

Mining Dialogues: From Troubles to Transformation

Episode 9 overview

The Evolving Landscape of Social License and Indigenous Rights in Mining

The concept of social license will significantly influence the mining industry's relationship with communities and the environment. The Mining, Minerals, and Sustainable Development (MMSD) project and the subsequent adoption of the term "social license" will drive a shift towards more socially responsible mining practices.

The term "social license" will become a powerful catalyst for change within the mining industry, resonating with both internal stakeholders and the wider community. Originating from Jim Cooney's work and gaining traction with the World Bank in 1997, social license will provide a relatable framework facilitating the acceptance and implementation of sustainability initiatives within the industry.

The duty to consult Indigenous peoples will become a critical legal obligation, especially following landmark decisions by the Supreme Court of Canada in 2004. These rulings will mandate that governments must engage in meaningful consultations with Indigenous communities if their rights might be affected by resource projects. This requirement will fundamentally alter the power dynamics between the industry and Indigenous peoples, emphasizing the importance of legal recognition and consultation.

The adoption of international standards, such as the UN Declaration on the Rights of Indigenous Peoples in 2007, will further strengthen Indigenous rights globally. The industry will increasingly recognize the necessity of managing community and social affairs responsibly. However, the challenge will remain to extend these practices to junior mining companies and ensure consistent implementation across the sector.

Over the past two decades, there will be a marked improvement in the mining industry's approach to community relations and sustainability. Initiatives like the Mining Association of Canada's Towards Sustainable Mining (TSM) and the Initiative for Responsible Mining Assurance (IRMA) will set new standards for responsible mining. Academic institutions worldwide will also contribute to this progress by researching and promoting best practices in mining and community engagement.

A significant limitation within corporate structures will be the question of who owns sustainability. It will be crucial to recognize that every employee has the potential to impact community relationships. Effective sustainability practices will require the involvement of all organizational levels, not just those in community relations or social performance roles.

One of the most significant challenges facing the mining industry will be managing relationships with Indigenous communities. The shift from a duty to consult, to building sustainable relationships will be crucial. Companies will increasingly recognize the importance of creating



benefit agreements and engaging in meaningful dialogue with Indigenous peoples to ensure mutual respect and benefit.

While there will be a demand for case studies showcasing successful mining projects, the complexity and variability of mining operations will make it difficult to identify perfect examples. Instead, it will be essential to focus on the fundamental principles and practices guiding companies in building sustainable relationships and managing risks effectively.

Mine closure will remain a critical issue, with many old mines posing significant environmental and social challenges. Effective closure plans, adequate financial bonds, and proactive management will be necessary to address these legacy issues. Developing countries will often face difficulties in implementing stringent closure requirements due to concerns about attracting investment and lacking technical capacity.

The future of sustainable mining will lie in developing robust frameworks for consultation, benefit sharing, and environmental management. This will involve continuous improvement, learning from past experiences, and adapting to new challenges. The industry's progress over the past two decades will be commendable, but ongoing efforts will be needed to address emerging issues and ensure that mining contributes positively to communities and the environment.