

Mining Law And Policy International Perspectives

Christian Matabaro

Mining Law and Policy John Southalan, 2012 Explains standard practice in governmental regulation and common legal issues arising in mining company activities; examines the impact of mining on environments and communities; and provides general information on regulation, international law and comparative law pertaining to mining.

International and Comparative Mineral Law and Policy Elizabeth Bastida, Thomas W. Waelde, Janeth Warden-Fernández, 2005-01-01 This book covers a broad spectrum of issues shaping the current paradigm of minerals sector governance. The ultimate aim of the book is to understand trends and developments in mineral law and policy occurring at international, regional, cross-border and in some selected cases at national level and also to identify some of the challenges lying ahead. With these objectives in view, the book brings together a representative selection of the most knowledgeable authors on the subject. The contributions deal with a diverse range of issues tackled from interdisciplinary perspectives. Topics are divided into five main chapters: international and comparative aspects of mineral law; actors and policies in the minerals industry; investment prospects, financial and fiscal issues; sustainable development and regional outlooks. The book aspires to serve as a useful reference for scholars, practitioners, students and all those with an interest in current developments in the areas reviewed. Elizabeth Bastida is the Rio Tinto Research Fellow and the Director of the Mineral Law and Policy Programme at the Centre for Energy, Petroleum, Mineral Law and Policy at the University of Dundee (CEPMLP/Dundee). Thomas W?lde is the Professor of International Economic, Natural Resources and Energy Law and was (until 2001) the Executive Director of CEPMLP/Dundee. He currently runs TWA, his private consultancy firm, which provides advisory services in natural resources and energy law, regulatory reform, investment promotion, state enterprise/agency appraisal and restructuring, privatisation, contract assessment, negotiation and dispute management. Janeth Warden-Fern?ndez is a Research and Teaching Fellow, an advisor of the Mineral Law and Policy Programme and the Manager of the Distance Learning Programme at CEPMLP/Dundee.

Mining Law and Economic Policy Akua Debrah, Hudson Mtegha, 2022-10-11 This book explores the impacts of current mining licensing regimes in Africa and how they influence sustainable development principles. International law and conventions on mining are used as a lens to examine a regionalized perspective of the history of mining law and customary land law. Alternative approaches are then suggested, through a comparative and sovereignty-based study of mining laws and

policies, to see how the challenge of uneven development can be combatted using minerals. This book aims to highlight how mineral possessions can transform communities if the economic policies, customary law structures, and the geopolitical landscape guarantee inclusivity and equal partnerships. It will be relevant to researchers and policymakers interested in mineral economics, mining law, and African economies.

The Law and Governance of Mining and Minerals Ana Elizabeth Bastida,2020-12-10 This book explores a disciplinary matrix for the study of the law and governance concerning mining and minerals from a global perspective. The book considers the key challenges of achieving the goals of Agenda 2030 and the transition to low-carbon circular economies. The perspective encompasses the multi-faceted and highly complex interaction of multiple fields of international law and policy, soft law and standards, domestic laws and regulations as well as local levels of ordering of social relations. What emerges is a largely neglected, unsystematised and under-theorised field of study which lies at the intersection of the global economy, environmental sustainability, human rights and social equity. But it also underlies the many loopholes to address at all levels, most notably at the local level – land and land holders, artisanal miners, ecosystems, local economies, local linkages and development. The book calls for a truly cosmopolitan academic discipline to be built and identifies challenges to do so. It also sets a research agenda for further studies in this fast-changing field.

Mining and the Environment Roderick G. Eggert,2013-10-18 For centuries, denuded landscapes, fouled streams, and dirty air were accepted by society as part of the price that had to be paid for mineral production. Even initial environmental legislation devised by industrialized countries in the 1960s and 1970s was largely designed without mining in mind. And developing countries had little in the way of environmental policy. With the advent of sustainability in the 1990s, times have changed. Today's economic development, many now feel, must not come at the expense of an environmentally degraded future. Current policies toward mining are under rigorous review, and mineral-rich developing countries are designing environmental policies where none existed before. In *Mining and the Environment*, noted analysts offer viewpoints from Australia, Chile, the United Kingdom, the United States, and the European community on issues and challenges of metal mining.

The Regulation of Mineral Enterprises James Otto,John Cordes,2002

Natural Resources and Sustainable Development Celine Tan,Julio Faundez,2017-08-25 Examining the law, regulation and governance of natural resources, this timely work addresses the conflicts and contradictions arising at the intersection between international economic law, sustainable development and other areas of international law, most notably human rights law and environmental law. Bringing together a collection of legal and policy expertise from a range of academic and practitioner perspectives, this book will appeal to scholars of law, political science, international relations, political economy and development studies.

International Mining Law Theodore Francis Van Wagenen,1918

International Mining Law (Classic Reprint) Theo F. Van Wagenen,2017-09-17 Excerpt from International Mining Law Practically all the raw material in this volume was collected primarily for the purpose of enabling the author to form an intelligent Opinion as to whether the American Federal Mining Law was in need of revision, and if so, in what respects. To accomplish this two kinds Of information on the subject appeared to be necessary. First, a knowledge Of the mining laws of other countries, for the purpose of being able to compare them with our own and to note the points of difference; and second, the statistics Of production in the principal metal-mining regions of the world, so as to be in a position to judge of the comparative worth Of each law by the results Obtained under it. As the investigation advanced it was found desirable as well as interest ing to take note of the salient features of the history Of the industry in each principal field. This naturally led to an inquiry into ancient and repealed mining legislation and customs, the better to understand those now in'force; which, in its turn, Called for a study of the beginnings, rise and growth of the occupation Of mining. And now, in putting together the results Obtained, the steps taken are naturally reversed in the act of publication. It is hoped that the arrangement adopted will prove a suitable one from the point Of View of the reader. About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books. Find more at www.forgottenbooks.com This book is a reproduction of an important historical work. Forgotten Books uses state-of-the-art technology to digitally reconstruct the work, preserving the original format whilst repairing imperfections present in the aged copy. In rare cases, an imperfection in the original, such as a blemish or missing page, may be replicated in our edition. We do, however, repair the vast majority of imperfections successfully; any imperfections that remain are intentionally left to preserve the state of such historical works.

Mining Africa. Law, Environment, Society and Politics in Historical and Multidisciplinary Perspectives Artwell Nhemachena,V. Warikandwa,2017-05-01 This book is a pacesetter in matters of mining and the environment in Africa from multidisciplinary and spatio-temporal perspectives. The book approaches mining from the perspectives of law, politics, archaeology, anthropology, African studies, geography, human ecology, sociology, history, economics and development. It interrogates mining and environment from the perspectives of customary law as well as from the perspectives of Euro-modern laws. In this sense, the book straddles precolonial, colonial and postcolonial mining and environmental perspectives. In all this, it maintains a Pan-Africanist perspective that also speaks to contemporary debates on African Renaissance and to the unity of Africa. From scrutinising the lived realities of African miners who are often insensitively and unjustly addressed as illegal miners, the book also interrogates transnational mining corporations; matters of corporate social responsibility as well as matters of tax evasions by transnational corporations whose commitment to accountability to African governments is questioned. With both theoretical chapters and chapter based on empirical studies on mining and the environment across the African continent, the book provides a much needed holistic, one stop shop for scholars, activists, researchers and policy

makers who need a comprehensive treatise on African mining and the environment. The book comes at the right time when matters of African mining and environment are increasingly coming to the fore in the light of discourses about the new 21st century scramble for African resources, in which big transnational corporations and nations are jostling to suck Africa dry in their race to control planetary resources. It is a book that speaks to contemporary broader issues of (de-)coloniality and transformation of African minds and African environmental resources.

The Mining Law John D. Leshy, 2014-04-04 In this highly entertaining as well as profoundly scholarly study of the 1872 Mining Law, John Leshy has produced both a legal treatise and a history of the West written from the vantage point of mineral exploration and production. The Mining Law illuminates some of the more obscure corners of Western history, federal land and resource policy, and the relationships among various branches of government in making and carrying out policy. For more than a century the mining of hard-rock minerals in the United States has been carried out under this law, which was written to promote mineral development in the age of the pick-and-shovel prospector. It is the last important survivor of the great laws undergirding the westward expansion. The Mining Law has never been changed to reflect modern mining technologies or newer social values that question whether mineral extraction is the best use of the land and its resources. From its enactment, the Mining Law's inadequacies have given rise to illegal abuse, litigation, and patchwork regulation by federal agencies and judge-made law. Leshy explains how the law has survived by a combination of executive and judicial manipulation in the face of legislative paralysis. Today, as concern mounts about economic efficiency, government regulation, environmental protection, the rebuilding of the nation's industrial base, and competing uses of the land and its resources, the argument for reform of the law becomes compelling. The present law not only obstructs the very mineral development it was designed to promote; it may no longer be in the national interest. Certainly any future attempts to rewrite or amend the Law will start off with Leshy's exposition and analysis of its origins, operation, and implementation, and his detailed examination of the issues surrounding the law, its interpretation by courts and administrative agencies, and the attempts to adapt the law to changing conditions and social goals. Assessing the prospect for reform in today's political climate, he suggests arrangements regarding the law's reform that might be concluded by industry, small operators, and environmental protection advocates as well as creative measures that might be taken by Congress, the president, and the courts.

Res Communis Omnium V. Res Nullius in U.S. Space Mining Law & Policy Samuel Chuks Japhets, 2023 The outer space territory and celestial bodies are unfathomably rich in strategic mineral resources worth trillions of dollars such as water ice, helium-3, platinum, iron, cobalt, and ammonia. These space resources, distinct from their space territorial and celestial bodies loci, need to be located, characterized, captured, processed, concentrated, and transported to points of use in-situ or on Earth by capable state and private space investors, stakeholders, or national agencies, for private benefits. Investors in

this embryonic space mining industry need legal certainty and predictability under unambiguous legal and policy frameworks that guarantee property interests over extracted minerals. The Problem is that space mining activity is not expressly accounted for in the governing outer space law, therefore dueling legal theories abound on the legality of space mining. These notions include strict “Non-Appropriation,” permissible competitive appropriations, and conflict-oriented nationalist exclusive / imperial colonization theories. However, this research study finds that under the better, more coherent, and plausible legal interpretation of the “Non-Appropriation” principle, there is no inherent incompatibility between the terra/res communis omnium philosophical basis of Article II, 1967 OST, and the res nullius policy framework of Title IV, U.S. 2015 Space Act. This qualitative research study examined, catalogued, interpreted, and analyzed an exhaustive compendium of empirical and theoretical extant documentary data of outer space Regimes Theory literature, through the lens of a politico-philosophical and legal-historical perspectives. The study used Glaser and Strauss’ (1967) Grounded Theory methodology, in a rigorous comparative inductive analysis of the themes, concepts, and theoretical frameworks inherent in the primary and secondary data of space law and policy. The overarching theory is that Article II, 1967 OST and Title IV, U.S. 2015 Space Act can straightforwardly be harmonized. Thus the U.S. does not need to unilaterally modify the 1967 OST, withdraw from its tenets, or embark on a unilateral imperial colonization of outer space and celestial bodies in order to implement and actualize the policy goals of Title IV, Sec. 51301-03, U.S. 2015 Space Act. On this basis therefore this study adds two novelties to the study of space mining law and policy: first, this research study proposes that contemporary theoretical constructs and the theorists of space mining law and policy are best understood when structured in accordance with their underlying dominant ideological spectrum as done in this study; and second, in addition to theories of implicit presence and legal historical analysis of the travaux preparatoires of international space law, the legitimacy of Title IV is best defended principally on the 1927 “Lotus” principle due to the explicit silence of space mining policy in the body of general international law and its cognate internat

Mineral Law Hanri Mostert,2012

International Mining Law Theodore Francis Van Wagenen,2013-09 This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1918 edition. Excerpt: ... CHAPTER VII The American System Of Mining Law. Digest Of The U. S. Federal Mining Law. Digest Of The Mining Law Of Texas. Results Of The American System. Statistics Of The Production Of Precious And Base Metals From 1851 To 1916 THE AMERICAN SYSTEM The American system of mining law is based upon the theory that the unappropriated public domain of the United States belongs to the people of the nation individually, together with all mineral deposits existing thereon, and that any native-born citizen, or an alien who has formally (under the naturalization laws) declared his intention of becoming one, may freely at any time, and to an unlimited extent, search for

and appropriate any deposit that he may be the first to discover, by following the procedures prescribed by laws made by themselves. As to those existing upon land already appropriated, the necessary corollary is that they belong to the recorded owners thereof, and may not be taken away except for public use under the operation of the doctrine of eminent domain. The system in its details has two eminently distinctive features. The first of these is that the steps prescribed for the initiation and maintenance of mining titles are not mandatory so far as the government is concerned. All may be omitted or neglected by the prospector and miner, even to the matter of recording his discovery, and yet, so long as the tract appropriated remains in his physical possession, he may extract ore therefrom and convert the same into money free of all obligations to the authorities. But, on the other hand, failure to perform any one of the acts prescribed in the law gives to any fellow citizen who desires to possess his ground the right and opportunity to attack his title and assert a legal claim...

International Mining Law Theodore F. (Theodore Francis) Wagemen, 2019-03-04 This work has been selected by scholars as being culturally important, and is part of the knowledge base of civilization as we know it. This work was reproduced from the original artifact, and remains as true to the original work as possible. Therefore, you will see the original copyright references, library stamps (as most of these works have been housed in our most important libraries around the world), and other notations in the work. This work is in the public domain in the United States of America, and possibly other nations. Within the United States, you may freely copy and distribute this work, as no entity (individual or corporate) has a copyright on the body of the work. As a reproduction of a historical artifact, this work may contain missing or blurred pages, poor pictures, errant marks, etc. Scholars believe, and we concur, that this work is important enough to be preserved, reproduced, and made generally available to the public. We appreciate your support of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant.

Critical Minerals, Sustainability, and the Energy Transition in the Global South Susan Nakanwagi, 2024-11-14 This book addresses the relationship between efficient management of critical minerals and sustainability in the Global South, including Sub-Saharan Africa. Critical minerals are essential raw materials for the technologies that are pivotal in today's energy transition. However, critical mineral host states and communities face social, economic, ecological, political, technological, and governance injustices. The book contends that the criteria currently used in assessing criticality and critical mineral development do not fulfil the sustainable development ambitions of developing countries and that broader considerations must be taken into account to include the stakeholders involved as well as the spatial dimension of the critical mineral value chain. In particular, the book argues that the law must consider the broader context in which minerals become critical to particular processes. It positions this argument within the current context of climate change, the just energy transition, the minerals-energy nexus, and geopolitical tensions. By analysing the copper-cobalt value chain through case studies on DRC, Zambia, China, and the EU, the book provides new avenues for critical mineral development and

acknowledges the necessity for sustainability amidst the exacerbated impacts of climate change. Addressing a key challenge of the global energy transition, the book argues for a just holistic framework, which includes parameters such as domestic value addition, human rights in business development, environmental sensitivity, the development of communication channels from remote marginalised communities to international policymakers, and the re-designing of criticality considerations beyond supply and economic aspects.

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International Natural Resources Law, Investment and Sustainability Shawkat Alam,Jahid Hossain Bhuiyan,Jona Razzaque,2017-09-27 International Natural Resources Law, Investment and Sustainability provides a clear and concise insight into the relationship between the institutions that govern foreign investment, sustainable development and the rules and regulations that administer natural resources. In this book, several leading experts explore different perspectives in how investment and natural resources come together to achieve sustainable development in developing countries with examples from water, oil and gas, renewable energy, mineral, agriculture, and carbon trading. Despite varying perspectives, it is clear that several themes are central in considering the linkages between natural resources, investment and sustainability. Specifically, transparency, good governance and citizen empowerment are vital conditions which encourage positive social, economic and environmental outcomes for developing countries. In addition, this book provides new insights into key concepts which underpin international law, including sovereign rights and state responsibility principles. It is clear from this book that in the attempt to reconcile these concepts and principles from separate legal regimes, complex policy questions emerge whereby it is difficult to attain mutually beneficial or succinct outcomes. This book explores how countries prioritise their policy objectives to achieve their notion of sustainable natural resource use, which is strongly influenced by power imbalances that inform North-South cooperation, as well as South-South cooperation in the international investment regime. This book will be of great interest to students, academics and researchers of international environmental law, international human rights law, international investment law and international economic law. This book may also be of relevance to environmentalists, policy-makers, NGOs, and investors working in the natural resources field.

Legal Perspectives on Bridging Science and Policy Mara Tignino,Raya Marina Stephan,Renée Martin-Nagle,Owen McIntyre,2020-05-21 Legal Perspectives on Bridging Science and Policy deals with the interaction of science and policy from

a legal perspective. Expert contributors outline the role of law in water management and suggest solutions to make laws flexible and adaptive to changes in scientific knowledge and environmental, social and economic conditions. Each chapter addresses the topic with a different focus and offers an in-depth analysis of legal challenges related to the creation of interdisciplinary bridges, clarifying how science may be assimilated into decision-making processes and can thereby contribute to build evidence-based policies. Legal Perspectives on Bridging Science and Policy will be of great interest to scholars of water law, water governance and environmental law. This book was originally published in the journal Water International, as a special issue prepared by the International Association for Water Law (known as AIDA from its Spanish acronym <https://www.aida-waterlaw.org>), gathering selected papers dealing with law and governance from the XVI World Water Congress of the International Water Resources Association (IWRA) (2017).

Reforming Mining Law Christian Matabaro,2019-03-22 The Democratic Republic of Congo is endowed with immense mineral wealth. Its minerals include cobalt, copper, diamond, gold, iron, manganese, tantalum, tin, tungsten, and zinc. Yet the contribution of mineral abundance to the country's economic development is poor. The Congolese mining sector was initiated in 1905 with the creation of OKIMO (Office des Mines d'or de Kilo Moto) and UMHK (Union Minière du Haut-Katanga). The rapid development of mining companies improved economic growth until 1973, when President Mobutu introduced a variety of inadequate economic policies, including zairianization and radicalization, that slowed down economic development. The actual mining code was adopted in 2002 to enhance a mining sector that already collapsed. This study suggests a variety of mechanisms and measures that are meant to energize the Congolese mining sector and, hence, allow the country to benefit entirely from its mineral abundance.

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