

The imperative of effective partnership for mining prosperity: re-imagining engagement

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Abstract

Mining is fundamental to modern society. However, the industry faces escalating legal challenges, public scrutiny and sustained opposition from Traditional Owners and Indigenous communities across the mining project life cycle. Shifts in regulatory and social landscapes, alongside growing legal recognition of Indigenous Peoples' (IPs) rights in various jurisdictions, demand a global re-examination of industry relationships with IPs. While the authors acknowledge the importance of context and that significant variability can exist for each project and even for communities impacted by the same project, a constructive way forward requires moving beyond transactional engagement toward trust-based, effective partnerships.

Historically, rights and title holders have been excluded from substantive decision-making authority on projects within their territories and are often consulted only after key project decisions have been made by the mining project proponent. Engagement, when it occurred, was largely limited to one-way technical communication. Failing to acknowledge unextinguished rights and title, or approaching First Nations only after conceptual plans are developed, is widely experienced by Indigenous communities as not starting 'in a good way'. A limited understanding of how Indigenous knowledge of land, culture and worldview apply to mine planning and operations means critical considerations are missed, fostering distrust. Furthermore, company-led interactions have often relied on curated, risk-averse messaging that avoids difficult issues, reflecting largely outdated and unfounded assumptions that Indigenous communities are inherently opposed to development.

Drawing on case studies from locations throughout Canada and South America, interviews with Indigenous leaders, and decades of industry experience, this paper challenges unhelpful persisting assumptions and offers practical tools to strengthen collaboration at any stage of a mining project. IPs and First Nations hold legitimate, enduring stewardship responsibilities over their lands. For mining initiatives to succeed, their role must shift from 'stakeholder' to active, valued 'partner.' This approach demonstrably reduces social threats, improves project efficiency, and supports sustainable, profitable outcomes while advancing meaningful reconciliation.

Keywords: *trust-based partnerships, Indigenous communities, stewardship, valued partner, meaningful reconciliation*

1 Introduction

Mining is essential to society, providing critical mineral inputs to products and equipment that underpin modern life. The industry will – and must – endure. But the growing focus on Indigenous Peoples' (IPs) rights and increased scrutiny of industry practices demand a more balanced approach to partnership with Traditional Owners (TOs) and Indigenous communities across all stages of project development. Critically, there is appetite on both sides to create more effective pathways forward.

Currently, far too many in industry operate from a place of misunderstanding that sometimes manifests as mistrust. Common concerns about extended timelines, increased costs, risk disclosure and potential refusal,

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frequently lead to pre-emptive exclusion, one-way communication and risk-averse messaging. This stems from an incorrect assumption that IPs are inherently anti-industry or demand that all impacted land be returned to a pre-mining, undisturbed state. TOs have historically practised stewardship of and a symbiotic relationship with the land since, for many, it is Land that births, holds and sustains the People. Based on time spent listening to what was shared in several communities in Canada and the United States, the disconnect lies between assumptions about what IPs need to or want to hear in order to secure project approvals. The reality is that TOs have a desire to be engaged respectfully, have their dignity honoured and valued in the present, and the ability to create a legacy in which their core identity, values, and children, thrive.

Globally, mining companies are losing legal battles against Indigenous rights holders because of this disconnect and outdated practices. The recent *Gitxaala v. British Columbia* (2025) decision affirmed the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA) as a legally enforceable obligation (Stutt 2025). *Saramaka People v. Suriname* (2007) ruled that rights holders must be consulted in a culturally appropriate manner. These cases demonstrate that such conflicts are ongoing, increasingly costly, and avoidable with intentional shifts in mindset, dialogue and action that translates what has been heard into actions that register as aligned and responsive.

Ethical and meaningful engagement is also good business. It requires equal partnership: meeting with rights holders well before plans solidify, prioritising trust-building, and recognising that a deep understanding of values and identity provide tremendous latitude to achieve mutually agreeable outcomes. A trust-based relationship shifts focus from a single transaction to a shared vision that enables creativity, collaboration and multiple opportunities to emerge (Open School BC 2006). As part of reconciliation, governments are acknowledging past harms, supporting self-determination and re-examining laws to protect IP rights. For the mining industry, the necessity is clear: recognise our role in ineffective consultation, examine current prospecting practices, acknowledge historical broken agreements, and create new ways to partner with IPs as rightful, legal TOs. This would enable TOs, who are largely in favour of development that does not render them estranged from their core identity and enables a path for future thriving, to be identified and nurtured by the appropriate parties working alongside mining companies. With these objectives in mind, we lay out a framework that incorporates aspects of timing, perspective and patience to support and drive meaningful change.

2 Foundations of disconnection and distrust

To understand the foundation of distrust, consider the history of IPs and TOs in what is now British Columbia, Canada, which has IP timelines exceeding 10,000 years and relations with colonising forces starting in the late 1700s (BC Campus 2014). Prior to colonisation, Indigenous societies were self-sustaining and self-governed, with systems for resource management, law-making and diplomacy. Europeans arrived seeking profitable resources, removing what they needed and leaving both land and people in a degraded state. Colonial governments refused Indigenous land claims, upended existing economies and forced IPs into a new industrial system that excluded them through displacement, forced assimilation and systematic denial of rights. That history produced a persistent state of distrust and disconnection that, too often, remains a barrier to collaboration (Matheson et al. 2022).

Beyond this history, differing worldviews further widen the gap. While IPs are not monolithic, common themes include engaging and holding land as sacred; the need to steward land and resources to last for several generations to come; securing collective benefit; and deep understanding about the interconnectedness of water, land and sky Country to all life. Natural resources should benefit all. IPs hold an ancestral and spiritual connection to their Lands – as sustainer, identity, and source of knowledge. Caring for Land and water is a moral responsibility (5x15 Stories 2024).

The Western worldview, also not monolithic, stands in contrast: it embraces an extractive model, is hierarchical, prioritises individual gain (sometimes to the point of hyper-capitalism), and elevates scientific knowledge over traditional knowledge even though the complementarity of these knowledges has been acknowledged in published scholarship. The Western worldview and associated economic structures views

Land as capital and as something to be owned, harvested and profited from (Comox Valley Schools 2021). Left unacknowledged and unaddressed, these differences foster misunderstanding and mistrust.

Common industry concerns reflect this misunderstanding. Assumptions that open engagement will increase costs, invite negative reactions, or result in project resistance or outright refusal leads to pre-emptive exclusion, one-way messaging and what can appear to be longstanding collusion between mining entities and the government representing the Crown or nationally governing body. But TOs, with their culture of working in concert with the Land, understand that disturbance is natural and sometimes necessary. Attending Indigenous-led trainings and workshops, time listening in communities, as well as attending several Indigenous forums, like those run by the First Nations Major Projects Coalition, confirm that a widely shared goal is not to stifle development. In fact it is to find ways to work in harmony with the Land and return it to a usable state after mining – a state by which the Land’s ongoing story can continue.

3 Pathways to equal partnership

3.1 Early engagement: on the path to equal partnership

Mining can only fulfill its high calling to be both needed by and best for all people of the world, while not undermining critical ecosystem functions and relationships, if IPs are invited to the table early and as equals (Fogarty 2022). The approach should focus on building trust through open dialogue and a commitment to mutual benefit beyond the proposed project which largely focuses on employment (ICMM 2024). Employment does provide critical positive economic stimulus in mining regions; however, the temporal nature of mining means that it is essential to plan for and consider not only those who derive financial benefit during operations, but also the IPs whose core identity and lifeways are tied to a particular geography. The only way to avoid entrenchment of unrealistic expectations, spreading of blatant misinformation, expressions of deep disappointment, ‘zero trust’, and in some cases, even regret, is through genuine listening with intention. This is achieved by discussing desired outcomes and goals willingly, clearly identifying potential hazards, full disclosure of project details using accessible language and concepts, addressing all concerns, clearly acknowledging areas of misalignment and alignment and most importantly, identifying clear next steps that are implemented. For many mining projects, connection between TOs and their unceded lands, including areas affected by mining activities, does not end with the end of a mining project. Meaningful engagement acknowledges this asymmetric temporal connection to and presence in a place between mining operations and rights and title holders and also makes every effort to convene the right combination of experts and service agencies most capable of developing and implementing strategies for ongoing thriving beyond the end of life for a mining project.

A partnership approach seeks out rights holders to participate in exploratory conversations prior to delivery of a notice of work or advancing project plans. This process allows clear inputs to and definitions of terms like ‘benefit’, ‘compensation’ and ‘success’ to be clearly articulated and extended beyond typical discussions about jobs and royalties which all have clear temporal limitations. There is no one-size-fits-all solution. Engaging in this type of transparent discourse from the outset enables clear bases for partnership development and maintenance to be established such that both parties have opportunities to achieve early agreement on how objections and tensions will be resolved, and what investments (near- and longer-term) and concessions are likely to be made, all of which drive budgetary planning efficiencies.

Direct experience, combined with insights following review of available information about several conflicts between mining companies and rights holders in several jurisdictions, reveals that disputes most often emerge where corporate actions repeatedly demonstrate or otherwise communicate an unwillingness to deeply understand how the core values, identity and human rights of TOs are impacted at any project phase or stage. These could be actions that have either already been taken or are being contemplated by a mining entity. Notification prior to decisions being made, open transparency about measures taken to demonstrate commitments to preserving lifeways, honouring connections to Land (including physical safety and environmental vigilance and protection), and addressing the deepest fears held by community members, represent tremendous opportunities to affirm partnership commitments.

3.2 Free, prior and informed consent

The concept of free, prior and informed consent (FPIC) emerged by combining critical principles like respecting the rights of IPs (International Labor Organization Convention No. 169 1989) and the need to obtain consent from rights and title holders on projects affecting Indigenous lands (in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP 2007)). FPIC requires that no government or company implement policies affecting IPs' lands without consultation and direct consent. Additionally, obtaining consent is an ongoing process and can be withdrawn at any stage. FPIC protects IPs' right to self-determination, giving them a say in design, implementation, and monitoring. As affirmed in *Saramaka People v. Suriname* (2007), the state must consult with the Saramaka People in conformity with their customs and traditions (Garscia 2014).

Effective collaboration requires clear role definition. Historically, TOs have been thought of and continue to be described by many as 'stakeholders,' which is a problematic term for many reasons, not the least of which results from associations with the literal placement of stakes in the ground to indicate claims that external parties were making on Indigenous lands. This Western-centric narrative ignores the existence of unceded territory and inherent IPs' rights over the lands they have occupied for time immemorial. Additionally, the term 'stakeholder' generally applies to any party with an interest in the success of a business venture; TOs' insistence on not being referred to this way represents a desire for recognition of their unique and enduring relationship to, and responsibility for, lands that will be impacted well beyond any contemplated project's lifespan (Terminology Standardization Division 2026). Fundamentally, where mineral resources exist on Indigenous lands, mining projects are temporary guests who never relate to or engage those lands in the ways that TOs do. As such, the need for consultation is imperative (ILO 1989). However, FPIC defines and makes explicit how the duty to consult is satisfied: without any inducements or expectations; before an act happens; full information being disclosed and not just description of project upsides; and that consent must be continually sought and affirmed.

3.3 Defining meaningful engagement

The International Council on Mining and Metals (ICMM) defines meaningful engagement as, 'a process of two-way mutual dialogue and decision-making whereby companies listen to affected IPs' perspectives and integrate those perspectives into their business decisions' (Institute for Human Rights and Business 2022). Preconditions include access to understandable information and transparent, accountable processes.

A critical, yet common, misunderstanding that persists in mining is that receiving a 'no' to a project indicates the emergence of insurmountable conflict. Indeed, when viewed through the lens of effective partnership, 'no' or any form of resistance or expression of different ideas represent some of the richest opportunities to learn more and deepen understanding between parties. 'No' is a signal to lean in with curiosity instead of assuming a defensive, or worse yet, combative position. Negotiation fundamentals typically indicate that a 'no' could mean that the objecting party lacks confidence that a 'yes' is viable or is looking for a bigger or greater 'yes' that needs to be identified for negotiations to proceed. Bigger 'yes' responses tend to signify a closer connection to core values, identities and actions being incorporated into the project that allows people to continue to live consistent with those values and identities. Additionally, historical context, track record, say-do ratio, corporate credibility, and demonstrated responsibility and respect all inform engagement outcomes. It is only through leaning in, getting curious, and listening deeply that real options can be identified, which should include decisions not to advance drilling or development in areas that have been identified as sacred and therefore critical to the core identity of a People (Highgrade 2019). Proceeding without consent, even if permitted by jurisdictional law, almost always ensures the embedment of deep resistance, delays, legal challenges and reputational damage.

Effective collaboration requires early engagement (before entering lands), a timeline that accommodates time for deep listening and dialogue, and discourse that is accessible to community members. Additionally, a phone call to the community's decision-making body can confirm culturally preferred communication methods, context and priorities. Direct, respectful, honest language matters. Most important, contact is not consent.

Table 1 outlines key components of a meaningful engagement process.

Table 1 Framework for meaningful engagement

Timing	Engage IPs early. Initial goals: trust-building and learning community needs and concerns through deep listening.
Language	- Ask upfront about concerns, desires, hopes, and how ‘benefit’, ‘success’ and ‘failure’ etc. are defined. - Acknowledge any past missteps. - Communicate respectfully, use accessible language and concepts, allow time for questions, be clear (in word and actions). - Emphasise that partnership is a priority, and routinely and verbally check-in on what is being retained by the audience and how people assess that the relationship is developing.
Perspective	Invite TOs as respected, valued partners — landowners with profound connections and responsibility to Land who will likely have to account for impacts of a mining project in perpetuity even though the project was meant to be a temporary guest.
Ongoing	- Sustain collaboration and communication at every stage as this is an iterative process. - A corporate and community architecture for relationship sustainability is required.
Patience	- All parties recognise this as a long-term process. - Trust and transparency enable risk management and also realisation of unexpected opportunities.

3.4 Consequences of continuing the status quo

In British Columbia, the *Mineral Tenure Act* allowed anyone with a miner’s certificate to register a claim online without prior consultation or consent from rights holders. That Act has been successfully challenged. In *Gitxaala v. British Columbia* (Stutt 2024), the British Columbia Court of Appeal ruled that the automated online system breached the province’s duty to consult. This marked the first time DRIPA was ruled as a legally enforceable obligation. Mineral claims from 2018 remained unresolved until 2025 – a lengthy, expensive battle that could have been avoided with intentional shifts in mindset and dialogue.

From an Indigenous perspective, the aftermath of mining has a direct, tangible impact on future relationships with the Land. Ancestral Lands have too often been left in a state that meets Western scientific standards of ‘clean’, referred to as ‘chemically and geotechnically stable’ but is perceived as ‘toxic’ and having persisting impact on hunting grounds, food harvesting, water sources and culturally significant areas (Fogarty 2022).

4 Engagement in practice referencing 2 case studies

4.1 Sullivan mine closure and reclamation

The Sullivan mine in Kimberley, British Columbia, operated from 1909 to 2001, as a major employer and economic driver for the region (Natural Resources Canada 2016). Closure planning began roughly 10 years prior to anticipated end of mine life, with a formal closure plan submitted in 1991. A Public Liaison Committee was formed that included the city council, a local environmental society and the Ktunaxa Nation (represented by the Ktunaxa Kinbasket Tribal Council). The committee focused on economic stability and environmental legacy management.

The community received 2 years' advance notice. The mine, which once employed 3,500 people, saw employment rolls drop to 650 within a year. The company worked with the city of Kimberley to establish a year-round resort and a solar powerplant on the former concentrator site, creating new industries (Teck Resources Limited n.d.).

The Sullivan case study demonstrates how trust-building, early engagement and openness to community needs enable collaboration. Local leaders remained engaged, allowing unified advocacy that built confidence among community, investors and the province. That foundation made creative solutions less risky.

However, there is a noticeable absence of documentation or discussion about specific Indigenous input into closure design. It is unclear whether remediation fully met TOs' expectations or if unseen burdens will affect future generations. While many meetings were held, the exact influence of IPs in decision-making is unclear. Traditional knowledge on environmental sustainability practices, as well as insight into changes that have occurred over millennia that is held by rights holders who are committed to this geographic region for future generations, could have enhanced or likely improved the plan and accounted for timespans that largely exceed typical timelines considered in closure planning.

4.2 Diavik mine closure and reclamation

The Diavik diamond mine, 300 km northeast of Yellowknife, Northwest Territories, operated from 2003 to 2026 (Natural Resources Canada 2025). Closure planning began before production commenced, with a final closure plan submitted in 2015. Goals included safety, land use, landforms, water, biodiversity, community capacity and resource development (Rio Tinto 2026).

Relationship-building with local communities began in 1995, years before mining activities started. Workshops engaged the communities on mine design, employment, training and environmental monitoring. At its peak, nearly 1,000 people were employed; half were local and one-third of those were TOs. An agreement at the start of the project committed Diavik to training, employment, scholarships and business opportunities for local IPs (Natural Resources Canada 2025).

TOs were given decision-making roles in mine design and tailings facility location. Diavik offered multiple engagement formats: in-person workshops, tours and committees for all ages, and provided interpreters, accessible diagrams, models, photographs and mine tours. A Traditional Knowledge Panel shared wisdom and influenced closure plans – for example, designing waste rock facilities for caribou migration and leaving steeper faces for fox, wolf and small animal denning (DDMI 2025).

The finalised closure plan was signed in February 2026, with a focus on land restoration and funding for IP-led initiatives. It included 'watching programs' which is a Traditional Knowledge method of monitoring (DDMI 2025). The community views the project as a success (Shepel 2026). Unlike Sullivan, Diavik demonstrated and communicated visible, meaningful engagement with rights holders at every stage of closure planning. Feedback was not only gathered but applied, demonstrating respect for the TOs which they also registered as respect. Rights holders were brought to the table as equal collaborators from the start.

Figure 1 compares information from the closure of the Sullivan mine in Kimberley, British Columbia, and the Diavik mine located on East Island within Lac de Gras in the Northwest Territories of Canada. The framework for meaningful engagement is applied to both case studies to show how 'success' definitions and partnership can vary for each project.



Diavik Diamond Mine	Framework for Meaningful Engagement	Sullivan Mine
✓ IPs engaged early in open dialogue and discussion seven years prior to mine opening. ✓ Trust-building foundations were given time to be established early by gathering critical community perspectives re: cultural connection to the area, concerns, and hopes. ✓ Documentation provided that illustrates communications with IPs were managed with respect, accessible language was used, and live translation occurred during workshops. ✓ Given the very early engagement to educate the IPs about mining, a timeline that allowed for inquiry was established early. ✓ IPs invited to the table early as equals; landowners with a voice integral to the process as they will experience impact to their land in perpetuity ✓ IPs of all ages actively engaged as both learners and as experts utilizing various mediums: in-person workshops, tours, committees regarding design of the mine, employment/training initiatives, and environmental monitoring. ✓ A clear documented history of collaboration and communication at every stage with time for discourse throughout every stage of the iterative process. ✓ All parties acknowledge this as a long-term process where everyone is an equal partner in success. ✓ Project proponent actively worked to maintain trust and transparency, allowing for risk management over time.	Timing • IPs engaged only 2 years prior to closure and after the closure plan was already filed. • Limited time to build trust, learn about the community and its needs, and integrate traditional knowledge into closure plans. Language • Documentation or clear visibility into whether communications used language that was appropriate and accessible could not be identified. • Documentation on whether timeline was acceptable to the IPs and if it allowed for questions was not evident. Perspective • Evidence showing that IPs were heard throughout the process and their feedback acknowledged and incorporated could not be identified. If they were viewed as landowners, rather than stakeholders, who would experience impact to their land in perpetuity, was not clear. • Limited documentation on how IPs were involved as part of the Committee and their presence at meetings, which could suggest their role was limited to "attendee" over valued partners. • Information regarding how regularly the IPs were part of the collaborative process and communicated with, and whether they were invited to partake in discourse at every stage in the closure process, was not available. Ongoing • Missing details on documented history of the relationship with the IPs over time and explicitly how trust and transparency were respected throughout the process. Patience	• IPs engaged only 2 years prior to closure and after the closure plan was already filed. • Limited time to build trust, learn about the community and its needs, and integrate traditional knowledge into closure plans. • Documentation or clear visibility into whether communications used language that was appropriate and accessible could not be identified. • Documentation on whether timeline was acceptable to the IPs and if it allowed for questions was not evident. • Evidence showing that IPs were heard throughout the process and their feedback acknowledged and incorporated could not be identified. If they were viewed as landowners, rather than stakeholders, who would experience impact to their land in perpetuity, was not clear. • Limited documentation on how IPs were involved as part of the Committee and their presence at meetings, which could suggest their role was limited to "attendee" over valued partners. • Information regarding how regularly the IPs were part of the collaborative process and communicated with, and whether they were invited to partake in discourse at every stage in the closure process, was not available. • Missing details on documented history of the relationship with the IPs over time and explicitly how trust and transparency were respected throughout the process.

Figure 1 Framework for meaningful engagement: comparison between Sullivan and Diavik mines

5 Conclusion

Scrutiny of the mining industry's engagement with IPs continues to grow. Poor communication and lack of true partnership have broken trust on many projects and created wariness to participate for both mining project proponents and for TOs. To grow and repair these impressions, a shift toward effective partnership is imperative. To be truly 'partners' means that the existence and thoughts of all partners are not trivial or easily dismissed. Furthermore, partnership requires that leaning in, getting curious and deepening understanding are the crucial responses needed, especially when discussions become sticky or challenging.

Using the framework for meaningful engagement increases project efficiency – reducing the need to revisit topics due to non-response from IPs – and encourages agreement throughout the project life cycle. Better communication at every stage creates space for innovation and sharing knowledge in all directions. The Sullivan and Diavik case studies provide real-world examples of how community input can shape and inform major planning exercises. The comparison makes it clear that the absence of specific discussion about how TOs participated and influenced a project's outcome represents a significant loss and raises questions about TOs' acceptance of the implemented closure features. Of note, the Sullivan project offered significantly less public and published information from which more detailed analysis could be performed to understand what obstacles were encountered and where active engagement fell short, thus hindering better results. This demonstrates the benefit of readily available and open information sharing. While the Sullivan mine closure is widely acknowledged as a 'success' within mining circles, Diavik demonstrates, through publicly available summaries, how applying a meaningful engagement framework that is optimised at every stage brings all parties to the table equally and invites IPs to envision a future where post-mining landscapes are responsibly stewarded.

Meaningful engagement reduces risks to health, safety and property; prevents delays from legal challenges; and elevates the public image and reputation of mining entities who include the critical elements and behaviours described in this paper. In lived practice, IPs and TOs are not inherently against development. In most cases, the goal is to ensure that their connections and responsibilities to Land (core identity and lifeways), dignity and respect are present, and provisions exist to address both near-term needs as well as creation of a path through which their core identity, lifeways and culture, can continue to be practised. Building a foundation of trust and collaboration facilitates improved understanding of the core values, core identity, culture, the importance of language, lifeways and enduring territorial responsibilities carried by TOs and IPs.

The proposed framework for meaningful engagement guides practitioners toward establishing strong bases for robust, long-lasting and profitable mining projects for all parties. Engagement must begin early, with trust-building and learning as initial goals. It must use culturally responsible and attuned methods, accessible language and concepts, and a timeline that allows for deep listening, questions, contemplation, feedback and continued validation of understanding and relationship traction. TOs must be brought to the table as landowners who will experience impact in perpetuity and who also carry deep knowledge and insight that can improve project process and outcomes. Collaboration that adheres to FPIC principles at every stage ensures all parties are heard and that relationships are continually nurtured and validated. Projects founded on deep listening, shared values and clearly identified goals mitigate project impacts most effectively and provide a clear pathway to reconciliation, better outcomes for all parties and ultimately, better mining.

Use of artificial intelligence disclosure statement

In the preparation of this work, the authors used chat.deepseek.com Instant mode to verify that the tone was consistent throughout document, to monitor clarity of content and to format citations. The authors have reviewed the content and edited it where required and take full responsibility for said content.

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