

The Power of ‘Net Zero’: Seductive Dispossession on the Critical Minerals Frontier

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1 Introduction

This article draws on a long-standing research collaboration with the leadership of a small remote Anishinaabe community in Treaty No. 9 in Canada’s boreal north, Neskantaga First Nation. It investigates the new momentum behind proposed mining and infrastructure developments in the Ring of Fire, a mineral deposit slated to become a major North American source of ‘critical minerals’. I describe a decade-long period of struggle for the future of these vast peatlands under intense pressure from extractive operations, suddenly pitched as necessary for the transition to a ‘net-zero’ future.

Nickel deposits in the Ring of Fire have become ground-zero in the battle to define Ontario’s future economy. The rights to the most advanced projects were most recently acquired by Wyloo Metals (a subsidiary of Australian mining giant Fortescue), with the company claiming that developing the Ring of Fire ‘will be pivotal in the world’s transition to a lower carbon future’ (Johnson 2021). Nickel is a key component of electric vehicle (EV) batteries, which has politicians in both Canada and the United States rushing to secure ‘resiliency’ of the battery supply chain ahead of the forecasted surge in global demand,

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and in the context of continued geopolitical instability, including armed conflict.

In this special issue, extractivism is understood as an organising concept of our times, one that operates through 'subjugation, depletion, and non-reciprocal relations' (Chagnon et al. 2022: 162, Scott 2021). I have argued in the past that extractivism is best characterised 'not as an activity or a thing, but as a relation or a logic' (Scott 2023: 6). Here, I examine its new green sheen and what that means for its relationship to ongoing Indigenous dispossession in the global North. The critical minerals rush may be re-organising extractivism's *modus operandi*: no longer is the removal of raw materials from the global South for processing and consumption in the global North the overriding direction of flow: new patterns are emerging. As Thea Riofrancos demonstrates in respect of lithium, extraction is being 'onshored' and 'friendshored' by states of the global North as a new nexus forms between sustainability and security (Riofrancos 2023). This is not to say that the long-entrenched racist and colonial hierarchies of extractivism are overcome, but that the dynamics are being reconfigured as those hierarchies encounter the logics and language of net-zero and the emerging green economy. Here, I provide just one example of how these dynamics are playing out in the current moment at an extractive frontier in the global North. What I aim to demonstrate is that in Treaty No. 9 territory, the seductive power of net-zero is a crucial driver of ongoing Indigenous dispossession.

In this article, I draw on insights gained from empirical observations over many years to reveal the shifting social dynamics on the ground in Treaty No. 9, as Indigenous homelands are engulfed in the global thirst for critical minerals. I consider 'appropriation, nonreciprocity, depletion, and subjugation' through the lens of critical geography literature on political ecologies of extraction, settler colonialism, and dispossession at the resource frontier; specifically, recent writing on 'green extractivism' (see Voskoboynik & Andreucci 2022, Hafner & Plank 2022). Mining's new legitimacy derives from its association with clean-tech, green jobs, and climate-change mitigation, which obscures

the social and ecological destruction that mining entails. Daniel Voskoboynik and Diego Andreucci claim that this shift ‘inaugurates an era of “green extractivism”’, whereby intensive resource exploitation is framed as not only compatible with climate change, but indeed as necessary to its mitigation’ (Voskoboynik & Andreucci 2022). Here, I am interested in the communities dispossessed and displaced by the green economy’s ‘voracious appetite for resources and land’ (Dalby 2014: 13). Most importantly, I ask: how does the seductive power of net-zero fuel ongoing Indigenous dispossession in Canada?

This article proceeds in three parts, beginning first with an orientation to the territory and my methods; proceeding next to examine the critical minerals rush in Treaty No. 9 and its broader geopolitical influences; and finally, by describing the process of seductive dispossession unfolding on this new frontier. The power of net-zero is in the way it is providing a new, green economy rationale that shields old-economy extractivism from scrutiny to the detriment of the Indigenous stewards of lands and waters, and the survival of their laws.

2 Orientation to the Territory

I am a settler scholar and law professor living in Tkaronto, more than 1600 km and a world away from the Neskantaga First Nation reserve in Treaty No. 9. Since 2016, I have been collaborating with the leadership of that small community on research related to the mining pressures in the Ring of Fire. This research began with a long period of relationship-building and over the years has included participant observation in meetings with various state actors, several rallies and events, community focus groups, interviews, many strategy sessions, review of correspondence, and time together on the land in the community and on the Attawapiskat River. I have ethics approval from York University and permission from Chief and Council to draw on these experiences and insights gained from them in my writings. My strategy is to be both embedded and accountable; our collaborations operate according to an ethic of mutual-aid, transparent exchange of information, knowledge and practice, and a tentative, contingent

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solidarity that is oriented towards building strength, capacity, and connection.

Neskantaga First Nation is a remote Anishinaabe community of about 300 hundred people living on reserve in the boreal lowlands of Treaty No. 9, a landscape of vast undisturbed patches of black spruce, jack pine, and white birch amid a complex network of interconnected waterways.² As the former Neskantaga Chief Wayne Moonias states:

The Attawapiskat watershed is the lifeline of our community, the heart of our homelands, and the sacred and spiritual landscape of Neskantaga [...] Since time immemorial, Neskantaga members have relied upon the Attawapiskat watershed to practice our traditional way of life, including teachings on the land, hunting, fishing, trapping, and gathering plants, berries, and medicines [...] We have always used and continue to use the Attawapiskat River and other watercourses as our principal means of transportation [...] Our ancestors are buried throughout our homelands, and there are many sacred and ceremonial sites located throughout the Attawapiskat watershed [...] It is essential that these areas remain undisturbed, as they remain an integral link between Neskantaga's past, present, and future (Affidavit, Chief Wayne Moonias in *Neskantaga First Nation v MNDMNR*).

Neskantaga First Nation is one of several small remote communities with stakes in the extraction of minerals and the associated infrastructure in the Ring of Fire. Each of these is in a constant state of social emergency, enduring what many Indigenous leaders call 'an ongoing genocide'. These communities continue to struggle with the intergenerational trauma of residential and government-run day schools, a legacy that includes a rupture in the transmission of language and laws, land, and kinship relations. These impacts are compounded by continuing colonial relations and decades of abject state neglect, manifest in youth suicide and addiction crises. Neskantaga First Nation holds the dubious distinction of the longest running boil-water advisory in the country at 28 years; young people there have never experienced clean safe drinking water from the tap (Ward 2023). In Neskantaga, community members describe a state of permanent anticipation: major changes are repeatedly promised to be coming, but their daily reality

is characterised by a distinct lack of any meaningful progress towards mitigation of the ongoing social emergency.

And yet, the pressure to add new extractive infrastructure that will fragment these peatlands to access minerals is unrelenting. In recent years, the need to fast-track approvals was closely tied to the demand for battery metals capable of accelerating the transition to net zero.³ Rarely mentioned is that these peatlands are said to constitute the world's largest remaining intact boreal forest, a globally significant wetland, and a massive carbon storehouse.⁴ The landscape has sustained the lifeways of Anishinaabe and Anishini peoples since time immemorial. In the 'anticolonial vernacular', these are homelands (Mawani 2018); some Indigenous knowledge holders call them 'the Breathing Lands' on account of the fact that they act as 'the world's lungs' (Wilt 2020).

3 The Critical Minerals Frontier

The minerals and metals said to be 'indispensable for decarbonization' are highly geographically concentrated (Kalantzakos 2023: 6). Assigning something to the category of 'critical minerals' is not a simple scientific or technical determination, but a contingent designation invoked in a specific geopolitical context (Riofrancos 2023: 24). Today, the context is one of rising climate anxiety and worries about supply chain 'resiliency'. As Sophia Kalantzakos says, there is a risk that the climate crisis will be like a 'starting pistol for a new scramble' (Kalantzakos 2023: 4). In Canada, political interest in critical minerals is linked to this worldwide race to secure supply chains for battery metals, fuelled by the desire to reduce dependency on China and Russia as we enter the energy transition (Kalantzakos 2020). Essentially, the motivation behind Canada's Critical Minerals Strategy is that Canada needs a reliable supply of certain minerals, without which our ability to meet stated carbon neutrality objectives would be compromised (Service Canada 2022).

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The switch to EVs and clean technology is being promoted as a way to meet climate change objectives worldwide, despite the fact that these technologies are also predicted to be extremely mineral-intensive (see Hund et al. 2020). For example, in his opening pitch to the Matawa Chiefs, the CEO of Wyloo Metals – the Australian company that holds the vast majority of the mining claims in the Ring of Fire– stated:

The Ring of Fire is home to expansive deposits of these [future facing] metals, making this a once-in-a-generation opportunity to be part of the green revolution. Working hand-in-hand with First Nation and regional partners, we’ll develop the Ring of Fire into one of Ontario’s great mineral districts that will be pivotal in the world’s transition to a lower carbon future (Northern Ontario Business, 2021).

The political ecology literature demonstrates that when extractive capital moves onto ‘new ground’, it ‘transforms landscapes, reshapes livelihoods, and often sparks socio-political conflict’ (Frederiksen & Himley 2019: 50). As mentioned, in Treaty No. 9 territory, remote Indigenous communities have spent over a decade anticipating a massive transformation of their landscapes and lifeways. The most prominent ‘imaginaries of prosperity’ (Voskoboynik & Andreucci 2022: 787) in recent years have featured critical mineral mining to support battery manufacture for EVs. State actors say they want to create opportunities for Indigenous communities to prosper from resource development and supply chain opportunities in relation to battery production. Neighboring Indigenous communities are divided as to whether, and how, they want to embrace these ‘opportunities’ (Scott 2023). In the energy transition, access to critical minerals is positioned as the bottom-line: according to the Minister of Mines, ‘you can’t be green without mining. You can’t develop as Ontario wants, and transform the economy into a green economy, without accessing critical minerals out of the Ring of Fire’ (CBC News 2022). In other words, the future of Treaty No. 9 is taken for granted: it is an extractive landscape. Critical minerals, apparently, are minerals that *must* be mined.

But from the perspective of at least some of the affected First Nations, the critical minerals pitch is just the latest rationale to be called upon to justify extraction in their homelands. In recent memory, in fact, it was chromite and not nickel that was billed as ‘critical’, rare, and in strategic demand (see Chong 2014, Sudol 2013). This makes community members skeptical: they say that various tactics have been and continue to be used to gain access to Indigenous lands for settler purposes, and that access will be justified in whatever language current politics demand. If the rhetoric behind Trump 2.0’s latest pronouncements are any indication, defence and ‘security’ applications may overcome the net-zero rationale in the coming years.

A A New Extractive Frontier?

The extractive frontier is not just a reference to extraction in farther and more remote places on the periphery. The ‘frontier’, in critical scholarship drawing on Anna Tsing’s early work, is imagined as a site that is both *full of resource potential* and *empty of order*. From a distance, Tsing argues, the frontier appears as a discovery; but up close, it is a site where ‘existing systems of human access and livelihood and ecological dynamics of replenishment’ are replaced by the cultural apparatus of capitalist expansion (Tsing 2003: 5100).

The common rhetoric surrounding the Ring of Fire confirms its status as a site that is full of resource potential. Stating that we need to find ways to ‘open up’ or ‘unlock’ Ontario’s far north, to ‘access the wealth’, and build a ‘corridor to prosperity’ are common refrains. Nonchalant hyperbole, noting how ‘the promising “Ring of Fire” [...] will someday supply much of the world’s primary minerals’, appears regularly in trade publications (Bradattel: 2021). There are echoes here of the well-worn idea that untold natural resources lay wasted across an empty land – *terra nullius*. This is the thinking that drove the first colonial wave of invasion across Turtle Island (see Venne 2007, Drake 2018, Borrows 2015). And yet, despite its denunciation by the Supreme Court of Canada, as John Borrows says, ‘Canadian law still has *terra nullius* written all over it’ (2015: 703). Today, *terra nullius*, I argue, is written in green; it is propelled by the power of net-zero.

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According to Muriel Côte and Benedikt Korf, political formations at the frontier are about making the resources investible, which means making them both *visible* and *governable* (Côte & Korf 2018). Governments and industry are relatively adept at making minerals visible by publicising reserve estimates, bedrock mapping, and speculative capital’s projections of future demand for certain commodities, as can be seen in Figures 1 and 2 (see Metsaranta & Houlé 2017).

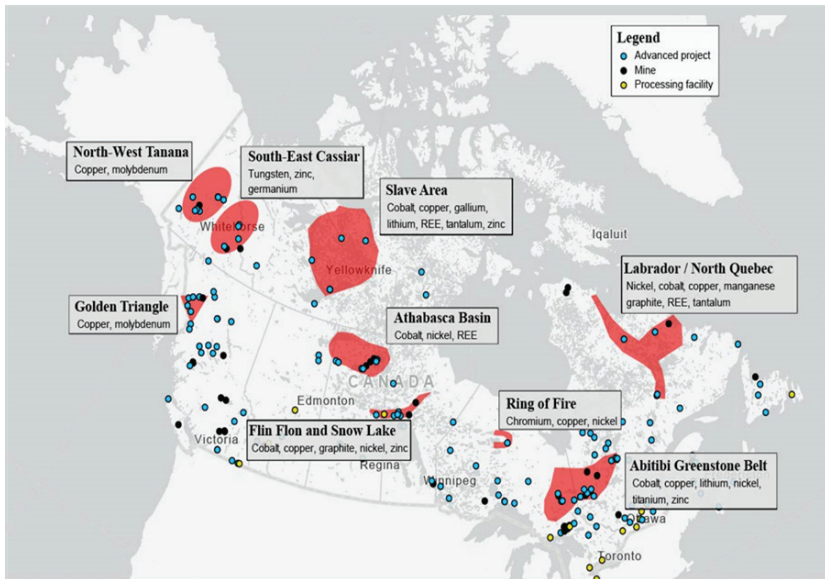


Figure 1: ‘Critical Mineral Opportunities Spanning All Regions of
Canada’
(Government of Canada 2022: 10).

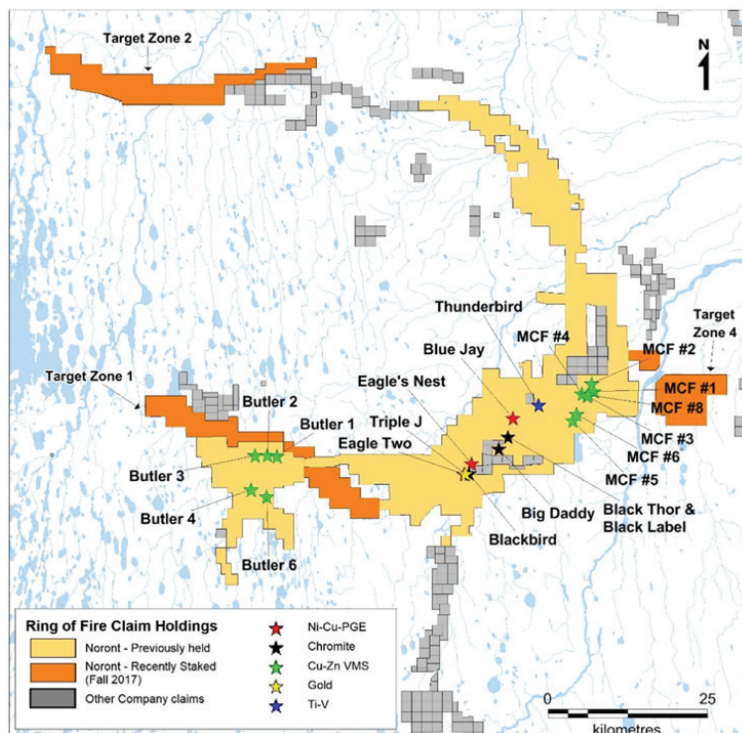


Figure 2. Ring of Fire claim map 2017 (Noront 2017: 15)

State agencies are also engaged in hyping up Canada's status as a hotbed of valuable untapped deposits through the production and circulation of various glossy brochures with maps and pie charts (Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry 2022). Industry actors quantify spin-off jobs, future tax revenues and boosts to GDP, even potential losses to prospective profits from possible protest-related construction delays.⁵ These 'projective devices or protensions', as Andrew Barry argues, enable us to 'extend [our] understanding into the future, by envisaging certain actions, without necessarily ever knowing precisely what exists in the present' (2014: 14).

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As a frontier, the Ring of Fire is imagined as empty of order. However, it is important to be clear, it is a place only *imagined* as lawless. As Sarah Hunt/T'łaliłilá'ogwa explains, in settler colonial states like Canada, 'lands previously occupied and governed by Indigenous peoples' are constructed in socio-legal imaginaries in ways that 'dispossess the original occupants via ongoing assaults on their worldviews, bodies, and ways of being' (Hunt 2021: 213). In these imaginaries, 'systems of law which existed prior to the establishment of settler colonial societies are rendered illegitimate or no longer authoritative', as is the case in the settler state view of Treaty No. 9 (Hunt 2021: 213).

In reality, the people of Treaty No. 9 have governed the lands and waters of their homelands according to the Anishinaabe and Anishini legal orders for generations. What community members in Neskantaga refer to as their 'jurisdiction' means the collective and cooperative ways in which community members participate in the governance of their homelands. It is, as Heidi Kiiwetinepinesiik Stark says, how they regulate their social, economic, and cultural lives (Stark 2023). It is the 'political practice, exchang[e] and development of new relationships' grounded in place, 'conditioned by relationships and responsibilities' (Stark 2023: 12). A community's 'jurisdiction', then, is a system that is defended and sustained through deliberate collective effort (Pasternak 2017). It requires participants to continue to adapt the norms and practices of the system to meet new challenges – today, those challenges include those ushered in with a critical minerals rush.

The inability of settler law to completely snuff out inherent governing authority on the land contributes to the sense that there is no 'jurisdictional closure' in Treaty No. 9 territory. This is a common feature of the frontier: '[n]o institution or actor exercises a single political authority. Rather, a multitude of actors compete to construct institutions and to define their own influence and to design and enforce rights to resources' (Havice & Zalik 2018). The ongoing struggle 'troubles' any notion that jurisdictional closure is coming (Rifkin 2016).

Thus, 'jurisdiction' in Treaty No. 9 is always contested. In all the hype surrounding the Ring of Fire, mining companies and settler

governments prefer to direct attention to who should *benefit*; revenue generation priorities persistently dominate over talk of who should *govern*. In negotiations, the focus is continually returned to making sure the Indigenous communities ‘share in the rewards’ from the development (see TVO Today 2014). Discussions are systematically directed away from First Nations governing the extraction or applying their own laws and protocols and deciding according to their own priorities what their vision is for their homelands (Scott 2023). Nevertheless, assertions of inherent Indigenous jurisdiction have been building over the past decade, from individual First Nation statements, to a Land Defence Alliance, to a major court action recently launched against the Crown seeking to restore the ‘co-governance’ arrangement the plaintiff First Nations say is at the true core of Treaty No. 9 (Attawapiskat First Nation v Ontario, 2023).

Despite pressure, and a recent call for a ‘moratorium’ on mineral claims-staking by the regional Indigenous political authority the Chiefs of Ontario, a staking rush is undeniably underway (Chiefs of Ontario 2024). As David Szablowski has explained, easily accessible mineral deposits are dwindling fast, and thus pressure is mounting in areas where ‘either geography, political barriers, or the limits of technology have prevented resource exploitation in the past’ (Szablowski 2019: 723). The people dispossessed on these new frontiers are often ‘distant from the global economy and marginalised within their own state societies’ (Szablowski 2019: 723). In fact, both the spaces and the subjects of the frontier are ‘constructed as marginal and peripheral’ (Gago & Mezzadra 2017: 579). The following is one (admittedly extreme) example of how industry analysts speak about the ‘remoteness’ factor in mining the boreal peatlands (here, referring to mining for lithium on the east side of James Bay):

When they [say] “remote project locations,” what they really mean is “middle of nowhere.” People who haven’t spent any time in Canada’s north really don’t get how much nowhere we have. It’s about 800 km north of Montreal and 200 km east of the nearest water, James Bay. That location has a road of sorts, an airstrip hacked out of muskeg and scrub pines, and flying in would be a messy affair regardless given

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hostile weather. There’s no easy way to get a million tons of lithium to anywhere from there, as special rail infrastructure across some deeply hostile territory would probably have to be built to James Bay, and then ships couldn’t use it for six months of the year. It’s more Siberian than anything, but without a railway through it (Barnard 2021).

A similar sentiment was expressed at a hearing in the Divisional Court in Toronto in the case of *Eabametoong First Nation v Landore* (2017), a dispute about exploratory drilling in Eabametoong’s traditional territory near the Ring of Fire. Despite the fact that Eabametoong Chief Elizabeth Atlookan had testified that ‘there are burial grounds, birthplaces, cabins used by families, sensitive spawning areas and rich hunting grounds throughout the area staked’; and despite the fact that elders, leaders and other members of the community had travelled a long way from their homelands to be seated in the courtroom that day, counsel for the mining company, in pointing out the area in dispute to the panel of judges on a map, stated: ‘Its all swampy muskeg [...] you can’t even drill there except in winter. This is what we’re talking about [...] its not exactly ‘God’s country’ but nevertheless this is the territory, this is where the drilling will take place’ (Statement from Landore Resources Counsel 2018: 2).

The Ring of Fire, thus, is constructed as a classic frontier: distant, wild, lawless, and ready to be exploited. But priming a landscape for extraction in the contemporary moment requires attracting investment. If, as mentioned, political formations at the frontier are about making resources investible – both visible and *governable* – then settler state actors are advancing on the visibility front a lot quicker than they are on the governability front.

B Rendering the Resources ‘Governable’

The influence of settler state law across Treaty No. 9 territory is uneven. Indigenous peoples are the sole occupants. State actors have little physical presence on the ground, although settler laws do structure daily realities: the lack of clean drinking water would be one constant reminder of that. The buzz of a helicopter carrying workers from mineral exploration companies across their homelands, disrupting

harvesting would be another (The Road Podcast 2024).

Over time, communities have decided which aspects of their daily lives would be governed by Indigenous laws and which might allow more space for ‘uneasy and asymmetric relationship with state centred efforts to govern’, as Szablowski puts it (2019: 51). Community leaders are experienced in toggling between governing according to their own laws on the land, in local spaces and through local institutions, and strategically or pragmatically operating under settler systems when it suits them. They intuitively understand that settler laws and institutions interpenetrate with their own legal orders in complex, historically – and geographically – specific ways.

In respect of lands and resources, mineral exploration permits are often the vector through which settler state law is inserted onto Indigenous territory in Treaty No. 9. According to conventional settler state constitutional interpretations in Canada, provinces have jurisdiction over natural resources within their boundaries, as well as ownership of all ungranted minerals. In the case of Treaty No. 9, as with other historic treaties, the Crown’s position is that the lands were ‘surrendered’. As Nigel Bankes explains, ‘from a very early period in Canadian history, the courts confirmed that the numbered treaties provide *a secure basis from which industry might obtain resource rights* from the Crown’ (Bankes 2015: 209 (emphasis added)).

In Ontario, the ‘disposition’ of mineral rights is governed by the *Mining Act* (RSO 1990) according to a modified form of ‘free entry’, which grants exploration companies access to lands where mineral title is assumed to be in the hands of the Crown. The overwhelming practice across Canada has been to sever the surface rights to the land from the underlying mineral title, with the Crown retaining ownership of the minerals. Mining leases granted by the provinces allow for the extraction and sale of minerals extracted.

The free-entry regime actually *requires* the province to grant an exploration license to the claim holder provided certain procedures have been followed.⁶ As Dawn Hoogeveen says, the ‘free-entry’ principle is ‘understood as the right to stake a mineral claim without consulting

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with private landholders or Indigenous peoples’ (Hoogeveen 2015: 121). The license or claim also entitles the holder to obtain a mining lease, a tenure instrument that authorises mineral extraction, also with or without the consent of affected First Nations. As Penelope Simons and Lynda Collins demonstrate, Ontario’s first *Mining Act*, dating back now 150 years, ‘reflects a resource-based economic system which viewed the exploitation of natural capital as *sine qua non* for the success of Canada as a nation’ (Simons & Collins 2015: 183).

Most commentators agree that these basic elements of the free-entry system remain unchanged today, surviving the 2009 Ontario reforms (Kuyek 2010, Drake 2015, Simons & Collins 2019, Thériault 2019, but see also Ezeudu 2020). Those reforms introduced some restrictions on the free-entry system by making explicit the Crown obligation to ‘consult and accommodate’ Indigenous peoples with Aboriginal and treaty rights at stake at the point of issuing an exploration permit. But the Crown’s interpretation of what this duty entails in Ontario is exceedingly narrow – the Ministry of Mines takes the position that early exploration activities typically have a ‘focused geographic scope, short duration, and limited impacts to the environment’ (Ontario 2023); thus, even where First Nations object or explicitly withhold their consent to the issuance of permits within their homelands, the Ministry of Mines routinely finds that the duty to consult and accommodate has been met, and issues the permits regardless. In effect, the Ministry treats the duty to consult and accommodate as a requirement to provide notice to the First Nation that a permit is about to be issued.

Since 2018, the system also allows for online staking, a map-based system of cells that can be used for electronically registering claims (instead of the previous ground-staking system). This system, illustrated in Figure 3 below, has undoubtedly facilitated the current staking rush (*Aggregate Resources and Mining Modernization Act* 2017, c 6). As one community member noted: ‘its basically free access on our homelands, no dialogue...we don’t know who’s staking claims and who’s taking what’ (National Observer 2024). The Chiefs of Ontario recently declared a one-year moratorium on new mining claims in all traditional

territories, saying that some First Nations have witnessed a 30% increase in claims-staking over the past year. The Ministry of Mines, however, has not even commented on the moratorium, never mind changed its practice (Dufour & Migneault 2024).

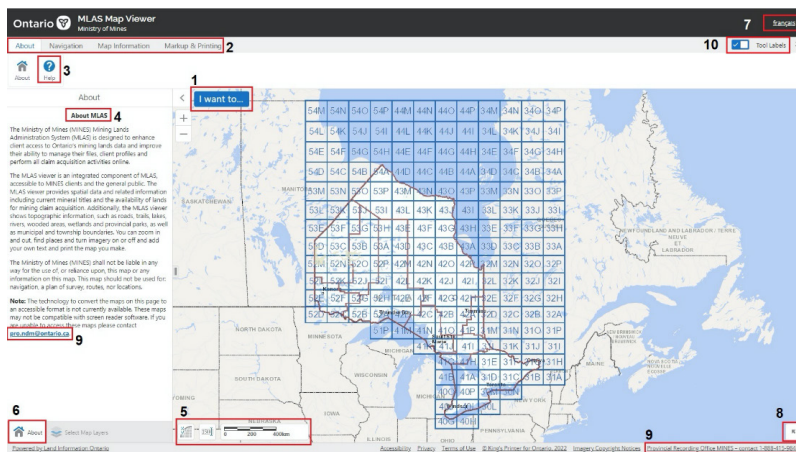


Figure 3: Example of MLAS Online Staking System
Map GeologyOntario 2024

Overall, then, the basic contours of the free entry system remain in effect in Ontario today: staking a mining claim on Crown lands is possible for anyone who obtains a prospecting licence, available with a quick web-quiz and a nominal fee. As long as the claims are not held by someone else or excluded from mining, a prospector can gain rights on faraway lands, even those caretaken and stewarded by Indigenous peoples since time immemorial.⁷

C Free, Prior and Informed Consent?

It is obviously very difficult to reconcile this reality on the ground with the principles articulated in the *United Nations Declaration on the Rights of Indigenous Peoples* (hereinafter *UNDRIP* or the Declaration). Further, Canada has made repeated commitments to reconciliation and in June 2021, passed legislation for implementing the Declaration's

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commitments in Canadian law (See Department of Justice Canada 2023). Article 32 of the Declaration maintains that States must consult with Indigenous peoples, through their own chosen institutions, in order to

obtain their free and informed consent prior to the approval of any project affecting their land or territories and other resources, particularly in connection with the development, utilization and exploitation of mineral, water or other resources (UNDRIP).

But free, prior and informed consent (FPIC) is a contested norm, of course, and in Canada the contours of this contestation have centered around whether First Nations can exercise a 'veto' power over development project approvals on their lands (Imai & Ros 2020). Settler courts including the Supreme Court of Canada have given a definitive 'no' in official answers to this question (see *Chippewas of the Thames First Nation v Enbridge Pipelines Inc* 2017 SCC 41, *Ktunaxa Nation v British Columbia (Forests, Lands and Natural Resource Operations)* 2017 SCC 54). But FPIC is nonetheless re-shaping the contours of the debate and is arguably being implemented in British Columbia, as a 'consent-based' regime is taking shape in respect of environment assessment (British Columbia Environmental Assessment Office nd).

The right to provide or withhold consent to resource projects on their lands is, in practice, negotiated between Indigenous communities and mining companies (Scott 2020). Neskantaga references their right to FPIC repeatedly in public statements: it is deployed strategically to resist unwanted incursions onto their homelands and to undermine the 'social license' of those who want to explore for minerals (see McIntosh 2023).⁸ It is a way of re-asserting their jurisdiction and challenging the continuity of colonial logics.

As such, expanding onto 'new ground' is risky for extractive capital in Treaty No. 9 as elsewhere: as firms move in and begin drilling, there is the potential that they will stimulate resistance from Indigenous communities that will generate 'political conditions that threaten profit-making', through regulatory delays, direct action, or reputational harm that threaten their ability to benefit from their 'assets' (Frederiksen &

Himley 2019: 51). Nonetheless, as Tomas Fredriksen and Matthew Himley write, ‘the extractive frontier keeps expanding’ (Fredriksen & Himley 2019: 51). Mineral extraction is a ‘spatially-fixed, asset-depleting’ activity which means that in order to ‘secure their own futures, extractive firms thus regularly need to extend control over new deposits’ (2019: 51).

The extension of the extractive frontier also requires firms to obtain other resource inputs, such as energy and infrastructure for moving rocks. In the Ring of Fire, a major new industrial all-season road is the infrastructural lynchpin of the whole plan. In securing these assets and inputs, firms engage in a process of capitalist dispossession in which local people must be separated from existing systems of production and livelihoods (Szablowski 2002). This is complex work. The reality on the ground is that the territorial governing authority is held by the Anishinaabe people of the Attawapiskat River watershed, the region’s sole occupants. They actually control access to the territory, despite the formal *property* relations seen to be cemented through the settler state’s granting of mineral leases.

Focussing on legal rights *on the surface*, such as property and ownership, positions the state in the center. But, as I have observed across Treaty No. 9 territory, state authority is decidedly uneven. This means the settler state and industry must act together to deploy a range of coordinated tactics to achieve and maintain *access* to the coveted resources and to suppress Indigenous resistance. In other words, the crucial distinction between ‘property (the *right* to benefit from things) and access (the *ability* to benefit from them)’ is everything (Fredriksen & Himley 2019: 52–3). ‘Property may be a key component of access’, as Fredriksen and Himley write, but the two are distinct (2019: 52). It has been demonstrated time and again throughout Treaty No. 9 that formal rights to minerals, for example, cannot guarantee that extractive firms will be able in practice to derive benefit from them.⁹

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In relation to land and resources governance, as Szablowski says:

[w]hile states allocate and re-arrange authority and rights over territory on a formal level, it is generally up to extractive firms to take up these rights and to seek to make them real on the ground (Szablowski 2002: 724).

Mining companies 'engage' with First Nations to receive the formal rights from Ontario to explore for minerals, understanding that they need to operationalise these rights at specific sites. Out of this contest at the frontier, as Elizabeth Havice and Anna Zalik explain:

...new patterns of exploration, extraction, conservation, and commodification co-constitute territory and (re)define resources and institutions. Notably, in these moments and at these sites, existing institutional orders can be undermined, erased, or reinterpreted, and new institutional and rights regimes – and accompanying struggles for legitimacy over the ability to define the parameters of such institutions – are often set in motion (Havice & Zalik 2018: 388).

In the Ring of Fire, various pressures are converging at the critical minerals frontier, and a fierce battle for jurisdiction in respect of lands and waters is underway. This section has demonstrated that settler state and industry actors call up the worn-out tropes of the frontier to legitimate extraction in the Ring of Fire. State and industry actors are constructing an imaginary of Treaty No. 9 as a vast, 'empty, unoccupied wilderness with rich resources freely available for the taking', in which the 'rightful wealth' is owed to those who tame it – in this case, in service of saving the climate (Hunt 2021: 214). In the next section, I detail exactly how net-zero shields extractivism and fuels ongoing Indigenous dispossession.

4 The Seductive, Dispossession Power of 'Net Zero'

The concept of 'net-zero', and the associated term 'carbon neutrality', emerged in the buildup to the 2015 Paris Agreement of the United Nations Climate Change Conference (UNFCCC). There, state parties agreed to 'aim to achieve *a balance between anthropogenic emissions by*

sources and removals by sinks of greenhouse gases’ in the second half of this century (Paris Agreement 2015). Within a few years, all major economies had announced plans to reach carbon neutrality by 2050 (Kalantzakos 2020). By 2021, private companies were jumping on the bandwagon by issuing their own pledges: net-zero was ‘all the rage in climate policy’ (Lin 2022–23: 681). In Canada’s Greening Government Strategy, reaching net-zero is defined as ‘reducing GHG emissions from operations to as close to zero as possible and then balancing out any remaining emissions with an equivalent amount of carbon removal’ (Canada 2023). For this to have social and environmental integrity, however, most analysts agree that ‘carbon removal’ or reliance on ‘offsets’ should be done rarely and cautiously (Fankhauser et al. 2022). To be effective, experts say that net-zero must be aligned with broader socio-ecological sustainability (Fankhauser et al. 2022).

According to Frederiksen and Himley, drawing inspiration from John Allen, the stability of accumulation in the extractive sector is maintained on not only coercion and domination but also on approaches based on ‘quieter registers’ of power, ‘namely persuasion, seduction, and manipulation’ (Frederiksen and Himley 2019: 54, Allen 2003). While various tactics are employed to build legitimacy for critical minerals extraction in the Ring of Fire, I focus in this part on the tactics of ‘seduction’, and specifically the allure of net-zero. I consider the way that net-zero is mobilised to secure and maintain the relations of land and resource access upon which accumulation in Treaty No. 9 relies. Those leaning on the legitimating power of net-zero strive to produce political stability, despite the mining industry’s destabilising effects on the frontier. The audiences are the general voting public and investors: state resources must be spent to ‘open up’ the Ring of Fire – on all-season road infrastructure, mineral exploration tax credits, and giga-factory subsidies, and private investment must be secured for exploration, refining, cathode and battery production, and ultimately auto manufacture.

The seduction is premised on the allure of a sustainability pitch, which has net-zero at its core. Applying a ‘green sheen’ to mining

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addresses a central challenge faced by extractive projects today, which is ‘legitimation’, according to Voskoboynik and Andreucci (2022: 790). The question is: how can resource extraction be ‘rendered acceptable in spite of its social and ecological costs’? (Voskoboynik and Andreucci 2022: 789, citing Frederiksen and Himley 2019). Here, I set out the ways in which the climate imperative has rendered extraction acceptable in recent times; I find that net-zero became a central driver of the expansion of the critical minerals frontier, and thus also a driver of dispossession in Treaty No. 9. This finding is remarkable as the climate imperative contributed to the intensification of extraction *even in the boreal peatlands*, where mining is very likely to actually exacerbate climate change by releasing massive amounts of stored carbon (Harris et al. 2022). In this way, the Ring of Fire provides an apt example of how the ‘critical minerals’ label can – as Voskoboynik and Andreucci predicted it would – ‘discursively enable mining operations whose legitimization was previously complicated’ (2022: 86).

A Mining at the ‘Security-Sustainability Nexus’

Thea Riofrancos argued in 2023 that the sustainability pitch or ‘green sheen’ that must be applied to legitimise critical minerals mining is intertwined with a ‘security’ rationale. In unpacking this, Riofrancos argued that the political economy of critical minerals extraction is characterised by two surprising developments. First, she says, state actors in the global North promote domestic extraction of minerals to enhance ‘supply chain security’; and second, these same state actors are committing to the ‘sustainable sourcing’ of those minerals (Riofrancos 2023: 2). These phenomena are ‘unexpected’ in her analysis because ‘harmful extraction is generally sited in the global South, and sustainability rarely factors into interstate competition’ (Riofrancos 2023: 2). Most striking, according to Riofrancos, is the *conflation* of security and sustainability.

As an example of how the nexus formed in Canada, consider a full-page advertisement that appeared in a national newspaper in June 2023 (Future Unbuilt 2023). The statement, issued by a coalition of ‘business, Indigenous, labour, environmental, and policy groups’, starts

by proclaiming that ‘Canada’s Future is Unbuilt’ (Future Unbuilt 2023). It goes on to argue that if Canada is to meet its ambitious emissions reduction targets and its goal to be net-zero by 2050, ‘[t]he reality is that [...] we need to invest in technology and infrastructure at a scale and pace never before seen in Canadian history’, which will require major investment in various areas, including critical minerals (Future Unbuilt 2023). The statement ends with the coalition expressing the belief that ‘we can create a system that not only enables Canada to meet its climate objectives but can also be a competitive advantage to attract investment and seize economic opportunities’ (Future Unbuilt 2023).

The global geopolitical context in 2023, according to Riofrancos, was one in which states in the global North deployed ‘new corporate-friendly industrial policies to “dominate” green technology supply chains, in explicit competition with China’ (Riofrancos 2023: 21). The US *Inflation Reduction Act* (IRA), passed in 2022, can be seen as an attempt to end China’s stranglehold over the supply chain for critical minerals, including the control over raw resources China exercises through its Belt and Road Initiative (O’Callaghan-White 2021). This ‘onshoring imperative’ was also embraced in Canada’s Critical Minerals Strategy, which invoked policy measures similar to those being implemented across the global North, such as direct financing, calls for fast-tracked permitting, public investment in research and development (R&D), and attempts at supply-chain coordination. Riofrancos finds onshoring remarkable because, as she notes, mining is ‘among the most environmentally toxic, and least value-added nodes of supply-chains, with a record of human rights violations and violence – all of which can spark protest’ (Riofrancos 2023: 21). But the dependence on ‘distant mining and Chinese processing’ that developed over the past century is said to be contributing to a growing sense of insecurity driving the current pivot to onshoring, or more specifically as its being implemented with the IRA, ‘friendshoring’ (Riofrancos 2023: 3).

Friendshoring is a deliberate partnership between states thought to share similar values to the US, with the intention being to create a trading bloc of democracies that can counter Chinese dominance

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(Riofrancos 2023). The strategy, set out in 2022 by US Treasury Secretary Janet Yellen, aimed to concentrate supply chains in 'trusted' countries in order to secure market access and lower the risks of disruption to the US economy (Lorinc 2023). The stated US interest in moving away from its 'undue dependence' on rare earths and critical raw materials produced in China is articulated in these terms: 'we cannot allow China to use their market position in key raw materials, technologies or products to disrupt our economy or exercise unwanted geopolitical leverage' (Lee 2022). 'Friendshoring' is put forward as a tool to strengthen supply chain 'resilience', but also to avoid 'political blackmail and economic coercion' (New Geopolitics 2022).

However, as Riofrancos notes, if the state's interest in onshoring lies in countering Chinese dominance, the mining and auto firms' interests lie in 'lucrative incentives, supply security, and reputational benefits' (Riofrancos 2023: 20). In other words, the trend towards onshoring gains momentum from the growing recognition that 'sustainability' presented a new comparative advantage for firms in the global North that was previously not perceived to exist.¹⁰ In Canada, the incentives included massive state subsidies promised to electric vehicle (EV) battery firms pledging to build giga-factories in south-western Ontario (Trudeau 2023).

In line with Riofrancos's call for scholarly attention to the 'rerouting' of the extractive frontier through the global North and its implications, I consider explicitly how the routing of the extractive frontier across Indigenous homelands in Treaty No. 9 fuels ongoing processes of dispossession. In the next section, I turn to the crucial question of how the pursuit of sustainability contributed to ongoing Indigenous dispossession, with a specific focus on the power of net-zero.

B Ecological Imaginaries of Decarbonisation: How a New-Zero Mine will Save the World

The previous section showed how the sustainability pitch operated as a major anchor for the legitimacy of the extractive industry in recent years (Voskoboynik & Andreucci 2022: 789). The pitch required industry to re-position mining as 'clean, innocuous, future-oriented and modern'

(Voskoboynik & Andreucci 2022: 802). This enlivens a number of questions about mining in the Ring of Fire: How is nickel extraction in Treaty No. 9 envisioned such that it could further environmental sustainability? How are ecological imaginaries of decarbonisation being mobilised to support extraction in the Ring of Fire? How are those imaginaries fuelling tension and driving dispossession?

Through EVs being positioned as ‘virtuous’, the social and environmental burdens associated with the extraction of the minerals needed for the manufacture of their batteries are rendered invisible (Voskoboynik & Andreucci 2022: 790). With supply chain security in the minds of voters, Ontario’s announcements have emphasised its efforts to create a continuous supply chain for EV batteries in the province. Demand for EVs is expected to skyrocket as Canada, like other states in the global North, has already adopted regulations that will require 100 percent of new vehicles sold to be zero emission by 2035 (Environment and Climate Change Canada 2022). As Saima Desai and Isaac Thornley have noted, the province’s ‘hope is that by securing Indigenous consent for mining in [northern Ontario] and massively subsidising battery factories in [southern Ontario], the difficult and dirty middle links of the supply chain – like extraction, transportation, and refining – will become inevitable’ (Desai & Thornley 2024: i).

To succeed in the seduction, then, state and industry actors attempted to differentiate critical minerals mining from other conventional, dirty forms of extraction. This project is active in Treaty No. 9. For example, Wyloo Metals, owned by Australian billionaire Andrew Forrest, says that it is in the business of producing ‘critical materials for a clean energy future’ (Wyloo Metals nd). The company’s stated strategy is to ‘deliver the greenest nickel in the world’ (Wyloo Metals nd). Its website proclaims that Wyloo is constantly improving its ‘sustainability position’ and moving ‘nimble towards net zero so that [it] can offer the market a clean nickel choice’ (Wyloo Metals nd).

Wyloo has also made various ambitious promises to ‘meet the highest environmental and social standards’ for its proposed Eagle’s Nest nickel mine in the Ring of Fire (Ring of Fire Metals 2022a).¹¹

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It describes a mine that disturbs less than one square kilometre of sensitive peatland, uses recycled water, and has no above-ground tailings pond (Ring of Fire Metals 2022a). The company also claims to be 'investigating' the creation of a 'net zero' emissions mine that relies on electric or hydrogen-powered vehicles, wind power, and carbon sequestration.¹² But a recent report by Desai and Thornley calls Wyloo's claims in relation to Eagle's Nest 'greenwashing', primarily, because the claims are 'misleading, vague, or hypothetical'. But the authors also say that the Eagle's Nest mine is a Trojan horse: building it will open up the entire region to mining, with catastrophic impacts to sensitive ecosystems, Canada's carbon emissions, and Indigenous rights (Desai & Thornley 2024: i).

As clean and green as the mining companies try to paint their operations, however, it is obvious that it is the battery-metal and EV revolution that really provides the main momentum for the climate credentials of mining in the Ring of Fire. Wyloo claims that nickel production from Eagle's Nest 'could sufficiently supply batteries for 500,000 electrical vehicles each year' (Wyloo Metals nd). This has won over the province's Conservative Premier: 'We have critical minerals that the entire world is after', he told a cheering audience upon his re-election in June 2022 (McIntosh 2022). And despite the fact that battery-metal mining is now positioned as necessary for the 'transition to a lower-carbon future' (Northern Ontario Business 2022), the Premier hints at the real, 'driving' rationale when he states '[t]he cars of the future will be built in Ontario from start to finish because we made a promise to support our auto sector' (OVIN 2022-2023: 3).

The seductive vision in which extraction is central to a green future was embraced, belatedly, by the state once it could clearly be tied to continued automobility, manufacturing jobs, and 'industry innovation'. In 2020, Canada launched the Net Zero Accelerator Initiative, which provides CAD\$8B to expedite 'decarbonisation projects', including those related to battery innovation (Innovation, Science and Economic Development Canada 2023). In this sense, the net-zero seduction contributed to a significant new subsidisation and

de-risking of extractive projects to ensure their profitability (Bowlin 2023, Pasternak & Dempsey 2002). ‘Wylloo’s entire business plan is contingent on the company obtaining massive amounts of public funding for infrastructure’ (McGee 2022). The all-season road into the remote region is the top priority, as the proposed mining camp must be connected to the provincial highway network more than 300 kilometres to the south. The price tag for the road is at least \$2 billion and counting (McGee 2022). In the Ring of Fire, the access corridor was initially included in the project proposals for the mining; when Ontario issued terms of reference for the Eagle’s Nest project back in 2015, the province assumed the *company* would be the proponent of the all-season road (and thus would shoulder the cost of its environmental assessment and construction). At some point, a plan emerged for two First Nations to become the road proponents (Coutts 2022) – which not only smoothed the way for the road, by allowing the company and the province to imply that unanimous Indigenous consent was present, but also effectively turned the road into a massive public subsidy for the mining company.

Essentially, what we witnessed over recent years was major players of the old economy, such as metal miners, ‘stand[ing] on the verge of a planet-spanning, multi-decade mineral boom, driven by the demands of an electrifying world’ (Bowlin 2023). Mining companies re-cast themselves in the new economy ‘as part of the solution to the climate crisis, allies to the environmentally minded with carbon-neutral targets for their global operations’ (Bowlin 2023). As one analyst put it, ‘[d]ecarbonizing the modern world is going to make the mining world a lot of money’ (Bowlin 2023).

To conclude, the net-zero seduction – an explicit attempt to green the proposed mining in the Ring of Fire – required not only that sustainability be imagined very narrowly, but that climate action be too. Sustainability had to be imagined to exclude the likely effects on biodiversity and ecosystem fragmentation, with ‘carbon tunnel vision’ as some might say (VanNijnatten 2024). And impacts on the climate had to be measured only in terms of a flat comparison between a scenario

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in which everyone continues driving their own internal combustion engine car and one in which everyone drives an EV. In other words, mobility also must be imagined very narrowly. Other ways of reducing CO₂ emissions from transportation while still enhancing mobility, such as investing in reliable and accessible public transit or designing more compact communities, are ignored. As Desai and Thornley say: ‘Such discourse tethers ecological sustainability to a specific vision of economic development and conceals our options to maximise mobility and connection while minimizing the mineral intensity of decarbonisation’ (Desai and Thornley, 2024: 28).

In theory, a company’s progress towards a net-zero target can be assessed more easily than a broad commitment to sustainability. But greenwashing is still rampant. For one thing, it is often uncertain how a company will achieve their net zero targets, as these are set years or decades into the future. Many scientists have come to the ‘painful realisation that the idea of net zero has licensed a recklessly cavalier “burn now, pay later” approach which has seen carbon emissions continue to soar’ (Dyke et al. 2021). The general lack of accountability or follow-through means that ‘net-zero’ functions to legitimise business-as-usual practice and continued extraction that is creating major burdens on mining-affected communities.¹³ To emphasise, these communities, like the small remote First Nations in the Ring of Fire region, are not only being disproportionately affected by climate change itself, but they also bear the burdens of ‘climate action’: they are now expected to sacrifice their laws, lifeways and homelands to save us all from climate collapse.

5 Conclusion

If extractivism turns on ‘appropriation, nonreciprocity, depletion, and subjugation’, it seems that critical minerals mining, at least as it is playing out in Treaty No. 9, must be seen as adopting this same logic. Examining the Ring of Fire provides an apt example of how the critical minerals seduction – the power of net-zero – has functioned to enable and extend the extractive frontier. In addition to intensifying

extraction and potentially exacerbating the climate crisis, the unfolding dynamics in the Ring of Fire also demonstrate that the push towards a green economy can provide cover for ongoing Indigenous dispossession. Indigenous communities in the boreal peatlands are being actively dispossessed of their lands and governing authority. The hype surrounding the Ring of Fire underscores the point made by Havice and Zalik: frontiers are sites where scientific and technological claims-making comes together with exclamations of progress to remake 'political, economic, social, and ecological relationships' (2018: 221). The seductive sustainability discourses have a material impact on the ground: they are 'potent codifications of the social relationships' (Bridge and McManus 2002: 10). As Tsing (2003) shows, the effects of casting a place as a frontier are both imaginative and *material*. The analysis here demonstrates that the seductive power of net-zero both creates new frontiers for capital and simultaneously 'demands their taming through construction of new infrastructures' (Dafnos 2020: 115), in this case a new all-season road through vital peatlands. In it, we witness the struggle over the 'material foundations of the energy transition' (Riofrancos 2023: 20).

Experts say that we have underestimated the high materials-intensity of the necessary energy transition and the 'unprecedented levels of extraction' that it will demand (Gauß 2023: 125). Thus, the power of net-zero is in the way it provides momentum to a new, green economy rationale that shields old-economy extractivism from scrutiny to the detriment of the Indigenous stewards of lands and waters, and possibly to the detriment of the climate and future generations. The beneficiaries of this green economy, those behind the recent moves to onshore mining for the purposes of building up the 'resiliency' of the supply of minerals, are mostly capital in the global North who hope to profit from the manufacture of batteries, EVs, green technologies, and now, increasingly it seems, weapons. But Indigenous peoples resist: they defend their homelands and the complex relationships that sustain them. They continue to assert jurisdiction in relation to those lands and waters they exist in reciprocal relation with. The struggle for the material basis of the energy transition is ongoing; it is actively contested.

Endnotes

- 1 This article is drawn from a chapter of a forthcoming manuscript, *Fire in the Ring: Settler Law and Indigenous Jurisdiction on the Critical Minerals Frontier*, solicited by Duke University Press and accepted to the series *Global and Insurgent Legalities*. I would like to thank the editors for the invitation to contribute and the generative workshop, the two anonymous peer reviewers for astute suggestions, my many students who have worked with me on this project over the years and especially Joeley Pulver for expert research assistance. I acknowledge with gratitude and solidarity my collaborators in Neskantaga. Funding has been provided by the Social Sciences and Humanities Research Council of Canada (SSHRC) through a Partnership Grant on *Infrastructure Beyond Extractivism* co-directed by Heidi Kiiwetinepinesiik Stark.
- 2 There are a further 200 or so First Nations members living off-reserve, mostly in Thunder Bay.
- 3 In 2020, the Canadian government announced its Greening Government Strategy aimed at achieving net-zero operations by 2050. Reducing carbon emissions is also a key element of Canada’s Critical Minerals Strategy. See Canada, “Greening Government Strategy: A Government of Canada Directive” (modified 26 March 2024), online: <canada.ca/en/treasury-board-secretariat/services/innovation/greening-government/strategy.html>; Canada, “The Canadian Critical Minerals Strategy” (modified 12 September 2023), online (pdf): <canada.ca/en/campaign/critical-minerals-in-canada/canadian-critical-minerals-strategy.html>. On fast-tracking, see the Editorial in the *Globe and Mail*, “A critical push to speed up mine approvals”, April 4, 2024, A10.
- 4 In 2010, the Far North Science Advisory Panel stated that the Hudson Bay Lowlands contains “one of the earth’s largest peatlands complexes and represents the “largest single extant block of boreal forest free from large-scale anthropogenic disturbance anywhere in the world. These peatland and forest systems constitute globally important stores of carbon, mediate ecosystem hydrology, and modify local and regional climates. They are interconnected through the movement of water, air and organisms, among them federally and provincially-listed endangered and threatened species, and other species of concern” The Far North Science Advisory Panel, *Science for a Changing Far North: The Report of the Far North Science Advisory Panel* (Ontario: The Far North Science Advisory Panel, 2010)

at xi. See also comments by Dr. Lorna Harris on “The Road”, podcast, <https://www.nationalobserver.com/podcast/road/road>, episode 3.

- 5 The provincial government’s website claims, among other benefits, that extraction activities generate 31,000 direct and 47,000 indirect jobs see Ontario’s Minerals Sector 2022. Economically, the Ontario Mining Association states that it contributed \$8 billion to GDP in 2022; alongside this statistic, it boasts that the industry ‘has one of the highest proportions of Indigenous workers [...] in the province, at 9% and holds 142 active agreements [...] between Indigenous communities and mining companies’ (Ontario Mining Association 2021 available at: <oma.on.ca/en/ontario-mining/EconomicContribution.aspx>)
- 6 This is one of the four essential features of the free-entry system described by Carter-Whitney & Duncan 2008.
- 7 Lands excluded from mining might be ‘restricted’ lands, for example in a provincial park or on land withdrawn from prospecting by the Crown, such as happened in KI’s territory after that community’s conflict in 2008 and the litigation that followed.
- 8 In a statement response to Premier Doug Ford, Chief Chris Moonias asserted that ‘We ask again that Ontario commit to upholding the standard of free, prior, and informed consent, and respecting our laws and protocols that apply on our lands’ (MiningWatch Canada 2023)
- 9 See for example the community of *Kitchenuhmaykoosib Inninuwug (KI)* who has established alliances with some remote communities in resisting extractive activity.
- 10 According to the Critical Minerals strategy paper, Canada’s competitive advantage consists of its mineral deposits, long-standing expertise in mining, and its strong environmental, social and governance (ESG) credentials.
- 11 Wyloo Metals is formerly Ring of Fire Metals, which presumably abandoned the “Ring of Fire” branding once it became associated with lack of Indigenous consent.
- 12 Wyloo also declared that its mine will be beneficial for Indigenous communities. It has promised to award \$100 million in contracts to Indigenous-led businesses, and plans to ‘incorporate traditional knowledge and Indigenous expertise into [its] operations’ see Ring of Fire Metals ‘Wyloo Metals.’

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- 13 In the international development context, these are referred to as “spillover effects”; they occur when efforts to meet low carbon transition goals result in negative social and environmental impacts in the source region (for the minerals or metals).

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