



University of Pretoria Yearbook 2023

Rights to and regulation of natural resources 801 (EIL 801)

Qualification Postgraduate

Faculty Faculty of Law

Module credits 30.00

NQF Level 09

Programmes LLM (Public Law) *Extractive Industry Law in Africa (Coursework)*

Prerequisites No prerequisites.

Language of tuition Module is presented in English

Department Public Law

Period of presentation Semester 1

Module content

The objective of this module is to equip students with a thorough understanding of the legal and policy aspects of natural resources and the regulation of natural resources and industries to extract natural resources. Topics include:

- a. Industry background such as the extractive industry value chain and the role of extractive industries in national, regional and global economies, basic extractive industry business and project feasibility metrics, typical national public policy priorities, the differences between the mining and oil and gas industries, gas industry specifics, the various downstream industries (smelters, refineries and petrochemical and energy industries and policy issues pertaining to renewable energy and unconventional extraction methods such as hydraulic fracturing ("fracking");
- b. Natural resource and extractive industry policy concepts and regulatory options;
- c. Ownership of mineral rights dispensations (state versus private ownership of mineral rights), the legal position of the owner of the land and the owner of the products of extraction;
- d. The advantages and disadvantages of the main granting methodologies applied by host governments including concessions, production sharing agreements, participation agreements, services agreements and hybrid methods;
- e. Typical conditions to obtain, renew or transfer exploration or extraction rights and the veracity of the public policy basis of such requirements;
- f. Agreements and transactions to transfer rights to prospect and/or to extract;
- g. Constitutional and administrative law aspects of relevance in dealing with extractive industry legislation and regulation including the legality of administrative processes governed by an Act such as the MPRD Act and related regulation, the right of third parties to be heard in applications by resource companies under the MPRD Act and the constitutionality of the conversion of "old order mineral rights" to "new order mineral rights".



Regulations and rules

The regulations and rules for the degrees published here are subject to change and may be amended after the publication of this information.

The **General Academic Regulations (G Regulations)** and **General Student Rules** apply to all faculties and registered students of the University, as well as all prospective students who have accepted an offer of a place at the University of Pretoria. On registering for a programme, the student bears the responsibility of ensuring that they familiarise themselves with the General Academic Regulations applicable to their registration, as well as the relevant faculty-specific and programme-specific regulations and information as stipulated in the relevant yearbook. Ignorance concerning these regulations will not be accepted as an excuse for any transgression, or basis for an exception to any of the aforementioned regulations.

University of Pretoria Programme Qualification Mix (PQM) verification project

The higher education sector has undergone an extensive alignment to the Higher Education Qualification Sub-Framework (HEQF) across all institutions in South Africa. In order to comply with the HEQSF, all institutions are legally required to participate in a national initiative led by regulatory bodies such as the Department of Higher Education and Training (DHET), the Council on Higher Education (CHE), and the South African Qualifications Authority (SAQA). The University of Pretoria is presently engaged in an ongoing effort to align its qualifications and programmes with the HEQSF criteria. Current and prospective students should take note that changes to UP qualification and programme names, may occur as a result of the HEQSF initiative. Students are advised to contact their faculties if they have any questions.