment opportunities can lead to various issues, including health and safety concerns. The main health and safety issue in the mining industry is the exposure of workers to hazardous conditions that can cause injuries, diseases, or fatalities. There have been reports of workers being exposed to radioactive ore and dust in the uranium mines of Arlit and Akokan, for example, due to inadequate protection against radioactive dust.<sup>6</sup>

Such issues raise a question as to whether health and safety are adequately regulated in the Nigerien mining industry. Thus, this paper aims to analyse the effectiveness of the legal framework regulating and promoting health and safety measures in the country's mining industry. The paper first reviews existing laws applicable to health and safety to highlight the extent to which they enable the prevention and mitigation of health and safety issues in the mining industry. The paper then proceeds to analyse the effectiveness of the legal framework in practice, highlighting failures and reasons thereof before concluding.

## 2 Regulation of Health and Safety

A legal framework is the essential foundation for regulating health and safety in the mining industry, which is inherently a dangerous space for workers. A practical legal framework provides the legal enforcement authority and creates a culture of safety by defining standards, assigning responsibilities, and ensuring employee rights.<sup>7</sup> The Nigerien legal

2 *AFP*, Niger announces nationalisation of its only gold mine (2025) <https://www.ewn.co.za/2025/08/09/niger-announces-nationalisation-of-its-only-gold-mine> (accessed on 28 October 2025).

3 *Africanews with AP*, Niger to nationalize uranium venture operated by France's Orano (2025) <https://www.africanews.com/2025/06/20/niger-to-nationalize-uranium-venture-operated-by-frances-orano/> (accessed on 27 October 2025).

4 25 % in the copper project and 40 % in the lithium project. See *Martina Schwikowski*, Sahel juntas drive new era in mineral extraction (2025) <https://www.dw.com/en/sahel-juntas-drive-new-era-in-mineral-extraction/a-72124570> (accessed on 28 October 2025).

5 *SFA-Oxford*, Niger: Critical minerals, policy, and the energy transition (2025) <https://www.sfa-oxford.com/lithox/critical-minerals-policy-legislation/all-countries/africa/niger/> (accessed on 28 October 2025).

6 *The Guardian*, [https://www.theguardian.com/world/2010/oct/15/niger-mining?utm\\_source=chatgpt.com](https://www.theguardian.com/world/2010/oct/15/niger-mining?utm_source=chatgpt.com) (accessed on 08 October 2025).

7 *Johs Andenæs*, 'The legal framework', *Aspects of Social Control in Welfare States* (1968).

framework, therefore, takes steps to ensure health and safety in the workplace, especially in hazardous working environments such as mining.

Article 12 of the Nigerien Constitution guarantees several fundamental rights, including the right to health. Thus, the article explicitly grants to every individual in Niger the right to health by emphasising the state's responsibility to provide these necessities. This suggests a focus on social and economic rights. However, by highlighting that the right must be realised within "the conditions specified by the law", the Constitution indicates that such a right is not absolute and can be regulated by domestic legislation. It is therefore necessary to explore how the legislation enables the right to health and safety in the Nigerien mining sector.

The Nigerien mining code provides that natural or legal persons involved in the exploration or extraction of mineral resources must comply with best practices to ensure the safety and hygiene of employees and other persons on site.<sup>8</sup> Thus, the mining code requires any persons or legal entities engaged in prospecting or mining activities to comply with standard practices to guarantee the safety and health of their employees and of third parties. The Code also provides for ensuring minimum safety and hygiene standards applicable to mining activities, including health risks such as silicosis and ionising radiation.<sup>9</sup> It equally provides for safety rules relating to the transport, storage, and use of explosives during mining operations.<sup>10</sup> Thus, the Mining Code aims to ensure that mining companies conduct their operations in ways that minimise risk to miners (as well as to people in proximity), especially from known health hazards in mining, such as silicosis (from dust) and radiation exposure.

The mining code's provisions for health and safety implement guidelines provided by the Labour Code.<sup>11</sup> The primary aim of Niger's Labour Code is to regulate the relationship between employees and employers, ensuring fair labour practices and promoting social justice in the workplace. In essence, the Labour Code aims to strike a balance between the rights and obligations of employers and employees, aiming to create a stable and productive labour environment in Niger. Such rights and responsibilities include health and safety at the workplace. The health & safety provisions in the Nigerien Labour Code are designed to protect the life, physical integrity, and health of employees by ensuring that employers take the necessary preventive measures and maintain working conditions that reduce risks.<sup>12</sup> More specifically, the Labour Code aims to ensure that employers implement all "useful measures" suited to their particular operating conditions to guarantee health, safety, and hygiene at work.<sup>13</sup> This implies that mining companies must design workplaces, tools,

8 Article 121 of the Mining Code.

9 Ibid.

10 Ibid.

11 Law No. 2012-45 of 25 September 2012.

12 Chapter II of Law No. 2012-45.

13 Articles 136-137 of Law No. 2012-45.

and procedures to avoid or minimise health risks associated with mining activities. As a result, the Labour Code sets minimum standards that employers must meet to ensure safety, hygiene, and medical oversight, as well as in the layout and arrangement of installations.<sup>14</sup> The overall goal is to prevent incidents that threaten the health and life of workers. Thus, rather than merely reacting to accidents or illnesses, the law aims to promote proactive action: risk prevention, safety planning, hygiene and health monitoring, among others. To ensure that the Labour Code achieves its aim, it assigns legal obligations that must be complied with, subject to regulation and inspection, so that employers who fail to meet safety and health requirements are held accountable.<sup>15</sup>

Having Occupational Health and Safety provisions in place, as provided by the Labour Code discussed above, is essential for protecting workers, employers, and society as a whole. Such provisions create structured systems that prevent accidents, reduce disease, and improve productivity.<sup>16</sup> Hence, occupational health and safety provisions are critical in the mining industry to save lives. This, in turn, strengthens productivity, reduces economic losses, ensures legal compliance and promotes social justice. Thus, promoting and enhancing health and safety in the Nigerien mining sector is not just a legal requirement — it is a foundation for sustainable and equitable economic development.<sup>17</sup>

While Niger does not have a single, stand-alone “Mine Health and Safety Act”, mine safety is covered by the various provisions discussed above. These provisions have the potential to prevent and or limit health and safety hazards associated with mining in Niger. However, research suggests that the promising aims of such provisions are not translated into reality. The following section highlights factors hindering the achievement of a zero-harm mining sector in Niger.

### 3 Factors Limiting Effective Regulation

As mentioned above, the promising provisions promoting occupational health and safety in Niger have not been as effective as intended from their conception. As a result, there have been reports of instances where the safety and health of mine workers have been seriously compromised. In a 2024 study (Dosso, Niger), data from the Caisse Nationale de Sécurité Sociale (CNSS) highlighted 160 declarations of occupational accidents or diseases in 2017,

14 Ibid article 136.

15 Article 239–140 of Law No. 2012–45.

16 Ahmed Farouk Kineber, Maxwell Fordjour Antwi-Afari, Faris Elghaish, Ahmad MA Zamil, Mohammad Alhusban and Thikryat Jibril Obied Qaralleh, 'Benefits of implementing occupational health and safety management systems for the sustainable construction industry: a systematic literature review' (2023) 15 Sustainability 12697, 10.

17 Kassu Jilcha and Daniel Kitaw, 'Industrial occupational safety and health innovation for sustainable development' (2017) 20 Engineering science and technology, an international journal 372, 372–373.

with 95 % being accidents, including 8.6 % fatalities.<sup>18</sup> Further, in 2019, mine workers reported about 600 cases of occupational accidents.<sup>19</sup> Similarly, Workers in Niger's mining sector face serious health issues stemming from a combination of toxic chemical exposure, radiation, physical hazards, and infectious diseases.<sup>20</sup> These risks are most likely severe for those in the poorly regulated artisanal and small-scale mining sector, where safety measures are often nonexistent.<sup>21</sup>

As a major uranium producer, Niger's mine workers, particularly in the northern regions, are at risk of exposure to radioactive materials.<sup>22</sup> For example, radiation exposure is a major concern for workers as they frequently risk exposure to radon gas, a decay product of uranium linked to lung cancer.<sup>23</sup> External exposure to alpha and gamma radiation from uranium and its decay products is another concern for people working in processing plants and near tailings.<sup>24</sup> Besides radioactive elements, mine workers are also at risk of exposure to contamination by heavy metals such as radium and thorium, which are released during uranium mining.<sup>25</sup> These heavy metals can contaminate water sources and dust, posing a health hazard when consumed or inhaled by mine workers.<sup>26</sup> Ingestion or inhalation of heavy metals can cause various cancers and organ damage.<sup>27</sup> For example, a 2023 study by a health observatory for former uranium mine employees identified cases of lung and blood

- 18 *Halimatou Nassirou-Sabo and Moussa Toudou-Daouda, 'Assessment of knowledge, attitudes, and practices of occupational risks and diseases among healthcare providers of the Regional Hospital Center of Dosso, Niger'* (2024) 12 SAGE Open Medicine 20503121231224549, 1–2.
- 19 *Agence Nigérienne de Presse (ANP), Accidents de travail au Niger: 200 cas dont dix décès et près de 600 millions d'indemnisation* (2019) <https://anp.ne/accidents-de-travail-au-niger-200-cas-dont-dix-deces-et-pres-de-600-millions-dindemnisation/> (accessed 28 October 2025).
- 20 *Ibid.*
- 21 *Gavin Hilson, Halima Goumandakoye and Penda Diallo, 'Formalizing artisanal mining 'spaces' in rural sub-Saharan Africa: The case of Niger'* (2019) 80 Land use policy 259, 260.
- 22 *Moustapha Kadi Oumani, Conditions d'extraction de l'uranium au Niger, impact sur le développement et conditions de travail* (2019) <https://www.energiesosfutur.org/publications/international/conditions-dextraction-de-luranium-au-niger-impact-sur-le-developpement-et-conditions-de-travail/> (accessed on 28 October 2025).
- 23 *Marilyn Urrutia-Pereira, José Miguel Chatkin, Heriberto José Chong-Neto and Dirceu Solé, 'Radon exposure: a major cause of lung cancer in nonsmokers'* (2023) 49 Jornal Brasileiro de Pneumologia e20230210, 1–2.
- 24 *Vasyl Lyashenko, Viktor Stus, Yuriy Kyselov and Ivan Lisovyi, 'Assessment of the Impact of the Uranium Industry on the Environment and Population'* (2025) 31 Mining Revue/Revista Minelor.
- 25 *Nnabuk Okon Eddy, Ogbonaya Igwe, Ifeanyi Samson Eze, Rajni Garg, Kovo Akpomie, Chinwe Timothy, Gloria Udeokpote, Ifeanyi Ucheana and Hazratullah Paktin, 'Environmental and public health risk management, remediation and rehabilitation options for impacts of radionuclide mining'* (2025) 6 Discover Sustainability 209.
- 26 *SV Fesenko and ES Emlutina, 'Thorium concentrations in the environment: A review of the global data'* (2021) 48 Biology Bulletin 2086, 2087.
- 27 *Wafa Alimam and Anssi Auvinen, 'Cancer risk due to ingestion of naturally occurring radionuclides through drinking water: A systematic review'* (2025) 968 Science of the Total Environment 178849, 2–3.

cancers and silicosis linked to their work in uranium mines.<sup>28</sup> These examples suggest that the Nigerien legal framework has been ineffective in addressing health and safety concerns within its mining industry. Such a failure can be attributed to various factors.

Research suggests that while Niger's labour and mining codes address health and safety, their provisions are undermined by significant flaws in implementation, particularly regarding the large informal and mining sectors. The following discussion examines the major flaws that hinder the effective promotion of health and safety in the Nigerien mining industry.

### 3.1 *Lack of effective enforcement and funding*

The most prominent flaw hampering the prevention of health and safety issues in the Nigerien mining industry is the lack of effective enforcement by regulatory agencies. A lack of effective health and safety enforcement, due to institutional and resource capacity gaps within regulatory agencies, poses a significant challenge for many African countries.<sup>29</sup> These gaps lead to problems like weak oversight, inadequate infrastructure, and limited human resources for monitoring and enforcement, despite the existence of legal frameworks designed to protect workers.<sup>30</sup>

Thus, even when laws and decrees exist, their practical application can be limited by capacity issues. This is because regulatory bodies in countries like Niger often lack the necessary funding, infrastructure, and skilled personnel to monitor and enforce safety regulations effectively.<sup>31</sup> There is, therefore, a need for more robust enforcement mechanisms, including consistent monitoring, clear penalties, and effective evaluation of compliance with health and safety standards. Niger can achieve this by enabling international oversight. However, while international bodies can offer guidance, they do not have the authority to compel compliance with domestic regulations, as noted in the case of the African Union's African Peer Review Mechanism.

Poor enforcement is also attributed to limited funding. Particularly, there is an insufficient staffing level and a lack of training for labour inspectors within government agencies,

28 *Rédaction Africanews and AFP*, Million tonnes of partially radioactive waste stir up fear in Niger (2024) <https://www.africanews.com/2023/03/16/million-tonnes-of-partially-radioactive-waste-stir-up-fear-in-niger/> (accessed on 28 October 2025).

29 *Oluwatosin B Igbayiyo and Danny Bradlow*, 'An assessment of the regulatory legal and institutional framework of the mining industry in South Africa and Kenya for effective human rights protection: Lessons for other countries' (2021) 21 African Human Rights Law Journal 363, 376 & 385.

30 *Erin Smith and Peter Rosenblum*, 'Enforcing the rules: Government and citizen oversight of Mining' (2011) 7 & 10.

31 *Oliver P Maponga and Chilombo Musa*, 'Domestication of the role of the mining sector in Southern Africa through local content requirements' (2021) 8 The Extractive Industries and Society 195, 199 & 208.

due to limited funding, which often results in inadequate monitoring of workplaces.<sup>32</sup> As a result, many companies operate with little regard for safety regulations.<sup>33</sup> While specific company names are not publicly disclosed for negligence in Niger, the artisanal and small-scale mining (ASM) sector in Niger is often characterised by a lack of proper health and safety, leading to frequent accidents and exposure to hazards such as dust and noise.<sup>34</sup> Large-scale operations are less frequently the subject of such reports, but a general lack of enforcement and poor working conditions, such as inadequate or non-existent safety equipment and training, are common across many mining sectors in countries like Niger.<sup>35</sup> Another reason why the rule of law fails to prevent health and safety issues effectively in Niger is the flaws of the legal framework, as explained below.

### 3.2 Inadequate legal framework

While the Niger's legal framework acknowledges occupational health and safety (OHS) — mainly through the Mining Code and the Labour Code, it remains inadequate to protect mine workers effectively. The legal framework fails to provide for emerging risks and modern technologies. This limitation creates little incentive for companies to comply.

Furthermore, due to inadequate health and safety provisions in the mining industry, companies often resort to self-monitoring.<sup>36</sup> While there is no specific literature confirming this exact situation in Niger, evidence indicates a lack of robust government oversight, which may explain why self-monitoring occurs. As a result, formal mines are often expected to self-report accidents or radiation levels, which can lead to underreporting or data

- 32 World Bank, Préparation du Projet Intégré de Gouvernance du Secteur Extractif pour le Développement Local (GOLD) (2020) Report, xi & 150 <https://documents1.worldbank.org/curated/en/099120502222326239/pdf/P1642710f11d2803608ad500713e5983f31.pdf> (accessed on 29 October 2025).
- 33 Abdulkader Afane and Laurent Gagnol, 'Une ruée vers l'or contemporaine au Sahara: l'extractivisme aurifère informel au nord du Niger' (2021) VertigO-la revue électronique en sciences de l'environnement.
- 34 Boubacar Zanguina Djafarou, 'Perceptions des risques sanitaires, environnementaux et sociaux par les orpailleurs de Koma Bangou (Liptako nigérien)', Université Abdou Moumouni de Niamey (2023) 15–16.
- 35 International Labour Organization, Chemical exposures in mining: Impacts for occupational safety and health (ILO 2024) 10 & 19; Francis Arthur-Holmes and Kwaku Abrefa Busia, 'Safety concerns and occupational health hazards of women in artisanal and small-scale mining in Ghana' (2022) 10 The Extractive Industries and Society 101079, 3.
- 36 May Hermanus, Nancy Coulson and N Pillay, 'Mine Occupational Safety and Health Leading Practice Adoption System (MOSH) examined—the promise and pitfalls of this employer-led initiative to improve health and safety in South African Mines' (2015) 115 Journal of the Southern African Institute of Mining and Metallurgy 717, 724.

manipulation.<sup>37</sup> This is concerning because poor waste and tailings management expose workers and nearby communities to radioactive dust and contaminated water.<sup>38</sup> Such poor management is attributed to minimal or absent long-term monitoring of miners' health (for radiation-related cancers or lung diseases).<sup>39</sup>

Past studies around Arlit and Akokan show high levels of radiation and heavy metals, but few formal accountability mechanisms exist for worker compensation.<sup>40</sup>

### 3.3 Corruption and lack of political will

Reports indicate that corruption can affect regulatory oversight, allowing some companies to operate in violation of safety standards by bribing officials. Corruption has severely undermined the enforcement of health and safety standards in Niger's mining industry through bribery, illicit practices, weak governance, and exploitation.<sup>41</sup> For decades, the lack of effective governance and pervasive corruption has created an environment where the safety of miners and the surrounding environment is neglected for private profit.<sup>42</sup> There is a strong indication that mining companies in Niger have used bribes to secure or expedite the issuance of licenses and permits, thereby bypassing mandatory environmental and safety assessments.<sup>43</sup> While there is no clear evidence in the case of Niger, such a situation allows operators to run mines without proper oversight, leading to the neglect of health and safety protocols. As observed in Nigeria, officials responsible for inspecting mine sites have reportedly accepted bribes to ignore safety violations.<sup>44</sup> This includes overlooking dangers such as poor ventilation in underground mines, inadequate personal protective

37 *Seyedeh Arezoo Baghaei Naeini and Adel Badri*, 'Identification and categorization of hazards in the mining industry: A systematic review of the literature' (2024) 15 International Review of Applied Sciences and Engineering 1, 11.

38 *Eddy and others*, 'Environmental and public health risk management, remediation and rehabilitation options for impacts of radionuclide mining'.

39 *Ibid.*

40 *MO Sidibé, AO Manga, S Soumana and OK Adukpo*, 'Assessment of the Level of Radioactivity in the Soil in Urban Areas and Building Materials of Arlit City (Agadez-NIGER)' (2024) 50 Atom Indonesia 273, 277–278; Bruno Chareyron and Corinne Castanier, *Remarks on the radiological situation in the vicinity of the uranium mines operated by Somair and Cominak (subsidiaries of Areva) in northern Niger. Study conducted on behalf of Greenpeace International-Criirad Report no. 10-09, 2010*.

41 Julien Gourdon and Hugo Lapeyronie, *Le potentiel minier de l'Afrique: Panorama, enjeux et défis*, (2024) 17 & 25.

42 *Bella Malcolm*, The Dark Side of Africa's Mining Industry and the Road to Reform (2025) <https://www.africanleadershipmagazine.co.uk/the-dark-side-of-africas-mining-industry-and-the-road-to-reform/> (accessed on 30 October 2025).

43 *Enrica Chiappero Martinetti, Juan Núñez Leanes and Marco Spalluto*, 'A Neo-Colonialist Mining Legacy: The Past and Present of Uranium Extraction in Niger' 46.

44 *Salihu Ayatullahi*, Lithium Hunters: Bribery, Abuses, Deaths – The Dark Side Of Nigeria's Illegal Mining (2023) [https://crossriverwatch.com/2023/09/\\_trashed-14/](https://crossriverwatch.com/2023/09/_trashed-14/) (accessed on 30 October 2025).

equipment, and the unsafe handling of toxic chemicals like mercury and cyanide.<sup>45</sup> Further, corrupt officials are reported to actively aid and abet illegal mining operations in return for bribes.<sup>46</sup> This complicity allows unlicensed miners to operate in remote areas with minimal government presence, where health and safety are virtually non-existent.

The consequences of corruption in the industry are often exacerbated by a lack of strong political will to enforce labour laws.<sup>47</sup> This flaw is very likely to enable influential companies to evade proper penalties for health and safety negligence. Areva, a French state-controlled nuclear company (now Orano), provides a prominent example of a multi-national corporation that has evaded proper penalties for health and safety negligence in Niger, largely due to a lack of political will from both the Nigerien and French governments. This impunity was exposed through decades of activism by non-governmental organisations (NGOs) and local groups, which consistently documented the severe and long-lasting impacts of the company's uranium mining operations.<sup>48</sup> Despite decades of evidence and advocacy, Areva repeatedly avoided meaningful penalties or prosecution for its negligence.<sup>49</sup> This example highlights the gross systemic failure of political will in both Niger and France. As a result, prosecuting employers like Areva for violations was slow and ineffective, largely because agreements between the Nigerien government and Areva were often opaque and non-transparent.<sup>50</sup> This resulted in a lack of public oversight, enabling the company to operate with little accountability.

### 3.4 Limited inclusion of workers in policy

There is no documented evidence of workers' exclusion. However, analyses of Niger's mining sector reveal systemic issues that suggest that workers and their representatives are at times excluded from the process of formulating health and safety policies, meaning that

45 *BIT, La sécurité et la santé dans les mines à ciel ouvert* (2018) 60 & 66.

46 *Hervé LADO, Christophe Vadot and Ibrahim Amani, 'La Renégociation des Contrats Miniers en Afrique. Cas du Niger et de la Guinée'* (2017) Centre d'Excellence pour la Gouvernance des Industries Extractives en Afrique Francophone 11.

47 *Ahamadou Mohamed Maiga, « Les compagnies minières ne sont pas là pour les beaux yeux des Africains »* (2025) <https://www.agenceecofin.com/reflexion/0505-128067-les-compagnies-minières-ne-sont-pas-la-pour-les-beaux-yeux-des-africains-dr-ahamadou-mohamed-maiga> (accessed on 30 October 2025).

48 *Sherpa, Health of uranium miners at AREVA sites in Gabon and Niger* (2012) <https://www.asso-sherpa.org/health-of-uranium-miners-at-areva-sites-in-gabon-and-niger/> (accessed on 30 October 2025).

49 *Libération – AFP, Imprudence Areva visée par un procès pour « négligence » lors de l'enlèvement de Français au Niger en 2010* (2025) <https://www.libération.fr/societe/police-justice/areva-visée-par-un-procès-pour-négligence-lors-de-l'enlèvement-de-français-au-niger-en-2010-20251019/> (accessed on 30 October 2025).

50 *Resource Justice Network, Niger & Areva – missing contracts and presidential planes* (2015) <https://resourcejustice.org/niger-areva-missing-contracts-and-presidential-planes>. (accessed on 30 October 2025).

regulations may not adequately address the on-the-ground realities of various workplaces.<sup>51</sup> Including workers and their representatives in the formulation of health and safety policies is not just good practice — it's a legal, ethical, and practical necessity for effective protection in any workplace, especially in high-risk sectors like mining.<sup>52</sup> This is because workers experience daily operations and are often the first to notice unsafe conditions, faulty equipment, or poor ventilation. Thus, their involvement is likely to ensure that safety measures are practical and context-specific, rather than merely theoretical or imposed from above. Workers help identify hidden or emerging hazards such as fatigue, repetitive strain, toxic exposure and unsafe shortcuts.

Without worker input, policies risk being irrelevant, incomplete, and thus, challenging to implement effectively. Including them enhances risk assessments and early warning systems, reducing the likelihood of accidents and occupational diseases.<sup>53</sup> Additionally, involving workers promotes public participation, a key element of good governance. Participatory risk assessment strengthens the accuracy of hazard mapping and safety prioritisation.<sup>54</sup>

Policies created with workers rather than for them build mutual trust. When workers are part of the process, they are more likely to accept, understand, and comply with safety rules.<sup>55</sup> This is especially necessary in situations where many workers, particularly those with limited education, have a limited understanding of their legal rights and standard occupational health and safety practices. Limited or no involvement is likely to exacerbate a poor reporting culture and fear of job loss, which prevents many from speaking out against unsafe working conditions.<sup>56</sup>

### 3.5 Insufficient resources for occupational health

Research shows that Niger has very few occupational physicians, and safety/hygiene departments in health facilities are often managed by nurse technicians rather than by

51 *Doudou SIDIBE*, La renégociation du partenariat entre Orano (ex-Areva) et l'Etat du Niger en 2013: relations avec les parties prenantes et politique RSE (2025).

52 *Isidora Milošević, Andelka Stojanović, Đorđe Nikolić, Ivan Mihajlović, Aleksandar Brkić, Martina Perišić and Vesna Spasojević-Brkić*, 'Occupational health and safety performance in a changing mining environment: Identification of critical factors' (2025) 184 *Safety Science* 106745, 1–2.

53 *Ibid* 3.

54 *Marat Rudakov, Elena Gridina and Jürgen Kretschmann*, 'Risk-based thinking as a basis for efficient occupational safety management in the mining industry' (2021) 13 *Sustainability* 470, 3 & 5.

55 *Ibid* 5.

56 *Diego Bellini, Serena Cubico, Piermatteo Ardolino, Marino Bonaiuto, Maria Lidia Mascia and Barbara Barbieri*, 'Understanding and exploring the concept of fear, in the work context and its role in improving safety performance and reducing well-being in a steady job insecurity period' (2022) 14 *Sustainability* 14146, 4.

specialised OHS staff.<sup>57</sup> This results in a limited ability to diagnose, monitor, and prevent occupational diseases.<sup>58</sup> The country has a severe lack of trained occupational health practitioners and facilities to diagnose and treat work-related diseases.<sup>59</sup> This means that the health impacts of occupational hazards often go unaddressed, particularly for workers in the informal sector.

While large-scale mining operations controlled by multinational corporations have more financial resources than the artisanal sector, there is still a risk of neglecting to recruit and train staff to enforce worker safety.<sup>60</sup> Information regarding specific mining companies operating in Niger that have neglected worker health and safety, as explained earlier, is limited. This may be due to poor reporting, lack of regulatory enforcement, and a history of corporate opacity.<sup>61</sup> However, the French state-owned uranium company, AREVA and its subsidiaries have previously been the subject of numerous reports and investigations for serious health and environmental neglect during decades of uranium mining in Niger.<sup>62</sup> Another example involves the SOMINA uranium mine in the Azélik region, a joint venture that included China National Nuclear Corporation (CNNC).<sup>63</sup>

Therefore, the above is exacerbated by the current legal framework's failure to enable the labour inspectorate on the one hand. On the other hand, mining safety authorities have very few trained staff and have insufficient resources to conduct regular mine visits, as explained above.<sup>64</sup>

#### 4 Conclusion

While Niger possesses a comprehensive legal framework for regulating health and safety within its mining industry, comprising constitutional guarantees, the Mining Code, and

57 *Laurence Svirchev*, '9 Challenges of Managing Occupational Health' (2021) Improving Global Worker Health and Safety Through Collaborative Capacity Building Initiatives 127.

58 *Nassirou-Sabo and Toudou-Daouda*, 'Assessment of knowledge, attitudes, and practices of occupational risks and diseases among healthcare providers of the Regional Hospital Center of Dosso, Niger' 2 & 7.

59 *Ibid* 2.

60 *Olanrewaju Clement Alaba*, 'Systematic Review of Occupational Injuries and Illnesses in the Nigerian Mining Industry' (2024) 7 ABUAD Journal of Engineering Research and Development (AJERD) 405, 409.

61 *Ibrahima Aidara*, Why does AREVA refuse to pay a fair rate of tax in Niger? (2014) <https://africanarguments.org/2014/02/why-does-areva-refuse-to-pay-a-fair-rate-of-tax-in-niger-by-dr-ibrahima-aidara/> (accessed on 30 October 2025).

62 *The New Humanitarian*, Niger: Uranium – blessing or curse? (2007) <https://www.thenewhumanitarian.org/report/74738/niger-uranium-blessing-or-curse> (accessed on 30 October 2025).

63 *Ousmane Naomi Binta Stansly et al*, *Étude de référence sur les Entreprises et les Droits de l'Homme : cas des industries extractives au Niger* (2014) 5 & 68.

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the Labour Code, the practical effectiveness of these provisions remains significantly limited. The country's mining sector, especially given its central economic role and recent expansion into new minerals, continues to expose workers to serious occupational hazards, including toxic chemical exposure, radiation, and physical dangers. Despite legal requirements, there is persistent evidence of inadequate enforcement, insufficient funding, and limited capacity among regulatory authorities, resulting in frequent accidents and occupational diseases, particularly within the artisanal and small-scale mining sector.

Weak penalties, inconsistent application of existing laws, and a lack of clear standards for emerging risks further compound the inadequacy of the legal framework. Self-monitoring by companies, especially in the absence of robust oversight, leads to under-reporting and insufficient accountability. Corruption and a lack of political will further undermine regulatory efforts, allowing both domestic and multinational companies to evade proper scrutiny and penalties for health and safety violations. The exclusion of workers from policy formulation processes, coupled with low awareness of rights and insufficient occupational health resources, further diminishes the effectiveness of existing health and safety measures.

Ultimately, the Nigerien experience demonstrates that the mere existence of legal provisions is insufficient to guarantee the health and safety of mine workers. Effective protection requires not only a robust and adaptive legal framework but also strong enforcement mechanisms, adequate resources, genuine political commitment, and meaningful worker inclusion in policy development and implementation. Addressing these systemic challenges is essential for achieving a mining sector that is both safe for workers and conducive to sustainable, equitable economic development in Niger.

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