

# Mining Law and Sustainability

## Program Outline

Sustainability and Indigenous peoples' participation intersect business decisions at every stage of a mine's life. In the rapidly evolving landscape of the global mining industry, understanding the laws and regulations that protect human rights, address environmental challenges such as climate change, and prevent corruption is key to making informed business decisions.

Five online modules presented over five weeks explore important legal frameworks and how they are applied throughout the mining lifecycle. Each module includes three themed lessons related to each business and operations stage:

**Lesson 1:** Industry, business, legal and regulatory considerations

**Lesson 2:** Indigenous peoples' communities and participation in Canada and internationally

**Lesson 3:** Sustainability principles, focusing on human rights and corporate social responsibility, climate change and anti-corruption

### Week 1 – Introduction to the Business of Mining and Law

Explore the primary international legal frameworks that govern natural resource extraction, in the context of sustainability, Indigenous communities, human rights, anti-corruption and climate change. In this module:

- understand how international laws affect national laws
- explore themes of colonization and the quest for self-determination of Indigenous peoples and communities
- describe the structure of the mining industry, and why it differs from other industries, by highlighting the roles of junior companies and majors
- recognize the main legal instruments that regulate human rights, anti-corruption efforts and climate change.

### Week 2 – Indigenous Peoples, Law, Governance and Consent

Look at the mining industry through the lenses of colonization, truth and reconciliation and gender. Using local and international case studies, discuss:

- the history of residential schools
- the Truth and Reconciliation Commission, and the path forward for a renewed relationship between Canada and its Indigenous peoples
- Indigenous law, traditional governance and Indian Act policies
- free prior and informed consent (FPIC)
- explore why the above is critical for the survival of the mining industry.

### **Week 3 – Exploration**

This module dives into mining exploration in detail including:

- the various kinds of mining
- types of land tenure
- mineral ownership and regulation
- the structure and financing of mining projects
- the importance of National Instrument 43-101
- the effects of mining site conflicts
- impact benefit agreements and community development agreements
- the disconnects of the worldviews of corporations and Indigenous peoples
- the importance of sustainability and impact assessments
- human rights due diligence
- the effects of climate change on water management.

### **Week 4 – Developing and Operating a Mine**

In week 4, examine the increasingly complex rules and laws that govern mining development and operations, in particular those that promote diversity, transparency and accountability. Using case studies and case law from Canada and abroad, understand:

- initiatives including Publish What You Pay, EITI, SEC Resource Extraction Payments Rule, conflict minerals legislation, supply chain legislation and disclosure requirements
- the growing efforts for local content requirements
- transnational litigation to redress wrongs to Indigenous peoples
- the evolution of corporate social responsibility in Canada
- anti-corruption compliance programs
- the governance of tailing dams
- the rising use of artificial intelligence and machine learning.

### **Week 5 – Closing a Mine and Course Summary**

In week 5, examine the key issues of mine closures including financial assurances, mine abandonment and the public's residual liability. In this module, consider:

- the Federal Government's new Northern Abandoned Mine Reclamation Program
- the Environmental Protection Act Superfund Abandoned Mine Lands Program in the US
- how Indigenous peoples' traditional knowledge is incorporated in mine closure plans.

The last lesson of this program summarizes key learnings and provides a holistic overview of the interconnection of the issues, how the ESG movement is being incorporated in mining, and what a post-COVID green revolution means for mining.

