

Mining agreements



Mining agreements can help ensure that benefits are shared and risks are mitigated.

Mining agreements help ensure that project benefits are shared and risks are mitigated. They can be struck either between proponents and public or Indigenous governments, or between different governments. In jurisdictions like the Northwest Territories, mining agreements are required by law in certain situations.

Yukoners are probably most familiar with one type of mining agreement: impact benefit agreements (IBAs), which are often struck between a mining company and an Indigenous government to provide benefits like resource revenue sharing, Indigenous employment targets and business development opportunities. Currently, IBAs are not required by legislation and their terms are typically confidential.

Other types of agreements, such as agreements between mining companies and governments, ensure community preparedness by helping to provide social services and infrastructure to communities near mines.

We are considering some approaches that would leave agreements up to the parties to a project, and others that would put requirements for certain types of agreements into legislation. We also recognize that different approaches may be required for the quartz and placer sectors.

Potential approaches

These are some of the approaches that we're considering. We'd like to hear your thoughts.

- **Requirements**
Agreements could be required for certain types of projects (e.g., over a certain impact or value threshold) and could be linked to specific regulatory requirements (e.g., obtaining a licence). The decision to enter into agreements could also be left to the discretion of the parties, without any legal requirement.

- **Components of mining agreements**
Agreements could address matters such as:
 - Capacity funding for Indigenous governments
 - Consultation, engagement, and communication protocols
 - Economic measures like training, employment, and business development
 - Socio-economic measures like programs, services, and infrastructure that support community well-being and preparedness
 - Financial benefits like resource revenue sharing or equity participation

New minerals legislation

- **Updates and revisions**
When a project needs a new licence, or changes scope or changes hands, it might be an opportunity or a requirement to update an agreement.
- **Disclosure**
Agreements can either be kept confidential or disclosed in part or in full. Disclosure might differ between audiences (the public or the public government).
- **Dispute resolution**
If agreements are required by law, there may be a need to provide an alternative way to resolve disputes outside the court system if the parties cannot agree despite best efforts.

