

Mining Law And Policy International Perspectives

Originally published in 1987, John D. Leshy presents this scholarly study of the 1872 Mining Law as a legal treatise and history of mining in the West from the point of view of mineral exploration and production. This mining law governed the United States mining practice yet had never been changed. The Mining Law attempts to highlight the role of policy and government as well as the more obscure elements of the law which complicated mining practice in the eighties. This title will be of interest to students of Environmental Studies and policy makers.

Uranium mining in the Commonwealth of Virginia has been prohibited since 1982 by a state moratorium, although approval for restricted uranium exploration in the state was granted in 2007. Uranium Mining in Virginia examines the scientific, technical, environmental, human health and safety, and regulatory aspects of uranium mining, milling, and processing as they relate to the Commonwealth of Virginia for the purpose of assisting the Commonwealth to determine whether uranium mining, milling, and processing can be undertaken in a manner that safeguards the environment, natural and historic resources, agricultural lands, and the health and well-being of its citizens. According to this report, if Virginia lifts its moratorium, there are "steep hurdles to be surmounted" before mining and processing could take place within a regulatory setting that appropriately protects workers, the public, and the environment, especially given that the state has no experience regulating mining and processing of the radioactive element. The authoring committee was not asked to recommend whether uranium mining should be permitted, or to consider the potential benefits to the state were uranium mining to be pursued. It also was not asked to compare the relative risks of uranium mining to the mining of other fuels such as coal. This book will be of interest to decision makers at the state and local level, the energy industry, and concerned citizens.

Africa is endowed with commercially viable quantities of several minerals and metals, and, more than ever before, African countries wish to harness their mineral resources for their economic development. The African mining sector has witnessed a revolution in terms of new mining codes and amendments to extant mining codes, which are designed to achieve a multitude of objectives, including the assertion of greater control over exploitation of mineral resources; optimization of resource royalties and taxes; promotion of equity participation in mining projects; enhancement of indigenization in the form of domestic participation in mineral production and local content requirements; value addition and beneficiation in terms of domestic processing of raw mineral ores and metals in Africa; and the promotion of sustainable practices in the mining sector. This book analyzes the legal and fiscal frameworks for hard-rock mining in several African countries including Botswana, Democratic Republic of Congo, Ethiopia, Ghana, Guinea, Kenya, Namibia, Nigeria, Liberia, Tanzania, Sierra Leone, South Africa, South Sudan, Zambia, and Zimbabwe, with reference to other resource-rich countries. It engages in a comparative analysis of mining statutes in Africa with regard to topics such as the acquisition of mineral rights; types of mineral rights; the nature of mineral rights; the rights and obligations of mineral right holders; security of mineral tenure; surface rights; fiscal regimes including royalty and tax regimes; resource nationalism in the mining sector; management and utilization of mining revenues including benefit-

sharing arrangements between mining companies and host communities; environmental stewardship; and sustainable exploitation of mineral resources. This monograph addresses the legal and policy issues relating to the commercial exploitation of natural resources in outer space. It begins by establishing the economic necessity and technical feasibility of space mining today, an estimate of the financial commitments required, followed by a risk analysis of a commercial mining venture in space, identifying the economic and legal risks. This leads to the recognition that the legal risks must be minimised to enable such projects to be financed. This is followed by a discussion of the principles of international space law, particularly dealing with state responsibility and international liability, as well as some of the issues arising from space mining activities. Much detail is devoted to the analysis of the content of the common heritage of mankind doctrine. The monograph then attempts to balance such interests in creating a legal and policy compromise to create a new regulatory regime. This book contains a wealth of information and analysis relating to mineral royalties. Primary information includes royalty legislation from over forty nations. Analysis is comprehensive and addresses issues of importance to diverse stakeholders including government policymakers, tax administrators, society, local communities and mining companies. Extensive footnotes and citations provide a valuable resource for researchers.

The Law of the Seabed reviews the most pressing legal questions raised by the use and protection of natural resources on and underneath the world's seabeds. While barely accessible, the seabed plays a major role in the Earth's ecological balance. It is both a medium and a resource, and is central to the blue economy. New uses and new knowledge about seabed ecosystems, and the risks of disputes due to competing interests, urge reflection on which regulatory approaches to pursue. The regulation of ocean activities is essentially sector-based, and the book puts in parallel the international and national regimes for seabed mining, oil and gas, energy generation, bottom fisheries, marine genetic resources, carbon sequestration and maritime security operations, both within and beyond the national jurisdiction. The book contains seven parts respectively addressing the definition of the seabed from a multidisciplinary perspective, the principles of jurisdiction delimitation under the United Nations Convention on the Law of the Sea (UNCLOS), the regimes for use of non-living, living and marine biodiversity resources, the role of state and non-state actors, the laying and removal of installations, the principles for sustainable and equitable use (common heritage of mankind, precaution, benefit sharing), and management tools to ensure coexistence between activities as well as the protection of the marine environment. 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).

The global spread of transnational mining investment, which has been taking place since the 1990s, has led to often volatile conflicts with local communities. This book examines the regulation of these conflicts through national, transnational and local legal processes. In doing so, it examines how legal authority is being redistributed among public and private actors, as well as national and transnational actors, as a result of globalizing forces. The book presents a case study concerning the negotiation of land transfer and resettlement between a transnational mining enterprise and indigenous peasants in the Andes of Peru. The case study is used to explore the intensely local dynamics involved in negotiations between corporate and community representatives and the role played by legal ordering in these relations. In particular, the book examines the operation of a transnational legal regime managed by the World Bank to remedy the social and environmental impacts of projects which receive Bank assistance. The book explores the nature and character of the World Bank regime and the multiple consequences of this projection of transnational law into a local dispute.

Oil, Gas, and Mining: A Sourcebook for Understanding the Extractive Industries provides developing countries with a technical understanding and practical options around oil, gas, and mining sector development issues. A central premise of the Sourcebook is that good technical knowledge can better inform political, economic, and social choices with respect to sector development and the related risks and opportunities. The guidance provided by the Sourcebook assumes a broad set of overarching principles, all centered on good governance and directed at achieving positive and broadly based sustainable development outcomes. This Sourcebook is rich in presenting options to challenges, on the understanding that contexts and needs vary, and that there is much to be gained from appreciating the lessons learned from a broad set of experiences.

This book addresses the unresolved legal challenges which the increasing role of private corporate actors in deep seabed mining will raise in the coming years. It assesses the tension between corporate commercial interests and the achievement of the common heritage of mankind, under the United Nations Convention on the Law of the Sea.

States in mineral-rich jurisdictions must promote mining as a development industry just as they must protect people and environment from the worst excesses of extractivism. State Governance of Mining, Development and Sustainability explores how the State's role in facilitating a developmental and sustainable mining industry has been defined. In doing so, this astute book considers the impact of the policies and laws of mineral-rich States themselves, multilateral international governance institutions, industry associations, and

environmental justice advocates in the areas of property relations, mineral taxation, environmental management and mine closure.

This book analyses the nexus between land access and the extractive industries in Africa, specifically highlighting the gaps in energy, land and mining laws and the practical solutions needed to settle the increasing number of land disputes in resource-rich areas. Access to land is essential for the successful operation of energy and mining projects. However, there are often social, environmental and economic issues associated with acquiring land for these projects. Socially, many people are relocated; economically, local communities are not given adequate compensation; environmentally, pollution negatively impacts on the agricultural and fishing industries relied on by over 80% of the local communities. Against this stark background, and drawing from the author's fieldwork research, this book addresses the important question of whether the different land tenure systems, coupled with administration and registration procedures, are adequate to address the increasing land disputes in oil and mineral-rich African countries. This book, the result of a congressionally mandated study, examines the adequacy of the regulatory framework for mining of hardrock minerals--such as gold, silver, copper, and uranium--on over 350 million acres of federal lands in the western United States. These lands are managed by two agencies--the Bureau of Land Management in the Department of the Interior, and the Forest Service in the Department of Agriculture. The committee concludes that the complex network of state and federal laws that regulate hardrock mining on federal lands is generally effective in providing environmental protection, but improvements are needed in the way the laws are implemented and some regulatory gaps need to be addressed. The book makes specific recommendations for improvement, including: The development of an enhanced information management system and a more efficient process to review new mining proposals and issue permits. Changes to regulations that would require all mining operations, other than "casual use" activities that negligibly disturb the environment, to provide financial assurances for eventual site cleanup. Changes to regulations that would require all mining and milling operations (other than casual use) to submit operating plans in advance.

This work analyzes and compares the legal framework for foreign investments in the mining sector in Australia, South Africa and Colombia. The admission of foreign investments, corporate structure requirements, ownership of minerals and mineral rights, mining licenses, land access, performance requirements, distribution of profits and the tax regime, repatriation of profits, national and international dispute resolution mechanisms and the question of the Social License to Operate (SLO) / Corporate Social Responsibility (CSR) policies are discussed in detail. The work concludes with an outlook on the future regulation of foreign mining investments and finally suggests the development of an International Mining Investment Law.

This three-volume work is concerned with the rules of international law governing

the exploitation of the energy and mineral resources to be found on and under the sea-bed. Volume 3 complements the previous two volumes by making available a selection of the principal documents referred to in volume 1 "The Continental Shelf" and volume 2 "Sea-Bed Mining." The documents are arranged in three Parts. Part 1 includes document on the continental shelf and the exclusive economic zone; Part 2 covers the United Nations regime for the Area beyond the limits of national jurisdiction, including the landmark Mining Code adopted in July 2000; and Part 3 has a selection of national legislation on sea-bed mining and related co-ordinating treaties. Also included is a table showing the status, as at 1 October 2000, of the UN Convention on the Law of the Sea, 1982 and the 1994 Agreement relating to the Implementation of the UN Convention. This volume will be a useful practical tool for academics, practitioners, and policy-makers concerned with the legal regime governing sea-bed energy and minerals and presents a carefully selected set of documents indispensable for a full understanding of the regimes analysed in the earlier volumes.

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.

The first and only English-language reference to the laws and regulations of the booming Indonesian mining sector As the growing Indonesian mining industry attracts new investment from foreign mining companies, those companies are

faced with the daunting challenge of unraveling the hugely confusing and complex plethora of local laws and regulations that govern the industry. Until now, there has been no comprehensive English-language guide to Indonesia's mining laws that western companies could turn to for reliable guidance and advice. This detailed reference fills that gap for the mining companies, advisors, and consultants who must navigate this confusing and growing web of regulation on a daily basis. The only English-language reference on the subject of Indonesian mining law A valuable guide for anyone in the mining industry currently doing business or intending to do business in Indonesia Written by a highly regarded legal expert with deep experience in the Indonesian mining industry Combines all the relevant regulations in one comprehensive guide Ideal for professionals in the mining industry, as well as academics, government institutions, policy makers, and industry associations, Mining Law & Regulatory Practice in Indonesia is the perfect guide for an underserved market.

This report edited by the Commonwealth Parliamentary Association assesses how parliamentary committees can enhance democratic governance.

"A comprehensive study of Canadian mining law, including ownership rights, claim-staking, disposition and transfers of mining rights, interests and royalties, acquisition of rights and interests from the Crown, withdrawal of lands from mining, surface rights, and mining issues related to native lands. New chapters relating to CSR and international perspectives will be added as well."--

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"Mining Law and Policy: International Perspectives explains the key legal issues in the regulation of mining. The book starts with an overview of the mineral sector and broader forces which influence (and are impacted by) mineral regulation including mineral economics, sustainable development and other policy considerations." -- provided by publisher.

China is the world's second largest consumer of commercial energy and is therefore a significant contributor to atmospheric pollution. It is becoming a major player in global and regional markets for energy products, services and investment. This book provides an overview of the formulation and implementation of energy policy in China. Part One provides background information on China's energy sector. Part Two examines the nature of China's energy policy and of the policy-making process, with examples drawn from the coal and natural

gas sectors, as well as from the government's drive to promote energy conservation and energy efficiency. Part Three focuses on recent efforts to reform the energy sector in China and to regulate it more effectively, paying particular attention to the electrical power sector and to small-scale coal mines. Part Four evaluates, from the perspective of the citizen, policy relating to the electrical power sector and to the closure of small-scale coal mines. Part Five addresses the international dimensions of China's energy policy, with accounts of both inward and outward investment, and of the international political implications. About the author: Dr Philip Andrews-Speed is Director of the Centre for Energy, Petroleum and Mineral Law and Policy at the University of Dundee, Scotland. He spent fourteen years as a geologist in the international mining and petroleum industries before coming to the Centre in 1994, gaining an LLM in Energy Law and Policy, and joining the academic staff.

Social License and Dispute Resolution in the Extractive Industries is a broad collection offering insights from both renowned academics and practitioners on the intersection of international dispute resolution and the social license to operate in the extractive industries.

This textbook provides an introduction to the field of mineral economics and its use in understanding the behaviour of mineral commodity markets and in assessing both public and corporate policies in this important economic sector. The focus is on metal and non-metallic commodities rather than oil, coal, and other energy commodities. The work draws on John Tilton's teaching experience over the last 30 years at the Colorado School of Mines and the Catholic University of Chile, as well as short courses for RioTinto and other mining companies. This is combined with the professional consulting and academic research of Juan Ignacio Guzmán over the past decade, in order to demonstrate the industry application of the economic principles described in the earlier chapters. The book should be an ideal text for graduate and undergraduate students in the fields of mining engineering and natural resource economics and policy. It should also be of interest to professionals and investors in mining and commodity markets, and those undertaking continuing education in the mineral sector.

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The Oxford Handbook of Transnational Law offers a unique and unparalleled treatment and presentation in the field of Transnational Law that has become one of the most intriguing and innovative developments in legal doctrine, scholarship, theory, and practice today. This in itself constitutes an ambitious editorial project, not only within law and legal doctrine, but also with regard to an increasing interest in an interdisciplinary engagement of law with social sciences - including sociology, anthropology, political science, geography, and political theory. Closely tied into the substantive transformation that many legal fields are undergoing is the observation that many of these developments are driven by changes in an increasingly global legal practice today. The concept then, of 'transnational law' aims at capturing the distinctly border-crossing nature even of those legal fields which had for the longest time been seen as having merely 'domestic' relevance. This shift also requires a conscious effort among law school classroom instructors, casebook authors, and curriculum reformers to adapt their teaching content to these circumstances. As the authors of this Handbook make clear, this adaptation requires a close dialogue between a scholarly investigation into the transnational 'concept of law' and the challenges faced by practicing lawyers, be that as solicitor, in-house counsel, as judges, or as bureaucrats in a globalized regulatory and socio-economic environment. While the main thrust is on the transnationalization of legal doctrine and legal theory, with a considerable contribution from and engagement with social sciences, the Handbook features numerous reflections on the relationship between transnational law and legal practice. Originally published in 1987. A powerful combination of the authors' research and practical experience underpin this book's treatment of management and financial strategy in the world mining industry. In contrast with highly theoretical economic treatises on the extractive industries, this account deals with the practical realities of the economic, technical and

business structure of the industry, the managerial and investment strategies, and the principle public policy issues. This book will interest all students and researchers in resource economics and it will be useful to officials of mining companies, government agencies, and financing agencies. Economic geologists and environmentalists should also find it relevant to their interests.

Climate change poses fundamental and varied challenges to all communities across the globe. The adaptation and mitigation strategies proposed by governments and non-governmental organisations are likely to require radical and fundamental shifts in socio-political structures, technological and economic systems, organisational forms, and modes of regulation. The sheer volume of law and policy emanating from the international level makes it uncertain which type of regulatory or policy framework is likely to have a positive impact. The success or failure of proposed measures will depend on their acceptability within the local constituencies within which they are sought to be applied. Therefore there is an urgent need to better comprehend and theorise the role of cultural legitimacy in the choice and effectiveness of international legal and policy interventions aimed at tackling the impact of climate change. The book brings together experts to present perspectives from different disciplines on the issue of international climate change law and policy. Beginning from the premise that legitimacy critiques of international climate change regulation have the capacity to positively influence policy trends and legal choices, the book showcases innovative ideas from across the disciplines and investigate the link between the efficacy of international legal and policy mechanisms on climate change and cultural legitimacy. The book includes chapters on with a theoretical basis as well as specific case-studies from around the globe. The topics covered include: land use planning as a tool of enhancing cultural legitimacy, indigenous peoples in international environmental negotiations, transnational advocacy networks, community-based forestry management and culture and voluntary social movements.

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.

Mineral resources are an essential social and economic basis. The importance of a European mineral resources policy is demonstrated by the latest developments in the international commodity markets. The legal framework for mining activities is vital for the realization of a mineral resources policy. Efficient legislative provisions and their implementation are crucial in ensuring both a competitive mining industry and environmental protection. This book discusses the legal frameworks of 40 European countries, especially the countries of south-east Europe, which possess an enormous wealth of deposits. This reference book provides information on European legislation relevant to mineral resources and an overview of approaches to mineral resources policy, as well as comparing the existing instruments of such policies in various

European countries. This book is especially well-suited to the needs of investors, entrepreneurs, politicians and civil servants.

This text is an ideal starting point to understand the regulatory regimes and policy challenges relevant to Australia's mining sector.

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.

The mining sector has been an integral part of economic development in many African countries. Although minerals have been exploited for decades in these countries, the benefits have not always been as visible. This has necessitated reforms including nationalisation of mining activities in the distant past; and currently legal and regulatory reforms. This book gives an insight of these reforms and with reference to the fieldwork research undertaken by the author in some African countries, the book highlights the social and environmental impacts of mining activities in Africa. The central question of the book is, why the mining laws have worked in some countries but not others and what can be done to ensure that these laws are effective? Consequently, the book analyses the legal reforms made in the sector and highlights both the challenges and the opportunities for foreign investors as well as the African governments and local communities. The book will be of great interest to researchers and students in Energy and Geography related fields, as well as to practitioners and policy makers.

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