

**URAM**

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**Vienna**

SOCIAL LICENSING IN THE URANIUM PRODUCTION CYCLE  
(CASE of NIGER)

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# INTRODUCTION

Niger is a West Africa sahelian country, member of ECOWAS organisation; the capital is Niamey. Mining sector represents the first activity for exportation in the country. In this fact, to regulate this mean sector in exploration, exploitation, transport and commercialization activities of mineral substances as uranium, a Legislative and Reglementary Frame was set up.

# Niger Map





# Mining Code

- Law N° 2006-26 of 9 August 2006, modifying Ordinance N° 93-16 Of 2 March 1993 on Mining Law, supplemented by Ordinance N° 99-48 of November 1999;
- Decree N° 2006-265/PRN/MME of 18 August 2006, determining details for implementing the Mining Law;
- Decree N°2009-06/PRN/MME of January the 5th, 2009 determining details for implementing the law on high investments projects;
- Law N°2008-30 July, the 3rd, 2008 on great investments projects.



# OTHERS REGULATORY TEXTS

- Order N°0073/PM of July, the 4<sup>th</sup>, 2005 relative to the transparency on mining exploitation;
- Ordinance N°97-001 of January the 10<sup>th</sup> ,1997 appointing the environmental studies impact;
- Law 98-56 of December the 29<sup>th</sup>, 1998 relative to the management of environment;
- RegulationN°18/December2003/CMC/WAEM U Mining Code.



# Mining Titles Attribution

□ **Article-2:** The Law N° 2006-26 of 9 August, 2006 clarifies that “on the territory of the Republic of Niger, natural deposits of mineral or fossil substances in the subsoil or on surface shall be exclusive for the State of Niger and are not liable to any form of private ownership, subject to provisions of this law.



# Mining Title Attribution

The state shall consider, in all consider sovereignty, any application field for mining titles, or quarry opening and mining licences. Rejection of such applications shall not entitle applicants to any appeals or compensations whatsoever”.



# Mining Titles Attribution

Relating to the mining law, we have three (3) mining titles (art-13):

- Prospecting Licence;
- Exploration Licence and
- Mining Licence.



# Conditions for securing mining or quarrying titles

## □ Article 9-obligation to comply

No individual or legal entities, including land owners and surface rights holders, may engage prospecting, exploration or mining of minerals substances on the territory of Niger Republic without complying with the provisions of this ordinance...).



# Conditions for securing mining or quarrying titles

## □ Article 10-requirements for individuals

All individuals may apply for:

- a prospecting card;
- a prospecting license for quarry substances;
- an artisanal mining license and
- a permanent or temporary quarry development license.



# Conditions for securing mining or quarrying titles

## Article 11-requirements for legal entities

No entities shall obtain or hold a mine or quarry development title if they are not incorporated in conformity with the legislation governing the legal status of companies in the Republic of Niger.



# Mine Titles

The Decree N° 2006-265/PRN/MME of 18 August 2006 determines the procedures for acquisition of mine title.



# Mine Titles

## ➤ **Prospecting Licence**

- **One (1) year validity;**
- **Granted by the Director of Mines;**
- **Confers first refusal right for the Licence to get exploration.**

**Granting prospecting licence is liable to the following procedure:**

- **Submission of the application in triple copies to the director of Mines;**
- **Application evaluation;**
- **Granting of the prospecting authorization within 30 days from the deposit of the application date.**



# Mine Titles

- **Exploration licence**
  - 3 years validity, renewable two (2) times by period of three (3) years;
  - Could be expected one year to finalise feasibility study;
  - Granted by order of the Minister of Mines and Energy.
  - confers exclusive rights.



# Mine Titles

## ➤ Mining licence

- validity of ten (10) for mining big scale and five (5) years for small scale, renewable for five (5) years until complete exploitation of deposit;
- granted by decree of the council of Ministers;
- Confers exclusive right.



# Procedure for acquisition of mining licence

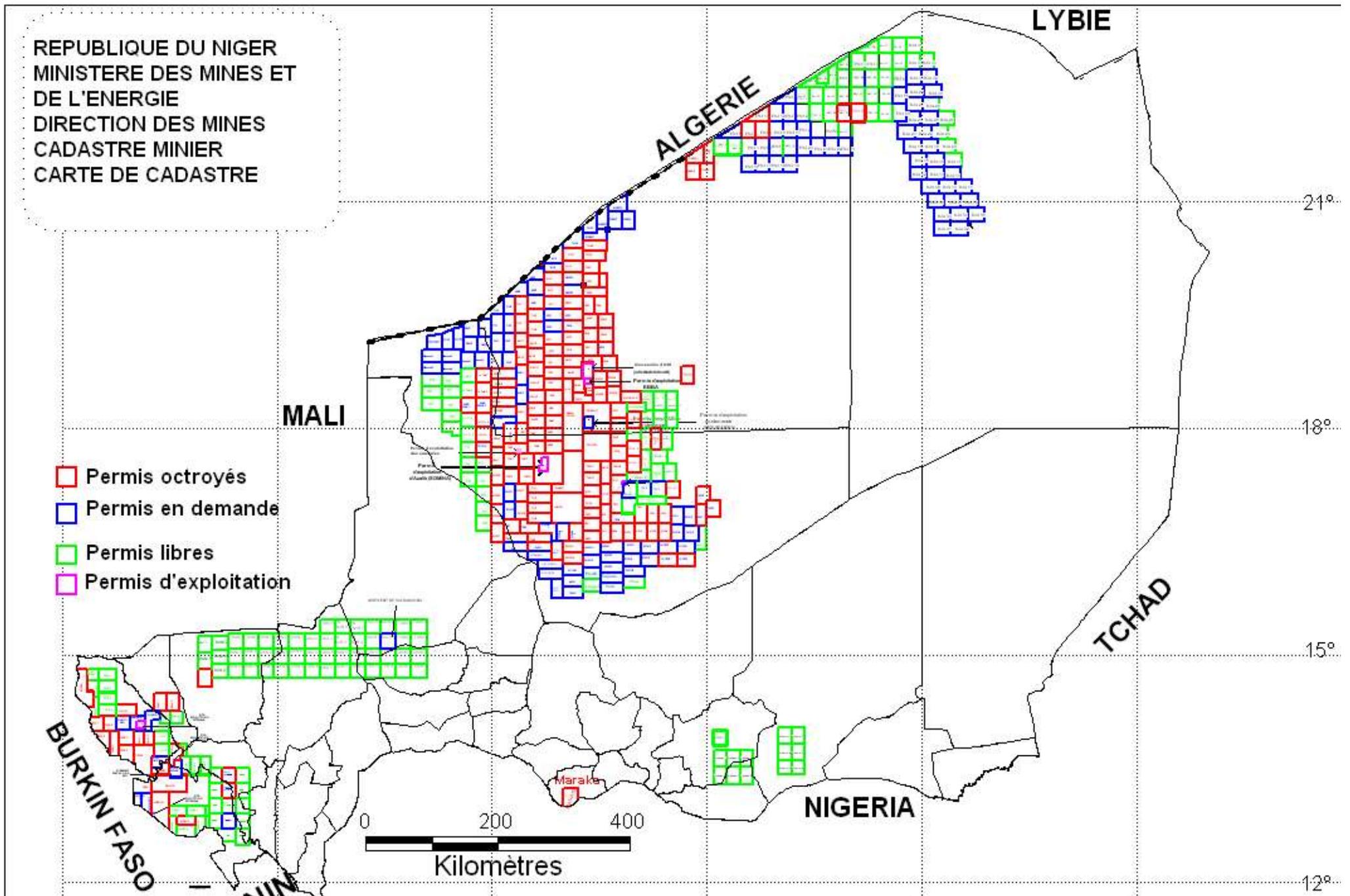
- ✓ production of positive feasibility study on the perimeter of the exploration permit;
- ✓ registration of mining company in terms of Niger law as specified in the mining agreement;
- ✓ submission of application to the Minister of Mines and Energy in triple copies including.



# Procedure for acquisition of exploration licence

- submission of application to the Minister of Mines and Energy in triple copies
- Evaluation of the application by the Direction of Mines;
- Negotiation of the mining agreement;
- Signature of the mining agreement;
- Publication of the mining convention by decree of council of minister;
- Granting of the exploration licence.

# CADASTRAL MAP



# Mine Titles

- Uranium Exploration License: 127
- Uranium Mining License: 4
  - COMINAK;
  - SOMAIR;
  - IMMOURAREN;
  - SOMINA.



# Taxes and customs provisions

The Law N° 2006-26 of 9 August, 2006 determines taxes and customs paid by holders of mining titles during the period of validity:

- FIXED FEES;
- AREA TAXES;
- Mining royalties;
- Artisanal mining and taxes;
- Taxes on business profits and income.



## Social Responsibilities of the companies

### **Article 18:(Mining agreement) Infrastructure and Services**

“In case the company and /or the mining company use roads to carry out its mining operations, it shall undertake to contribute to the maintenance of these roads so as to keep it in good condition. As such, it adheres to the maintenance agreement of road, adopted by Decree N° 2002-019/PRN/MEH/AT and any relevant future legislation.



# Social Responsibilities of the companies

The Mining Company undertakes to contribute to the development of municipalities in which it shall carry out its activities, by contributing to the funding of collective infrastructures”.

## Social Responsibilities of the companies

As example of **AREVA NC** which is the first company in uranium mining in Niger signed a partnership convention in the way to support municipalities where uranium is extracted. By **COMINAK** and **SOMAIR**, AREVA developed strategies to help municipalities in their local development.

# EXAMPLE OF AREVA

Creation of:

- ❑ Orientation Committee (**ORC**) which determines priorities for the development of Arlit Department based the Development Plan of this Department;
- ❑ Partnership Committee of Niger (**PNC**): municipalities submit propositions of projects to this committee; It can be help NGO or specialized offices in projects follow-up;
- ❑ Departmental Market Commission (**DMC**): this commission attributes contracts for achievement of accepted projects;
- ❑ Technical Committee (**CT**) to supervise achievement of adopted projects and their conformities as specified in original document.

# Objectives

Préoccupation	National Level	Régional Level	Local Level
<b>Job</b>	<b>XXX</b>	<b>XXX</b>	<b>XXX</b>
water	X	XX	XXX
<b>Heath</b>	<b>X</b>	<b>XX</b>	<b>XXX</b>
Safety	X	X	XX
<b>Environment Protection</b>	<b>X</b>	<b>XXX</b>	<b>XXX</b>
Socio-Economic repercussions	XXX	XX	XX
<b>Local Development</b>	<b>X</b>	<b>XX</b>	<b>XXX</b>
<b>Infrastructures</b>	<b>XXX</b>	<b>X</b>	<b>XXX</b>

# Drilling Water (AREVA NC)



# Primary School (AREVA NC)



# MEETING





# Social Responsibilities of Niger Government

## □ **Article 95** (new):

The Mining Law defines the use of mining proceeds:

- national budget 85%;
- budget of the municipalities of relevant areas: 15% to finance local development.

# Distribution of the 15%

The distribution of the 15% is based on:

- Number of person per municipalities;
- Environmental impact relating to the proximity of the municipality;
- Economic resources mobilization effort;
- Equipment degree of the municipalities in the area;
- Area of the municipalities;
- Partnership for development municipalities.



# STABILTY OF MINING AGREEMENT

## □ Art-21.1

“The State assures the company and the mining company that the general, legal, administrative, economic, financial and fiscal condition provided for in the agreement shall remain unchanged”.



## Protection of infrastructures, environment and rehabilitation of mines sites

The Ordinance N°97-001 of January the 10<sup>th</sup>, 1997 appointing the environmental studying impact and the Law 98-56 of December the 29<sup>th</sup>, 1998 relative to the management of environment regulate environment in Niger



## Protection of infrastructures, environment and rehabilitation of mines sites

- Development of any new deposits shall be subject to environmental impact studies;
- The company and mining company commit to take the necessary steps to protect the environment while conducting mining operations;
- Such measures taken must be conform to requirements stipulated in the environmental legislation in force, or failing that, comply with generally accepted.



# Hygiene and Security in mines and quarries

➤ Any individuals or legal entities that carry out mineral substance, prospecting or mining activities, pursuant to this ordinance, must proceed in accordance with standard practice so as to guarantee the security and health of their employees and third parties.



# Administrative Control

- ❑ The purpose of administrative control is to ensure preservation of deposits, safety of people and goods, protection of dwelling areas, buildings, communication routes, and protection of protection of water points and tables.
- ❑ Authorized engineers and workers of the Direction of Mines shall be responsible for technical and administrative control of mineral substances prospecting and mining activities and those conducted in their accessories and subsidiaries.



# Administrative Control

In this effect, they are vested with powers of labour inspectors. They report to relevant labour inspectors any measures taken and/or notices given. Labour inspectors may visit, at any time and together with agents of services of Ministry of Mines, companies and sites under their technical supervision.



## Conclusion

Mining sector is one of strategic sectors of Niger Government for the development of the country. In the mining politics, this sector is a way to fight against poverty, unemployment of people and the economic development of the country. It is also a priority for Niger Government to attain the Millenniums Developments Goals (OMD). That's why, Niger Republic created a frame legislative encouraging investments in this sector to achieve these objectives.