

References

- Altman, J. and D. Smith. 1994. *The Economic Impact of Mining Moneys: The Nabarlek case*. Western Arnhem Land, Discussion Paper 63/1994. Canberra: CAEPR, ANU.
- Archibald, L. and M. Cronkovich. 1999. *If gender mattered: A case study of Inuit women, land claims and the Voisey's Bay Nickel project*. Ottawa: Status of Women, Canada.
- Austvik, O. Gunnar. 2007. *Reflections on permanent funds: The Norwegian pension fund experience*. Presentation made at Gordon Foundation Fort Good Hope meeting, May 4.
- Barker, T. and D. Brereton. 2005. *Survey of Local Aboriginal People Formerly Employed at Century Mine: Identifying factors that contribute to voluntary turnover*. Centre for Social Responsibility in Mining Research Paper No. 4. Brisbane, Queensland: University of Queensland.
- Barsch, R. and K. Bastien. 1997. *Effective Negotiation by Aboriginal Peoples: An action guide with special reference to North America*. Geneva: International Labour Office.
- Bass, S., P. Seth Parih, R. Czebiniak and M. Filbey. 2003. *Prior informed consent and mining: Promoting the sustainable development of local communities*. Washington: Environmental Law Institute. Accessed July 3, 2009. www.elistore.org/reports_detail.asp?ID=10965
- Beach, R., D. Brereton and D. Cliff. 2003. *Workforce turnover in FIFO mining operations in Australia: An exploratory study*. Centre for Social Responsibility in Mining, Sustainable Minerals Institute, University of Queensland, Brisbane.
- Bergner, K. 2006. *The Crown's duty to consult and accomodate*. Presented at the Canadian Institute's 2nd Annual Conference on Aboriginal Consultation, Vancouver, BC.
- Blondin, Ted. 2007. *Exploring common ground: Aboriginal communities and base metal mining in Canada*. Presentation to the Canada Forum Mining Conference, Sudbury, Ontario, November 14-15.
- Boreal Leadership Council. 2011. *Bringing Free, Prior and Informed Consent home to Canada*. <http://www.borealcanada.ca/lead-council-e.php> (this report is forthcoming by Gibson, G. et al. 2011)
- Boutillier, Robert. 2009. *Stakeholder 360*. Accessed July 2, 2009. www.stakeholder360.com/index.htm
- BC First Nations Energy & Mining Council. 2009. *Sharing the Wealth: First Nation Resource Participation Models*. West Vancouver: BCFNEMC.
- Canadian Environmental Assessment Agency. 2005. *Orientation to the Canadian Environmental Assessment Act – Participant Manual*.
- Castrilli, J. 1999. *Environmental regulation of the mining industry in Canada: An update of legal and regulatory requirements*. Toronto: Walter & Duncan Gordon Foundation.
- Christenson, E. 1999. *Myths and Realities of Inuit Impact Benefits Agreements: A perspective of myths and realities of Inuit Impact Benefits Agreements and highlights of the first IIBA negotiated under the Nunavut land claims agreement*. Prepared for the Kitikmeot Inuit Association.
- Compliance Advisory Ombudsmen (CAO). 2008. *A Guide to Designing and Implementing Grievance Mechanisms for Development Projects*. Washington: CAO.

- Corbett, T. and C. O’Faircheallaigh. 2006. Unmasking the politics of native title: The national native title tribunal’s application of the NTA’s arbitration provisions. *University of Western Australia Law Review* 33(1): 153-177.
- Crooke, P., B. Harvey and M. Langton. 2006. Implementing and monitoring land use agreements in the minerals industry – The Western Cape Communities co-existence agreement. In M. Langton, O. Mazel, L. Palmer, K. Shain, M. Tehan (eds.), *Settling with Indigenous Peoples*. Annandale, NSW: The Federation Press, pp. 1-20.
- Diges, C. 2008. *Sticks and bones: Is your IBA working? Amending and enforcing Impact Benefit Agreements*. Toronto: McMillan Binch Mendelsohn LLP.
- Dreyer, D. 2002. *Economic development for Kaska Dena communities: Improving Impact and Benefits Agreements in order to increase benefits from mining projects*. MA dissertation, University of Northern British Columbia.
- Fidler, C. and M. Hitch. 2007. Impact and Benefit Agreements: A contentious issue for environmental and Aboriginal justice. *Environments Journal* 35(2): 50-69.
- First Nations Environmental Assessment Technical Working Group (FNEATWG). 2004. *First Nations Environmental Assessment Toolkit*. Victoria: FNEATWG. www.fneatwg.org/toolkit.html
- Forest Peoples Programme. 2008. *A Community Guide to the International Finance Corporation’s Performance Standard 7 on Indigenous Peoples (PS7). Guide to IFI Standards*. Moreton-in-Marsh, UK: Forest Peoples Programme.
- Galbraith, L. and B. Bradshaw. 2005. *Towards a new supraregulatory approach for environmental assessment in northern Canada*. Presentation at the annual meeting of the International Association for Impact Assessment. Boston, MA, May 31-June 3.
- Galbraith, L. 2003. *Understanding the Need for Supraregulatory Agreements in Environmental Assessment: An evaluation from the Mackenzie Valley, Northwest Territories*. MA diss., Simon Fraser University.
- Gibson, G., A. MacDonald and C. O’Faircheallaigh. 2010. Cultural considerations associated with mining and indigenous communities. In P. Darling (ed.), *Society for Mineral Economists Handbook*, Special edition.
- Gibson, G. 2008. *Negotiated Spaces: Home, work and relationships in the Dene diamond economy*. PhD dissertation, University of British Columbia, Vancouver, BC.
- Gibson, G. and D. Kemp. 2008. Corporate engagement with indigenous women in the minerals industry: Making space for theory. In C. O’Faircheallaigh and S. Ali (eds), *Earth Matters: Indigenous Peoples, the Extractive Industries and Corporate Social Responsibility*. Sheffield, UK: Greenleaf Publishing, pp. 104-123.
- Gibson, R. 2006. Sustainability assessment and conflict resolution: Reaching agreement to proceed with the Voisey’s Bay nickel mine. *Journal of Cleaner Production*. 14: 334-348.
- Gogal, S., R. Riegert and J. Jamieson. 2005. Aboriginal Impact and Benefit Agreements: Practical considerations. *Alberta Law Review* 129(43): 129-157.
- Government of Newfoundland and Innu Nation. 2002. *Memorandum of Agreement Concerning the Voisey’s Bay Project*.
- Government of the Northwest Territories and BHP Billiton Diamonds Inc. 1996. *Socio-Economic Agreement: BHP Diamonds Project*. Tabled in the 4th session of the 13th Assembly.
- Harvey, B. and S. Nish. 2005. Rio Tinto and Indigenous community agreement making in Australia. *J. of Energy & Natural Resources Law* 23(4): 499-510.

- Henderson, L. and G. Voogd. 2001. *Benefits Agreements: A situational analysis*. Laurie Henderson Professional Corporation.
- Henderson, L. 2001. *Benefits Agreements: Some legal issues considered*. Laurie Henderson Professional Corporation.
- Hennessy, L. 2007. *Negotiating indigenous sustainability measures of protection in agreements with mining companies*. Research report for Pacific Environment, Berkeley, CA.
- Holden, A. and C. O'Faircheallaigh. 1995. *The Economic and Social Impact of Silica Mining on Hope Vale, Aboriginal Politics and Public Sector Management Monograph No. 1*. Brisbane: Centre for Australian Public Sector Management, Griffith University.
- Human Rights and Equal Opportunity Commission (HREOC). *Development and Indigenous Land: A human rights approach*. Sydney, NSW: Human Rights and Equal Opportunity Commission.
- Innu Nation Task Force on Mining Activities. 1996. *Ntesinan Nteshiniminan Nteniunan: Between a Rock and a Hard Place*. Final report of the Innu Nation Task Force. Innu Nation Office: Sheshatshui, Nitassinan.
- Innu Nation Task Force on Mining. 1995. *Ntesinan, Nteshiniminan, Nteniunan: Between a rock and a hard place*. Participatory Research Process on Mining. Ntesinan (Labrador). www.ryakuga.ca/best/ntesinan.html
- Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada. *Nunavut Land Claim Agreement*. Accessed May 6, 2009. www.gov.nu.ca/hr/site/doc/NLCA.pdf
- Jepsen, D., B. Joseph, B. Mcintosh and B. McKnight. *Mineral Exploration, Mining and Aboriginal Community Engagement*. BC & Yukon Chamber of Mines.
- Joint Review Panel. 2007. *Kemess North Copper-Gold mine project: Joint Review Panel report*. Accessed May 6, 2009. www.bristolbayalliance.com/images/JPR%20Final%20Report%20Exec%20Summary.pdf
- Jones, P. 2007. *American Indians and Oil and Natural Gas Exploitation: Case examples*. Paper delivered to the Annual Conference of the Society for Applied Anthropology, Tampa, Florida, 28 March – 1 April 2007.
- Keeping, Janet. 1999. *Local benefits from mineral development: The law applicable in the Northwest Territories*. Calgary: Canadian Institute of Resources Law.
- Keeping, Janet. 1998. *Thinking about benefits agreements: An analytical framework*. Prepared for Canadian Arctic Resources Committee, Yellowknife: NWT.
- Keeping, Janet. 2005. *The legal and constitutional basis for benefits agreements: A summary*. www.carc.org/pubs/v25no4/3.htm
- Kennett, S. 1999. *A guide to Impact and Benefit Agreements*. Calgary: Canadian Institute of Resources Law.
- Ker, Alex. 2000. *Impact and Benefits Agreements as Instruments for Aboriginal Participation in Non-Renewable Resource Development: A report on selected case studies*. Ottawa: National Round Table on the Environment and the Economy.
- Kischuk, P. 2001. *Yukon Benefits Agreements: Policy Options*. Whitehorse: Yukon Economic Development.
- Klein, H., J. Donihee and G. Stewart. 2004. *Environmental impact assessment and Impact and Benefit Agreements: Creative tension or conflict?*
- Lange, L. 1985. *Employment of Native Women at the Norman Wells Oilfield Expansion and Pipeline Project*. Arctic Institute of North America: Calgary.

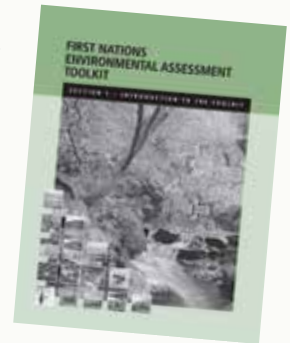
- Lehr, A. and G. Smith. 2010. *Implementing a corporate free, prior, and informed consent policy: Benefits and challenges*. Washington: Foley Hoag LLP eBook. Available online.
- Mackenzie Valley Environmental Impact Review Board (MVEIRB). 2007. *Socio-economic Impact Assessment Guidelines*. Yellowknife, NT: Mackenzie Valley Environmental Impact Review Board, March 2007.
- McKenna, S. 1995. Negotiating mining agreements under the Native Title Act. 1993. *Agenda* 2(3): 301-312.
- Minister of the Department of Indian Affairs and Northern Development, 2011. *Aboriginal Consultation and Accommodation: Updated guidelines for federal officials to fulfill the duty to consult*. Ottawa: Government of Canada.
- Noble, B. and K. Storey. 2005. Towards increasing the utility of follow-up in Canadian EIA. *Environmental Impact Assessment Review*. 25: 163-180.
- Nouvet, Dominique. 2009. *The duty to consult and accommodate: Overview of the current law*. Presented at the Pacific Business & Law Institute Conference on Mining in Aboriginal Communities, Vancouver, BC, March 5.
- Nunavut Land Claims Agreement. 2005. *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada*.
- O'Brien, P. and D. Olson. 1990. The Alaskan Permanent Fund and Dividend Distribution Program. *Public Finance Quarterly* 18(2): 39-156.
- O'Faircheallaigh, C. and S. Ali, 2008. Understanding Corporate-Aboriginal Agreements on Mineral Development. In C. O'Faircheallaigh and S. Ali (eds), *Earth Matters: Indigenous Peoples, the Extractive Industries and Corporate Social Responsibility*. Sheffield, UK: Greenleaf Publishing, pp. 67-82.
- O'Faircheallaigh, C. 2007a. *Reflections on the sharing of benefits from Australian Impact and Benefit Agreements*. Presentation made at Gordon Foundation Fort Good Hope meeting, May 4.
- O'Faircheallaigh, C. 2007b. *Understanding corporate-indigenous agreements on mineral development: A conceptual framework*. Paper delivered to the Annual Conference of the Society for Applied Anthropology, Tampa, Florida, 28 March – 1 April 2007.
- O'Faircheallaigh, C. 2006a. Aborigines, mining companies and the state of contemporary Australia: A new political economy or 'business as usual'? *Australian J. of Political Science* 41(1): 1-22.
- O'Faircheallaigh, C. 2006b. *Environmental Agreements in Canada: Aboriginal participation, EIA Follow-Up and environmental management of major projects*. Calgary: Canadian Institute of Resources Law.
- O'Faircheallaigh, C. 2006c. Mining agreements and Aboriginal economic development in Australia and Canada. *Journal of Aboriginal Economic Development* 5(1), 74-91.
- O'Faircheallaigh, C. and T. Corbett. 2005. Indigenous participation in environmental management of mining projects: The role of negotiated agreements. *Environmental Politics* 14(5): 629-647.
- O'Faircheallaigh, C. 2004. Denying citizens their rights? Indigenous people, mining payments and service provision. *Australian J. of Public Administration* 63(2): 42-51.
- O'Faircheallaigh, C. 2003a. *Implementing agreements between indigenous peoples and resource developers in Australia and Canada*. Aboriginal Politics and Public Sector Management. Research Paper No. 13.

- O'Faircheallaigh, C. 2003b. *Financial models for agreements between indigenous peoples and mining companies*. Aboriginal Politics and Public Sector Management. Research Paper No. 12. Griffith University: Centre for Australian Public Sector Management.
- O'Faircheallaigh, C. 2003c. *Negotiating a better deal for Indigenous landowners: Combining 'research' and 'community service'*. Aboriginal Politics and Public Sector Management. Research Paper No. 11. Griffith University: Centre for Australian Public Sector Management.
- O'Faircheallaigh, C. 2002. Implementation: The Forgotten Dimension of Agreement-Making in Australia and Canada. *Indigenous Law Bulletin* 5: 14-17.
- O'Faircheallaigh, C. 2000. *Negotiating major project agreements: The 'Cape York Model'*. Australian Institute of Aboriginal and Torres Strait Interior Studies. Number 11.
- O'Faircheallaigh, C. 1999. Making social impact assessment count: A negotiation-based approach for indigenous people. *Society & Natural Resources* 12: 63-80.
- O'Faircheallaigh, C. 1996. Negotiating with resource companies: Issues and constraints for Aboriginal communities in Australia, In *Resources, Nations and Indigenous Peoples*, ed. R. Howitt, J. Connell and P. Hirsco, 185-202. Oxford: Oxford University Press.
- O'Faircheallaigh, C. 1995a. *Mineral development agreements negotiated by Aboriginal communities in the 1990s*. Centre for Aboriginal Economic Policy Research Paper. No. 85.
- O'Faircheallaigh, C. 1995b. *Negotiations between mining companies and Aboriginal communities: Process and structure*. Centre for Aboriginal Economic Policy Research Paper. No. 86.
- Office of the Auditor General of Canada. 2007. *October Report of the Auditor General of Canada*. www.oag-bvg.gc.ca/internet/English/parl_oag_200710_03_e_23827.html
- Ontario FNEATWG. 2009. *First Nations Environmental Assessment Toolkit for Ontario*. Toronto: Chiefs in Ontario.
- Ontario Mineral Industry Cluster. *Guide for Junior Exploration Companies and Prospectors: Building a dialogue with Aboriginal communities is critical....* Accessed October 8, 2008. www.ontarioprospectors.com/publications/BuildingADialogueAboriginalCommunities.pdf
- O'Reilly, K. and E. Eacott. 1998. *Aboriginal Peoples and Impact and Benefit Agreements: Report of a national workshop, Northern minerals program working paper No. 7*. Yellowknife, Canadian Arctic Resources Committee.
- Paine, Isabella. 2009. *Maximizing benefits from IBAs*. Presented May 13, 2009 to the Land Claims Coalition Conference.
- Palmer, L. and M. Tehan. 2007. 'Anchored to the land': Asserting and recognizing Aboriginal jurisdiction in the Northwest Territories. Settling with Indigenous Peoples. In *Settling with Indigenous People: Modern treaty and agreement-making*. Marcia Langton, Odette Mazel, Lisa Palmer, Kathryn Shain and Maureen Tehan (eds.), pp. 66-93.
- Penn, A. and V. Croquet. 2008. *Implementing the Troilus Agreement: A joint study of Cree employment and services contracts in the mining sector*. Cree Nation of Mistissini, Cree Regional Authority and Inmet Mining Corporation.
- Pretes, M. and M. Robinson. 1989. Beyond boom and bust: A strategy for sustainable development in the north. *Polar Record* 25(153): 115-120.
- Quinn, Raine. 2005. *Mining agreements: Content ideas*. Perth: National Native Title Tribunal. www.nntt.gov.au

- Robinson, M., M. Dickerson, J. Van Camp, W. Wuttunne, M. Pretes and L. Binder. 1989. *Coping with the Cash: Background study prepared for the NWT's Legislative Assembly's Special Committee on the northern economy*. Committee on the Northern Economy. Calgary: Arctic Institute of North America.
- Roquet, V. and C. Durocher. 2007. *Implementing the Troilus Agreement: A joint study of Cree employment and service contracts in the mining sector*. Cree Nation of Mistissini, Cree Regional Authority and Inmet Mining Corporation.
- Shanks, Gordon. 2006. *Sharing in the benefits of resource development: A study of First Nation Industry Impact and Benefit Agreements*. Ottawa: Public Policy Forum.
- Sosa, I. and K. Keenan. 2001. *Impact Benefit Agreements between Aboriginal communities and mining companies: their use in Canada*. Ottawa: Canadian Environmental Law Association.
- Storey, K., M. Shrimpton, J. Lewis and D. Clark. 1989. *Family life impacts of offshore oil and gas employment*. Institute of Social and Economic Research, Memorial University, Newfoundland.
- Sweeting, A. and A. Clark. 2000. *Lightening the Lode: A guide to responsible large-scale mining*. Washington: Conservation International Policy Paper.
- Taku River Tlingit First Nation. 1995. *What we need to know: Information requirements for Redfern Resources' project report for Tulsequah Chief Mine*.
- Tłı̨chǫ and the Government of the Northwest Territories and the Government of Canada. 2005. *Bill C-14, Tłı̨chǫ Land Claims and Self Government Agreement*. Assented to 15 February 2005, Statutes of Canada.
- United Nations Department of Economic and Social Affairs (UNDESA). 2004. *An Overview of the principle of Free, Prior and Informed Consent and Indigenous People's in International and Domestic Law and Practice*. New York. PF11/2004/WS.2/8.
- Veit, P., R. Nshala, M. Ochiengè Odihiambo, J. Manyindo. 2008. *Protected Areas and Property Rights: Democratizing eminent domain in East Africa*. Washington: World Resources Institute. Accessed June 29, 2009. http://pdf.wri.org/protected_areas_and_property_rights.pdf
- Weitzner, V. 2006. *Dealing full force: Lutsel K'e Dene First Nation's experience negotiating with mining companies*. Ottawa: The North-South Institute and Lutsel K'e Dene First Nation. www.nsi-ins.ca
- Wilkinson, P. 2001. *Impact and Benefit Agreements: An overview and evaluation*. Prepared for the Attawapiskat First Nation.
- Wolfe, W. 2001. *Socio-Economic Impact Agreements in Canada, 1999-2001*. Paper presented at Prospectors and Developers Association of Canada, Toronto, Tuesday, March 13.
- Woodward & Company. 2009. *Benefit sharing agreements in British Columbia: A guide for First Nations, businesses and governments*. Victoria, BC.
- Zorilla, C. with A. Buck, P. Palmer and D. Pellow. 2009. *Protecting your Community Against Mining Companies and other Extractive Industries: A guide for community organizers*. Boulder, CO: Global Response.

Resources Available Online

- The **FIRST NATIONS ENVIRONMENTAL ASSESSMENT TOOLKIT** provides in-depth information about the environmental assessment process: www.fneatwg.org
- The **CANADIAN ENVIRONMENTAL ASSESSMENT AGENCY** also provides materials on the nature of the process and public involvement in environmental assessments: www.ceaa-acee.gc.ca
- The **IBA RESEARCH NETWORK** provides on-line information and resources on IBAs in Canada: www.impactandbenefit.com/
- **NATURAL RESOURCES CANADA** mining pages provide a wide range of on-line resources, including an Aboriginal participation section (www.nrcan-nrcan.gc.ca/smm-mms/abor-auto/index-eng.htm), and the downloadable *Mining Information Kit for Aboriginal Communities* (www.nrcan-nrcan.gc.ca/mms-smm/abor-auto/htm/kit-gui-eng.htm)
- The **AGREEMENTS, TREATIES AND NEGOTIATED SETTLEMENTS PROJECT** in Australia hosts a database of agreements and other resources: www.atns.net.au
- The **MINING INDUSTRY HUMAN RESOURCES COUNCIL** hosts a portal for Aboriginal communities to learn more about careers in mining including education and training programs, and resources such as job descriptions and a downloadable guide on occupations in mining: www.aboriginalmining.ca
- **MININGWATCH CANADA** provides news and resources at www.miningwatch.ca, including the primer *Mining Investors: Understanding the legal structure of a mining company and identifying its management, shareholders and relationship with the financial markets* www.wman-info.org/resources/technicalreports/Mining_Investors.pdf
- **MINES AND COMMUNITIES** also has news and resources about mining, particularly as they affect indigenous and land-based peoples: www.minesand-communities.org



Natural Resources Canada provides a map of agreements between mining companies and Aboriginal communities or governments, by location and current status, available at www.nrcan-nrcan.gc.ca/mms-smm/abor-auto/pdf/agr-ent-o8-eng.pdf

Access and Benefit Agreements

Access and Benefit Agreements are very similar to IBAs (and in some cases the term is interchangeable with an IBA), but in certain parts of Canada have specific requirements set out under legislation (e.g., the Yukon Oil and Gas Act), or land claim agreements.

The Government of Yukon and Kaska Nation, for example, have provided a sample Benefits Agreement that is publicly available at www.emr.gov.yk.ca/oilandgas/pdf/template_benefitsagreement.doc

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Glossary and Acronyms

ABORIGINAL	A common, collective name for referring to indigenous people in Canada. In this toolkit, the terms <i>Aboriginal</i> and <i>indigenous</i> (the more common international term) are used interchangeably, and meant to be inclusive of all indigenous people in Canada, including First Nations, Inuit, and Métis.
ACCESS AND BENEFIT AGREEMENTS	Access and Benefit-Sharing Agreements or Benefits Agreements are often negotiated at exploration stages. In certain parts of Canada, ABAs have specific requirements set out in legislation or land claim agreements.
AGREEMENT IN PRINCIPLE	A verbal or written agreement to proceed in a mutually beneficial manner, normally as an early indication of desire to work toward a formal agreement (see also <i>MoU</i>). Written agreements may or may not be legally binding.
BROWNFIELD	Exploration involving searching for new deposits, or extension of existing deposits, in areas where mining is already underway or has already been completed (see also <i>greenfield</i>).
CAPITAL COSTS	The costs of establishing or expanding a project, including equipment and building costs, and of replacing equipment (as opposed to ongoing operating costs, such as wages and consumable supplies).
COMMODITY	Physical substances, such as metals, that can be sold or exchanged in a marketplace.
CONSULTATION	Processes that provide meaningful information about mining projects to Aboriginal people, and record their responses, which may or may not be acted upon by mining companies or government.
CROWN LAND	Land owned on behalf of by all Canadians by government and that is administered and regulated by government.
EA OR EIA	Environmental assessment (or environmental impact assessment) is the assessment of project impacts on the environment. There are many levels of assessment, as described in Section 2.
FEASIBILITY	Analysis to determine whether a proposal will be possible and profitable.
GREENFIELD	Exploration involves searching for mineral deposits in areas that have had little or no previous exploration or mining (see also <i>brownfield</i>).

IBA	Impact and Benefit Agreement, a contractual agreement between an Aboriginal community or entity and a resource development company, such as a mining company.
IIBA	Inuit Impact and Benefit Agreement, a contractual agreement between an Aboriginal community or entity and a resource development company, such as a mining company. IIBAs are commonly used in parks and protected areas.
INFRASTRUCTURE	The basic facilities such as roads, ports, power and water supplies needed for the functioning of a mine.
JOINT VENTURE	A partnership or conglomerate, often formed to share risk or expertise in relation to a particular project.
JURISDICTION	The territorial range of authority or control.
LEGACY	In mining, this often means that there continues to be environmental damage from an mine that is now closed.
NEGOTIATOR	Person involved in a back-and-forth communication designed to reach an agreement between two or more parties.
MOU	A memorandum of Understanding often sets out the principles for two or more parties to work together for mutual benefit, such as between a community and mining company prior to the negotiation of a formal IBA.
RECLAMATION	Restoration of mined land to a state as close as possible to its original contour, use or condition.
REHABILITATE OR RESTORE	Process used to repair the impacts of mining on the environment.
SINGLE WINDOW:	A facility that allows parties involved in environmental impact assessment to lodge standardized information and documents with a single entry point to fulfill all related regulatory requirements.
SMELTER	Where ores are processed (using heat) to produce metals.
STAKEHOLDER	Any party that has an interest (“stake”) in a project.
TAILINGS	Material disposed of from a mill after most of the valuable minerals have been extracted.

