

25 YEARS: A BEDROCK FOR MINING JUSTICE

Executive Summary

Full report at MiningWatch.ca/Publications

MiningWatch reached a significant milestone this year, and we're taking a moment to reflect. This report offers a snapshot of the context in 1999 when MiningWatch's founding members created this network, describing what we set out to do and how we set out to do it. It summarizes 25 years of fighting to address the most pressing environmental and social issues associated with the mining industry both in Canada and globally, and it looks at the factors driving the rapid acceleration of mining today.

We conclude the report where we started: highlighting both the organizing success and continued urgency of supporting strong networks of mining-affected communities to prevent harm from mining before it starts. Prevention remains MiningWatch's core strategy and it's what will make a substantial difference in the health of communities, our planet, and our future.

Putting relationships at the heart of everything

From day one, we were clear that the most important resource that mining-affected communities have is each other. Founded on respect for community self-determination and value for the wisdom that comes from lived experience, we have made the demands of people wrestling firsthand with the

impacts of mining central to our work. By prioritizing strong relationships built on trust, we've ensured our work aligns with communities' demands, laying the groundwork for years of effective collaboration and serving as a pivotal connection point in bringing other allies, experts and decision makers on board.

Two early conferences set the tone for our work. In 1999, we co-hosted an event with the Innu Nation that brought together 75 Indigenous leaders and technical workers from over 30 communities across Canada affected by mining to share experiences navigating environmental assessments and land rights negotiations, confronting claim staking and exploration, dealing with toxic contamination, and more. The event put Canada's colonial realities and the place of Indigenous people front and centre – both in terms of how they are affected by mining activities, and in terms of reclaiming rights and re-establishing right relationships with the land, waters, and fellow beings.

The following year, we convened an international workshop to identify the research needs of communities affected by Canadian large-scale mining, with participants coming from, among others, Canada and the US to Suriname, Mexico, Ghana, and The Philippines. Together, we documented the pattern of mining impacts and strategies for resis-

tance across the globe, and identified key elements of support mining-affected communities commonly need. Both the findings of these two conferences and the collaborative way subsequent research was done laid the groundwork for all of our future advocacy efforts.

In Canada: Changing laws and practices

MiningWatch's founders believed a national organization would allow for stronger engagement in legal and policy work in Canada and more consistent pressure to change the structures that allow mining harms to continue. Over the years, we've been involved in efforts to reform the free entry mining system, to uphold Indigenous rights, and to enact higher standards for tailings and mine waste storage, including to withstand more extreme weather resulting from climate change. We successfully sued the federal government to ensure public access to information about pollutants in mine waste, and fought to improve a deeply flawed federal process for environmental assessment. Early research identified at least 10,000 abandoned mines in Canada, and our advocacy led to the creation of the National Orphaned and Abandoned Mines Initiative (NOAMI).

While we've seen some progress, a gaping divide remains between how mining currently happens in Canada and how it should. Mining must be balanced against environmental, cultural, and economic land use priorities, based on close consultation with affected communities and the free, prior, and informed consent of Indigenous peoples – right from the beginning, before a mining claim is even granted. To minimize its damaging effects, mining must be held to the highest environmental and safety standards on the ground, not just in rhetoric. Working to address these challenges will continue to be a focus for MiningWatch.

International: Solidarity and pushing for corporate accountability

Canada was already a dominant player in the global mining industry when MiningWatch started in 1999 and remains so today with over 1400 mining and exploration companies domiciled here, operating in nearly 100 different countries. Canada's weak financial regulations and disclosure requirements, and its extensive subsidies, make it an attractive destination for multinationals. Companies also know that by headquartering here, they gain access to a suite of legal protections and government services such as support from Export Development Canada and Canadian diplomats to advance their operations around the world.

When MiningWatch first started, we were flooded with requests for support from communities harmed by the actions of Canadian mining companies operating abroad. The allegations are terrifying: forced labour and slavery, sexual violence, forced displacement, police violence, targeted killings, grievous environmental destruction, and more. Twenty-five years of rigorous documentation, media outreach, and testimonies before Parliament and the courts by mining-affected



Left: Demonstrators protest Barrick Gold's proposed Pascua Lama project. Santiago, Chile, November 12, 2005. (OLCA); Right: Warning signs at the abandoned Deloro mine site in Ontario. (MiningWatch)

ed communities, MiningWatch staff, and other Canadian allies and networks like the Canadian Network on Corporate Accountability (CNCA), has moved many Canadian politicians from complete denial to finally admitting Canada has a corporate accountability problem. Nonetheless, successive governments have responded with only voluntary measures, actually promoting more Canadian business while creating mechanisms such as the CSR Counsellor, the National Contact Point, and the Canadian Ombudsperson for Responsible Enterprise that have done little to reign in corporate abuse.

Canada needs binding laws and standards to hold its companies accountable. MiningWatch is pushing for mandatory due diligence that would require Canadian companies to prevent human rights abuse and environmental destruction throughout their global operations and supply chains. This legislation would also ensure people who are harmed have access to justice in Canadian courts. We've spent 25 years proving that voluntary standards don't work. In the coming years, we will continue to champion the CNCA's model due diligence legislation as the binding path forward we urgently need.

Theory of change: A powerful industry meets powerful organizing

MiningWatch's theory of change is straightforward. Access to remedy for the harms caused by the mining industry is a crucial component of our work. But establishing strong legal mechanisms to prevent harm in the first place is what will lead to lasting change. We've spent 25 years working to ensure that when a mining company first

enters a community, it runs into *something* – it doesn't just land on top of people. What it runs into could be an effective assessment process to determine the true environmental and social impact of a proposed project, higher standards for tailings safety, mandatory due diligence laws to identify risk, and much more. But most importantly, it means that companies are met with strong community organizing, where communities have effective processes for first determining if mining should take place at all and where mining could be appropriate and under what conditions, where communities have the power to negotiate for better outcomes and benefit agreements and, above all else, where their right to say 'no' is respected.

MiningWatch has worked over these years to empower people in their understanding of how mining works in all senses: the basic technical aspects of the entire mining lifecycle, the complexities around financing, the multitude of ways the Canadian government supports the industry, common corporate tactics to gain a foothold in communities, and more. This may mean supporting communities with additional tools such as corporate research, independent environmental assessments, water testing, as well as working with them as they set their own agendas and strategies for advocacy and action.

We've seen a notable shift over the last 25 years. Increasingly well-organized and informed, communities are approaching us at earlier stages of mine development to mount strong campaigns to prevent further harm. Looking ahead, we will continue to focus our support on prevention and early stage intervention as a primary strategy to make lasting change in the way mining happens, in Canada and around the world.

An acceleration of mining meets global resistance

At the same time as communities are increasingly well-informed about potential mining impacts, they are also feeling the impacts of new exploration projects in areas that have never seen industrial mining. The neoliberal trade policies enacted in the 1990s around the time MiningWatch was formed have facilitated a massive global expansion of Canadian mining. Investor protection clauses in free trade and investment agreements have protected profits at the expense of democracy, environmental protections, and human rights, emboldening mining companies to push projects forward despite strong local opposition.

The material realities of a metal-intensive energy transition are also becoming more apparent, with a rush to mine for graphite, cobalt, lithium, and other metals deemed “critical” for energy transition technologies, as governments ignore the imperative to phase out fossil fuels and reduce, not expand, energy demand to prevent further erosion of biodiversity, ecosystems, and community health. The Canadian government, as well as provincial and territorial governments, are rolling out “critical minerals” strategies aimed at securing those metals, in part for the renewable energy sector, but also for weapons, the “digital economy,” and plain old industrial production.

We’re at a turning point. “Critical minerals” strategies present a roadmap to ensure Canada continues to be dominated by resource extraction for generations to come. Yet across the globe, communities are rising up to protect their lands and waters from the harms of industrial mining and create new networks to protect our common home in places like the Amazon and the deep seabed.

We’ve made significant strides in building support for mining-affected communities and strengthening a global movement for mining justice, but the challenges of unchecked mining expansion, weak regulatory frameworks, and environmental destruction rights violations from mining continue. In marking our 25th anniversary, it is clear that the reasons MiningWatch was created are as relevant – and the foundational values we established in our early years as essential – today as they were in 1999. In the years to come, we will continue to develop tools and resources to support communities facing mining, to bring people together to strengthen knowledge-sharing relationships, to develop strategies and tools to prevent harmful mining practices in the first place, and to advocate for rigorous regulations to curb industry abuses and provide access to remedy.

The fight for mining justice is very much alive, and MiningWatch will be working closely with valued, committed, and tenacious partners and allies, from local to global levels, in pushing for transformative change in the industry and promoting a more just and sustainable future for us all.



Teztan Biny (Fish Lake) in Xeni Gwet’in territory, British Columbia, where Taseko Mines planned to dump tailings from its proposed ‘Prosperity’ mine – over the objections of the T̓silhqot’in people. (T̓silhqot’in National Government)