

**JAMHUURIYADDA SOMALILAND**

**REPUBLIC OF SOMALILAND**

**SOLICITOR GENERAL'S OFFICE**

**OFFICIAL  
GAZETTE**

13<sup>th</sup> Year

Special Issue

06/05/2023

**SOMALILAND**

**MINING ACT**

**No. 100/2023**

**Email:**

[garyaqaankaguud@gmail.com](mailto:garyaqaankaguud@gmail.com)

**Web. [www.garyaqaankaguud.com](http://www.garyaqaankaguud.com)**

**Not for sale**

**2023**

## Contents

ARTICLE 1 .....	11
THE NAME OF THE LAW .....	11
ARTICLE 2 .....	11
TERMINOLOGY .....	11
Article (3) .....	16
Application Limit of this Law .....	16
Article (4) .....	16
The Objectives of This Law .....	16
CHAPTER TWO .....	17
Mineral Management .....	17
Article (5) Mineral Ownership and Possession .....	17
Article (6) .....	17
Mineral Exploration Prohibition without Permission .....	17
Article 7 .....	18
Types of Mining Permits .....	18
Article 8 .....	18
Areas Forbidden from Mineral Permit Issuance .....	18
Article 9 .....	19
Permission .....	19
Article 10 .....	19
Employment and Training citizens of Somaliland .....	19
Article 11 .....	19
Prioritization of the locally made Products .....	19
Article 12 .....	19
Government Participation .....	19
CHAPTER 3 .....	20
Article 13 .....	20
The Authority and Obligations of the Ministry .....	20
Article 14 .....	21
Mining Prohibited Land .....	21
Article 15 .....	21
Unauthorized Categories for Mineral Rights .....	21
Article 16 .....	21
Company Requirements .....	21
Article 17 .....	22

Strategic Minerals .....	22
Article 18.....	22
Mineral licenses Register.....	22
Article 19.....	22
Required information for Registration.....	22
Article 20.....	22
Registration Correction and Certificate Clarification Authority.....	22
Article 21.....	22
Replacement of Original Papers.....	22
Article 22.....	23
Prohibition of Information Disclosure.....	23
Article 23.....	23
Creation of the National Minerals Overseeing Committee .....	23
Article 24.....	23
Members of the National Minerals Overseeing Committee .....	23
Article 25.....	24
Periodic Meetings of the Overseeing Committee .....	24
Article 26.....	24
Committee Membership Loss .....	24
Article 27.....	24
Duties of the National Minerals Overseeing Committee .....	24
Article 28.....	24
Obligations of the Committee Chairman.....	24
Article 29.....	25
Obligations of the Deputy Chairman of the National Minerals Overseeing Committee.....	25
Article 30.....	25
Examination & Inspection Authorities.....	25
CHAPTER FOUR MINERAL AGREEMENT .....	26
Article 31.....	26
Mineral Agreement .....	26
Article 32.....	27
Announcements of Private Mineral Agreements.....	27
Chapter 5 Mineral licenses .....	27
Article 33.....	27
Mineral Dealer license.....	27
Article 34.....	27

Mineral dealer license Conditions.....	27
Article 35.....	27
Mineral Dealer Application.....	27
Article 36.....	28
Mineral Dealer Issuance .....	28
Article 37.....	28
Duration of Mineral Dealer & Renewal .....	28
Article 38.....	28
Obligations of Mineral Dealer License Holders.....	28
Article 39.....	28
Mineral dealer license Rights.....	28
Article 40.....	29
Mineral dealer license exceptional thing.....	29
Article 41.....	29
Mineral importation and Exportation .....	29
Article 42.....	30
Mineral Exportation and Importation permit Period .....	30
Article 43.....	30
Artisanal permit.....	30
Article 44.....	30
Artisanal Mining Permit requirements.....	30
Article 45.....	30
Artisanal Mining Permit Request .....	30
Article 46.....	31
Artisanal Mining Permit Issuance.....	31
Article 47.....	31
The Validity Period and Renewal of the Artisanal Mining Permit.....	31
Article 48.....	31
Artisanal Mining Permit Transfer .....	31
Article 49.....	31
Artisanal Mining Permit Holder Obligations .....	31
Article 50.....	32
Artisanal Mining Permit Holder’s Rights.....	32
Article 51.....	32
Artisanal Mining Permitted Area.....	32
Article 53.....	32

Reconnaissance License Requirements.....	32
Article 54.....	32
Reconnaissance license Request.....	32
Article 55.....	33
Reconnaissance license Issuance .....	33
Article 56.....	34
Renewal Reconnaissance License and Period.....	34
Article 57.....	34
Obligations of the Reconnaissance License Holder.....	34
Article 58.....	35
Reconnaissance license Rights.....	35
Article 59.....	35
Reconnaissance license Prohibited Things .....	35
Article 60.....	35
Reconnaissance license Area .....	35
Article 61.....	35
Yearly Report.....	35
MINERAL EXPLORATION license.....	36
Article 62.....	36
Mineral Exploration License.....	36
Article 63.....	36
Mineral Exploration License Requirement .....	36
Article 65.....	36
Mineral Exploration License Request .....	36
Article 66.....	37
Mineral Exploration License Issuance .....	37
Article 67.....	37
Period &Renewal Mineral Exploration license.....	37
Article 68.....	38
Mineral Exploration license obligation.....	38
Article 69.....	38
Mineral Exploration Permit Rights .....	38
Article 70.....	39
Yearly Admin, Renewal, and Request Fees.....	39
Article 72.....	40
Exploration License Area .....	40

Article 73.....	40
Yearly Report.....	40
Small-scale mining license .....	40
Article 74 Small-Scale Mining.....	40
Article 75.....	40
Small-Scale Mining requirements .....	40
Article 76.....	40
Small-scale Mining License Application.....	40
Article 77 .....	41
Small scale Mining license Issuance .....	41
Article 78.....	42
Mining Period and Renewal license of small-scale mining.....	42
Article 79.....	42
Small-scale mining license Holder Obligations .....	42
Article 80.....	43
Small Scale Mining license Holder Rights .....	43
Article 80.....	43
Yearly Report.....	43
Article 81.....	43
Small Scale Mining license Area .....	43
Article 82.....	44
License Transfer .....	44
Article 83.....	44
Mining license .....	44
Article 85.....	44
Mining license requirements .....	44
Article 86.....	44
Mining Licence Request.....	44
Article 87 .....	46
Mining license Issuance .....	46
Article 88.....	46
Mining license Period & Renewal.....	46
Article 89.....	47
Mining license Holder Obligations .....	47
Article 90.....	48
Mining license Holder Rights .....	48

Article 91.....	48
Mining license Area .....	48
Article 92.....	48
Mining license Request Decision Announcement.....	48
Article 93.....	49
Mining Activities Suspension .....	49
Article 94.....	49
Mining Suspension Authority of the Ministry .....	49
Article 95.....	49
Annual Reports and Accounting Books .....	49
Article 96.....	50
Retention Mineral license.....	50
Article 97.....	50
Retention Mineral license requirements.....	50
Article 98.....	50
Retention license Request .....	50
Article 99.....	50
Retention license Issuance.....	50
Article 100.....	51
The Rights and Obligations of the retention license .....	51
Article 101.....	51
Retention Mineral Area license Period and Renewal.....	51
Article 102.....	51
Retention Mineral license Period Review.....	51
CHAPTER SIX.....	52
INVESTIGATION of ACCIDENTS.....	52
Article 103.....	52
Safety Obligations of the Mining license Holder .....	52
Article 104 Damage Investigation .....	52
Article 105.....	53
Criminal cases and Accidents Investigation Authority .....	53
Article 106 Accident Report .....	53
Article 107 Transfer .....	54
MINERAL RIGHTS TRANSFER, SUSPENSIONG & POSTPONDMENT .....	54
Article 108.....	55
Transfer Certificate Application .....	55

Article 109.....	55
Mineral License Postponement or Suspension.....	55
Article 110.....	56
Retuning Data after Mineral Rights Cancellation.....	56
CHAPTER (8) .....	57
ROYALTY, RENTAL PAYMENTS, AND OTHER EXPENSES.....	57
Article 111 Royalty .....	57
Article 112.....	57
Royalty exceptional Things .....	57
Article 113.....	57
Mineral Rights Yearly Royalty .....	57
Article 114.....	58
Royalty Payment Failure.....	58
CHAPTER 9 .....	59
HEALTH, SECURITY AND ENVIRONMENT PROTECTION.....	59
Article 115.....	59
Health and Safety Activities .....	59
Article 116.....	59
Natural Resources Protection and Consideration.....	59
Article 117.....	59
General Obligations of Environmental Protection and Pollution Control .....	59
Article 118.....	59
Evaluation of Environmental Effects .....	59
Article 119.....	60
Yearly Environment Report.....	60
Article 120.....	60
Mining Closure and Environmental Rehabilitation Plan.....	60
Article 121.....	61
Ongoing Environmental Rehabilitation .....	61
Article 122.....	61
Environmental Protection Compliance Direction .....	61
Article 123.....	62
Environmental Rehabilitation and Protection Fund Establishment.....	62
CHAPTER (10) .....	63
CRIMES, FINES and PRODUCERS .....	63
Article 124.....	63

Checking and Seizing Mailed Minerals Authority.....	63
Article 125.....	63
Sentencing Authority.....	63
Article 126.....	63
Mineral Activities Suspension Orders by the Court .....	63
Article 127.....	63
Court Trial Authority.....	63
Article 128.....	64
Unauthorized Activities Related Crimes .....	64
Article 129.....	64
Illegal Mineral Possession Related Crimes.....	64
Article 130.....	64
Permit Holders Mineral Rights Related Crimes.....	64
Article 131.....	64
Inspection and Surveillance Related Crimes.....	64
Article 132.....	65
Registers and Reports Related Crimes .....	65
Article 133.....	65
Distraction Related Crimes .....	65
Article 134.....	65
Crimes Related to Hiding Minerals in Other people’s Buildings to incriminate their Owners .....	65
Article 135.....	66
Crimes Related to Unlawfully Quitting Mineral Importation & Exportation .....	66
Article 136.....	66
Releasing Secret Information Related Crimes against the Law .....	66
Article 137.....	66
Crimes Caused by the Carelessness & inattentiveness of the license Holder .....	66
Article 138.....	67
Types of Injuries .....	67
Article 139.....	67
Crimes Committed by the Companies, Cooperatives, Managers & Employees .....	67
Article 140.....	68
Criminal Offence Attempt and Assistance .....	68
Article 141.....	68
Confirmation Responsibility.....	68
Article 142.....	68

Mineral lisenca & Mineral Approval Withdrawal Court Rules.....	68
Chapter Eleven.....	68
Miscellaneous Articles.....	68
Article 142.....	68
Mineral Production Sharing.....	68
Article 143.....	68
Tax Costs and Other Benefits Delay .....	68
Article 144.....	69
Conflict Resolution .....	69
Article 145.....	69
Mining Licenca Transfer.....	69
Article 146.....	70
Radial Minerals.....	70
Article 147.....	70
Quarry Permit Sand and Rock Constriction .....	70
Article 148.....	70
The Relationship between This Law and Other Penal Laws of the Country .....	70
Article 149 Regulation .....	70
Article 150.....	70
Enforcement of the Law .....	70

## **ARTICLE 1 THE NAME OF THE LAW**

THE NAME OF THIS LAW IS SOMALILAND MINERALS, LAW NO.100/2023.

## **ARTICLE 2 TERMINOLOGY**

**Director Of Geological Exploration:** Is Meant By The Director Of Geological Exploration Named According To This Law.

**Director Of The Mineral Department:** Is Meant By The Director Of The Mineral Department Named According To This Law.

**Yearly Fee:** Is Meant By The Yearly Fee Paid By Every Mineral License Holder According To This Law.

**Building Decoration Stones:** Is Meant By Every Marble-Shaped Stone Intended For Decoration, Beatification, Etc. But Not Intended For Building Purposes.

**Exploration:** Is Meant By Mineral Exploration And Its Deposits According To This Law.

**Parliament:** Is Meant By The Two Houses Of Representatives And Elders Of Somaliland.

**Precious Metals:** Is Meant By The Minerals Mentioned In Attachment (C) Of Table One.

**Special Mineral Area:** Is Meant By An Agreement Between The Government And The License Holders.

**Block:** Is Meant By A Rectangular Shape Land Area Allocated For Mineral Exploration Or Mining, Whose Area Is 4km (East/ West) And 2km (North/East).

**Mining Activities Program:** Is Meant By:-

- A) A Program Arranged By the Permit Holder for Mineral Exploration and Mining to Be Approved By the Director of Minerals In Order To Get a License or Renewal.
- B) B) Revising the Program to Make Changes According To This Law.

**Environmental protection and rehabilitation Program:** Is meant by the preservation and rehabilitation of the environment based on the best practice of exploration and mining according to this Law and other related laws.

Environment management programs by the environment preservation plan According to the national stipulations.

**Underground Water:** Is meant by the meaning the Water Management Law has given it.

**Society:** Is meant by:

- a. The people living in the areas where the exploration and mining activities are going on.
- b. The people who may have been evicted (Displacement) from areas designated for exploration and mining.

**Geologist:** Is means a person who is qualified to practise as a geologist by a recognised and accredited institution in Somaliland or other jurisdictions.

“First-come, first-served” means the policy, of considering and approving applications based on the order of receiving the applications;

**Application:** Is meant by the request for issuing, renewing, Transferring, issuing mining rights.

**Geology:** Is meant by the knowledge of the earth and its structural Formation.

**Commercial Discovery”** means a discovery of Minerals which could potentially be economically produced.

**Government:** Is meant by the Government of Somaliland.

**Advance payment:** Is meant by compulsory advance money required from every permit holder as a guarantee that he/she will implement the Mining program authorized for him/her according to this Law.

**Acceptable movements:** is meant by the exploration, mining or other related movements Executed according to the permit or approval.

Diamond” includes a rough and uncut diamond;

**Artisanal mining permit area** means an area that is subject to an artisanal mining permit;

**Reconnaissance area** means an area that is subject to a reconnaissance licence;

**Retention Area means** the area or areas of land covered by a retention licence

**Licence Area** means a portion of the geographic area of the Country which is subject to a Licence granted pursuant to this Act.

**Register** means the register of mineral rights established under this Act

**Financial difficulty”** in respect of a company or other body corporate, means that the company or body corporate:-

- A. is in liquidation;
- B. is the subject of a subsisting court order for its winding up or
- C. dissolution; or
- D. has made a composition or arrangement with its creditors which
- E. remains in effect;

**Mineral dealer** means any entity or person licenced to carry out mineral dealings;

“Mineral dealings” means:

- a) Buying minerals
- b) Selling minerals
- c) Bartering Minerals
- d) Cutting, polishing,

**Processing,** refining and treating minerals

**Mineral dealer's License** means a license issued in accordance with this act

**Gemstone** means any form of mineral, which is commonly cut and Polished for use in jewellery with the exception of diamonds which shall be considered as Minerals.

**Excavation** means a trench, pit, shaft, dredging, brine pumping or other work which is related to operations under a mineral right

**Digging:** Is meant by all different types of digging pits and any other activity related to mineral exploration and mining.

**Mining area:** means an area or areas of land that are covered by a Mining licence

**Licence Area** means a portion of the geographic area of the Country which is subject to a Licence granted pursuant to this Act.

**Permit area** means the area covered by an artisanal mining permit;

**Retention Licence** means a land granted retention Licence

**Small-scale Mining Licence Area** means an area that is subject To a small-scale mining licence;

**Reconnaissance area** means an area that is subject to a reconnaissance licence;

**Transfer:** Is meant by the transfer of all or part of a mineral right.

**Committee:** Is meant by the National Committee for Mineral Inspection established by Article (23) of this Law

**Major Work:** Is meant by the major exploration and digging Activities according to this law.

**Artisanal Mining Activities:** Is meant by the mining activities that Don't exceed 10 meters deep.

**Mining operations"** means an operation carried out in connection with a mine

(a) To win a mineral from where it occurs;

(b) To extract metal or precious mineral from a mineral so won, or to beneficiate a mineral so won; or in accordance this act

**Mineral Activities:** Is meant by doing any action that realizes getting Minerals, construction materials, gemstones, or restructured art stone from the mineral reserves for marketing according to this Law.

**Exploration Activity:** Is meant by any exploration activity for finding the deposit of Mineral reserves and estimating its economic value

**Hydrocarbon:** Is meant by any natural item composed of Carbon and Hydrogen elements including crude oil, natural gas, and all other kinds of excavated mineral items or gained from the mining activities excluding natural charcoal.

**Mineral Agreement:** Is meant by the mineral investment agreement between the Government and Mining Companies whose investment is more than Two Hundred Million USD.

**Community Development Agreement:** Is meant by an agreement between the Ministry of Minerals and Energy and the Mining license Holder for community development.

**Republic:** Is meant by the Republic of Somaliland

**Mineral deposit:** Is meant by every mineral of natural Abundance found in the upper land crust.

**Limited:** Is meant by the small scale mining license issued by the Ministry according to this Law.

**Mineral Inspector:** Is meant by a government officer the Inspection. Board or the Ministry appoints for inspection matters according to this Law.

**Mineral:** Is meant by a natural item of economic value built underground and earth's crust, including the ground reserves i.e. expensive metals, diamonds, and industrial minerals with the exception of hydrocarbons and water.

**Court:** Is meant by Somaliland courts.

**Mineral Product:** Is meant by everything that results from the mining. activities such as metals and expensive minerals, and the benefits of the Mining activities products excluding the waste product and leftovers.

**Day:** Is meant by the period of time (24 hours) shown in the Calendar

**Small scale mining:** Is meant by mining activities using machines for mine holes not deeper than 20 metres.

**Artisanal permit:** Is meant by mining activities based on old cultural methods where basic tools are used such as spades, etc.

**Radioactive mineral** means a mineral that contains by weight at least one-twentieth of one per cent (0.05 %) of uranium or thorium or any combination thereof, including, but not limited to monazite sand and other ores containing thorium, carnotite, and pitchblende;

**Non-Special Purpose Transaction:** Is meant by buying, business sale, mineral right concession or mineral business market.

**Machine:** Is meant by any equipment that does not work with human effort.

**Mineral dealer's permit** means a permit issued in accordance with this act.

**Mining Permit:** Is meant by a mining permit issued according to this act

**Artisanal mining permit:** Is meant by ancient mining permit issued according to Chapter 10.

**Commercial Discovery** means a discovery of Minerals which could potentially be economically produced.

**Construction Materials** include all materials that are mined for use in the construction of buildings, roads, dams and similar works such as rock, stone, gravel, sand, clay, and limestone for the production of lime, but does not include industrial minerals.

**Mineral Pit rehabilitation and closure Plan:** Is meant by the termination of a Mineral Pit and returning the ground as it was before the mining activity to use it for the other purpose that was planned for it after the mining.

**Wastage and remaining of the Mineral Pit:** Is meant by the leftovers of the mining activities consisting of aggregate, sand, mud, or other discarded things during the mining and separation activities.

**Total Price:** Is meant by the value of the mineral selling price before deducting the discount, added profit and other reductions

**Mining:** Is meant by a mining activity program from the mining permit requestor for the Ministry's approval at the permit issuance or renewal.

1. A person given or transferred to mineral rights.
2. Each person or company given a mining permit or approval according to this law.

**License:** Is meant by the licenses or exploration approval, checking and mining that the Ministry of Minerals and Power issues

**Mineral license:** Is n meant by an issued permit that allows the receiver to implement an extensive mining activity.

**Small scale mining:** is meant small scale mining licences issued by the Ministry according to this law.

**Mining license** means a licence relating to large-scale operations which authorizes the holder to carry out mining operations.

**Exploration license:** Is meant by a permit or an approval for the implementation of the exploration activity according to this law.

**Environmental impact assessment** licence means an environmental impact assessment licence granted under the relevant Somaliland Environmental laws

**Reconnaissance license:** Is meant by the permit issued according to Chapter (4) of this law.

**License Holder:** Is meant by:

1. Every person or company that gets an approval or permit issued according to this law.
2. Every person having an assigned or replaced mining permit.

**Retention license:** is meant by a permit issued according to Chapter (8) of this law.

**Exploration:** Is meant by the exploration and examination of the minerals and deposits Utilizing geological, geochemical, geophysical methods and other related methods such as sideway digging, vertical digging and sample taking.

**Preliminary Exploration:** Is meant by the mineral activities that do not include mining, such as land exploration, field exploration and land aerial survey by using modern techniques such as satellite

**Mineral Officer:** Is meant by the Government Officer appointed according to this Law.

**Approved Work:** Is meant by any Mineral Survey Activity or mining Activity permitted or approved according to this Law.

**Company:** Is meant by how it is defined in the companies' law of Somaliland

**Inspection Commission:** Is meant by the National Inspection Board established by Article (24) of the 3rd Chapter of this Law.

**Sea Zone:** Is meant by the definition given by Somaliland and International Sea Laws.

**Termination:** Is meant by the end of a mineral right by expiration, transfer or putting it on hold

**The country:** Is meant by republic Somaliland.

**Explosives:** Is meant by everything that explodes used for exploration and mining activities.

**Geological Report:** Is meant by the report written by a Geologist.

**The Ministry:** Is meant by the Ministry responsible for the minerals of the Country

**Minister:** is meant by the minister responsible for the minerals of the Country.

**Custodian or Financial Officer** Is meant by a manager, cashier, or any other officer working in a company involved in banking business activities inside Somaliland according to Somaliland Banking Law.

**License Right:** Is meant by any necessary means for getting a mining activities permit or approval.

**Mineral Law:** Is meant by this Law, Somaliland Mineral Law.

**Regulation:** Is meant by any regulation that comes under this Law.

**Member:** Is meant by a member of the committee named by this law.

**Mineral Rights:** is meant by:

1. Retention license
2. Small scale Mining license
3. Artisanal Mining Permit
4. Mining License
5. Exploration license
6. Reconnaissance license

### **Article (3)** **Application Limit of this Law**

1. This law shall be applied to all kinds of different minerals found inside the territory of the Republic of Somaliland.
2. This law is going to be applied within the territory of Somaliland including ground surface, inside the sand, below the sand, rivers, waterways, sea boundaries, and the seabed's near the land including the private economic zones.
3. This law shall be applied to mineral resources only and will not be applied to oil, natural gas, and other kinds of minerals.

### **Article (4)** **The Objectives of This Law**

1. Safeguarding and developing the mineral resources for the benefit of Somaliland citizens
2. Assuring that the mining of the mineral resources is undertaken according to the current suitable modern knowledge, safeguarding the mineral resources and developing the experience of the people working in the mining sector.
3. Implementing the exploration and mining activities in a socially, economically, and environmentally useful and technically reliable way.
4. Preserve the safety procedures inside and around the mineral pits and the responsibilities of the permit holders.
5. Providing an integrated work plan to organize the mineral exploration activities and the excavation of the mining pits.
6. Managing all mineral resources of the Republic of Somaliland.

7. Limiting the royalties belonging to the Districts, Regions, and Central Government as stipulated in Article 111.
8. Finding and realizing an integrated way to manage permit issuance for mineral exploration and mining activities.
9. Building mining organizations and specifying their responsibilities, mineral rights, mineral exploration, and supervision of the safety of mineral areas.
10. Preserve the safety of the environment, the neighbors of the mining pits, and the mining personnel too.

**CHAPTER TWO**  
**Mineral Management**  
**Article (5) Mineral**  
**Ownership and Possession**

1. Any natural mineral found under or above Somaliland territory water ways, private economic zones and inside the sea boundary land or the concave sea wall near the shore is a property of Somaliland and comes exclusively under the discretion of the Central Government of Somaliland, the reasonable ministry of minerals and energy.

**Article (6)**  
**Mineral Exploration**  
**Prohibition without**  
**Permission**

1. Nobody or company is allowed to explore or implement mining activities inside Somaliland underground or ground surface without getting a permit or approval from the Ministry according to this Law.
2. In all areas of land where mineral quantities reaching commercial levels are found, all those who legally received the required legal permission must get the commercial license according to the articles of this Law and other active laws in the Country as soon as this Law is enforced.
3. The mineral resources shall be the property of the person or company issued the Mining Permit according to this Law.  
Following this Law:
  - A) A package of land area that falls completely inside Somaliland is a block.
  - B) Piece of land for which the Ministry has issued a mining approval or permit according to this Law.
4. A person or a company will not be given a permit for many attached land blocks in the same area that contains different kinds of minerals in order to protect the rights of the citizens for mining chances.
5. It is forbidden to harm the historical monuments for being a cultural and historical inheritance of the nation that needs to be protected.
6. After getting permission from the President of Somaliland, the Ministry can allow an individual or a company to get a sample from the vicinity of the monuments for mineral testing.
7. In a mining area permitted according to this law, a mineral sample thrice the smallest size of any kind of mineral could be taken if a mineral expert advises that a sample of a bigger size is needed, based on the type of the mineral in order get the required objective of the sample mentioned in this law.

8. The Government has the right to buy all the strategic minerals found or produced within Somaliland boundaries before it is sold.
9. Mineral Reserve Discovery:
  - a. Person, who discovers a mineral reserve in a place that he or anybody else has a permit for it, is required to inform the Ministry about the mineral reserve he has discovered.
  - b. Upon receiving the report mentioned in paragraph (9.1) the Ministry shall answer in writing that they have received the report.
  - c. A person who finds and reports a mineral reserve will be given the first eligibility for requesting a mining permit or an equivalent opportunity as well as an employment chance.

## **Article 7**

### **Types of Mining Permits**

Following Mineral Rights are given according to this Law:

1. Reconnaissance license: it gives the license holder non-exclusive survey rights to implement mineral resource exploration according to this Law.
2. Mineral Exploration License: It gives the permit holder exclusive rights to implement mineral resource exploration according to this Law.
3. Artisanal Mining Permit: It gives the permit holder rights to implement an ancient mining activity according to this Law.
4. Small scale Mining: It gives the permit holder exclusive mineral resource survey rights to do limited mining activities according to this law.
5. Mining license: It gives the license holder exclusive rights to implement mining activities according to this Law.
6. Retention license: It gives the license Holder reserved mineral rights according to this law.

## **Article 8**

### **Areas Forbidden from Mineral Permit Issuance**

1. The Ministry will not issue mineral permits allowing somebody mineral exploration or mining activities in the following areas: lands forbidden to be granted according to this law and other active laws such as Land Management Law No. 17/2001, Environment Management laws No. 79/2018 and gardens, Law No. 08/1998.

Other forbidden areas include:

1. Preserved land
2. Permitted land
3. Water well
4. A private land owned by an individual, company, Cooperative or any other party with legal personality.
5. And all other areas mentioned in other active laws.

## **Article 9 Permission**

1. Any responsible person asked to return a land belonging to a Government body for mineral exploration purpose is required to allow or give reasonable refusal within thirty.(30) days.
2. The ministries of Minerals, Environment and Animal Husbandry are collectively accepting the grazing land in collaboration with the District Authority and local people.
3. If the government needs any land belonging to anybody, any company or any legal person for the exploration of minerals or to be interfered with, they must ask permission from that person, company or co-operative.
4. That person, company or co-operative has to respond negatively or positively within sixty (60) days. If they do not respond, it will be taken as a rejection and there will be no interference.

## **Article 10 Employment and Training citizens of Somaliland**

1. Insure the professional transfer and knowledge building of the citizens, the mineral Permit holders are required to submit to the Ministry a detailed program about their employment and training of Somaliland citizens. After that, the Ministry will publish a statement about this issue in the official page of the Ministry's Internet.
2. The submission and approval of the program mentioned in paragraph (1) of this article must be must be a condition for issuing the mineral permit.
3. The Ministry will exercise a political leadership role telling more about the implementation of this matter.
4. The mineral license holders shall prioritize the local people and other Somaliland citizens in their employment.
5. When it is a massive activity, the mineral license t holder shall:
  - 5.1 Prepare a training program for the benefit of the employees.
  - 5.2 Increase the knowledge of the employees.
6. The employer is required to ensure the fitness and safety of his employees and the visitors at the work- place.

## **Article 11 Prioritization of the locally made Products.**

1. When working on mineral exploration, mining, purification, sorting, sieving, arranging, transporting or any other activities concerning minerals, the mineral rights holders must give the highest, possible priority to:
  - a. The products made inside Somaliland.
  - b. The services provided by the local people and Somaliland citizen
  - c. The companies and businesses of Somaliland citizens

## **Article 12 Government Participation**

1. When the mining license is for a major activity, the government will have a share of ten percent (10%) of the mineral value that will be added to the capital shares, without the Government paying any cost.
2. The Government will have a mutually agreed upon share with the company or lincese holder the mining license The mining license holding company owes
3. The Republic of Somaliland 10% of the mineral profit value without Somaliland shouldering any capital or expenditure contribution.

4. The tax amount on the company's profit from the minerals is ten percent (10%) calculated according to the Financial Laws of Somaliland:
  - I. The Minister has the authority to change the company's profit tax system into production sharing based system.
  - II. All the donations allocated for the area will be deducted from the due tax.
  - III. The mineral license holders will be given a financial guarantee, where by any sudden change in this Law will not affect the mineral permit issued before the change unless all the articles are changed with the exception of the tax money payment.

## **CHAPTER 3**

### **Article 13**

#### **The Authority and Obligations of the Ministry**

1. To set the Government Policies concerning the Exploration procedure and, at the same time, benefiting from the natural resources of the country.
2. Issuing and managing the license for the exploration and mining activities according to this Law.
3. Assorting the shares of the districts, regions and the Central Government according to this law.
4. Developing the issues concerning the discovery of minerals.
5. Setting plans and programs necessary for the way of benefiting from the mineral resources while taking environment and economy into consideration.
6. Acting on the preservation, utilization and management of the natural resources of the country according to this law.
7. Issuing mineral license.
8. Developing mineral technology research needs.
9. Preparing a government plan that helps in the mineral Exploration activities in order to encourage investment.
10. Collecting, archiving and protecting the data of the mineral resources of the country and the establishment of mineral scientific information bank in order to understand the magnitude of Somaliland mineral resources.
11. Registering and protecting the data of the companies carrying out the mineral activities and other related projects.
12. Preparing the environmental guidelines and the required conditions for the mineral mining activities.
13. Preparing comprehensive policies concerning Somaliland mineral resources including their implementation and share them with the concerned subcommittees the House of Representatives.
14. Implementation of the other responsibilities stipulated by the other laws of the country.
15. Considering the suitability of the environment for the mining activities according to this law and other applicable laws while giving first priority to the environment.
16. Preserving the other minerals found in the areas permitted for certain companies or other the minerals unpermitted found in the same areas.

## **Article 14**

### **Mining Prohibited Land**

1. The Ministry cannot issue mineral license authorizing somebody for mineral exploration or mining activities in:
  - a. Any area the Ministry has published in their official Gazette that it is prohibited from the activities mentioned in paragraph of this article such as preserved lands and water wells.
  - b. An area of land for which license or permit is already issued.

## **Article 15**

### **Unauthorized Categories for Mineral Rights**

1. Mineral rights will not be given to:
  - I. A person less than Fifteen (15) years of age.
  - II. A person who is officially declared financially bankrupt by a legal document, or has entered into a partnership agreement with his/her creditor or benefiting from his/ her creditor.
  - III. A mentally unfit person and every other person who is legally prohibited from getting mineral rights.
  - IV. An auctioned company if the auction is not part of a re-arrangement or merger with another company.
  - V. If a Legal Court announces a closure ruling against the company or the company board is disbanded.
  - VI. An indebted person or company that merges with its debtor.
  - VII. Mineral permit will not be issued to an individual or a cooperative or a company or companies that became indebted due to another mineral permit or had their permit expired or had another mineral permit held up.
  - VIII. Any person who is a member of the government or a government employee or any company which has a direct link with the Mineral Law managing person (s) cannot receive and hold any mineral right.
  - IX. The Ministry can reject to issue license for a person or a company that previously had withdrawn or found guilty of a crime according to this law or other related laws.

## **Article16**

### **Company Requirements**

1. The company must have good reputation and trustworthiness to be issued a license and be trusted with the country's resources.
2. The company must have fixed assets.
3. The company must have enough financial capacity for mineral exploration and production and be able to cover the losses they cause.
4. Every license holder has to appoint a representative living inside the country, when he is away from republic Somaliland, who represents him in all matters related to his permit such as doing the authorized activities or meeting the responsibilities required by this law.
5. Every mineral license holder is required to have an official address to be contacted during the period of his permit's validity.

**Article 17**  
**Strategic Minerals**

1. The Ministry can forward advice and request approval from the Cabinet of Ministers, for selecting some of the minerals or mineral deposit as strategic minerals or mineral reserves.
2. All radioactive minerals are strategic minerals.

**Article 18**  
**Mineral licenses Register.**

1. The Ministry will have a General Register for mineral licenses that contains the entire registered license holders' information.
2. The license Register will be written government papers that can be checked by the license holder according to this Law after paying the required fees.

**Article 19**  
**Required information for  
Registration.**

1. The established register mentioned in Para (18) of this law, shall composed of the requestor's information, license issuance, type of work, notifications, transfers, returning and mineral license withdrawals.
2. The Ministry shall propose the data and other directives that to be registered.

**Article 20**  
**Registration Correction and  
Certificate Clarification  
Authority**

1. The Registration Office of the Ministry is responsible for:
  - 1.1. Correcting if a mistake is made in the Register.
  - 1.2. Correcting if a wrong entry is made in the register.
  - 1.3. Preparing, approving, clarifying and issuing the original license copy to the lincese holder after approved pays the required fee.

**Article 21**  
**Replacement of Original  
Papers**

1. After confirming the payment of the required fees, the Ministry officer for Mineral Registration is going to issue a certificate showing:
  - I. License issuance, type of work, holding up, license withdrawal and cancellation of Mineral license according to this law.
  - II. That it is related with a specified area of land with mineral rights dated as shown in the certificate.
  - III. That the mineral identified in the certificate is related to the mineral rights
  - IV. That the person named in the certificate is owner of the mineral rights.
  - V. That the conditions mentioned in the certificate are the same conditions of the mineral rights.
  - VI. That the date of returning the certificate is registered

**Article 22**  
**Prohibition of Information**  
**Disclosure**

1. Releasing any information submitted by a mineral right holder is prohibited according to this law within the validity period of the mineral right of the license holder in the area of land the information concerns without the permission of the mineral rights holder.
2. The information that is not allowed to be released mentioned in paragraph one (1) of this article does not include:
  - I. A matter related to the management of this law: a court case subject.
  - II. Exploration cases or information seeking implemented according to this law.
  - III. Information given to an authorized government official or a government adviser.
  - IV. Or matters related to the preparation of exploration and mining measurement calculations by the government or government representatives.
  - V. If the sub-committees of the Parliament for Environment and Natural Resources request that information from the Ministry.

**Article 23**  
**Creation of the National**  
**Minerals Overseeing**  
**Committee**

1. The National Overseeing Council for Minerals, that will be the government business branch for minerals, will be established within two years starting from the approval date of this Law.
2. The Minerals Overseeing Committee shall be a legal committee that has an identity and a company stamp.
3. The Council will have m and an executive officer.

**Article 24**  
**Members of the National**  
**Minerals Overseeing**  
**Committee**

1. The members of the National Overseeing Committee for Minerals that shall work with the Ministry of Minerals will consist of seven (7) members that will come from:
  - I. Three (3) members from the Ministry of Minerals and Energy the Minister will appoint according to their university level of geological knowledge and mineral analysis.
  - II. Two members (2) will be appointed by the licensed Holders' Companies and mineral cooperatives.
  - III. Two members (2) will be appointed by the Parliament (house of Elders and representatives).
2. The Committee will appoint a Chairman and a Deputy Chairman in their first meeting.
3. The members' period in office shall be three (3) years that could be renewed for one more term only.

**Article 25**  
**Periodic Meetings of the**  
**Overseeing Committee**

1. The Committee will have a meeting once a month.
  - a. The Chairman will chair the periodic meetings of the committee.
  - b. The Deputy Chairman will chair the meetings during the absence of the Chairman.
  - c. The periodic meeting can convene with three members.
2. The extraordinary meetings can convene:
  - i. Upon the Chairman's request
  - ii. Upon the Minister's request.
  - iii. If one-third of the committee requests the meeting.
  - iv. If the chief executive of the company requests the meeting.

**Article 26**  
**Committee Membership**  
**Loss**

1. The member loses his membership if he:
  1. Resigns and notifies the Minister.
  2. Fails to attend three consecutive meetings of the periodic meeting without permission from the Chairman.
  3. Found guilty of a crime and charged with one year in jail.
  4. Fails to carry out his duties as a member of the committee due to poor health, bodily or mentally, for a long period.

**Article 27**  
**Duties of the National**  
**Minerals Overseeing**  
**Committee**

The duties of the Committee will be as follows:

1. Implement the mineral exploration activities according to this Law.
2. Implement the mining activities according to this Law and other regulations.
3. Able to enter into minerals-related commercial agreements in consultation with the Ministry and other concerned organizations.
4. Be able to buy another company's share in consultation with the Ministry and other concerned organizations.
5. Oversee how the mining activities are progressing.
6. Be able to sue a side and be prone to suing.
7. Advise about the best way to benefit from the mineral resources of the Country.

**Article 28**  
**Obligations of the**  
**Committee Chairman**

1. Obligations of the Committee Chairman:
  - I. To assemble the Committee Members.
  - II. To chair the meeting of the Committee.
  - III. To give reports to the concerned organizations.
  - IV. To sign all legal papers of the company.

**Article 29**  
**Obligations of the Deputy**  
**Chairman of the National**  
**Minerals Overseeing**  
**Committee**

1. The obligations of the Deputy Committee are:
  - i. Chair the meetings of the Committee when the chairman is not present.
  - ii. Perform the activities delegated to him by the Chairman.
  - iii. Do the work assignments of the Chairman when the Chairman is away doing other work or due to health reasons.

**Article 30**  
**Examination & Inspection**  
**Authorities**

1. The National Minerals Overseeing Committee can carry out inspections and examinations, without prejudice to all existing laws, and can:
  1. Enter and examine the mineral activities of land or other lands licenses.
  2. Enter a land, building, vehicle, container, airplane, or land the committee believes is used for mining activities.
  3. Carry out inspections in the buildings within the mineral license area that are used for or have been used for mineral activities.
  4. Carry out inspections and investigations, collect copies of the licenses, approvals, registers, and files of any kind of documents related to this Law, and the implementation of the activities permitted by the mineral rights, license, or permission issued according to this Law.
  5. Send samples for analysis as required.
  6. Catch any piece, container, vehicle, instrument, material, and anything the Committee considers or believes to have a criminal involvement according to this law or other laws.
  7. To follow up that this law and other related laws are applied, they give the license holder three (3) months' notice whereby the mineral license holders are required to put every instrument on the ground, inside the buildings, containers, and vehicles for examination and inspection.
  8. Enter any area to verify that the best ways of mining and mineral processing, including safety and health-related things are being followed.
  9. Put temporary suspension on the activities they find posing threats to the mineral or production activities that may cause harm and problems.
  10. Refer to the security forces and the Judiciary Branch to anybody they find violating or breaking the obligations mentioned in the articles of this law.

**CHAPTER FOUR  
MINERAL AGREEMENT**

**Article 31**

**Mineral Agreement**

- 1) Ministry Following the Constitution, this law, the Investment Laws, and Financial Laws, the Ministry can enter a mineral agreement with a party having a mineral exploration or mining license.
- 2) The Mineral Agreement shall contain the conditions and requirements related to:
- 3) The specifications of the sites and the minerals to be explored or mined.
- 4) How will the mineral exploration or mining activities be implemented?
- 5) The environmental protection responsibilities according to the Environment Protection Conditions of the Republic of Somaliland and the same international conditions.
- 6) dispute resolution means through discussion, mediation, and utilizing Somaliland Courts Jurisdiction.
- 7) The purification and preparation plan of the minerals produced from Somaliland.
- 8) The mineral evaluation method and its re-evaluation periods.
- 9) Checking Insurance Agreements.
- 10) Community development plan.
- 11) Fees, taxes, deductions, and all other financial obligations payments.
- 12) The Financial Agreements.
- 13) That the mineral agreement should not be understood that part of the required obligations will be exempted from the company.
- 14) The mineral Agreement Will be prepared According to the Conditions of the Republic of Somaliland and the same international conditions.
- 15) That all mineral agreements shall be referred to the House of Parliament for approval as stipulated by the Constitution of Somaliland.
- 16) That any mineral agreement that does not agree with the constitution, this law, and other applicable laws is null and void.
- 17) That the company being issued the license for mineral exploration or mining activities must pay a deposit of \$50,000 to USD 100,000.
- 18) That the contract period of mineral exploration or mining activity with the company shall not be more than Five (5) years that can be renewed for the company that fulfills the objectives of the first contract.
- 19) That according to the constitution and other written laws, all mineral contracts entered into according to this law shall be published.

- 20) the Ministry facilitates the way to get the directives of this law, including the assurance that the mineral contracts and related situations can be found on the official page of the Ministry's website.

**Article 32**  
**Announcements of Private**  
**Mineral Agreements**

1. Following the Constitution and other applicable laws, all contracts of this kind entered shall be reviewed.

**Chapter 5 Mineral licenses**

**Article 33**

**Mineral Dealer license**

1. The holder of a mineral dealer license for trade can legally: buy, sell, reform, and melt the mineral according to this law.

**Article 34**

**Mineral dealer license**

**Conditions**

- 1) A Mineral dealer license can be obtained by:
- i. Any company that Hundred Percent (100%) of its shares are owned by Somaliland citizens.
  - ii. The requestor must have the experience, technical capacity knowledge, capability, and necessary finance for the mineral trade.
  - iii. The company must not be judged with a criminal case during the last five years.

**Article 35**

**Mineral Dealer Application**

1. The request for a mineral dealer license is submitted to the Ministry with the necessary form and the request fee payment receipt attached
2. The Mineral dealer license Request must:
- i. Contain the registered name of the company, its residence area, and company certificate, a copy of the company laws, names of the company owners and names of all the shareholders who get a profit of Ten Percent (10%) or more.
  - ii. Include the policy of the company showing the way they are going to handle the mineral dealer license.
  - iii. The manager's knowledge and experience of the company for the arrangement of the mineral dealer license program.
  - iv. Likewise, the request must contain an explanation that particularly shows the technical knowledge and the financial sources the requestor has.
  - v. Any request for a mineral dealer license must be registered and kept in the Ministry's Register according to this law as shown in paragraph (2) of this Article.
  - vi. Any request registered according to paragraph (2) of this Article shall have the number and the date received to be an evidence for the requestor or his/her representative that the request is received.

**Article 36**  
**Mineral Dealer Issuance**

1. When the Ministry receives the request for a Mineral dealer license and becomes convinced that the conditions set by this law have been met, the license will be issued following to the established procedure according to this law.
2. Within four (4) weeks from the date the request was submitted, the Ministry has to inform the Mineral dealer license request or whether his request is accepted or rejected. If the request is rejected, the Ministry is required to show the reason for the rejection.
3. When the requestor gets the approval of the Ministry as mentioned in paragraph (2) (2) of this Article, he must pay the required fee of the license
4. If the requestor withdraws from his/her previous request in writing, the Ministry will cancel his license without fee reimbursement.

**Article 37**  
**Duration of Mineral Dealer  
& Renewal**

1. The Mineral dealer license validity period is one year. The license expires the same day it was issued after twelve (12) months.
2. The dealer holder can request a renewal for his mineral dealer license from the Ministry following the required form and attaching the receipt of the paid fee.
3. After submitting the renewal request, the requestor must fulfill all the conditions of this law and related regulations.
4. The Ministry issues the Mineral dealer license renewal after getting convinced that all the required conditions have been met.

**Article 38**  
**Obligations of Mineral  
Dealer License Holders**

1. In addition to the mentioned conditions, the Mineral dealer license holder is required to: -
  - i. Maintain the mineral dealer license register as best as possible.
  - ii. Keep the following data in the register: -
  - iii. The type and weight of the sold or bought minerals.
  - iv. The dates of buying and selling. Must send the original copy of the true copy of the data register and make a copy with legally valid evidence every three months, i.e., in the first, fourth, seventh, and tenth months of each year.

**Article 39**  
**Mineral dealer license  
Rights**

1. Following the articles of this law, the Mineral dealer license gives the license holder the following rights:
  - i. The license holder has the right to trade in all different kinds of minerals according to this law.
  - ii. The license holder can export the minerals outside the country according to this law.

- iii. He can participate in the mineral exhibitions of the Republic of Somaliland inside and outside the of country according to this law and its regulations.
- iv. He can manufacture or restructure the minerals of the country in order to improve the quality.

**Article 40**  
**Mineral dealer license**  
**exceptional thing**

- 1. Nobody is allowed to trade in minerals without a legal Mineral dealer license
- 2. Nobody can enter into a mineral exploration or mining contract.
- 3. The businessperson having a mineral dealer license cannot export minerals without having a mineral export permit.

**Article 41**  
**Mineral importation and**  
**Exportation**

- 1. Nobody can import or export any kind of mineral if does not have permission from the responsible ministry of minerals in the country
- 2. Any person who wants to import or export any kind of minerals needs to get permission from the Ministry using the appropriate form and attaching the required fee receipt.
- 3. The Ministry considers the following items after studying the request discussion:
  - 3.1 The importation of minerals must have: -
    - i. A certificate from the organizations responsible for mineral matters in the country which the mineral is being imported from.
    - ii. A laboratory certificate and evaluation from the organizations responsible for mineral matters in the country which the mineral is being imported from.
  - 3.2 The Mineral export permit must have:
    - A. A Mineral License from the Ministry of Minerals.
    - B. A Mineral Laboratory Certificate from the recognized concerned companies.
    - C. Must have A Mineral and Admin Fees payment receipt.
    - D. Must return the Mineral Laboratory result report.
    - E. A person or a company that does not have a mineral permit including tourists will be given a temporary permit to take mineral samples out of the country after paying the required fees according to this law.

**Article 42**  
**Mineral Exportation and**  
**Importation permit Period**

1. Mineral importation or exportation permit:
  - a. Is valid for one month only.
  - b. Is limited to the permit mineral quantity mentioned.
  - c. Is for one-time use.
  - d. Only the person or company listed in the letter of permission of the ministry can export the mineral to the country.

**Article 43**  
**Artisanal permit**

1. Artisanal permit is meant for the mining activities based on the traditional mining system where old tools are used.
2. Artisanal mining activities should not be:
  - 2.1 Use broad exploration, machines, technology, and chemicals containing Mercury, cyanide, or explosives.
  - 2.2 Dig more than ten (10) meters deep.

**Article 44**  
**Artisanal Mining Permit**  
**requirements**

1. Anybody who wants to begin Artisanal Mining activities needs to request an Artisanal Mining permit.
2. The Artisanal Mining permit shall be given to:
  - 2.1. Somaliland Citizen(s) whether they are a co-operative or a company provided shall not be more than twelve (12) persons.

**Article 45**  
**Artisanal Mining Permit**  
**Request**

1. Any Artisanal Mining permit request shall be forwarded to the Ministry following the designated form which contains:
2. The list of all the names of the people using the permit
3. The type of the mineral and the location identified by the Ministry geologists.
4. Somaliland Identity card of the person responsible for the permit.

**Article 46**  
**Artisanal Mining Permit**  
**Issuance**

1. The permit will be issued according to this law when the Ministry receives the request and finds that the requirements of this law are met.
2. The Ministry shall inform the requestor of their decision on the acceptance of the request in writing. If the request is rejected, the requestor shall be informed of the reason for the rejection.

**Article 47**  
**The Validity Period and**  
**Renewal of the Artisanal**  
**Mining Permit**

1. The artisanal Mining Permit remains valid for a period of one (1) year that can be renewed yearly if the permit holder complies with the conditions and requirements b mentioned in this Law.

**Article 48**  
**Artisanal Mining Permit**  
**Transfer**

1. Artisanal Mining permits are not transferable.

**Article 49**  
**Artisanal Mining Permit**  
**Holder Obligations**

1. The Artisanal Mining Permit holder must:
2. Implement the surveying and mining activities in good faith within the permitted area without exceeding the limit of knowledge and resources.
3. The Ministry shall provide the mining activities information if the Ministry needs to or if mutually agreed so.
4. Immediately answer any issue related to the mining activities that come from the Ministry regarding the assurance of safety and best mining ways.
5. Sell the minerals found from the permitted Artisanal Mining area as agreed.
6. Implement the maintenance and restore the mined area.
7. Take care of the original register of the documents concerning the permitted Artisanal Mining areas that are required to be exhibited when the Ministry or the concerned officer needs to check.
8. Forward all the reports as agreed.
9. If the permit holder does not follow all the requirements required by this law or the other laws of the country, the Artisanal Mining permit will be Withdrawn and the consequent punishment and fine shall be decided by the court in accordance with this law.

**Article 50**  
**Artisanal Mining Permit**  
**Holder's Rights**

1. According to articles of this law concerning Artisanal Mining, anybody having approval has the right to implement mining activities in the area approved for him.
2. Anybody having an Artisanal Mining permit can enter the permit for him, implement mining activities, and sell or transfer the permit minerals.
3. Can hire enough, a small number of unskilled labour in the area permit for him.

**Article 51**  
**Artisanal Mining Permitted**  
**Area**

1. The area of land allocated for Artisanal Mining shall not be more than unseparated sixteen square kilometres (16km) according to this Law.

**Reconnaissance**

1. A Reconnaissance License is a general mineral survey activity that is not deeply implemented, for exploring mineral resources by using utilizing geophysics survey geochemistry survey geological survey from above, and other means such as connecting distant by satellite images and studying the ground surface.

**Article 53**  
**Reconnaissance License**  
**Requirements**

1. The Reconnaissance License can be taken by:
  - 1.1 Any person or company Citizen or foreign
  - 1.2 The requestor must have the experience, technicality, ability, and finance for the implementation of the survey activity.
  - 1.3 Every company must be registered from the Republic of Somaliland.
  - 1.4 Anybody that is not found guilty during the last five years.
  - 1.5 The Reconnaissance survey activities must be suitable and harmless for the environment.

**Article 54**  
**Reconnaissance license**  
**Request**

1. The Reconnaissance license request shall be submitted to the Ministry following the specified form with the request fee receipt attached.
2. The Reconnaissance license request consists of:
  - 2.1. If the requestor is a person must put his full name, citizenship, residence, with a recent passport photograph.

- 2.2. If the requestor is a company, the registered name of the company, its domicile, company certificate, the company law, names and nationalities of the managers and the names of all the shareholders who receive a profit of (10%) or more.
- 2.3. The request shall also include the company's data for the Reconnaissance license or other similar activities they have implemented in Somaliland or other countries.
- 2.4. The identity and experience of the company head responsible for the arrangement of the mineral exploration program.
- 2.5. Included also is the Work plan of how the exploration will be implemented about the license.
- 2.6. Included with the request also, a declaration particularly mentioning the technical know-how and financial status of the requestor.
- 2.7. Submit a study or research elaborating the effects the survey can have on the environment and their plan to face the damages that may affect the environment.
- 2.8. Preparation of the way they are going to inform the Ministry, Regional Administration, District Administration, and the public about their exploration implementation plan.
- 2.9. Submitting their program regarding the way they want to employ Somaliland citizens and their contract bid.
- 2.10. And any other conditions required by a regulation.
2. 11. Any Reconnaissance license, as mentioned in paragraph (2) of this Article, must be registered and recorded in the Ministry's Register according to this Law.
- 2.12. Any request registered according to paragraph (2) of this Article shall be given the number and submitted to be evidence for the requestor or his representative that the request is accepted.

**Article 55**  
**Reconnaissance license**  
**Issuance**

1. When the Ministry receives the request for a Reconnaissance license and becomes convinced that the conditions of this Law have been fulfilled, they will issue the license according to the conditions set by this law.
2. The Ministry shall inform the requestor, within four (4) weeks from the day the request was registered if the Reconnaissance license is accepted or rejected. If the request is rejected, the requestor must be informed of the reason for the rejection.
3. When the requestor receives the acceptance mentioned in paragraph (1) of this Article, shall pay the required fees.
4. If the requestor declines from previous request in writing, the Ministry will cancel the license without any fee refund.

**Article 56**  
**Renewal Reconnaissance**  
**License and Period**

1. The Initial Reconnaissance license period shall not be more than Two (2) years.
2. The holder of the Reconnaissance license must request from the Ministry three months before the expiry date of the license, to be given an extension period for part or the whole area.
3. The initial Reconnaissance license is renewable one time only.
4. When the renewal request is submitted, the requestor must fulfil all the requirements of this law and its related regulations.
5. The permit renewal will be issued when the Ministry is convinced that all the requirements have been fulfilled.

**Article 57**  
**Obligations of the**  
**Reconnaissance License**  
**Holder**

1. In addition to all the pre-mentioned conditions, every Initial Reconnaissance license holder shall:
  - 1.1. Carrying out mineral exploration in the land is given for the Initial exploration license it according to the accepted initial exploration program.
  - 1.2. Begin the exploration in land for which is issued the initial exploration license in the period shown in the agreed-upon mineral exploration program.
  - 1.3. The license holder Must report to the Ministry the samples, data, and geological reports as agreed.
  - 1.4. not digging, drilling pitting, trenching or any other way of opening the land surface for mineral exploration.
  - 1.5. Inform and advise the minister and community about the ongoing initial mineral exploration activities.
  - 1.6. Keep the safety of the land and return the affected land rehabilitation by the early stage of exploration activities to its original condition according to the standards and laws of the environment.
2. The yearly expenditure that will be spent in the initial exploration activities will be at least Somaliland money equivalent to 300 USD (Three Hundred Dollars) per one square kilometre of land.

**Article 58**  
**Reconnaissance license**  
**Rights**

1. According to the articles of this law, the Initial Exploration Permit gives its holder the following rights:
  - 1.1 Can implement mineral exploration in assigned areas of land.
  - 1.2 Can implement land and satellite exploration in the designated area.
  - 1.3 Can implement the Reconnaissance license Program in the agreed upon way.
  - 1.4 Can take and produce mineral samples not more than the agreed quantity.
  - 1.5 Can erect tents, build temporary buildings, and at the same time, keep different instruments inside.
  - 1.6 This license does not give its holder the right to land ownership; the license holder cannot rent and receive money from the license area.
2. The permit holder shall remove all temporary buildings built inside the permitted land during the exploration period

**Article 59**  
**Reconnaissance license**  
**Prohibited Things**

1. The Reconnaissance license cannot be transferred.
2. The Reconnaissance license is not allowed to be used for mining and the other different types of mineral pits.
3. The Reconnaissance license designated areas are not areas previously for the subject mineral or other related minerals, another Reconnaissance license area, a retention license area, or a mining area.

**Article 60**  
**Reconnaissance license Area**

1. The land area designated for the Reconnaissance license must not be more than a Hundred Ninety-Two square Kilometres (192 Km<sup>2</sup>) and not less than eight kilometers (8 km<sup>2</sup>) of intact land as specified by the regulation.

**Article 61**  
**Yearly Report**

1. Within a period of sixty (60) days after the yearly inauguration of the Reconnaissance license issuance, the license holder is required to:
  - 1.1 Submit a technical report detailing all implemented activities during the year and the resulting outcome.
  - 1.2 Submit a financial report containing all the expenditures such as employees' salaries and equipping costs.

1. If the license holder does not do any activity or exploration in the designated land for a period of one year as shown in paragraph1 of Article (61) above that license will be null, and void and its holder will not have any right for that land anymore.

**MINERAL  
EXPLORATION license  
Article 62  
Mineral Exploration  
License**

1. The mineral exploration license is a permit or approval taken for mineral exploration and Mineral deposits utilizing geological techniques, geochemistry, geophysics, or other means related to drilling, bore holing, land ripping, and sample taking.

**Article 63  
Mineral Exploration  
License Requirement**

1. The Mineral Exploration license can be taken by:
  - 1.1 Any citizen or foreign person or company.
  - 1.2 The requestor must have the experience, technical knowledge ability, and finance for the implementation of the exploration activities.
  - 1.3 Any company must be registered in the Republic of Somaliland.
  - 1.4 Any company not found guilty of a crime in the last five years.
  - 1.5 The Survey activities must be suitable and not cause any harm to the environment.
  - 1.6 The site to be designated for mineral exploration is not a site previously allocated for an exploration license of the same mineral or other related minerals, an exploration license site, a retention license, or a mining site.
  - 1.7 Submit a detailed geological report about the requested area.
  - 1.8 Submit a detailed geochemical report about the requested area.

**Article 65  
Mineral Exploration  
License Request**

1. The Mineral Exploration license request shall be submitted to the Ministry after completing the required form with the request fee payment receipt attached.
2. The Mineral Exploration License Request can be requested by one person or more whereby the requestor(s) need to meet the following required conditions:
  - 2.1 If the requestor is one person, the request must show his full name and the country of his birth.

- 2.2 If it is a company, the company's name, place of registration, registration certificate, a true copy constitution of the company, names and citizenships of the company leaders, and the names of the shareholders whose share is more than Five Percent (5%)
  - 2.3 The plan of the requested land for which they want to get the exploration license with a well-prepared map showing all the information needed about the area.
  - 2.4 Clarifications showing the mineral(s) for which the license is requested.
  - 2.5 Written evidence showing the financial and technical capacity of the company for the implementation of the requested activities.
  - 2.6 A complete exploration program showing the activities that will be implemented in the license area, the cost estimate of the activities that will be done and the completion period of the program in addition to an estimate of the exploration period and the effect the leftovers may have on the environment.
  - 2.7 The license requestor can tell anything he thinks that the Ministry may consider.
3. Any Mineral Exploration license request, as mentioned in paragraph (2) of this Article, must be registered and archived in the Ministry according to this law.
  4. Any request registered according to paragraph (2) of this article shall be given the number and date it was received to show the requestor or his/her representative that his/her request is received.

**Article 66**  
**Mineral Exploration**  
**License Issuance**

1. The ministry receives a request for the mineral exploration license and is convinced with it, the issues the license according to this Law.
2. The Ministry shall inform the requestor within four (4) weeks from the day the request was registered whether the Exploration Permit Request is accepted or rejected. If the request is rejected, the reason for the rejection must be mentioned.
3. When the requestor receives the acceptance mentioned in paragraph (1) of this Article, he/she shall pay the required fees.
4. The Ministry will cancel the requestor request who withdraws his previous in writing without a refund.

**Article 67**  
**Period &Renewal Mineral**  
**Exploration license**

1. The exploration period is three (3) years at most starting from the date the license is issued. It can be renewed two (2) times for a period of two (2) years each on the condition:
  - 1.1 The land area shall be decreased by 25% in each renewal.
  - 1.2 The license Holder requesting the renewal is required to fulfil all the conditions and responsibilities required for the license renewal according to this law and its related regulations.

**Article 68**  
**Mineral Exploration license**  
**obligation**

1. Anybody who gets a Mineral Exploration license must:
  - 1.1 Implement the Mineral Exploration activities reasonably, safely, cooperatively, professionally, and usefully according to this law, other national laws, and the regulations extracted from this law.
  - 1.2 Implement the mineral exploration in a responsible way that does not harm the environment and the community.
  - 1.3 Limit the Mineral Exportation activities within the area license only according to the approved exploration program.
  - 1.4 Start the Mineral Exploration activities within sixty (60) days from the day the license was issued.
  - 1.5 Immediately Inform the Ministry of any mineral deposits they discover during their exploration including the minerals they do not have a permit for their exploration.
- 1.6. Keep the environment safe and well in the permitted area and return it to its previous condition without any harm and injury inflicted on it due to Mineral Exploration activities such as:
  - 1.6.1 Burying the pits, wells, and other empty places formed during the exploration activities.
  - 1.6.2. Return the land to its previous condition in compliance to the right of getting a healthy and secure environment according to this law, the regulations extracted from this law and the national environmental law.
- 1.7. Avoid pouring dirty water or other liquids used for the exploration in the environment if they are damaging and keep them according to this law.
- 1.8. Avoid exploring the reserved forest lands without the approval of the Ministry and until discussing with the other concerned Government institutions and following the conditions of this law.
- 1.9. Accept the geological explorations of the government institutions in the permitted area if that activity is not interfering with the exploration activities of the permit holder.
- 1.10. Regularly submit a report about his work according to this law.
- 1.11. Pay the required fees and yearly rent.

**Article 69**  
**Mineral Exploration Permit**  
**Rights**

1. Anybody who has a mineral exploration permit has the right to:
  - 1.1 Implement a complete mineral exploration at the designated area to find the facts of the mineral he wants and other minerals too and establish the supporting elements of the exploration at the same time.

- 1.2 The permit holder or his representative can work in his designated land.
- 1.3 Employ any number of people he wants to complete the exploration activity.
- 1.4 Constantly Inform the Minister and the local people about the progress of the exploration activities.
- 1.5 Get samples and take a reasonable number of samples out of the country that the mineral exploration can allow after getting written approval from the Ministry.
- 1.6 Take mineral samples and do mineral fabrication not more than the amount needed to discover the mineral deposits after getting written approval from the Ministry before the sample taking.
- 1.7 Settle his permitted land and make temporary constructions such as camps, etc, to enable him to implement the exploration activities perfectly in consultation with the local administration.
- 1.8 Dig holes and mineral pits to discover the underground minerals.
- 1.9 Build temporary roads according to the laws related to this matter.
- 1.10 Restore the holes and bridges to their previous condition after the end of the agreement to avoid harming the local people and others too.

**Article 70**  
**Yearly Admin, Renewal,**  
**and Request Fees**

1. Exchange, yearly renewal, Admin, and permit request fees shall be decided by the Ministry and published using a ministerial circular. The yearly fees can be paid at the end of the year. If the exploration permit is issued or expires before the end of the year, the fee will be estimated accordingly.
2. The yearly fee of the mineral exploration activity is Five Hundred Dollars (USD 500) for each square Kilometre (1 Km<sup>2</sup>) in the first period, One Thousand Dollars (USD 1000) per square Kilometre (1Km<sup>2</sup>) after the first renewal, and Three Thousand Dollars (USD 3000) per square Kilometre (1 km<sup>2</sup>) after the second renewal Article 71 the right to change exploration license.
3. According to the articles of this law, anybody having a mineral exploration license has the right to request or be given a mining license for part or parts of the land he was given a mineral exploration license before if he:
  - 3.1 Followed and fulfilled the obligations of the Exploration license mentioned in this law.
  - 3.2 Fulfilled all the requirements of the mining license.

**Article 72**  
**Exploration License Area**

1. The issued Exploration license t Area has to be Square structurally or nearest to that with four directions with an area not more than Hundred Ninety-Two Square Kilometres (192Km<sup>2</sup>).

**Article 73**  
**Yearly Report**

1. Sixty (60) days after the initiation of the Exploration Permit, the permit holder is required to:
  - 1.1 Submit a technical report detailing all the activities done during the exploration and the results therein.
  - 1.2 Submit a financial report including all the incurred costs such as the salaries of the employees and the costs of the exploration activities.

**Small-scale mining license**  
**Article 74 Small-Scale Mining**

1. Small scale Mining is mining where the minerals are extracted by technical instruments and motors from the ground surface and underground without digging the ground more than twenty (20) miters.

**Article 75**  
**Small-Scale Mining requirements**

1. Small-scale Mining can be requested by a person or company to complete a Reconnaissance license or an Exploration license, which discovers a quantity of minerals that can be extracted.
2. Small-scale Mining license can be given to anybody or any company legally registered in Somaliland that has the knowledge, technical, and financial capability for the implementation of the license requirements.

**Article 76**  
**Small-scale Mining License Application**

1. The request for the issuance of the small-scale mining application shall be forwarded to the Ministry through the proper form and the required procedure whereupon the request must:
  - 1.1 Include his full name, country, domicile, and a recent passport photo if the request is a person.
  - 1.2 if it is accompanied the application shall consist of the name of the company, place of registration, registration certificate, a genuine copy of the company regulations and constitution, the names and citizenships of the company leaders, and the names of all the shareholders whose share is more than Five Present (5%) of the company shares.

- 1.3 Include the requestor's name and concise educational certificates and his mining experience in Somaliland and worldwide.
  - 1.4 Identify the name and educational certificates of the company's manager and inspector for the mining activities in Somaliland.
  - 1.5 Identify the type of mineral(s) to be extracted based on the technical report that shows the requested Small-scale mining work plan.
  - 1.6 Bring a document showing the technical and financial capabilities of the license requestor.
  - 1.7 Bring the general plan for mining implementation following the required procedures.
  - 1.8 Give details about the negative or unforeseen effects that the implementation of the mining program can have on the environment, monuments, and antiques that might be available in the area designated for the Small-scale mining activity, the remedial steps they will take in such case and the funds they have allocated to deal with such problems that can affect the environment.
  - 1.9 Give details concerning the way the activities shall be implemented to inform the Minister and the community about the discussion of the Small-scale Mining activity.
  - 1.10 Mention any case the requestor thinks the Ministry shall consider.
2. Any request of a Small-scale Mining license that agrees with Paragraph (1) of this Article shall be immediately registered and archived in the Register Book, by this law.
  3. Any request registered according to the 2nd regulation of this law shall be given the number and date of registration to be evidence for the requestor or his representative that the request is received.

**Article 77**  
**Small scale Mining license**  
**Issuance**

1. The Ministry will issue the small-scale mining license when they receive the small-scale Mining license request mentioned in this article and becomes convinced with all the conditions and other requirements, according to the following procedure:
2. The Ministry informs the requestor of the issuance of the small-scale mining license writing and will give a detailed reason if the request is rejected.
3. The Ministry shall notify the requestor if his request is accepted or rejected within four weeks from the date the requestor was registered. If the request is rejected, he shall be told the reason for the rejection.
4. When the requestor receives the acceptance of the Ministry mentioned in paragraph (1) of this article, he shall pay the required fee for the issued permit.
5. If the requestor withdraws from his previous request in writing, the Ministry shall cancel his permit without any fee refund.
- 6.

**Article 78**  
**Mining Period and Renewal**  
**license of small-scale mining**

1. The validity of the Limited Mining Permit is Five (5) years at most and can be renewed depending on the fulfilment of the conditions set by this law by the permit holder.

**Article 79**  
**Small-scale mining license**  
**Holder Obligations**

1. Any small-scale mining license shall be issued according to the above-mentioned articles and requirements and the license holder:
  - 1.1 Must begin the mineral extraction or mineral manufacturing according to the approved program.
  - 1.2 Without thinking out of his knowledge and his resource limits, he is, in good faith, going to implement the small mining and mineral exploration activities in the area he is given the license.
  - 1.3 Will observe the continuity of the mineral production as allocated after the beginning of the production.
  - 1.4 Protect the accounting book of the mining activities and other businesses he might have in his license area, adequately and truthfully, that he is required to exhibit upon the request of the concerned officer.
  - 1.5 Send the geological reports and extracted mineral samples constantly following the established procedure.
  - 1.6 Protect the safety levels of the licensed area and the mining activities according to the existing laws concerning the workers' health and job safety as shown by the concerned laws.
  - 1.7 Comply with all the conditions of evaluation, planning and environmental protection in order to manage the environmental pollution according to this law and other relevant laws.
  - 1.8 Comply with his mining closure plan and environmental rehabilitation after the end of the mining activity.
  - 1.9 Refrain from mining dangerous minerals without getting written approval from the Ministry.
  - 1.10 Protect the report and submit the mining activities plan.
  - 1.11 Allow the Government institutions and Educational Institutions to research the submittal providing that these research activities will not interfere with the mining activities.
  - 1.12 Allow to use the constructions built in the license area such as waterways, canals, pipes, wastewater pits, conveying wires, community roads, and other needs of the people if the Ministry sees that they will not cause any problems for the mining activities.
  - 1.13 Mark off and protect the boundaries of his license area.
  - 1.14 Send all the reports of the mining activities to the Ministry.

2. The license holders of Small-scale Mining are required to follow the accepted international levels of safety, environmental protection, and repair as set and directed by the Ministry. If the license holder does not follow these levels that will cause him to be denied the renewal of his license after its expiration or will be fined by the Ministry or the court.

**Article 80**  
**Small Scale Mining license**  
**Holder Rights**

1. According to the articles of this Law, the holder of the small-scale Mining license shall have an exclusive right to carry out exploration and small-scale mining activities in his license area. He can have access to any place related to his license area together with his employees and representatives and:
  - 1.1 Take reasonable steps inside and surface the Small-Scale mining License area to carry out mining activity and mineral production.
  - 1.2 Erect and bring in any important equipment for the mining activity, such as residential buildings to be used during the mining activity period, loading, arranging, purification, and polishing the produced minerals during the small-scale mining period.
  - 1.3. Deal with any produced mineral or discovered at his discretion.
  - 1.4 Collect or discard the mineral remnants and garbage as prescribed by the Ministry in collaboration with the environmental and health institutions.

**Article 81**  
**Yearly Report**

1. Within a period of sixth (60) days after the inception of the small-scale mining license issuance, the license holder is required to:
  - 1.1 Submit a technical report detailing all the accomplished activities during the year and the results thereof.
  - 1.2 Submit a brief financial report of all spent costs such as employee salaries and exploration activities' costs.

**Article 82**  
**Small Scale Mining License**  
**Area**

1. The Small-scale mining allocated area is six adjacent blocks at most.
2. The Small-scale mining license is needed for the mining activities that produce less than One Million (1,000,000) of building materials per year, and Hundred Thousand (100,000) tons of mineral-containing rocks
3. A mining license is required for the extensive mining activities or the mining activities using dangerous chemicals or dealing with mineral remnants.

### **Article 83**

#### **License Transfer**

1. The small-scale mining license can be transferred, mortgaged, or promised.

### **Article 84**

#### **Mining license**

1. Mining is any action that enables license or approval holders to produce industrial minerals constructions, gemstones, etc that are manufactured and sold.in accordance with the license or permit.

### **Article 85**

#### **Mining license requirements**

1. The mining license shall be issued to the truly existing company only that is registered according to the Somaliland Companies' Law, properly accepted to carry out business activities in Somaliland, and has the readiness and financial capabilities for the fulfillment of the license responsibilities.
2. Somaliland has the right to get at least ten percent (10%) from the company that gets the mining license without any capital or cost contribution needed from the government.
3. Anybody having a mineral exploration license or a retention license for a mineral land has the right to request a mining license.

### **Article 86**

#### **Mining License Request**

1. The request for the Mining license is submitted to the Ministry by using the appropriate form and paying admin fees mentioned by the Law.
2. Any mining license request according to this article shall contain: -
  - 2.1 name of the company, place of registration, registration certificate, a true copy of the company procedure and constitution, names and citizenships of the company management, and the name of every shareholder who owns more than (5%) of the company shares.
  - 2.2 The mining history of the licence-requesting company in Somaliland and worldwide.
  - 2.3 The name and the experience of the company held responsible for the mining activities in Somaliland.
  - 2.4 Identification of the land they want to implement their mining activity that shouldn't be more than the area allowed by the requested license. They are also required to bring a detailed design showing the subject land for the Ministries understanding and recognition.
  - 2.5 The real information of the mineral deposits available in that land and the amount of minerals they want to produce yearly.
  - 2.6 A Study or research detailing the negative impact that the mining activity may have on the environment, the way they will deal with it and do something about it, and the funding they have allocated to deal with environmental problems that may occur.

2.7 A detailed written mining program such as:

2.7.1 An estimate of the period of time needed for the mining activity to be profitable.

2.7.2 The extent of production capability and the volume of the duty.

2.7.3 An estimate of the minerals that could be produced.

2.7.4 The type of the minerals to be produced.

2.7.5 The air pollution prevention plan, garbage management plan, natural resources protection, reclamation and recovery of the land affected by the mining activity to minimize the effects that it will have on the upper and underground waters in the mining area and its surroundings.

2.7.6 The effect of the mineral remnants can have on the environment and the prevention plans for that matter.

2.7.7 The special dangers such as health problems or others if existing, that the mining activity can cause and how to prevent them.

2.8 The job creation plan of the company for Somaliland citizens according to the Civil Labor Law.

2.9 Evidence showing the technical and financial capability of the permit-requesting company.

2.10 The plan of the materials and services they need that could be found in Somaliland.

2.11 Their plan concerning the way they are going to work with the government departments, cultural leaders, and the community of the territory they are carrying out the mining activity and the nearby territories.

2.12 And any other information the Ministry requires them to add to the request.

3. Any mining request submitted according to paragraph (2) of this Article shall be registered immediately and recorded in the request's registration book according to this law.

4. Any request registered according to paragraph (3) of this Law shall be given the number and date of its entry to be evidence for the requestor or his representative that the request has been received.

**Article 87**  
**Mining license Issuance**

1. According to the articles of this Law, the Ministry shall issue the requested mining license when they receive the license request, become convinced with it and all the required conditions are met.
2. The Ministry shall inform the requestor within four (4) weeks from the day the request was registered if the Mining license request is accepted or rejected. If the request is rejected, the requestor must be told the reason for the rejection.
3. When the requestor receives the approval of the Ministry mentioned in paragraph (1) of this Article, he shall pay the required fees of the permit.
4. The Ministry will cancel the permit of the requestor who withdraws from his previous request in writing without refunding.

**Article 88**  
**Mining license Period &  
Renewal**

1. The initial period of the mining permit decision shall be based on a detailed report about the bulk of the mineral deposits and the method of mining and will not be less than five (5) years that could be renewed for an extra period based on the bulk of the mineral deposits and production capability.
2. The requestor (s) of the mining license renewal shall submit to the Ministry two copies of a detailed technical report about the mining condition, at least three months before the expiry of the previous mining permit.
3. Within sixty (60) days, the Ministry shall approve the renewal of the permit or inform the requestor of the shortcoming of the request that needs to be corrected. The request has to be corrected within ninety (90) days and returned to the Ministry but in case the Ministry rejects to renew the license again; the Ministry has to give an explanation of the reason for the rejection.
4. The mining license period begins from the date of issue shown in the license.

**Article 89**  
**Mining license Holder**  
**Obligations**

1. According to the articles of this law, anybody who received a mining license is required to:
  - 1.1 Start the mining of the mineral deposits concerning his license according to the approved mining activities and environmental management program.
  - 1.2 Start his mining activities within one hundred eighty (180) days beginning from the day he was given the license.
  - 1.3 Identify the mineral mining land to make sure that it is the land he is given the license for.
  - 1.4 Conform to the safety of the mining activities' employees according to the work and safety and health conditions as well as other safety and health conditions mentioned by other laws.
  - 1.5 Conform to any other conditions that come as a result from evaluations, take care of the environment and pollution conservation plans and programs and manage the atmosphere according to this law or other relevant laws.
  - 1.6 Inform the Ministry if he changes his address or residence in Somaliland for communication purpose.
  - 1.7 Inform the Ministry, as soon as possible, when he/they begin (s) benefitting or gaining from his/their license land.
2. The mining license holder is required to:
  - 2.1 Prepare, and the same time, complete a valid technical report about the land his licensed area that agrees with the Ministry's requirement.
  - 2.2 Forward copies of all the maps, and environmental reports including mineral specifications, exploration and mineral separation, aerial survey of minerals, accomplished tests, and all other information they found from the mining licence area.
  - 2.3 Forward genuine financial reports about the mining activities they are carrying out in their licenced area same as the financial books and other financial reports when the Ministry needs.
  - 2.4 Allow the assigned officer of the Ministry to examine the financial books and other related data according to this law and give him copies of all the financial data without exception if he needs them.
  - 2.5 Give the Minister a copy of their yearly financial report within Sixty (60) days after the end of their financial year showing the benefits and losses of that year and the financial condition of the year end.
  - 2.6 Forward all reports as required.

**Article 90**  
**Mining license Holder**  
**Rights**

1. 1. According to the articles of this law, the licence holder has the right to carry out the mining of the minerals approved for him in the mining area. Accordingly, the licence holder or his representative can:
  - 1.1 Enter anywhere in the mining area, surface or underground, and take necessary actions of mining activities.
  - 1.2 Erect or bring any equipment, factory or building necessary for the mining activities in addition to the preparation of mineral products for loading and transportation.
  - 1.3 Show any mineral products the licence holder has produced in order to pay the required fees as per this law and its other related regulations.
  - 1.4 Use or throw away the remnants of the minerals or resulting garbage according to the law.
  - 1.5 Hire and train Somaliland citizens according to the labour law and the regulations of this of law.

**Article 91**  
**Mining license Area**

1. The issued mining license area is six (6) blocks at least.

**Article 92**  
**Mining license Request**  
**Decision Announcement**

1. The Ministry will inform the requestor of the mining license whether his request is accepted or not within a period of four (4) weeks starting from the day the request was submitted.
2. Upon receiving the information of the Ministry mentioned in paragraph (1) of this Article, the requestor informs the Ministry within a period of four (4) weeks that he accepted the license and will pay the required fee.
3. If the licensee requestor fails to inform the Ministry the acceptance of the license within the period mentioned in paragraph (2) of this article, the Ministry will consider that the requestor has withdrawn from the license.
4. The Ministry shall issue the official license within a period of four (4) weeks from the day the requestor declared the acceptance of the license. The license issuance announcement shall be shown in the official Website of the Ministry.

**Article 93**  
**Mining Activities**  
**Suspension**

1. Any mining license holder shall inform the Ministry: -
  - 1.1 Twelve (12) months before if he wants to completely suspend the mining activity he is doing.
  - 1.2 Six (6) months before if he wants to suspend for a period.
  - 1.3 Three months before if he wants to reduce the mining production.
  - 1.4 Mention in the notice the reason for stopping, suspending or reduce the mineral production.
2. When the license Holder stop, suspends or reduce the mineral production due force majeure to beyond his capability, he has to inform the Ministry the day he stopped, suspended or reduce the production within seven (7) days

**Article 94**  
**Mining Suspension**  
**Authority of the Ministry**

1. When the Ministry is informed about the mining stoppage according to this law or learns the stoppage, suspension or decreasing the mineral production, the Ministry will give an order to investigate the matter and will later:
  - 1.1 Approve the stoppage, suspension or the mineral production decreasing they were notified by the license holder (s) with or without condition.
  - 1.2 Notify the license holder (s) to accept and fully or partially resume the mineral production at the fixed time mentioned in the notice.

**Article 95**  
**Annual Reports and**  
**Accounting Books**

1. The Sixtieth (60th) day or before next year end, every mining license holder shall forward to the Ministry:
  - 1.1 A detailed technical Report about the license activities they have accomplished during the three months period and their outcome.
  - 1.2 A financial report showing the number of hired people, the total number of employees, the total income of the business and the investment cost.
  - 1.3 Financial reports prepared according to the international levels of financial report writing.

**Article 96**  
**Retention Mineral license**

1. The retention license is the license taken for area that a commercial level of mineral deposit is discovered but cannot be exploited for existing economic reasons.

**Article 97**  
**Retention Mineral license requirements**

1. The retention Mineral license can be received by:
  - 1.1 A License t holder who had a mineral exploration permit before and has discovered a commercial level mineral deposit.
  - 1.2 license holder who declares that he could not fulfil the mineral production due to technical, financial or security reasons.
  - 1.3 license holder that together with the Ministry organizes an independent committee for the verification of the existing conditions and forwards a report to the Ministry that shows the following:
  - 1.4 The magnitude of the existing obstacles, the required period for solving them, the economic importance, the mineral deposit, the market condition, the market movement, and the technical and economic conditions facing the production of that mineral deposit.

**Article 98**  
**Retention license Request**

1. Th Retention license Request is forwarded to the Ministry by using the proper form together with the required fee payment receipt.
2. Any Retention license as shown in paragraph (1) of this Article must be registered and saved in the Ministry, s license archives according to this law.
3. Any request registered according to paragraph (2) of this article shall be given the number and date of entry as evidence for the requestor or his representative that the request is received.

**Article 99**  
**Retention license Issuance**

1. If the Ministry is convinced that the mineral resource that concerns the license cannot be extracted at present but can be extracted within two (2) years, the Ministry shall issue retention license Mineral to the license holder who was previously issued license for the same land.
2. 2.If the Ministry is not convinced with the request, they will inform the license holder the reason why the request is not accepted.

**Article 100**  
**The Rights and Obligations**  
**of the retention license**

1. 1.The retention license gives any party that gets it to request a mining license for the minerals deposit under their license area
2. 2.The Ministry may put a condition on the party to be issued the retention to meet obligations such as:
  - 2.1 To continue specified mineral exploration activities.
  - 2.2 To carefully protect the mineral resources.
  - 2.3 Take particular steps related to the environment protection.

**Article 101**  
**Retention Mineral Area**  
**license Period and Renewal**

1. The retention mineral license shall be issued for a period not more than two (2) years.
2. If the previous conditions still exist, the retention license can be renewed once for a period of two (2) years.
3. Before the retention license is renewed, the Ministry shall request an independent evaluation carried by a company having the capability of evaluating the possibility that the mineral resources have been beneficially used whereby the license holder will pay the cost of the evaluation.

**Article 102**  
**Retention Mineral license**  
**Period Review**

1. The Ministry has to review once every year every retention licenses whose validity is more than one (1) year. During that yearly review, the license holder shall provide the Ministry with the latest different reports and evaluations they have prepared that were required to be prepared based on the first original license.
2. If, during the review, the Ministry learns that the market and other economic conditions have changed and decides that the retention license renewal is not needed at this time, the Ministry will suspend the retention license and give the license holder (s) a notice of Ninety (90) days.

**CHAPTER SIX**  
**INVESTIGATION of**  
**ACCIDENTS**  
**Article 103**  
**Safety Obligations of the**  
**Mining license Holder**

1. The license holder shall follow all necessary safety precautions of the employees including:
  - 1.1 Suitable precaution concerning the injuries of the employees resulting from the mining activity explosions, factory activities, equipment's, machines, or any other activities.
  - 1.2 Construction of a suitable fence, security personnel assignment and posting warnings in danger areas or danger susceptible areas.
2. He mining permit holder shall take every precaution necessary for environment safety assurance.

**Article 104 Damage**  
**Investigation**

1. The Ministry can investigate any permitted activity any time and if they find that the activity is done in a way hazardous to the health, care or the safety of the people and environment if the hazard is not related to a criminal action in which case, it becomes the responsibility of the criminal investigation branches.
2. When the Ministry is executing the responsibility mentioned in paragraph (1) of this Article, they are required to engage professionals having wide experience for the activities to be investigated.
3. If the report of the professionals who did the investigation shows committed legal violations, the Ministry has to refer the report to the concerned government institutions to take necessary legal steps about the perpetrator (s) according to the national laws.
4. The Minister will take action about the perpetrators of any administrative-related matters according to this law and its related procedures.
5. Anybody harmed by a permitted mineral activity has the right to take his complaint to the court in order to be compensated according to the national laws.
6. If the Ministry finds that the steps the license holder has taken can cause health, environmental, and life problems, it is the duty of the Ministry to take action to stop the continuation of that activity.
7. When the case mentioned in paragraph (2) happens, the Ministry shall inform the permit holder or his representative of the step they have taken in writing.
8. The notification step shall consist of the case considered dangerous or not acceptable that needs to be corrected as soon as possible or within the required period. The Ministry can also give the order to stop the said activity until the existing danger is being eliminated.

9. If the license holder refuses or argues about the notice, he shall forward his argument to the Ministry in writing as soon as possible, whereby the Ministry will reach decision about the issue within Five (5) working days. In such a case, the license holder is required to immediately stop the concerned activity until the Ministry reaches a conclusion about it.
10. If the Minister insists on the administrative decision by which the Ministry has stopped the activity a second time, the licence holder has the right to take an appeal to the High Court within thirty (30) days starting from the day the second decision was issued. In this case, the High Court has the authority to review the decision of the Minister/Ministry according to this law and the civil Law.

**Article 105**  
**Criminal cases and**  
**Accidents Investigation**  
**Authority**

1. If a damage or death causing accident takes place in a mining area, it will be considered as a crime scene and will be closed.
2. The police and their criminal investigation branches will start a complete investigation of the accident that took place in the scene and the scene will be closed until the finalization of the investigation.
3. The police shall follow the criminal Procedure code the Police act and the mining act in the mining area accident scene.
4. If the police find that a crime or negligence that could have been avoided has taken place after they complete their investigation in the crime scene, they will refer the responsible party to the Law Enforcement Agency and the concerned court in the accident scene.
5. If the Ministry is informed about a criminal case or an accident that happened in a mining area, the Ministry has to inform the nearest Police Station or Regional Administration or District Admin where the accident took place as soon as possible.
6. At the same time, the Ministry can nominate a committee of at least three experts, if needed, to technically support the security investigation officers who are involved in the investigation of that accident.

**Article 106 Accident Report**

1. When an accident happens in an ongoing activity related to the mineral ownership of the license holder that causes death or dangerous injury of a person, the license holder shall immediately report the accident to:
  - 1.1 The nearest police station or the Regional Administration or the District Administration where the accident happened or the Coordinator of the Ministry of Minerals and Energy.
  - 1.2 The Director General of the Ministry of Minerals and Energy.
  - 1.3 The Minister of the Ministry of Energy Minerals and

**Article 107 Transfer  
MINERAL RIGHTS  
TRANSFER,  
SUSPENSIONG &  
POSTPONDMENT**

1. Anybody having a mining permit of any kind who wants to transfer his permitted land completely or partially must forward a request to the Ministry to get the transfer certificate of that land three months before the effective date of the planed transfer.
2. The request mentioned in paragraph (1) of this article:
  - 2.1 Must show the effective date of the transfer.
  - 2.2 Define the part of land to be transferred if the requested transfer is part of the land.
  - 2.3 Give information about the mining activities, mineral testing and mineral exploration that have been done in the said transfer land.
  - 2.4 Provide a physically and substantially reliable plan of the land that will be transferred that the Ministry can accept.
  - 2.5 Forward a complete technical report containing a reliable information, results, explanations, and any other information related to the transfer land since the inauguration of the mining permit.
3. Based on the above (2.4) and (2.5) sub-paragraphs concerning the request forwarded according to paragraph (1), the Ministry shall issue the transfer certificate for the said land without or with conditions.
4. The Ministry will not issue a transfer certificate:
  - 4.1 If the transferring person is indebted.
  - 4.2 If the transferring person does not comply with the required conditions shown in sub-paragraph (2.4) of paragraph (2).
  - 4.3 If the Ministry does not get convinced that the land transferring permit holder did not quit or transfer the land but was doing the mining activity in an appropriate way conforming with the required mining activity performance.
5. Any transferred mineral rights will not be active before the Ministry issues the transfer certificate of that land and the permit holder pays the required transfer cost.
6. The mineral rights transfer will not affect any of the land-transferring person's debts or responsibilities he had before the transfer.

**Article 108**  
**Transfer Certificate**  
**Application**

1. When the Ministry issues the transfer certificate:
  - 1.1 If the transfer is related to all the land of the mineral permit the transferring person had, that permit will be terminated.
  - 1.2 If the transfer is related to part of the permit holder's land, the permit shall be revised accordingly.
  - 1.3 . The Ministry shall inform the requestor about the transfer certificate revision, suspension or transfer certificate issuance.
2. The transfer certificate issuance related land shall be considered as transferred land when the transfer notice is announced.

**Article 109**  
**Mineral License**  
**Postponement or**  
**Suspension**

1. According to this law, or in any other condition when a mineral license holder of any kind:
  - 1.1. Fails to use that license in good faith and, at the same time, complies with the objective he was given the license for.
  - 1.2. Uses the licensed area in an objective different from the objective he was given the license for.
  - 1.3. Fails to comply with the requirements of this law.
  - 1.4. Fails to comply with the requirements of the license.
  - 1.5. Fails to comply with the orders given him according to this law or a condition on the transfer certificate issuance, an exemption or an approval given him according to this law.
  - 1.6. Fails to comply with requirements related to the mineral right usage mentioned in the license which is part of other related agreements.
  - 1.7. Fails to pay the expenses required by this law within one month after the fixed payment time.
  - 1.8. Fails to comply with the minimum yearly activity program or activity cost requirements.
  - 1.9. Completely fails to break health and safety laws or causes an environmental problem.
  - 1.10. Employs or uses under age children.
  - 1.11. Fails to submit the reports required by this law.
  - 1.12. Breaks one of the articles or th requirements of his mineral right or any other law concerning minerals and mining activities.
  - 1.13. Dies and his inheritor cannot meet the conditions required by this law for the inheritance of mineral rights, and until getting a request from an inheritor who can meet the

conditions and accepts all the requirements of the mineral right to whom the mineral right can be transferred, within ninety (90) days from the license holder's death.

- 1.14. Becomes bankrupt or mentally unfit.
  - 1.15. When discovered that a mineral right related document written to him by the Ministry is false.
  - 1.16. Drastically fails to respect the articles of the community development agreement when this law obligated that.
2. According to these reasons, the Ministry will inform the mineral license holder in writing the adjournment or cancellation of the license.
  3. When the mineral license is suspended according to this article, the license holder's rights will cease without prejudice to the debts and other responsibilities he had before the cancellation order.
  4. The Ministry will notify the license holder to pay the compensation of the mineral rights violation thirty (30) days before adjourning or cancelling the mineral license.

**Article 110**  
**Retuning Data after**  
**Mineral Rights Cancellation**

1. When the mineral rights are cancelled, the license holder shall return for the Ministry:
  - 1.1 All the data that this law has instructed the license holder to follow including detailed reports containing the data, results, explanations and all other information related to mineral testing and mining that the mineral rights have given the license holder.
  - 1.2 All the work plans and maps of the licensed area prepared by the license holder or prepared according to his advice.
  - 1.3 With the exception of the Artisanal permit holder, an official report containing the yearly reports of the previous years with a detailed report of the data and the outcomes of the activities accomplished after the previous yearly report.
2. When the previous license holder fails to bring the required data mentioned in paragraph (1) of this article, the Ministry will call the previous license holder in order comply with paragraph (1) of this article

**CHAPTER (8)**  
**ROYALTY, RENTAL**  
**PAYMENTS, AND OTHER**  
**EXPENSES**

**Article 111 Royalty**

1. According to this law, the mineral right license holder shall pay the Government of Somaliland the royalty payment of the minerals he acquired according to his mineral right
2. The Ministry must specify the percentage of the royalty payment on all types of minerals as shown by the regulation.
3. The Ministry may need the mineral right holder to mention anything concerning such as when and how they will pay the royalty.
4. Any mineral sample, including the core sample which is extracted for testing purposes, may not be subject to mineral royalty payment if its price is not more than the highest price specified in the regulation.
5. The payable royalty mentioned in paragraph (1) of this article is as follows:
  - 5.1 Sixty Percent (10%) of the Central Government
  - 5.2 Fifteen Percent (15%) of the Regional Administration for the development of the regional public affairs such as health, road, security, etc.
  - 5.3 Ten percent (10%) for the mining activity district to develop public services such as health, education roads, security, etc.
  - 5.4 Ten percent (10) for the mining activity village for the development of public services such as health, education, electricity, and roads.
  - 5.5 All these services shall be managed according to the articles of this law, regulations of this law, and all other related procedures.
  - 5.6 The Regional, district, and village administrations cannot make use of their shares in a way contrary to the directions of this law.

**Article 112**

**Royalty exceptional Things**

1. The Ministry may exempt the responsibility of royalty payment from the mineral samples exported for analysis, melting, or testing.

**Article 113**

**Mineral Rights Yearly**  
**Royalty**

1. The mineral rights license holder shall pay the Government a yearly royalty amount fixed by the Minister as shown in the regulation.

**Article 114**  
**Royalty Payment Failure**

1. If the person or company having a mineral license issued by the Ministry according to this law fails to pay the required royalty by the time fixed by the Ministry, the license holder has the right to request an extra time for the royalty payment if there are reasonable obstacles that caused him unable to pay the royalty.
2. The license Holder must submit his request in writing mentioning the reason (s) that caused him unable to pay the royalty at the time fixed by the Ministry.
3. The Ministry extends the period stated in the first paragraph of this Article after receiving the license holder's request if the Ministry becomes convinced with the reasons the license holder based on his failure to meet the payment time instructed fixed by the Ministry.
4. If the license holder is given the second time mentioned in paragraph (3) of this article and fails to meet the instruction of the Ministry to pay the royalty, the Ministry has to stop the license holder from mineral production until the payment of the required royalty.
5. Any license holder who violates the mineral rights or fails to comply with the instructions mentioned in paragraphs (1) and (3) of this article. In addition, any other person who knows the instruction of suspending the mineral production from the license holder and gets minerals from him or his mining land that is suspended from mining activity, has committed an administrative crime and will be subject to the punishment mentioned in Article 128, paragraphs 1.1 & 1.2 of this law according to the Punishment, Investigation and Trial Law procedure.

**CHAPTER 9**  
**HEALTH, SECURITY**  
**AND ENVIRONMENT**  
**PROTECTION**  
**Article 115**  
**Health and Safety Activities**

1. The articles of this law that give ownership to the permit holder do not mean exempting him from the responsibility of environmental preservation which means the safety of the mineral site employees according to this law and environmental laws.
2. The Ministry shall prepare the safety and health regulations for the mining and exploration employees in collaboration with the concerned institutions.

**Article 116**  
**Natural Resources**  
**Protection and**  
**Consideration**

1. To decide whether the provision of mineral rights or not, the Ministry shall consider the need for saving the natural resources found underground and earth's surface as a mineral right requirement to explore.
2. The license holder must have an environmental impact assessment clarification accepted by the Ministry of Environment.

**Article 117**  
**General Obligations of**  
**Environmental Protection**  
**and Pollution Control**

1. Anybody or company having a mineral license according to this law and proper practice of the Mining Industry is required to implement mineral activities.
2. According to the most appropriate environmental preservation practice procedure and other related laws.

**Article 118**  
**Evaluation of**  
**Environmental Effects**

1. According to the best standards of the leading international mineral industries, the requestor of a mining license, a particular mining land issuance, or license renewal is required to forward an evaluation from the Ministry of Environment regarding the wide effects that the mining activities may have on the environment and the local community and their commercial plans as well, according to this law and environmental laws.
2. According to this law and the environmental protection laws, the assessment of the environmental effects prepared by the above-mentioned requestors shall be based on the evaluation work that includes the different kinds of information and the discussion of the best ways of international mining including:

- 2.1 Detailed explanation of the environment supported by the weather and water qualities etc, to submit detailed information about the environment of the mining license area before the mining activity starts.
- 2.2 detailed explanation about the project and all its faces such as development, environmental rehabilitation, and closure activities
3. Any mineral license requestor or any license holder is required to follow this law and other environmental laws in order to submit the environmental impact assessment program.
4. Seek the advice of the public and discuss the activity program with them to explain the probable effects that this project may have on the opinion of the stakeholders, submit the environmental management program for approval as required by the law or any time changes are made on the mining activity program where upon changes on the program shall be required.
5. Any copy of the environmental impact assessment and the environment management program forwarded by the mining license requestor or mineral license holder shall not be considered confidential.

#### **Article 119**

##### **Yearly Environment Report**

1. Any license holder is required to submit a three (3) copy yearly report of the environment management program covering the information mentioned in paragraph (2) of Article 118 of this chapter, excluding the first year he started his commercial production.
2. The environment management program report must be very detailed to enable the Ministry decide whether it is successful and effective.

#### **Article 120**

##### **Mining Closure and Environmental Rehabilitation Plan**

1. The license Holder is required to repair the mining activities' negatively affected land and return it to its condition before the mining activity at any time possible or restore it to a safe and acceptable condition conforming to the closure plan of the mining activity and environment maintenance.
2. The Ministry needs from the license Holder to pay a financial guarantee or cash deposit at a fixed time to be used for the maintenance of the environmental effects management and evaluation plan that his obligation cannot suffice.
3. The amount of the mentioned financial guarantee in paragraph (2) of this article shall be fixed by the environmental effects maintenance and evaluation plan, and the amount differences may come from time to time depending on the changes in the work cost at different conditions.
4. During the mineral license renewal, no mineral activity will be done in the expired until the revision of the mineral closure plan and the environmental maintenance of the approved site are completed.

5. When the mineral licensed land, any kind it may be, is increased, no mining activity will be done in the additional area until the mining closure and environmental maintenance revision plan is approved.

**Article 121**  
**Ongoing Environmental**  
**Rehabilitation**

1. Without prejudice to the general meaning of the articles of this law, the license holder is required to take the necessary steps when the mining, and mineral production.
2. And trash disposal activities are going on as needed from time to time, in order to keep and return the affected area's surface soil and return the land to its previous condition

**Article 122**  
**Environmental Protection**  
**Compliance Direction**

1. When a mineral right is decided to be completely or partially cancelled or expires, the Ministry will notify the last person who owned that mineral right and notify him to take the steps shown in the notice at the appointed time in order to take action after studying the land that is not included in the mineral rights and any other condition included in the mineral rights.
2. Any person given the notice mentioned in paragraph one (1) of this article who fails or neglects to comply with it has committed a crime.
3. If a person is, he/she will be fined not less than three thousand (3000 US D) or an equivalent of Somaliland Shillings or imprisoned for two years or both.
4. If it is a company, they will be fined with not less than Thirty Thousand US Dollars or an equivalent of Somaliland Shillings.
5. If the person given the notice mentioned in paragraph (1) of this article does not comply, the Ministry will impose the suitable actions mentioned in the notice.
6. The expense incurred during the actions taken mentioned in paragraph (3) of this article is a loan belonging to the Republic of Somaliland that shall be paid in front of the concerned court.
7. In any court case opened to get back the loan belonging to the Republic of Somaliland as shown in paragraph (4) from the notified person according to paragraph (1), the loan amount claimed by the Ministry shall be taken as evidence without prejudice to the falsification of that claim.
8. Any person indebted to the Republic of Somaliland as shown in paragraph (1) of this article shall be compensated if that person is not found guilty of a crime as shown in paragraph (2) of this article.
9. When two persons or more are sharing a mineral license right, they will collectively or individually be responsible for the payment of the required money or costs to be compensated according to this article mineral license holder or last license holder but without prejudice to any rights arising from transactions between them

**Article 123**  
**Environmental**  
**Rehabilitation and**  
**Protection Fund**  
**Establishment**

1. The Ministry of Energy and Minerals, in collaboration with the Ministry of Financial Development, will establish the Maintenance and Environmental Protection Fund for required for the environmental protection obligation of the mineral license holders according to this law.
2. The Fund shall be managed by a committee composed of Five (5) members as follows:
  - 2.1 Two (2) members from the Ministry of Energy and Minerals
  - 2.2 One member from the Ministry of Environment
  - 2.3 One member from the Ministry of Finance
  - 2.4 One member from the Ministry of Rural Development
3. The representatives named according to paragraph (2) of this article shall manage the Environmental Protection and Maintenance Fund Program established in paragraph (1) of this Article.
4. Every mineral rights license holder shall contribute to the Fund according to the approved amount for the Environmental Protection and Maintenance Fund Program within one year starting from the Program approval date.
5. The Fund Management Committee is responsible for the supervision of the fund register activities and there will be a yearly auditing of accounts by the General Auditor who will share it with every concerned party.
6. When the accounting report mentioned in paragraph (5) is received three (3) months after the end of every Fiscal Year, the Fund Management Committee's way of management and how they followed their set program shall be determined.
7. The income of the Environmental Protection and Rehabilitation Fund or any other income related to the promotion of this program shall be used for Environmental protection and maintenance only according to the payment timetable of the funds that this program is about.
8. Every mineral license holder must fulfil and comply with the requirements mentioned in the Environmental Protection and Maintenance Fund Program during the validity of that permit.

**CHAPTER (10)**  
**CRIMES, FINES and**  
**PRODUCERS**

**Article 124**  
**Checking and Seizing**  
**Mailed Minerals Authority**

1. Any police officer who believes for a reasonable cause that an illegal mineral package sent by post or letter, any type it may be is related to a criminal act according to this law or the other related laws, shall stop that package or issue an order to halt it in every checkpoint inside Somaliland.
2. The Police officer shall open the package at the presence of the involved person and check the package in front of him, where the officer will release the package after checking it or it will be held until released by an authorized court.

**Article 125**  
**Sentencing Authority**

1. The security branches can sentence, ransack and hold any body caught involved in an action that this law or other punishment laws of the country consider as a criminal action without an order from a court according to Article (25), paragraph.
2. of the Constitution. But the Security Branches are required to bring that person before a court authorized to hear his/her case within Forty-Eight (48) hours according to Article (27) paragraph (2) of the Constitution.
3. According to Article (25), paragraph (2) of the Constitution, in other cases where the police officers can arrest a person as a criminal case suspect according to this law, the police are required to get an order that shows the reason for the arrest from a authorized court.
4. The steps for investigation, summoning, detention and exhibition of the crime case resulting from this law shall be conducted according to the Punishment Law of the country.

**Article 126**  
**Mineral Activities**  
**Suspension Orders by the**  
**Court**

1. The Ministry can ask the General Prosecutor to send a petition to the court requesting to immediately stop a person or a mineral company from all activities related to mineral exploration, mineral observation or mining activities or mineral deposits in Somaliland after realizing this mineral activity is being conducted in contrast to the articles of this law.

**Article 127**  
**Court Trial Authority**

1. The National General Prosecutor or one of his assistants shall plead in front of the court against the cases concerning the violation of the articles of this law or any criminal act specified by this law.
1. After when clear have been foliated the articles of this laws.

**Article 128**  
**Unauthorized Activities**  
**Related Crimes**

1. Any person involved in mineral dealer, usage, analysing, exploration, mining, cutting, polish, exporting or importing activities, or storing minerals manufactured inside Somaliland or not without a valid license or permit issued according to this law, is guilty of a crime and will be sentenced with:
  - 1.1 Imprisonment not more than two (2) years.
  - 1.2 A fine not more than five thousand dollars (5000 USD).
2. If the court decides not to punish anybody for the committed crime when the accused person is found guilty of the crime mentioned in paragraph (1) of this article or, the court will decree to hand over the subject minerals to the Government.

**Article 129**  
**Illegal Mineral Possession**  
**Related Crimes**

1. Anybody found or known keeping minerals in a way not conforming to this law or another related law has committed a crime and will be sentenced when found caught.
  - 1.1. The court shall impose an imprisonment not more than two (2) years, a monetary fine or both
  - 1.2. A fine not more than Five Hundred Dollars (\$500).

**Article 130**  
**Permit Holders Mineral**  
**Rights Related Crimes**

1. Anybody who tries to obstruct or disturb the mineral rights of the permit holder or his representative and employees from performing their duties according to this law or the articles of mineral rights contract has committed a crime and will face the following legal judgment when found guilty.
  - 1.1 Imprisonment not more than one (1) year
  - 1.2 A fine not more than Five Hundred Dollar (\$500)

**Article 131**  
**Inspection and Surveillance**  
**Related Crimes**

1. Anybody who:
  - 1.1 Obstructs or refuses the Ministry, the supervising authority and the officer in charge of the implementation of the requirements of this law and its related regulations.
  - 1.2 Fails to comply with the legal instructions of the Ministry or the officer in charge of the implementation of this law or other related laws;
  - 1.3 Obstructs the institution, Ministry or the responsible officer from entering a land, building, vehicle or airplane legally authorized for them according to Article 29 of the constitution of Somaliland;
  - 1.4 Tells false information about the Ministry, institution, or the responsible officer.
  - 1.5 Refuses to give the Ministry, the institution or responsible officer the data entrusted with him according to this law and its regulations has committed a crime.
2. Anybody mentioned in Paragraph (1) of this article, if found guilty, shall be charged with:
  - 2.1 An Imprisonment not more than one (1) year, or
  - 2.2. A fine not less than Five Hundred US Dollars (USD 500)

**Article 132**  
**Registers and Reports**  
**Related Crimes**

1. Any person or company that:
  - 1.1. Fails to protect the registers mentioned by this law.;
  - 1.2. Changes the data mentioned in this law
  - 1.3. Makes declarations, requests, reports, notices, fake or falsified registers or discloses mineral value or false reports about this law has committed a crime.
  
2. Any person found guilty of the criminal acts mentioned in paragraph (1) of this article shall be charged with:
  - 2.1 Imprisonment not more than three (3) years, or
  - 2.2 A fine not less than Two Thousand Dollars (2000 USD)

**Article 133**  
**Distraction Related Crimes**

1. The Person or Company that:
  - 1.1 1.1Stores goods in some place in order to divert or obstruct another person from gaining that mineral or virgin land; or
  - 1.2 Uses a mineral sample for the sake of price hiking or changes the nature of a mineral in some way for cheating another person, has committed a crime and shall be subject to an imprisonment not more than Twelve (12) months or a fine not more than Five Hundred (500) dollars.

**Article 134**  
**Crimes Related to Hiding**  
**Minerals in Other people's**  
**Buildings to incriminate**  
**their Owners**

1. Anybody who puts his minerals inside the house of another person in order to harm him/her and put him/her in a position to be punished with the criminal act stipulated by law or its related laws has committed a crime and will be subject to an imprisonment not more than Twenty Four (24) months, or a fine not less than Five Hundred (500) dollars.

**Article 135**  
**Crimes Related to**  
**Unlawfully Quitting**  
**Mineral Importation &**  
**Exportation**

1. Anybody who quits, lifts, exports or imports minerals that do not comply with this law and the conditions of the mineral permit has committed a crime and will be charged with when found guilty:
  - 1.1 Imprisonment not more than two (2) years, or
  - 1.2 A fine equivalent to the price of the minerals not less than Five hundred (500) dollars anytime.
  - 1.3 Or both together.

**Article 136**  
**Releasing Secret**  
**Information Related Crimes**  
**against the Law**

1. Anybody who releases or spreads secret information regardless of this law has committed a crime and will be charged with when found guilty:
  - 1.1 An imprisonment not more than twelve (12) months.
  - 1.2 A fine not more than a Somaliland Shilling equivalent to Five Hundred (500) dollars.

**Article 137**  
**Crimes Caused by the**  
**Carelessness &**  
**inattentiveness of the license**  
**Holder.**

1. Every permit holder who takes an action caused by negligence or carelessness from his side or fails to take the action required of him to pre-empt or show suitable and sensible carefulness to avoid that action which resulted in death or injury has committed a crime and shall face:
  - 1.1 An imprisonment of not more than two (2) years and
  - 1.2 A fine not more than an amount of Somaliland Shillings equivalent to Two Thousand (2000) dollars.
2. On the other hand, if that accident causes death, the permit holder will shoulder the blood money of the deceased person according to the Islamic Sharia law.
3. Likewise, if that accident causes an injury, the license holder is required to pay the injured person compensation rights according to Islamic Sharia.
4. Again, if the permit holder fails to pay the said compensation rights that resulted from the injury he caused, the injured person has the right to open a civil case in the competent court to claim the payment of his compensation from the Licence holder through the Civil Case Opening Procedure stipulated by the Civil Law of the Country.

## **Article 138**

### **Types of Injuries**

1. The injuries mentioned in this law that a person may suffer are one of two types: a light injury or a serious one.
2. The following injuries shall be considered serious
  - 2.1 Broken bones of the head, hips, hands, thighs, spinal cord, and hand and leg joints.
  - 2.2 Displacement of the shoulder.
  - 2.3 Complete or partial loss of a hand such as a finger or fingers of the same hand, leg or legs.
  - 2.4 Loss of sight in one eye.
  - 2.5 Loss of hearing.
  - 2.6 Any other serious injury of the body including injury of the blood vessels, burning or convulsion, a life-threatening injury that causes permanent loss of energy or weakness that disables the victim and renders him helpless.
3. Light injury is meant by any injury that causes simple injuries or injuries lighter than the injuries mentioned in paragraph (2).
4. Without prejudice to the injuries mentioned in paragraphs (2) and (3) of this article, the court has the authority to classify whether a light injury is a serious one or a serious injury is a light injury upon finding reasonable indications after studying the extent of the danger, the poor health conditions that injury can cause the person. The court is then required to justify their judgment by showing the reasons for legally classifying the injury as serious or light.

## **Article 139**

### **Crimes Committed by the Companies, Cooperatives, Managers & Employees**

1. When a mining company commits a crime, the company and any management officer who knew something about that crime and failed to take the necessary steps to pre-empt that crime according to this law has committed a crime and will be subject to the punishment that results from that crime.
2. Everybody shall be responsible about any crime he personally committed whether he is an agent or an employee of another person.
3. The employer or the manager of the mining company is responsible about any crime mentioned in this law that his employees or his agent commit if he doesn't proof that the crime was committed without his instructions and directions.

**Article 140**  
**Criminal Offence Attempt**  
**and Assistance**

1. Anybody who attempts to do or assists in a criminal act declared in this law, has committed a crime and will be subject to less than (1/3) of the punishment of the criminal act he attempted to do.

**Article 141**  
**Confirmation Responsibility**

1. Any time it becomes necessary to declare that a mining permit is issued according to this law, the license holder or the person claiming he is the right permit holder is responsible to proof that he is the right license holder.

**Article 142**  
**Mineral License & Mineral**  
**Approval Withdrawal**  
**Court Rules**

1. When a criminal act mentioned in this law is found against a mining permit holder, the court can order the withdrawal of the permit and the mineral rights of that permit holder.
2. The license shall be put on hold after the Ministry verifies the criminal act according to this law.

**Chapter Eleven**  
**Miscellaneous Articles**  
**Article 142**

**Mineral Production Sharing**

1. The Government can enter a production-sharing official agreement with a company having the following items: -
  - 1.1 Exploration license
  - 1.2 Small-scale Mining License
  - 1.3 Mining License
  - 1.4 Mineral Contract
  - 1.5 Special Mineral Issuance
2. The qualities and conditions of the typical official mineral production sharing agreement shall be mentioned in a regulation issued by the Minister.

**Article 143**  
**Tax Costs and Other**  
**Benefits Delay**

1. Equipment, materials, services, and any other things used for exploration activities and mineral tests are exempted from importation, exportation and transportation taxes. The equipment and materials imported for mining activities shall be taxed (5), without shouldering a sale tax.
2. Exportation of different minerals, art stones and building materials are all tax exempted with the exception of the gemstone which will be taxed.
3. A (5%) value-added tax is required from the mining activity cost.
4. The foreign employees of the permitted mining activities inside the country are not required to pay personal tax.

5. In the event of permit transfer and mutual agreement to pay the permit benefits in cash money or an equivalent more than one Million (1) dollars, a (20%) tax must be paid to the Government. The government has the right to follow up any transaction going on inside the county verify if the ownership change benefit has succeeded. The testing, development, mining and construction costs inside the country shall be deducted from the capital tax, but shall not be deducted from the income.
6. In the event of transfer and transaction of permit benefits or an approval of cost-sharing by two or several companies for permit issuance or approval, the tax shall be deducted from the capital.
7. The companies that gain profits from mineral transactions and building materials produced in Somaliland can deposit their profits in foreign banks.

#### **Article 144 Conflict Resolution**

1. The Ministry, following the procedure that will be mentioned in the regulations shall study and decide the differences that take place between the license holders, or the permit holders and a third party related to mining rights gained from an issued permit. In this regard, the Ministry has the authority to decide a compensation payment and implement it at the same time.
2. The decision of the Ministry mentioned in paragraph (1) of this article can appealed in the competent court within thirty (30) days according to the articles of the Civil Law.
3. The Ministry has the authority to organize and, at the same time, take an oath regarding the forwarded case to the extent this law allows under their work responsibility.
4. Any dispute, argument, protest or complaint between the government and the permit holders regarding the mutually entered contract explanation, violation, or cancellation shall be solved by negotiation as much as possible.
5. If that negotiation cannot finalize the dispute, the case shall be referred to the competent court of Somaliland.

#### **Article 145 Mining License Transfer**

1. The mining rights got by dint of getting a mining license, excluding the general exploration or specific exploration permits pointed out by this law, can be transferred completely or partially, can be given another party and can be mortgaged when the Ministry approves and registers at the same time.
2. The license holder submits the license transfer approval request to the Ministry by two copies of the pertinent form and pays the required fee at the same time.
3. The Ministry approves the request mentioned in paragraph (2) of this article within thirty (30) days starting from the day of official receipt if the transferor of the permit fulfils the conditions required by this law.
4. The requestor of the mining license transfer approval is required to give the Ministry the details of the transfer activity including any information required by the Ministry.
5. The receiver of the transferred mining license shall be responsible for all the requirements of this law or any contract entered into by the land of the mining permit transferred to him, including the environment preservation agreement entered into before the transfer and any compensation claim or injury claimed by a third party in good heart

6. No mineral license or mineral right can be transferred or given to another party without transferring it to him according to this law.

**Article 146**  
**Radial Minerals**

1. If radial mineral is discovered by using the rights allowed by this law or another law, the owner of that mining permit or another person must immediately inform the Ministry.
2. If a radial mineral is discovered in a land outside a mining permit land, the owner of the land where the radial mineral is found must immediately inform the Ministry.
3. The mining right owner must forward to the Ministry a true written report every first week of the previous and the next month concerning the exploration and mining activities of the radial minerals implemented by the mining permit holder

**Article 147**  
**Quarry Permit Sand and  
Rock Constriction**

1. Permit is needed for getting building sand and stones.
2. The request of the approval for acquiring construction sand and stones shall be in a way the Minister shall issue by regulations.
3. The acquirement rights and related responsibilities of the obtainers shall be specified in regulations to be issued by the Minister

**Article 148**  
**The Relationship between  
This Law and Other Penal  
Laws of the Country**

1. The general principles of the General Penal Law of the country shall be applied while dealing with the criminal acts and the punishments enacted by this law.
2. If the articles of this law that enact the criminal acts and the punishments contradict an article or articles of the General Punishment Law of the country, the articles of this law shall be applied since this law is an exclusive law according to the general principles mentioned in Article 13 of the General Punishment Law of the country.
3. This law shall be applied if it and another applicable law in the country contradict each other.

**Article 149 Regulation**

1. The Minister shall issue by a circular regulations, directives, directories, and forms for the application of the articles of this law.
2. The regulations, orders, directives, and the forms mentioned in the first paragraph of this article must not contradict this minerals, Law. If they contract it, they will be null and voi

**Article 150**  
**Enforcement of the Law**

1. This law shall be effective upon the approval of the House of Parliament and the House of Elders and published in the official bulletin

