

Implementing UNEA Resolution 4/19 on Mineral Resource Governance

Regional Summary
North America
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Mineral Resource Governance Recommendations and Suggested Actions Key



Intensified mining for recovery from the coronavirus disease (COVID-19)



Artisanal and small-scale mining (ASM)



Platforms for cooperation and capacity-building



Mine waste recycling, re-use and circularity



Tailings management



National-level governance



Harmonization and alignment of governance initiatives

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North America Consultation Report

This report describes the outcomes of the North America Region consultations conducted on the implementation of the United Nations Environment Assembly (UNEA) Resolution 4/19 on Mineral Resource Governance. Two consultative meetings were held on 16 and 24 September 2020, during which 52 representatives comprising UNEP national focal points, as well as major groups and other stakeholders were convened to identify best practices and knowledge gaps, assess governance options and consider common elements of interest for next steps on the mineral resource governance agenda. Participants provided their feedback to three key consultation questions:

1. What are the most pressing mineral resource governance challenges in your region?
2. What are some examples of emerging, good, or best practices in your region?
3. What themes and issues should be the focus of future action, including by international or UN bodies, on Mineral Resource Governance?

Three additional written submissions from North America were received in response to the consultation questions. Participants were invited to the following consultations:

- Regional Consultation – North America, 16 September 2020 (English/French)
- Global Forums on the UNEA-4 Resolution on Mineral Resource Governance – 22 & 24 September 2020

Most pressing challenges in knowledge and practice

The first key question for the consultations was, "What are the most pressing mineral resource governance challenges in your region?". This section provides a summary of responses from the region, and incorporates input from both the online consultations and written submissions.



Inclusion – local community, gender and indigenous Peoples

Participants identified that there are still barriers to inclusion in decision-making about mining that need to be addressed. Local communities, women and Indigenous authorities are still often not present. Improvements in gender policy, disclosure and transparency standards will help barriers to be removed. The focus, according to participants should remain on empowering grassroots and community organisations to participate fully in decisions impacting their futures. A human rights-based approach is not yet a binding regime, though in Europe mandatory human rights due diligence is being introduced. Some participants suggested that mineral resource governance policies should be updated to include human rights due diligence and the UN Declaration on the Rights of Indigenous Peoples.



Scaling-up assistance and building on existing frameworks

Participants identified a need to scale-up existing initiatives. For example, the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development's technical assistance to governments on the mining policy framework and capacity building for, inter alia, regional associations was viewed by participants as effective with an opportunity to scale up significantly and extend to environmental as well as mineral agencies. Similar opportunities for holistic, integrated and ongoing capacity building are needed on the wide spectrum minerals governance issues.

Participants advocated a strategic discussion on the elevation of social and environmental safeguards within existing frameworks. This would be enhanced by developing a targeted and coordinated strategy for improving the coherence of existing frameworks to support sustainable development and the just transition/green recovery.



Climate change and energy transitions

With some exceptions, participants believed that the development of low carbon technologies in mining is currently lagging, and there is a need for a comprehensive program to improve the recovery of valuable minerals from waste to assist meeting the Paris Climate Agreement targets. Meaningful dialogue about the ongoing role of mining in a carbon-constrained world will be needed across mineral-producing and mineral-using sectors.



Responsible mineral supply chains

According to participants, the challenge of ensuring responsible mineral supply chains is starting to receive more attention from companies with high sourcing standards, but could be broadened. It was strongly felt that supply chain due diligence for all private actors should become the norm.



Move from voluntary to compulsory standards

Voluntary initiatives for mineral resource governance have shown some weakness, so it is important for countries to consider where these standards should be moved into policy and regulation. Some participants called for strong regulation and strong enforcement on issues such as human rights, Indigenous rights, environmental harm, companies operating outside their home jurisdiction, etc. Opportunities for remedy and redress were also considered important.



Tailings storage and environmental legacies

Several participants raised concerns about the lack of effective and timely response to tailings failures, contamination issues and legacy mines. Perpetual obligations now held by the government are the result of poor legislation and low environmental bonds. The National Orphaned/Abandoned Mines Initiative (NOAMI) in Canada was mentioned as important progress, but insufficient to resolve the challenge. Improvements in environmental standards and tailings design will be needed to support the green transition. Countries need to consider (or strengthen) bans against unsafe practices and mining in high risk or high environmental value areas.





Good practices

The second major question guiding the consultations was, “What are some examples of emerging, good, or best practices in your region?”. This section provides a summary of responses that incorporates input from both the online consultations and written submissions. It should be noted that this report does not endorse the accuracy, impact or efficacy of the listed examples, instead it faithfully reports the information contributed by participants during the consultations.



Canada's Feminist International Assistance Policy



OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas



Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development Mining Policy Framework



UN Guiding Principles on Business and Human Rights



Extractive Industries Transparency Initiative



Canadian National Orphaned/Abandoned Mines Initiative (NOAMI).

Future action

Participants from the region shared a great range of ideas for future action, this section summarizes the main ideas.



Governance capacity development and modernisation

Opportunities for holistic, integrated and ongoing capacity building are needed on the wide spectrum minerals governance issues.

Participants advocated a strategic discussion on the elevation of social and environmental safeguards within existing frameworks. This would be enhanced by developing a targeted and coordinated strategy for improving the coherence of existing frameworks to support sustainable development and the just transition/green recovery.

Analyse the potential to move from voluntary to regulated standards on the spectrum of minerals governance issues. Opportunities for remedy and redress should be included.



Responsible mineral supply chains

Awareness raising should encourage supply chain due diligence to be the norm for all private actors.



Inclusion – local community, gender and indigenous Peoples

The focus should remain on empowering grassroots and community organisations to participate fully in decisions impacting their futures. Mineral resource governance policies should be updated to include human rights due diligence, gender equality and the UN Declaration on the Rights of Indigenous Peoples.



Cross-sector dialogue

Meaningful dialogue about the ongoing role of mining in a carbon-constrained world will be needed across mineral-producing and mineral-using sectors, as well as the finance sector and impacted communities.





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