



ENERGY, MINING & EXTRACTIVE INDUSTRIES PRACTICE GROUP

NAIROBI

MOMBASA

KAMPALA

DAR ES SALAAM

KIGALI



OUR PRESENCE

**Head Office, Nairobi:**

I&M Bank House, 7th Floor
2nd Ngong Avenue
P.O. Box 22588 - 00505 | Nairobi, Kenya
Tel: +254 20 221 0978 | +254 20 221 1077
Cell: +254 716 209 673
Email: law@cmadvocates.com

Mombasa Office:

Links Plaza 4th Floor
Links Road, Nyali
P.O. Box 90056 - 80100 | Mombasa, Kenya
Tel: +254 41 447 0758 | +254 41 447 0548
Cell: +254 746 995 283
Email: mombasaoffice@cmadvocates.com

Tanzania Office:

Oyster Pearl Galleria, 7th Floor
370 off Chole Road
Oysterbay Peninsula
P.O. Box 77044 | Dar es Salaam, Tanzania
Tel: +255 713 411 721 | +255 654 702 304
+255 682 495 603
Email: law@cymbellattorneys.com

Uganda Office:

Plot 49, Ntinda Rd,
Rovis Apartments, First Floor
Tel: +256 776 739 643
Email: law@cymbelladvocates.com

Rwanda Office:

Kigali Heights Building,
West Wing, Third Floor
Tel: +250 252 580 152
Email: law@cmadvocates.rw

THE FIRM

At CM Advocates LLP, we pride ourselves on being able to provide our clients with consistently timely, high quality, innovative and commercially relevant legal advice. Since technical know-how is not adequate, we constantly seek to build excellent working relationships with our clients and clearly understand their businesses and the realities and imperatives they face. Our strategy is to build teams that are specific to our clients' needs and also combine specialist legal skills, industry experience and practical know-how.

Our focus is getting to the core of our clients' legal needs, creating and adding value to them; by delivering timely, innovative and commercially-sound advice and legal solutions. We have set up robust systems to ensure consistently high quality out-put in every assignment we undertake and we are uncompromising in our quality control. Moreover, we always seek to protect our clients' interests, mitigate their risks and create superior outcomes for them.

Our achievements for clients are made possible by our professional team of technically and commercially brilliant lawyers led by our Managing Partner at the fore front of every transaction, who are singularly focused on their clients' success. In other words, our pride is to make you succeed in your business or project.

We have a culture of professionalism, team work and respect, where talented professionals with different views, experiences and backgrounds can thrive. To remain on the cutting edge, we put extra emphasis on continuous learning, knowledge sharing and peer reviews. This has enabled the Firm to carve a niche for itself in the existing as well as new and emerging branches of law. The Firm's local and international clientele cuts across various sectors of our economy like financial services, real estate development, manufacturing, telecommunication, agribusiness, tourism and hospitality, energy and mining.

OUR PRACTICE AREAS

1. Anti-Bribery & Anti-Corruption
2. Asset Tracing & Recovery
3. Aviation Law
4. Capital Markets
5. Charities and Not-for-Profit Organizations (NPOs)
6. Commercial/Business Law
7. Construction & Infrastructure Law Unit
8. Corporate Law
9. Cyber Security, Privacy & Data Protection
10. Debt Recovery, Restructuring & Insolvency
11. Dispute Resolution
12. Employment, Labour Relations and Immigration Law Advisory
- 13. Energy, Mining & Extractive Industries**
14. Entertainment & Sports Law
15. Family Law, Estate Planning & Probate Administration
16. Forensics & Investigations, Risk & Compliance
17. IP & TMT (Telecommunications, Media & Technology)
18. Lobbyist & Policy Practice
19. Multi-lateral Organizations. Foreign Embassies & Consultants
20. Non-Compete, Non-Solicit & Trade Secret Practices
21. Private Equity & Venture Capitalist
22. Real Estate, Banking & Finance
23. Shipping, Logistics & Admiralty Law
24. Start-ups & Small & Medium Sized Enterprises
25. Tax Law Advisory

ENERGY, MINING & EXTRACTIVE INDUSTRIES

CM Advocates LLP (hereinafter “CM Advocates”) is a leading Kenya and Eastern Africa region law firm with in-depth knowledge and experience in the energy sector (including renewable energy) and mining industry. In our practice, we have adopted a multidisciplinary approach which brings lawyers from multiple areas of specialization and with deep industry expertise to provide our clients with a comprehensive and full spectrum of bespoke legal solutions and advisory and cost effective services.

Our practice is grouped into two main areas which are:

Energy Law - We help our clients exploit opportunities in harvesting of energy from both renewable and non-renewable sources as well as related transactional and compliance issues.

Our areas of work include:

- Oil and gas
- Power and utilities
- Renewable energy development
- Water works development

We have expertise to advise clients on various energy related issues including but not limited to the following:

- Transactions involving upstream, midstream and downstream oil and gas operators including exploration,

production, transportation, processing and pricing;

- Liaising with the relevant ministries and government departments to seek approvals, letters of comfort etc;
- Electricity generation through conventional power plant projects;
- Renewable energy projects and transactions involving geothermal, hydro, wind or solar energy sources;
- Grids, transmission and other interconnection issues;
- Negotiation of power purchase agreements as well as other relevant agreements including joint venture and joint operations agreements;
- Energy law regulatory issues including development, financing and licensing of power projects;
- Advising on environmental issues, public participation and stakeholders engagements related to energy projects;
- Advising on water works projects including site acquisition, licensing issues and stakeholders engagement;
- Mergers, acquisitions and other share deals;
- Handling and advising on labour, employment and immigration law issues including processing of work permits for investors and expatriate employees;
- Tax law advisory and other statutory compliance issues; and

- Dispute resolution-(litigation before the Energy and Petroleum Tribunal or Court of Law as well as mediation and arbitration).

We act for a variety of entities that operate in the energy sector including developers, owners, operators, upstream, midstream and downstream oil and gas companies, water and sewerage companies, water work developers, EPC contractors, non-operators, co-venturers, engineers, suppliers and funders/investors.

Mining Law and other Extractive Industries - We provide a wide spectrum of legal services in relation to mining and natural resources laws and commercial exploitation thereof.

The Mining Act, 2016 and the regulations thereunder regulate mining in Kenya. Kenyan Mineral Rights Board created thereunder is tasked with advising and giving recommendations in writing to the Cabinet Secretary on granting, rejection, retention, renewal, suspension, revocation, variation, assignment, trading, tendering or transfer of mineral rights. It also has powers to declare certain minerals as strategic minerals and the cessation, suspension or curtailment of production in respect to mining licences. Moreover, it is also charged with the responsibilities of determining fees, charges and royalties payable for a mineral right or mineral as well as advising on areas suitable for small scale and artisanal mining.

Other applicable laws in relation to extractive industries include the Water Act, Forestry Act, National Environment and Co-ordination Act, Investment Promotion Act, Public Procurement and Asset Disposal Act, Wildlife (Conservation

and Management) Act and various land related legislations.

Besides forestry resources exploitation and water works developments, we serve clients involved in prospecting, extracting, processing, mining, royalty and minerals development.

Our areas of work include -

- Legal due diligence, investigations and advisory;
- Environmental, social, and governance (ESG) advisory and compliance;
- Advising on property rights and access to land as well as physical planning, public participation and stakeholders' engagement issues;
- Handling and advising on applications for prospecting rights, reconnaissance licences, exclusive prospecting licences, special prospecting licences, mining leases, special mining leases, mineral dealers licences and export permits;
- Liaising with Ministries of Land, Petroleum and Mining, Forestry and Environment and Water and Sanitation as well as other relevant departments or agencies like Kenya Mineral Rights Board, KWS, NEMA, the National Treasury, KRA, KenInvest, National Land Commission (NLC) and County Governments for purposes of procuring the relevant approvals and authorisations;
- Handling and advising on issues connected to access to development for water resources for mining operations;
- Handling and preparation or review of concessions or easements agreements and other arrangements related to access to land and relevant

- infrastructure development;
- Corporate and commercial transactions- including negotiating specific agreements, sales and purchases agreements, operating and maintenance agreements;
 - Finance including debt financing, private equity, corporate finance and commodity finance;
 - Taxation and other statutory claims;
 - Dispute resolution including litigation, mediation and arbitration;
 - Legal and regulatory compliance including occupational health and safety, public procurements, competition laws as well as labour, employment and immigration law advisory; and
 - Handling public participation and stake holders' engagements issues including drafting and review of community development agreements.