

**Supporting Inclusive Resource Development (SIRD)
East Africa
TRAINING PROGRAM
2019**



THE CANADIAN
BAR ASSOCIATION



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LAW SOCIETY OF KENYA



Tanganyika
Law Society



UGANDA LAW SOCIETY

Canadian “Mining Agreement” Case Study

- Canada is not Africa
- A brief comment on land rights of Indigenous peoples in Canada
- Case Studies
 - Baffinland/Mary Lake
 - Northwest Territories NICO Project



Canada is not Africa



Rights of Indigenous Peoples in Canada

- Royal Proclamation of 1763
- Honour of the Crown
- Section 35 of the Constitution Act, 1982
 - recognizes aboriginal and treaty rights of Indians, Inuit and Metis peoples
 - Ceded lands (treaties) and land claims agreements
 - Crown duty of consultation, accommodation



Why Impact Benefit Agreements?

- Implementation of Environmental Site Assessment mitigation obligations
- Satisfaction of consultation and accommodation obligations
- Acquiring social licence/community cooperation to operate
- Community benefits

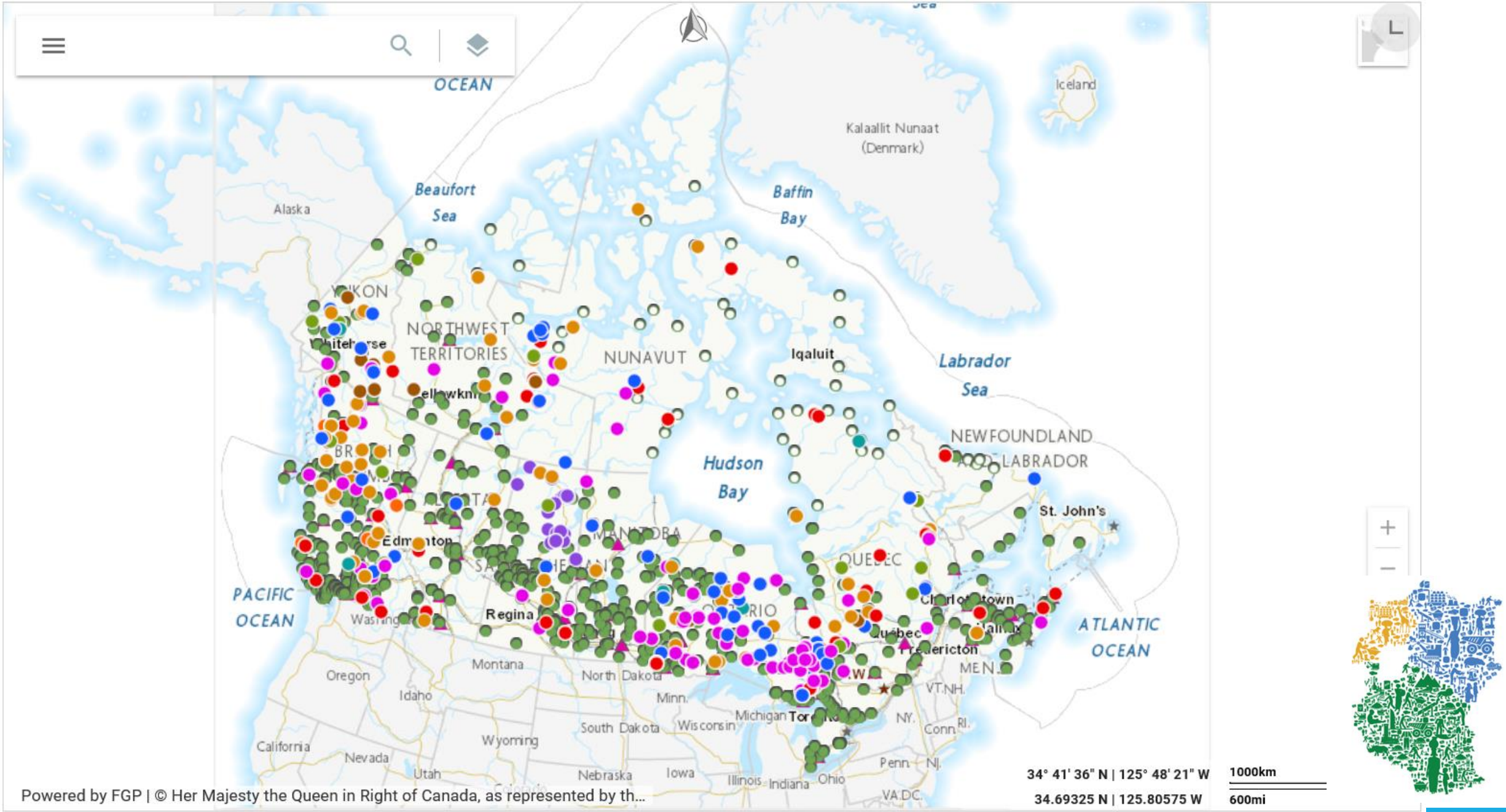




Treaties of Canada

Source:
http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/htoc_1100100032308_eng.pdf



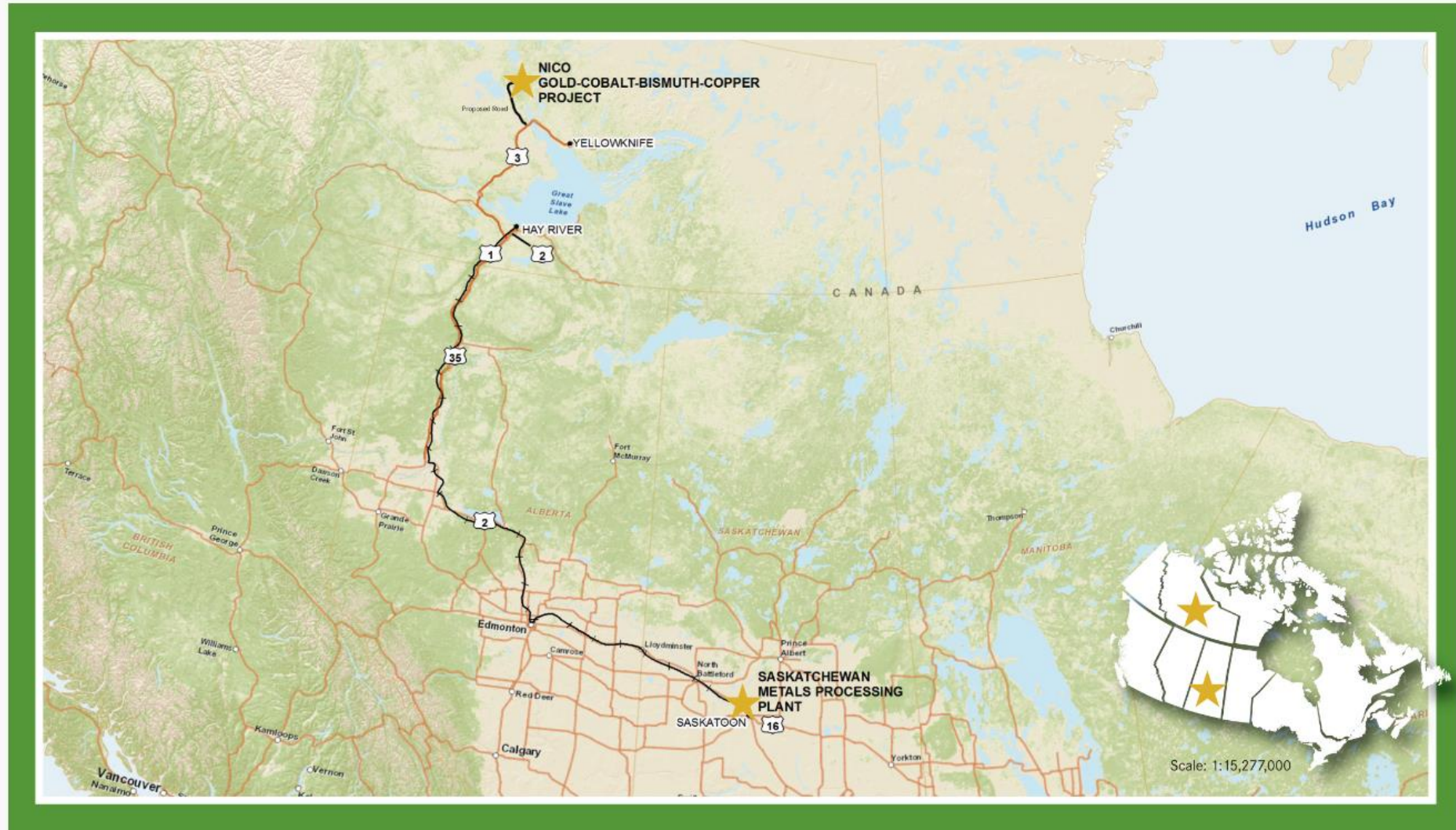


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34° 41' 36" N | 125° 48' 21" W
34.69325 N | 125.80575 W

1000km
600mi

The NICO mining project



NICO Mine Agreement – Key terms

- Mutual benefit
- Inuit participation
- Education and training
- Relationship management/joint executive committee



NICO Mine Agreement – Key terms

- Financial participation
- contracting opportunities
- Employment
- Working conditions
- Project monitoring and mitigation



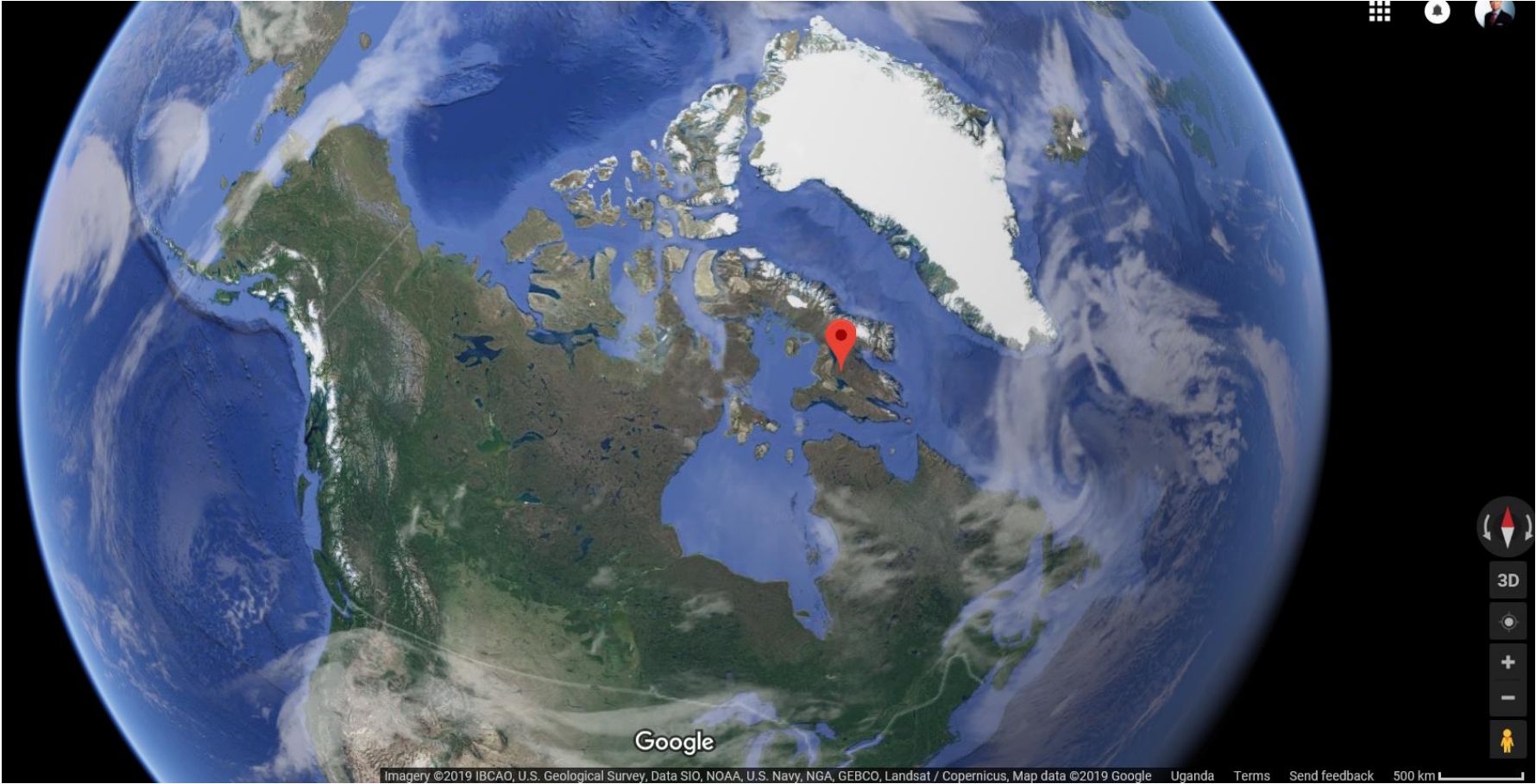
NICO Mine Agreement and Women

- support services for women and single mothers, child care services and parenting training) for mine employees and their immediate family
- FML will aim to have at least half of its Educational Awards recipients awarded to women
- develop and offer a student employment program and aim to have at least half of its placements filled by women
- support and encourage the participation of women on an equal basis with men in all aspects of work related to the NICO Project

NICO Mine Agreement- Promoting Women

- a. work with the specified organizations to promote women in trades and mining occupations
- b. develop specific strategies for the employment of Indigenous and other northern women including on the job training, further training, work experience, performance reviews, coaching and other activities
- c. offer scholarships and awards to female NWT Students related to mining or in discipline areas where FML has had difficulty recruiting Indigenous Persons or NWT Resident
- d. incorporate female role models into its promotional campaigns
- e. involve female employees in company promotional activities at site and in communities as role models
- f. from time to time, offer tours of the NICO Project directed at women potentially interested in mining industry and related career opportunities
- g. training programs and personal development strategies for women who may not possess all of the requisite skills and knowledge for particular positions.

Mary River mine project



Mary River Agreement

- Mutual benefit
- Financial participation
- Inuit participation
- Workplace preparedness
- Executive committee



Mary River agreement

- Employment and training
- Inuit content and employment
- Community support
- Local engagement in stewardship
- Mitigation
- Wildlife compensation
- Carving stone

Questions/Discussion

