

## Mining Law And Policy International Perspectives

"This book considers, and offers solutions to, the problems faced by local communities and the environment with respect to global mining. The author explores the idea of grievance mechanisms in the home states of the major mining conglomerates. These grievance mechanisms should be functional, pragmatic and effective at resolving disputes between mining enterprises and impacted communities. The key to this provocative solution is two-fold: the proposal harnesses the power of industry-sponsored dispute mechanisms to reduce the costs and other burdens on home state governments and judicial systems. Critically, civil society actors will be given a role as both advocates and mediators in order to achieve a fair result for those impacted abroad by extractive enterprises. Compelling, engaging and timely, this book presents an innovative approach for regulating the foreign conduct of the extractive sector"--

Schrijver (Vrije U., Amsterdam) and Weiss (U. of Amsterdam) have both served on committees of the International Law Association (ILA). First Published in 1999. Routledge is an imprint of Taylor & Francis, an informa company.

Disputes in the energy and natural resources sector are at the heart of international arbitration. With more arbitrations arising in the international energy sector than in any other sector, it is not surprising that the highest valued awards in the history of arbitration come from energy-related arbitrations. Energy disputes often involve complex and controversial issues relating to security, sovereignty, and public welfare. International Arbitration in the Energy Sector puts international energy disputes into a global context, providing broad coverage of different forms and systems of dispute resolution across both renewable and non-renewable sectors. With contributions from leading practitioners, arbitrators, academics, and industry experts from across the globe, the eighteen chapters in the book enable readers to compare the approaches to, and learnings from, energy arbitrations across various legal systems and geographic regions. After outlining the international energy arbitration legal framework, the text delves into a detailed analysis of the problems which regularly arise in practice. These include, among other things, commercial disputes in Part I (e.g. over the upstream oil sector and long-term gas supply contracts), investor-state disputes in Part II (e.g. under the Energy Charter Treaty), and public international law disputes in Part III (e.g. concerning international boundaries and the distribution of natural resources). Alongside recent developments in the international energy sector, attention is given to climate and sustainable development disputes, which raise important questions about enforcing sustainability objectives on individuals, corporations, and states. Backed by analyses of arbitral awards, national court and international tribunal decisions, treaties, and other international legal instruments, as well as current events and news in the energy industry, this text offers a unique contribution to international energy literature and provides insightful commentary on the prevalent issues in the field. It is essential reading for any practitioner or researcher in the energy and natural resources sector.

Situating the global poverty divide as an outgrowth of European imperialism, this book investigates current global divisions on environmental policy.

This book considers, and offers solutions to, the problems faced by local communities and the environment with respect to global mining. The author explores the idea of grievance mechanisms in the home states of the major mining conglomerates. These grievance mechanisms should be functional, pragmatic and effective at resolving disputes between mining enterprises and impacted communities. The key to this provocative solution is two-fold: the proposal harnesses the power of industry-sponsored dispute mechanisms to reduce the costs and other burdens on home state governments and judicial systems. Critically, civil society actors will be given a role as both advocates and mediators in order to achieve a fair result for those impacted abroad by extractive enterprises. Compelling, engaging and timely, this book presents an innovative approach for regulating the foreign conduct of the extractive sector.

This is the first book of peer-reviewed, edited papers that examines the minerals industry in relation to sustainable development. The book takes a proactive, positivist, and solution-oriented approach, while not shying away from the fundamental problems.

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.

The idea that a private enterprise has a social function and some obligations to all stakeholders is not something that has always existed. Concepts like sustainable development and shared value appeared only after a long process of trial and error. Understanding the origins of the theory of corporate social responsibility and its evolution will allow us to be ever closer to solving the mystery of what should be the role of private capital in society. It will also help us determine its importance when facing significant challenges due to government absence or weakness over certain territories. The book will highlight the difficulties, advantages and disadvantages that arise during the implementation of local content policy. The alignment of corporate and government interests, as well as doing business for a common and coordinated purpose, are shown as possible solutions to the adverse effects of the general exploitation of mineral and natural resources. Other options presented that could offer a solution to government gaps and the unsatisfied needs of the communities include commitment on developing local capacities, supporting the private initiative and investing with the purpose of replicating the benefits produced by the mines.

Mining Law and Policy International Perspectives

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 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 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.

The United Nations currently has five effective international space treaties, namely the Outer Space Treaty of 1967, Space Rescue Agreement of 1968, Space Liability Convention of 1972, Space Registration Convention of 1975, and Moon Agreement of 1979. However, with recent competition and movements to mine and exploit natural resources from such entities as the moon, asteroids, etc., these outdated treaties no longer address current advancements. It is imperative that new research is undertaken to urge and progress new space laws and policies that strengthen international cooperation and joint undertakings into the exploitation of natural resources from outer space. *Global Issues Surrounding Outer Space Law and Policy* grants a general understanding for the current issues and methods of solution in the field of outer space law and policy in the global society. It suggests a revision of the five international space treaties and presents a new International Space Agency (ISA) that would use international cooperation and an International Court of Air and Space Law to promote the speed of work and fairness in trials of air and space law cases. Additionally, solutions for the cooperation of the global community towards joint undertakings and exploitation of natural resources in celestial bodies is explored. This book is ideal for lawyers, professors, government officials, space agencies, academicians, researchers, students, and anyone looking to understand the complicated problems and methods of solution in international space law and policy.

With Asia as its backdrop, this book investigates the role played by the World Bank Group (WBG) in conceptualising and promoting new mining regimes tailored for resource-rich country clients. It details a particular politics of mining in the Global South characterised by the transplanting, hijacking and contesting of the WBG's mining agenda.

This volume contains relevant and pressing issues in the law, policy, and the practice of art and cultural heritage protection. 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.

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.

2011 Updated Reprint. Updated Annually. *India Mining Laws and Regulations Handbook*

"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.

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.

?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.

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?Ide 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-

Fernandez 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.

Derived from the renowned multi-volume International Encyclopaedia of Laws, this book provides a systematic approach to legislation and legal practice concerning energy resources and production in Australia. The book describes the administrative organization, regulatory framework, and relevant case law pertaining to the development, application, and use of such forms of energy as electricity, gas, petroleum, and coal, with attention as needed to the pervasive legal effects of competition law, environmental law, and tax law. A general introduction covers the geography of energy resources, sources and basic principles of energy law, and the relevant governmental institutions. Then follows a detailed description of specific legislation and regulation affecting such factors as documentation, undertakings, facilities, storage, pricing, procurement and sales, transportation, transmission, distribution, and supply of each form of energy. Case law, intergovernmental cooperation agreements, and interactions with environmental, tax, and competition law are explained. Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable resource for energy sector policymakers and energy firm counsel handling cases affecting Australia. It will also be welcomed by researchers and academics for its contribution to the study of a complex field that today stands at the foreground of comparative law.

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

This monograph lays out a disciplinary matrix from a global perspective for the law and governance applicable to mining and minerals, taking account of the key challenges of achieving the goals of Agenda 2030 and the transition to low-carbon economies. This perspective encompasses the international, transnational, national, sub-national and local levels of ordering of social relations applicable to mining and minerals. The book engages with current developments on strategic minerals for a carbon-constrained future and it identifies a research agenda for further studies in this fast-changing field.

In *Responsibility to Ensure: Sponsoring States' Environmental Legislation for Deep Seabed Mining and China's Practice*, Xiangxin Xu examines how and to what extent the sponsoring State implements its primary responsibility by enacting national legislation, taking China's legislation as an example.

This ground-breaking collection reflects the growing momentum of interest in the international legal community in meshing the insights of queer legal theory with those critical theories that have a much longer genealogy - notably postcolonial and feminist analyses. Beyond the push in the human rights field to ensure respect for the rights of people with diverse sexual orientations and gender identities, queer legal theory provides a means to examine the structural assumptions and conceptual architecture that underpin the normative framework and operation of international law, highlighting bias and blind spots and offering fresh perspectives and practical innovations. The contributors to the book use queer legal theory to critically analyse the basic tenets and operations of international law, with many surprising, thought-provoking and instructive results. The volume will be of interest to many scholars, students and researchers in international law, international relations, cultural studies, gender studies, queer studies and postcolonial studies.

States in mineral-rich jurisdictions promote mining as a development industry, and at the same time attempt to protect people and the environment from the worst excesses of extractivism and neo-extractivism. Exploring how the State's role in facilitating a developmental and sustainable mining industry has been defined, this eminent work is a world-first analysis of the principal narratives framing mining, development and sustainability in developed and developing countries. Through a global, comparative analysis, Tracy-Lynn Field illustrates how these themes are woven into the technical governance areas of property, taxation, environmental assessment and mine closure.

Ultimately, this book shows how the promotional and protective role of the State constituted by the advocacy, policies and laws of international financial institutions, industry associations, activists, and mineral-rich jurisdictions supports an unsustainable system of global mining production. Progressive in its approach, the book concludes with insightful thoughts on the paradigm of post-extractivism. *State Governance of Mining, Development and Sustainability* is a must read for students and scholars interested in the law and governance of mining and development, as well as environmental law and governance more widely. Its practical implications will also prove informative for practitioners and policy makers working in the field.

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.

Sure, everyone gets sick sometimes, but do you realize that plenty of those folks also die slow, unpleasant deaths from diseases that stumped even the experts at top-notch (still privately run) hospitals? That's right: There are plenty of illnesses that even physicians have never heard about. Nodding Disease, Alice in Wonderland Syndrome, and Cutaneous Horn (yes, you grow a horn) are all featured here in pithy, energetic entries. You won't have to worry about socialized medicine if you have this book—even if your doc could see you within a month, you might die due to his ignorance. Lucky for you and your loved ones, Ian Landau (who has no medical training but is a hell of a researcher) includes: Descriptions of each disease Background and history How to diagnose yourself and others Suggested treatments Prevention methods The book is not for the faint of heart, as it probably could cause cardiac arrest. (And you ain't coming back from that without Ian's help.)

The Yearbook of International Environmental Law has established itself as a vital source of information and analysis in an increasingly important legal field. The contributors for this volume are drawn from leading figures around the world who, together with the expert team of editors, have created the best source of information on world-wide events in this field. The article section contains top-quality essays on topical subjects and provides a comprehensive review of internationally significant environmental legal developments. The "Year-In-Review" section a round-up of legal developments in every part of the world and summarizes year-by-year trends organized by subject-matter, key countries or regions, and international governmental as well as non-governmental organizations. Each volume also features topical articles and book reviews.

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