INTERNATIONAL UNIVERSITY OF EAST AFRICA
'Learning to Succeed'

FACULTY OF LAW

END OF SEMESTER EXAMINATIONS - APRIL 2025

PROGRAMME: LLB
YEAR/SEM: YEAR 4/SEMESTER 2
COURSE CODE: LLB 4214
NAME: FUNDAMENTALS OF MINING LAW AND PRACTICE IN UGANDA (ELECTIVE)
DATE:
TIME:

INSTRUCTIONS TO CANDIDATES:

SECTION A

Section A is compulsory, attempt the entire question

Question 1:

QUESTION 1

Mirembe Minerals Ltd, a Ugandan-registered company, applied for a prospecting license to conduct preliminary studies for gold deposits in Karamoja. While waiting for formal approval from the Directorate of Geological Survey and Mines (DGSM), the company went ahead and started extracting and exporting gold. The local community, whose land is affected by the activities, complained that the company was operating without proper consent and had failed to conduct an Environmental and Social Impact Assessment (ESIA).

A whistleblower reported the illegal mining to the National Environment Management Authority (NEMA) and the DGSM. Following investigations, Mirembe Minerals Ltd argued that it had been "verbally assured" that the license would be granted soon and that stopping their operations would result in financial losses. The company further claimed that their activities employed the local community.

1. Examine the legal requirements for acquiring mineral rights under the Mining and Minerals Act, and whether Mirembe Minerals Ltd followed due process. **(8 marks)**
2. Discuss the legal consequences of conducting mining operations without a valid license in Uganda. **(4 marks)**
3. What environmental and social obligations must a mining company fulfill before commencing operations, and what penalties apply for non-compliance? **(6 marks)**
4. Assess the role of regulatory authorities DGSM and NEMA, in ensuring compliance with mineral rights laws and preventing illegal mining activities. **(7 marks)**

Question 2:

QUESTION 2

Kato Mining Ltd, a Ugandan-registered company, was granted an exploration license in 2022 to conduct mineral prospecting activities in the Mubende District. After identifying significant gold deposits, the company applied for a mining lease but encountered delays in processing due to environmental concerns raised by the National Environment Management Authority (NEMA).

Meanwhile, a group of artisanal miners operating in the same area under a location license continued to extract and sell gold, arguing that Kato Mining Ltd's exploration license did not grant it exclusive mining rights. In response, Kato Mining Ltd sought an eviction order against the artisanal miners, claiming that its pending mining lease application gave it priority over all other activities in the area.

The government, in an attempt to resolve the dispute, granted a large-scale mineral agreement to Global Minerals Ltd, a multinational company, covering the same mineral deposits. Global Minerals Ltd contended that their mineral agreement superseded all prior licenses, including those held by Kato Mining Ltd and the artisanal miners.

The conflicting claims have now led to legal proceedings, with all three parties asserting rights over the mining site.

Examine the different types of mineral rights under the Mining and Minerals Act, and explain how each type of right applies to the claims made by Kato Mining Ltd, the artisanal miners, and Global Minerals Ltd. (7 marks) Analyze the legal basis for determining priority when multiple parties claim mineral rights over the same area. Does an exploration license confer any priority over a subsequent mining lease or mineral agreement? (4 marks) Examine the application process for mineral rights in Uganda. (7 marks) Identify the rights and obligations of the mineral rights holders. (7 marks)

SECTION B

Attempt at least one question from this section, but donot exceed a total of 4 questions in the entire exam including question one

Question 1:

QUESTION 1

Write short notes on the following;

i) The sources of mining law (8 marks)

ii) The principle of sustainable development in the mining sector(10 marks)

iii) Financial considerations under the mining and minerals Act (7 marks)

Question 2:

QUESTION 2

Write short notes on the following;

i) The role of mining law in the mining sector (8 marks)

ii) The principle of Transparency and Accountability in the mining sector (9 marks)

iii) The relationship between Mining law and Contract law (8 marks)

Question 3:

QUESTION 3

Write short notes on the following;

i) The legal doctrines of ownership under the mining industry (10 marks)

ii) The role of mineral Agreements in the mining sector (8 marks)

iii) Environmental considerations under the mining and minerals act (7 marks)

Question 4:

QUESTION 4

Write short notes on the following;

i) Surface and sub-surface rights (9 marks)

ii) The principle of Corporate Social Responsibility (8 marks)

iii) Types of mineral Agreements (8 marks)

SECTION C

Attempt at least one question from this section, but donot exceed a total of 4 questions in the entire exam including question one

Question 1:

QUESTION 1

Mining law and other areas of law interact at various points through the mining process. The purpose of mining law is to regulate mining activities and it must do so in a way that considers other factors. In light of the above statement, critically discuss the relationship between mining and other areas of law.

Question 2:

QUESTION 2

In the process of extracting various minerals, safety protocols are paramount. This among others include ensuring proper handling of hazardous materials and providing comprehensive training for workers thereby ensuring occupational safety and health in the mining sector. Using relevant authorities, analyse the principle of occupational safety and health in the mining sector

Question 3:

QUESTION 3

Critically analyze the key institutions responsible for the regulation and administration of mining in Uganda. Using relevant authorities discuss their roles and functions in the mining industry.

Question 4:

QUESTION 4

Examine the legal framework for artisanal and small-scale mining in Uganda. How effective are the current regulations in protecting artisanal miners?

Question 5:

QUESTION 5

The Mining and Minerals Act, establishes a legal framework for regulating mineral exploration, extraction, and processing in Uganda. However, illegal mining activities, environmental degradation, failure to comply with licensing requirements, and breaches of occupational health and safety regulations remain major concerns in the sector. In light of the above, critically analyze the offences and penalties provided for under Uganda’s mining law.