

Upholding Indigenous Rights in the Era of Critical Minerals:

A Human Rights Analysis of the Ring of Fire

May 2026

This publication is a joint effort between the International Human Rights Program (IHRP) at the Henry N. R. Jackman Faculty of Law University of Toronto and the Anishnawbe Business Professional Association (APBA).

The **International Human Rights Program (IHRP)** serves as a centre for international human rights work, through which experienced lawyers, faculty, and law students engage in meaningful social change. Drawing upon its unique position within Canada, the IHRP's work aims to encourage the country's adherence to its own international human rights commitments by ensuring accountability of its harms across the globe and those of third parties it is meant to regulate. The IHRP pursues change in the areas of corporate accountability, climate justice, and Indigenous rights. The IHRP is directed by Sandra Wisner. Nabila Khan is Research Associate and Estefanía Rueda Torres is Program Coordinator.

The **Anishnawbe Business Professional Association (ABPA)** is a non-profit, member-based organization headquartered in Thunder Bay, Ontario. Co-founded in 2019, the ABPA serves the First Nation business community across the Treaty 3, Treaty 5, Treaty 9, and Robinson-Superior Treaty territories. The ABPA's core mission is to provide a vital forum for the First Nation business community to develop policies and programming that contribute to the socio-economic well-being and quality of life of First Nations peoples in Northern Ontario. The organization acts as a powerful advocate for the inclusion of Indigenous businesses in the broader economy, pushing for economic reconciliation, equity ownership, and the strict integration of Free, Prior, and Informed Consent (FPIC) and Indigenous rights into corporate and regulatory frameworks. They regularly engage with major policy mechanisms, such as providing critical submissions to the Ontario Securities Commission to prevent corporate "red-washing" and enforce authentic environmental, social, and governance (ESG) standards.

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This report was also supported by **Waawoono Consultancy**, an Indigenous-owned advisory firm headquartered in Thunder Bay, Ontario. Operating under the guiding principle of "Two-Eyed Seeing," the firm bridges ancestral Indigenous sovereignty with complex corporate finance and capital markets strategy. Waawoono specializes in transitioning First Nations away from traditional, colonial Impact Benefit Agreements (IBAs) toward comprehensive, consent-based equity ownership models. By aligning traditional wisdom with contemporary financial innovation, Waawoono ensures that resource development is restructured to generate long-term prosperity, secure "Golden Share" environmental protections, and establish true Indigenous economic sovereignty.

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PREFACE: A NOTE ON TERMINOLOGY, PAN-INDIGENIZATION, AND INHERENT RIGHTS

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To accurately assess the human rights implications of development in the Ring of Fire, it is necessary to confront and reject the practice of “pan-Indigenization”—the colonial tendency to treat all original peoples in Canada as a single, homogenous group with generalized “interests.”

The First Nations impacted by the Ring of Fire are not merely “stakeholders.” They are distinct, sovereign Nations—primarily Anishinaabe and Omushkego (Cree)—operating under their own complex legal orders, governance systems, and specific treaty relationships with the Crown.

Throughout this report, readers will encounter varying terminology such as *Aboriginal*, *Indigenous*, *First Nations*, and *Treaty* rights. It is critical to understand the profound distinctions between these terms. Many First Nations rightsholders in the region actively reject the labels of “Aboriginal” or “Indigenous” rights, viewing them as state-imposed, homogenizing legal constructs that fail to capture their true authority over their homelands.

This report occasionally utilizes the terms “Aboriginal” and “Indigenous” strictly to critique or reference Canadian constitutional law (Section 35) and international law (such as the UN Declaration on the Rights of Indigenous Peoples) using their own statutory language. However, the use of these terms in this document must not be construed as an endorsement of pan-Indigenization, nor does it supersede the inherent sovereignty of the specific First Nations rightsholders.



Development in the Ring of Fire must be understood through the following hierarchy of rights and responsibilities:

- ✦ **Inherent Responsibilities and Natural Law (*Anishinaabe Inaakonigewin* / Cree Natural Law):** These are the highest laws. They pre-date colonization, the creation of Canada, and international human rights declarations. These rights and responsibilities were given by the Creator and dictate the sacred rules of land stewardship, harvesting, environmental protection, and consensus-building. They are non-negotiable obligations to the land, the water, and future generations.
- ✦ **First Nations Rightsholders:** Rights belong to the specific, distinct political entities and peoples (e.g., Ginoogaming First Nation, Attawapiskat First Nation), not to a generalized “Indigenous” population. Each Nation holds specific, localized authority over its traditional territory that cannot be bypassed by consulting regional bodies or neighboring groups.
- ✦ **Treaty Rights:** These are the specific, nation-to-nation agreements negotiated between distinct First Nations and the Crown. In the Ring of Fire, this is governed by Treaty 9 (1905-1906). While the Crown drafted the text as a land surrender, the oral agreements negotiated by First Nations leadership are believed to have established a binding treaty of co-existence, mutual sharing, and peace. Therefore, the First Nations of Treaty 9 believe that treaty rights represent a shared jurisdictional reality, not a surrender of First Nations sovereignty.
- ✦ **Aboriginal Rights:** A Canadian legal construct used in Section 35 of the *Constitution Act, 1982*. The Constitution does not *grant* these rights; it merely recognizes and affirms them within the Canadian legal system. Many First Nations view the Crown’s interpretation of “Aboriginal rights” as overly restrictive and designed to limit inherent sovereignty to specific cultural practices rather than full economic and territorial jurisdiction.
- ✦ **Indigenous Rights:** An international legal construct, most notably codified in the *United Nations Declaration on the Rights of Indigenous Peoples* (“UNDRIP”). While UNDRIP provides vital baseline protections—such as Free, Prior, and Informed Consent—these are minimum universal standards, not the ceiling.

By grounding this report in the specific inherent responsibilities and Treaty rights of the Anishinaabe and Omushkego peoples, the report demands that governments and corporations move beyond generic “Indigenous engagement” checklists and instead respect the true jurisdictional authority of First Nations rightsholders.

EXECUTIVE SUMMARY



Discovered in the early 2000s, the Ring of Fire in Ontario refers to a large, mineral-rich region located in the James Bay Lowlands, approximately 500 kilometers northeast of Thunder Bay. This area is known for its vast deposits of valuable minerals, including chromite, nickel, copper, platinum, vanadium, and gold.

The Ring of Fire has been a focal point of economic interest for mining companies, the Ontario government, and First Nations communities. Although the timeline of proposed developments in the region has been framed as being “delayed” by Indigenous concerns, this report recognizes that the unilateral assertion of provincial and corporate authority has been actively and successfully halted by the jurisdictional authority of First Nations. The timeline is not suffering from delays; rather, it is being managed by First Nations rightsholders asserting their inherent rights to protect their lands, demand equitable economic structuring, and ensure environmental stewardship before any extraction is permitted.

This report assesses the existing and potential human rights impacts of proposed mining operations in the Ring of Fire region on First Nations communities. It evaluates whether government and corporate actors are fulfilling their responsibilities under international human rights standards, particularly with respect to the principle of Free, Prior, and Informed Consent (“FPIC”). Drawing on Treaty 9, the *United Nations Declaration on the Rights of Indigenous Peoples* (“UNDRIP”), and the UN Guiding Principles on Business and Human Rights (“UNGPs”), the report centers the lived experiences and legal assertions of First Nations to examine compliance gaps and systemic challenges.

The report focuses primarily on the experiences of First Nations communities in Treaty 9 territory whose territories, governance structures, and community voices play a central role in ongoing legal and political responses to the development of the Ring of Fire. The report examines the policies, commitments, and practices of mining companies with claims in the Ring of Fire for the purposes of identifying both best practices and gaps regarding Indigenous engagement and sustainable operations.

Key Findings

- ✦ **Shortcomings in FPIC Implementation:** Development in the Ring of Fire has proceeded without federal and provincial engagement in meaningful Free, Prior and Informed Consent (“FPIC”) processes with affected First Nations. Community members have repeatedly raised concerns over the lack of consultation, procedural transparency, and decision-making power.
- ✦ **Environmental and Cultural Harm:** First Nations members emphasized the disruption of traditional hunting grounds, damage to traplines, and their concerns regarding adverse impacts of mining on water, wildlife, and health. The fragility of the James Bay Lowlands ecosystem heightens the risk of irreversible environmental degradation.
- ✦ **Disconnect Between Policy and Practice:** While governments and companies publicly endorse reconciliation and sustainability, their actions often reflect a disconnect between stated aspirations and on-the-ground realities. Community members reported receiving little to no direct communication, limited access to information, and exclusion from decisions about their own lands.
- ✦ **Systemic Capital Markets Risk & Redwashing:** The failure of Canadian securities regulators to mandate verified reporting on Indigenous rights has allowed corporations to rely on unverified corporate social responsibility (“CSR”) claims. This raises concerns regarding potential “redwashing”, which obscures the material financial risks associated with failing to secure FPIC and leaves investors exposed to the fallout of non-consensual extraction.

Recommendations

- ✦ **Strengthen Enforcement of FPIC:** Canadian law should more robustly recognize and enforce FPIC as defined under UNDRIP, ensuring that Indigenous communities are meaningfully consulted and only mutually agreed developments are carried forward.
- ✦ **Align Provincial and Federal Policies with UNDRIP and UNGPs:** All development-related frameworks must reflect Canada’s international human rights commitments. This includes revising the Ontario *Mining Act* and implementing environmental assessment procedures to meet standards of transparency, participation, and equity.
- ✦ **Support First Nations-Led Governance and Sustainable Development:** Federal and provincial actors should prioritize Indigenous-led consultation protocols, co-management structures, and revenue-sharing mechanisms. Environmental decision-making must incorporate Indigenous knowledge systems and reflect the long-term well-being of affected communities.
- ✦ **Implement Call to Action No. 92 of the Truth and Reconciliation Commission of Canada:** Businesses should adopt UNDRIP as a reconciliation framework and apply its principles, norms, and standards in corporate policy and operations, including in regulatory reporting disclosure, which should be verified by an Independent Auditors report.
- ✦ **Transition to Economic Sovereignty (Beyond the IBA):** Corporations and governments must pivot from transactional Impact Benefit Agreements (“IBAs”) to consent-based equity ownership. This includes implementing “Golden Share” environmental protections—specialized equity structure granting Indigenous Nations veto rights over specific environmental decisions — and transitioning to an “Infrastructure Utility Model” that allows First Nations to own enabling infrastructure outright.



METHODOLOGY

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The findings and recommendations in this report are grounded in a combination of legal analysis, interviews, and secondary research. The legal analysis primarily draws on international standards, particularly, the principle of Free, Prior, and Informed Consent (“FPIC”) within the *United Nations Declaration on the Rights of Indigenous Peoples* (“UNDRIP”), the UN Guiding Principles on Business and Human Rights (“UNGPs”), and other relevant international human rights law. These frameworks provide the foundation for assessing the obligations and responsibilities of state and corporate actors involved in resource development and seek to provide a common and universal framing to discuss the potential impacts of mining and infrastructure development on First Nations in the Ring of Fire region.

In addition to legal analysis, the report incorporates interviews with First Nations community members who shared concerns regarding existing and potential environmental, social, and legal impacts of mineral exploration and development. Their voices are central to understanding the lived realities and resistance strategies of affected communities. The report also draws on interviews with representatives of mining companies operating in the Ring of Fire region to better understand existing corporate policies and practices, approaches to engagement with Indigenous communities to date, and areas where improvements may be needed.

Finally, secondary research—comprising public reports, legal filings, government documents, and media coverage—supports and contextualizes the primary findings. Through this multi-method approach, the report aims to center Indigenous perspectives and uphold the principles of rights-based research, while identifying legal and policy gaps in the governance of resource development in northern Ontario.

BACKGROUND

THE RING OF FIRE REGION

The so-called “Ring of Fire” is a 5,000 square kilometer-region located in the James Bay Lowlands in northern Ontario – approximately 500 kilometers northeast of Thunder Bay. Since the early 2000s, the area has been known for potentially containing deposits of critical minerals, such as chromite, copper, cobalt, platinum and nickel – minerals that are used for low- and zero-emission vehicles.¹ The remote region is home to many First Nations and accessible only by air or ice roads in the winter.² The region is also environmentally sensitive. It contains the largest intact peatland expanse in North America (and the second largest in the world), estimated to store more than 35 billion tonnes of carbon.³

The Ring of Fire has been a focal point of economic interest for mining companies, the Ontario government, and First Nations communities. Proponents claim that the minerals in the area have the potential to lower greenhouse gas emissions (specifically, the manufacturing of electric vehicles) and create significant economic opportunities, including jobs and infrastructure development.⁴ The foregoing benefits are aligned with the federal government’s *Critical Minerals Strategy*, which is aimed at increasing the supply of critical minerals for energy transition.⁵

However, the development of the region has been delayed due to several challenges, including the need for transportation infrastructure (such as roads or railways), and negotiations with local Indigenous communities regarding land rights, environmental stewardship, and economic benefits. Environmentalists and some Indigenous communities have also warned about the serious costs of disturbing the region’s peatland since peatlands are instrumental to regulating the climate.⁶ Scientists warn that if mining exploration activities damage the peatlands, then the release of significant amounts of carbon dioxide would do more harm to the global climate than EVs could solve.⁷

IN THE HEART OF TREATY 9 TERRITORY

Treaty No. 9: James Bay Treaty

Much of the land affected by mining claims in the Ring of Fire fall under Treaty No. 9 (the James Bay Treaty), signed in 1905–06 with adhesions in 1929–30.⁸ The treaty was negotiated between the Crown and several Cree and Ojibwe First Nations across northern Ontario.⁹ It permitted the federal and provincial governments to access Indigenous territories for resource extraction and settlement, while promising to protect Indigenous communities’ rights to hunt, fish, and trap on those same lands.¹⁰

However, a long-standing dispute remains regarding the meaning and scope of the treaty’s terms. While the written text suggested a cession of land, oral histories passed down by Elders describe the agreement as one of mutual sharing, not surrender.¹¹ According to these accounts, signatories never agreed to extinguish their rights or sovereignty, and expected to retain meaningful control over their traditional lands and livelihoods.¹²

This led to the formation of a coordinated First Nations’ legal resistance. In April 2023, ten Ontario First Nations—including Ginoogaming First Nation, a Treaty 9 signatory—launched a monumental \$95-billion lawsuit against the federal and provincial governments, directly challenging their assumed jurisdiction over Crown lands and seeking recognition of co-jurisdiction over Treaty 9 territories.¹³

Impacted First Nations

The Ring of Fire region is home to several First Nations communities, including nine members of the Matawa First Nations tribal council (Aroland First Nation, Eabametoong First Nation (Fort Hope), Ginoogaming First Nation, Neskantaga First Nation, Nibinamik First Nation, Long Lake No. 58, Constance Lake First Nation, Marten Falls First Nation, and Webequie First Nation),¹⁴ and five members of Mushkegowuk First Nations tribal council (Weenusk First Nation, Attawapiskat First Nation, Kashechewan First Nation, Fort Albany First Nation, and Moose Creek First Nation).¹⁵ The territories of these Nations overlap with mineral claims and proposed infrastructure corridors within the Ring of Fire, positioning them at the heart of debates over consultation, land stewardship, and economic development.

First Nations in the region have deep cultural, social, and economic ties to the land.¹⁶ Hunting, fishing, trapping, and seasonal harvesting are not only sources of sustenance and income but are also core components of spiritual and communal life.¹⁷ The land provides a foundation for language, ceremony, and intergenerational knowledge transmission. As such, any environmental degradation or disruption of access to the land—such as from road construction or mineral exploration—carries not only ecological implications but also threatens cultural continuity and community well-being.¹⁸



Several First Nations in the region have responded to these pressures through legal challenges, community moratoriums, advocacy campaigns, and negotiations. While some communities have pursued partnership opportunities with governments or corporations,¹⁹ others have categorically opposed development without full, informed consent and adequate safeguards.²⁰ Despite varying approaches, the unifying concern remains the protection of Indigenous land, rights, and governance in the face of rapid industrial development, as further discussed throughout this report.

Figure 1:
Map of First Nations in the Ring of Fire

Source:
Impact Assessment Agency of Canada

MINING CLAIMS AND INFRASTRUCTURE DEVELOPMENT

Key Mining Claims in the Region

As of May 2025, there are over 42,000 mining claims in the Ring of Fire – an increase of 66 per cent since 2022.²¹ As part of the analysis of potential human rights impacts of mining development in the Ring of Fire, this report examines the policies and operations of three key corporate players in the region: Juno Corp. ("Juno"), Wyloo Metals Corp. ("Wyloo"), and Teck Resources Inc. ("Teck").

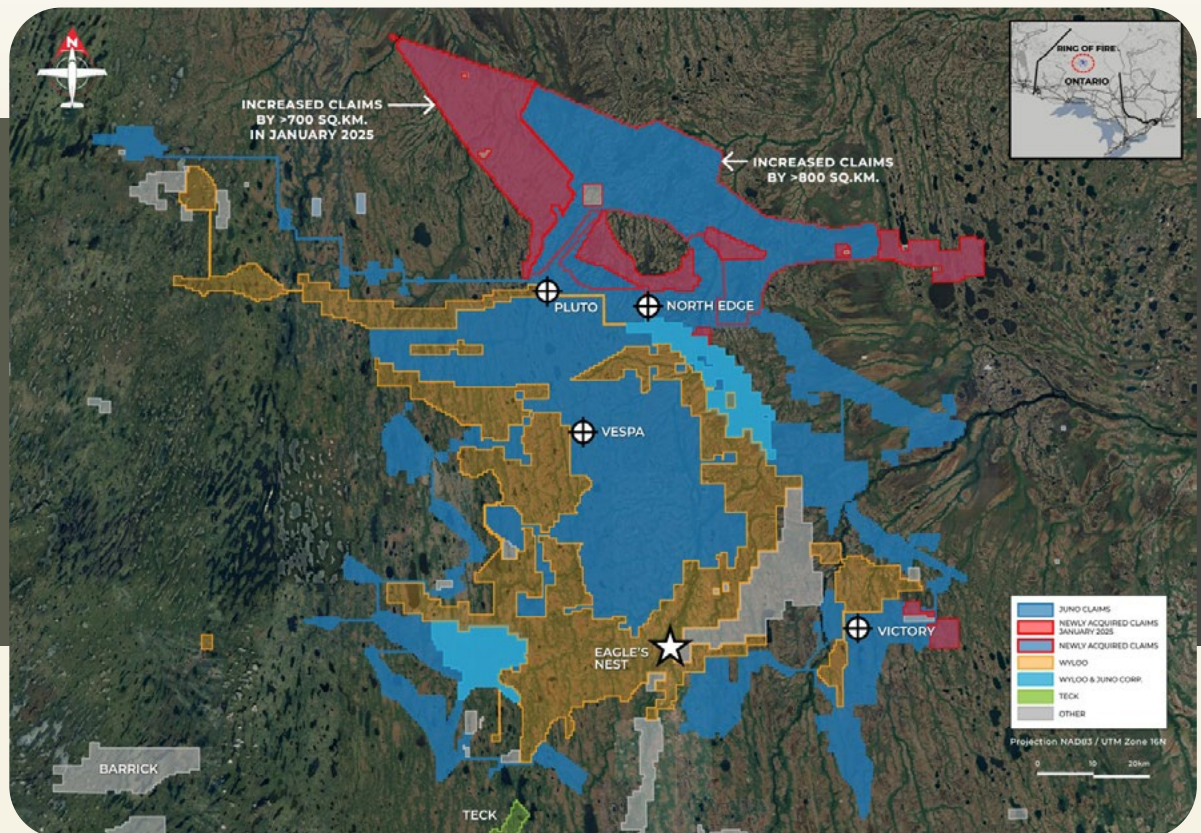
At present, Juno – a privately-held Canadian company formed in 2019 to pursue the exploration of critical minerals in the Ring of Fire – is the largest claim holder in the region.²² With claims spanning 4,600 km², Juno holds over 26,000 claims,²³ including the Vespa, Pluto, North Edge, and Victory sites, and exploration drilling permits at two mining sites.²⁴

The second largest holder of claims in the Ring of Fire is Australian mining company Wyloo. In 2022, Wyloo acquired Noront Resources, which held major mineral claims in the Ring of Fire since 2007, including the Eagle's Nest deposit.²⁵ Wyloo now controls the Eagle's Nest project, which is the most advanced in the region. In 2025, Wyloo stated that mine construction was targeted to begin by 2027,²⁶ but the company more recently stated that it is "aiming to secure permits for advanced exploration by 2029 following robust consultation with First Nations."²⁷ The Eagle's Nest aims to extract nickel, copper, platinum, and palladium.²⁸ Wyloo has signed a memorandum of understanding ("MOU") to secure a parcel of land to build a downstream battery materials processing facility in Greater Sudbury.²⁹

Another major player that emerged in the region was Canadian mining company Teck. In 2024, Teck entered into an option agreement with Canterra Minerals for their property in the Ring of Fire region. The Teck-Canterra project was approximately 30 km² in an area 40 km south of Wyloo's Eagle's Nest project.³⁰ In 2026, Teck exited the option agreement with Canterra, according to a representative of the company.

Figure 2:
Map of Mining
Claims (as of
January 2025)

Source:
Juno Corp



Proposed Infrastructure Development

Given the remote areas within which the mining claims are located, both mining companies and government have been strong proponents of infrastructure development in northern Ontario, including the building of roads and extension of electrical grids.

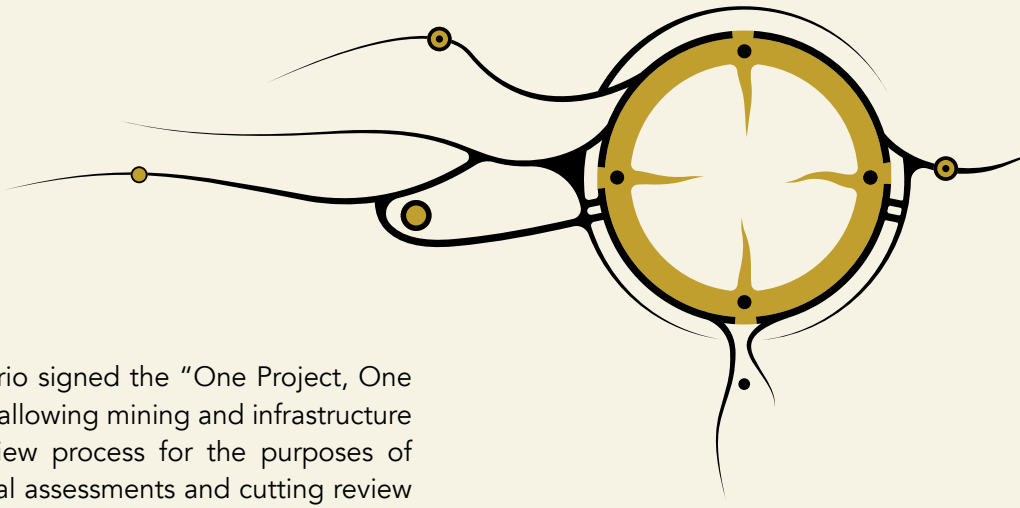
In 2017, the federal and Ontario governments announced a \$1 billion infrastructure plan to build roads and transportation routes into the Ring of Fire.³¹ In June 2024, Ontario Premier, Doug Ford, signed letters of confirmation with Ginoogaming First Nation, Animbiigoo Zaagi’igan Anishinaabek, Aroland First Nation, and Long Lake #58 First Nations that involve road upgrades to Highways 584 and 11.³² In 2020, Premier Ford’s government partnered with Marten Falls and Webequie First Nations on the Northern Road Link project.³³ The Northern Road Link will connect the proposed Marten Falls Community Access Road and the proposed Webequie Supply Road.³⁴ The new road will become part of a future all-season road network connecting mineral development activities in the Ring of Fire area.³⁵

The Greenstone Transmission Line is another ongoing project launched by Ontario in 2023 to power the Ring of Fire.³⁶ Running from Nipigon Bay to Aroland First Nation, the project is expected to be completed by 2032 and has been characterized as a high-priority project for the Ontario government.³⁷

The realization of the Ring of Fire’s economic potential relies entirely on the construction of a massive, interconnected network of all-season roads, which have been segmented into three distinct environmental assessments.³⁸ This strategic segmentation has been heavily criticized by environmental groups and Indigenous rights holders. By evaluating the segments independently, regulators fail to holistically measure the cumulative impacts of bisecting the pristine James Bay Lowlands, disrupting caribou migration routes, and crossing highly sensitive watersheds.

REGULATORY TRAJECTORY OF RING OF FIRE INFRASTRUCTURE

Infrastructure Project	Scope and Purpose	2026 Regulatory Status
Marten Falls Community Access Road (“MFCAR”)	A 190 to 230-kilometer all-season road connecting Marten Falls First Nation to the provincial highway network north of Nakina. Serves as the primary southern access route for the region.	The final Environmental Assessment was submitted to provincial and federal regulators on February 20, 2026, initiating the formal public review period which expired on April 10, 2026. ³⁹
Webequie Supply Road (“WSR”)	A 107-kilometer corridor linking the Webequie Airport directly to the McFaulds Lake mineral deposits. Specifically designed to facilitate the movement of heavy mining equipment and supplies to advanced exploration sites.	The Impact Assessment Agency of Canada (“IAAC”) released the draft Impact Assessment Report on April 23, 2026. The final public comment period for Indigenous Peoples and stakeholders concluded on May 22, 2026. ⁴⁰
Northern Road Link	A 117 to 164-kilometer connecting artery bridging the MFCAR and the WSR. This road must cross the ecologically critical Attawapiskat River, completing the continuous link from the mines to the southern highway system.	Co-proponents Marten Falls and Webequie First Nations are advancing the planning phase. The Notice of Commencement was officially reposted by the IAAC on October 17, 2024, with impact statement development ongoing. ⁴¹



Notably, in December 2025, Ontario signed the “One Project, One Process” agreement with Canada, allowing mining and infrastructure projects to undergo a single review process for the purposes of eliminating duplicate environmental assessments and cutting review timelines in half.⁴² As a result, the roads are set to begin opening five years ahead of schedule in 2030, and construction will reportedly begin as early as June 2026.⁴³

ONGOING LEGAL CHALLENGES

Between 2011 and the date of publication, there have been eight legal actions related to the Ring of Fire brought forward by First Nations communities against the Canadian and/or Ontario governments. The actions revolve around inadequate consultation in the environmental assessments and more broadly the mining activities in the region. An overview of these lawsuits can be found in *Appendix A - Lawsuit Tracker*.



THE RING OF FIRE: A TIMELINE

Below is a timeline of key events and developments related to the Ring of Fire in Ontario, focusing on the social, economic, environmental, and human rights implications.

1905
1906

The Crown and several Cree and Ojibwe First Nations negotiate and sign Treaty 9 in 1905-1906 (with adhesions in 1929-1930).⁴⁴ According to First Nations' Elders and oral histories, the agreement is fundamentally one of peace, mutual sharing, and co-existence, with First Nations retaining ultimate stewardship over their traditional lands. However, the Crown drafted the written text to represent a wholesale surrender and cession of Indigenous territories, establishing the foundational jurisdictional conflict that persists today.⁴⁵

2007

The Ring of Fire region is officially named after Richard Nemis discovers significant mineral deposits, including chromite, nickel, platinum, and copper. Noront Resources announces the discovery of a high-grade mineral deposit.⁴⁶

2008

The Government of Ontario recognizes the economic potential of the Ring of Fire region for the province.⁴⁷

2009

Cliffs Natural Resources (USA) begins developing the Black Thor chromite deposit, acquiring the land after a hostile takeover of Freewest Resources. This marks the beginning of aggressive plans to develop the Ring of Fire.⁴⁸

2010

Chief Eli Moonias of Marten Falls First Nation and Chief Cornelius Wabasse of Webequie First Nation, along with community members, establish a blockade of Koper and McFaulds Lakes, which were being used by Noront Resources as landing strips without consulting the First Nations.⁴⁹

2011

Both the federal and Ontario governments initiate environmental impact assessments for the Black Thor Project (Cliffs Natural Resources) and the Eagle's Nest Project (Noront Resources).⁵⁰

The Matawa First Nations launch a legal challenge to the federal environmental assessment process, which they allege fails to implement a Joint Panel for the Cliffs Black Thor chromite project.⁵¹

2013

The Matawa First Nations chiefs withdraw the legal challenge to the federal environmental assessment of the Cliffs chromite project in favor of negotiations.⁵²

Cliffs ultimately withdraws from the Black Thor chromite project, citing a lack of progress on infrastructure and unresolved disputes with local Indigenous communities.⁵³

2014

The Matawa First Nations enter into a Regional Framework Agreement with Ontario to discuss infrastructure development and revenue sharing from mining operations.⁵⁴

2015

The Matawa First Nations object to Noront Resources' purchase of Cliffs' assets for \$20 million and the lack of engagement on environmental assessments.⁵⁵

2017

The federal and Ontario governments announce a \$1 billion infrastructure plan to build roads and transportation routes into the Ring of Fire.⁵⁶

2018

Thunder Bay's City Council approves the city's joint proposal with Fort William First Nation to establish a plant in the community and transport chromite to the city from the Aroland and Nakina area.⁵⁷

2021

Attawapiskat First Nation, Fort Albany First Nation, and Neskantaga First Nation issue a self-declared "moratorium" against any development in, or to facilitate access to, the Ring of Fire area.⁵⁸

2022

Treaty 9 First Nations file a proposed class proceeding against the government of Canada seeking \$10 billion in equitable compensation on the basis that Canada failed to implement the terms of Treaty 9.⁵⁹

2023

February: Marten Falls First Nation and Webequie First Nation start leading environmental assessments for the Northern Road Link Project, an all-season road project.⁶⁰

March: Federal Environment Minister Steven Guilbeault agrees to scrap a draft framework for a regional assessment and start working with First Nations.⁶¹

April: Ten Ontario First Nations launch a \$95-billion lawsuit against the federal and provincial governments challenging their jurisdiction over Crown lands.⁶²

2024

June: The Ontario Premier signs letters of confirmation with Ginoogaming First Nation, Animbiigoo Zaagi'igan Anishinaabek, Aroland First Nation, and Long Lake #58 First Nation that involve road upgrades to Highways 584 and 11, and release \$1.9 million funding for Indigenous skills training related to regional mine development and \$2 million to build the Migizi Plaza Rest Stop.⁶³

July: Grassy Narrows First Nation launches a challenge against Ontario's *Mining Act* claiming that the system for granting mining claims pursuant to the legislation is unconstitutional and inconsistent with UNDRIP.⁶⁴

August: Apitipi Anicinapek Nation, Aroland First Nation, Attawapiskat First Nation, Fort Albany First Nation, Ginoogaming First Nation and Kitchenuhmaykoosib Inninuwug file an application at the Ontario Superior Court of Justice challenging Ontario's *Mining Act*.⁶⁵

2025

January: The Government of Canada and 15 First Nations⁶⁶ announce a historic partnership for the Ring of Fire regional assessment,⁶⁷ aimed at reviewing cumulative impacts of proposed infrastructure and mining. The Ontario government signs agreement with Aroland First Nation to build roads along the route to the Ring of Fire (the first official provincial agreement of this kind).⁶⁸

September: The Ontario government confirms \$61.8 million for the Geraldton Main Street Rehabilitation Project, which will serve as "the gateway to the Ring of Fire".⁶⁹

October: The Ontario government signs agreement with Webequie First Nation to speed up all-seasons road construction to act as a "critical link" to the Ring of Fire.⁷⁰

November: The Ontario government signs agreement with Marten Falls First Nation to build an all-seasons road connecting the First Nation to Ontario's highway network.⁷¹

2026

February: The federal government declines to designate Wyloo's Eagle's Nest project for an environmental assessment in response to a request from Neskantaga.⁷² The Regional Assessment Working Group submits its interim report to partner First Nations and the federal government.⁷³

March: The Premier of Ontario announces that construction of access roads in Marten Falls and Webequie will begin in July 2026 and be open by 2030.⁷⁴

ANALYTICAL FRAMEWORK: AN INTERNATIONAL HUMAN RIGHTS-BASED APPROACH

As further discussed below, international human rights standards provide a normative, rights-based lens through which to assess the issues raised by Indigenous participants interviewed for this study in the Ring of Fire region. In particular, this report relies on the *United Nations Declaration on the Rights of Indigenous Peoples*, the UN Guiding Principles on Business and Human Rights, and other relevant international human rights law instruments. Together, these frameworks provide a

standardized, rights-based approach to understanding and evaluating the concerns expressed by Indigenous participants, including those relating to lands, territories, governance, and cultural continuity. They also ground the analysis in established principles such as free, prior and informed consent and the responsibilities of states and corporate actors to respect, protect, and fulfil human rights in the context of resource development.

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES (UNDRIP)

General Overview

The *United Nations Declaration on the Rights of Indigenous Peoples* ("UNDRIP"), adopted by the UN General Assembly in 2007, is the most comprehensive international instrument addressing the rights of over 370 million Indigenous peoples globally.⁷⁵ UNDRIP recognizes and affirms the inherent rights of Indigenous peoples and sets minimum standards for governments to protect and uphold their rights.⁷⁶

UNDRIP affirms that Indigenous peoples are equal to all other peoples while recognizing their right to maintain distinct political, legal, economic, social, and cultural institutions.⁷⁷ It acknowledges the historical injustices Indigenous peoples have faced due to colonization and dispossession of their lands and resources and emphasizes the importance of good faith, democracy, and non-discrimination in building cooperative relations.⁷⁸

Key rights affirmed under UNDRIP include, among others:

- ✦ **Self-Determination:** Indigenous peoples have the right to freely determine their political status and pursue their economic, social, and cultural development.⁷⁹
- ✦ **Autonomy and Self-Government:** Indigenous peoples have the right to self-governance in matters relating to their internal and local affairs.⁸⁰
- ✦ **Recognition as Distinct Peoples:** Indigenous peoples have the right to maintain and strengthen their distinct institutions while participating fully in broader society.⁸¹
- ✦ **Economic, Social and Cultural Rights:** Indigenous peoples have the right to practice their cultural traditions and customs and not be deprived of their distinct identities or subjected to forced assimilation.⁸²
- ✦ **Free, Prior, and Informed Consent:** States must consult and cooperate in good faith to obtain Indigenous peoples' consent before adopting measures affecting them.⁸³
- ✦ **Redress and Repatriation:** Indigenous peoples have the right to restitution or compensation for lands and resources taken without their consent.⁸⁴
- ✦ **Control of Lands, Territories, and Resources:** Indigenous peoples have the right to own, use, develop, and control their traditional lands, territories, and resources, with legal recognition by the state.⁸⁵

Free, Prior, And Informed Consent

Free, prior, and informed consent (“FPIC”) is a principle found throughout UNDRIP. It emphasizes the importance of recognizing and upholding the rights of Indigenous peoples and ensuring that there is effective and meaningful participation of Indigenous peoples in decisions that affect them, their communities, and territories.⁸⁶ More specifically, FPIC describes processes that are *free* from manipulation, coercion, or intimidation, *informed* in that adequate information is provided to Indigenous peoples that is easily accessible and readily available, and occur sufficiently *prior* to a decision.⁸⁷ This means consent is sought “sufficiently in advance of any approval or commencement of activities, with respect shown to the time requirements of Indigenous consultation and consensus processes.⁸⁸ According to Victoria Tauli-Corpuz, former UN Special Rapporteur on the Rights of Indigenous Peoples, states shall consult in good faith with the Indigenous Peoples through their own representative institutions and obtain their free and informed consent *prior to the approval of any project* affecting their lands or territories and other resources.⁸⁹

FPIC describes processes that are free from manipulation, coercion, or intimidation, informed in that adequate information is provided to Indigenous peoples that is easily accessible and readily available, and occur sufficiently prior to a decision.

The concept of “consent” under FPIC is not only about Indigenous peoples’ right to say “yes” to a proposed project, but also the right to say “no” or “yes, but only under certain conditions.”⁹⁰ FPIC is about Indigenous peoples being equal decision-makers, with a real say over what happens on their lands and territories – not just reacting to what governments propose. Consent should be a clear and genuine agreement, not something assumed or pressured.⁹¹

The UN Expert Mechanism on the Rights of Indigenous Peoples (“EMRIP”) - an expert body of the UN Economic and Social Council - has stated that the goal of FPIC is not to provide veto power over decisions, as focusing on questions about whether Indigenous peoples have a “veto” can distract from and weaken the idea of FPIC.⁹² A focus on “veto” can make it seem like governments are the main decision-makers, and Indigenous peoples are just an outside check on those decisions. Instead, FPIC is meant to ensure that Indigenous peoples are involved in decision-making processes from the very beginning, helping shape both the process and outcome. In this approach, a decision is not legitimate unless Indigenous peoples agree to it.⁹³

According to EMRIP, any limitation on FPIC must be “necessary and proportionate for the purpose of achieving the human rights objectives of the society as a whole and be non-discriminatory.” This means that governments can only limit FPIC in rare cases in order to protect broader human rights.⁹⁴ Consent may not be required if it can clearly be shown that a project will not meaningfully affect Indigenous peoples’ rights to their lands, resources, or way of life.⁹⁵ Consent may also not be required if any impact on rights is very limited and falls within strict rules allowed under international human rights law.⁹⁶ In any event, any limit must be truly necessary, carefully balanced, and for a valid public purpose. It is not valid to limit FPIC merely for the purposes of supporting business interests, such as making profit.⁹⁷ In practice, this is a high bar, and it is especially difficult to justify in the context of extractive projects on Indigenous lands.⁹⁸

In the context of extractive activities, the general rule is that consent is required from affected Indigenous peoples for extractive projects within Indigenous territories.⁹⁹ According to James Anaya, the former UN Special Rapporteur on the Rights of Indigenous, extractive projects, like mining, generally should not go ahead on Indigenous lands unless Indigenous peoples have given their FPIC.¹⁰⁰ This applies not just to lands officially recognized by the government as reserved for Indigenous peoples, but also to lands they traditionally use, as well as areas that are culturally or spiritually important to Indigenous peoples.¹⁰¹

Self-Determination and Control Over Lands, Territories and Resources

Under international human rights law, the principle of FPIC is not a standalone procedural requirement; it is the direct operationalization of the fundamental right to self-determination.¹⁰² Article 3 of UNDRIP states that Indigenous peoples have the right to self-determination. This includes the right to freely determine political status and freely pursue economic, social, and cultural development.¹⁰³ Articles 4 and 5 extend this principle, recognizing the right to self-government in internal affairs and the right to maintain distinct political, social, and economic institutions.¹⁰⁴ These rights are inextricably linked to the land. Article 26 explicitly affirms that Indigenous peoples have the right to own, use, develop, and control the lands, territories, and resources they possess by reason of traditional ownership or occupation.¹⁰⁵

In the context of resource extraction in the Ring of Fire, Article 32 of UNDRIP provides the critical mechanism linking self-determination to land control. It mandates that States must consult and cooperate in good faith to obtain FPIC prior to the approval of any project affecting Indigenous lands or territories, *particularly* in connection with the development, utilization, or exploitation of mineral, water, or other resources.¹⁰⁶ Consequently, FPIC operates as a safeguard ensuring that extractive projects cannot proceed without the host Nation exercising its self-determining authority to say yes, no, or to negotiate conditions. Importantly, consent is the practical mechanism whereby Indigenous peoples

self-determine their political, cultural, and economic priorities.¹⁰⁷ States must engage in genuine negotiation and include Indigenous people's own initiatives and development plans—not merely inform or note their views.¹⁰⁸ In this way, FPIC safeguards Indigenous people's right to develop and control their lands, preserving their self-determination and cultural identity.

As James Anaya posits, Indigenous-controlled resource extraction is preferred over the prevailing model where outside companies control operations.¹⁰⁹ The former model is more compatible with Indigenous rights to self-determination under UNDRIP, as it enables Indigenous peoples to pursue resource extraction on their own terms.¹¹⁰ This right also allows Indigenous peoples to freely enter negotiations with companies if they choose to do so, which can offer efficient routes to mutually agreed upon arrangements.¹¹¹

For Treaty 9 First Nations, this international standard aligns intimately with their inherent rights and the original oral agreements of the treaty. The unilateral imposition of the provincial free-entry mining system, which grants mineral claims without prior consent, structurally violates both Article 26 and Article 32. True self-determination in the Ring of Fire requires that First Nations move beyond being mere subjects of consultation, reclaiming their rightful position as primary decision-makers and equity owners over the resources within their traditional territories.



Photo courtesy of Jacqueline Okitchquo. Depicts the family trapline area.

Canada's Implementation of UNDRIP

In 2021, Canada enacted the *United Nations Declaration on the Rights of Indigenous Peoples Act* ("UNDRIPA"). The federal legislation aims to develop a framework to help governments at all levels in implementing UNDRIP, informing how governments can approach these legal duties moving forward. However, according to the Government of Canada, UNDRIPA does not immediately change Canada's existing duty to consult Indigenous groups, or other participation and consultation requirements as set out in existing legislation, such as the *Impact Assessment Act* ("IAA").¹¹²

Among other things, UNDRIPA includes an obligation on the federal government to ensure its laws are in compliance with UNDRIP.¹¹³ UNDRIPA also requires the Canadian government to prepare an action plan to achieve UNDRIP's objectives, in consultation with Indigenous peoples. This action plan was published by the Canadian government in 2023, and includes measures Canada must take to address injustices against Indigenous communities, to encourage mutual understanding between Indigenous and non-Indigenous people, and outlines steps that will be taken to ensure UNDRIP is effectively implemented and upheld.¹¹⁴ The federal government is also required to publish an annual report on progress made in aligning Canadian laws with the action plan.¹¹⁵

Within Canada, it is recognized that the principle of FPIC in UNDRIP builds on and goes beyond the legal duty to consult under section 35 of the *Constitution Act, 1982*.¹¹⁶ This was affirmed in the Federal Court's 2025 decision in *Kebaowek First Nation v. Canadian Nuclear Laboratories* ("Kebaowek").¹¹⁷ The Federal Court found that UNDRIP informs the duty to consult and requires robust, deep consultation directed toward consent. However, the Court also concluded that FPIC does not amount to a veto and that final decision-making authority remains with the Crown.¹¹⁸ This interpretation risks diluting the substantive protections FPIC is intended to provide under international law. Indigenous rights experts, including the UN Special Rapporteur on the Rights of Indigenous Peoples, have long distinguished between consultation aimed at obtaining consent and mere procedural consultation, warning that reducing FPIC to "consultation-plus" undermines Indigenous self-determination and perpetuates colonial decision-making structures. While *Kebaowek* marks progress in recognizing UNDRIP within Canadian law, it leaves unresolved the deeper question of whether true consent will be meaningfully respected in practice.



UNITED NATIONS GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS (UNGPS)

General Overview

The UN Guiding Principles on Business and Human Rights (“UNGPs”)¹¹⁹ provide an internationally accepted framework for assessing the actions of both governments and companies in the Ring of Fire region. Although the UNGPs are “soft law” and not legally binding, they carry significant normative weight: they were unanimously endorsed by the UN Human Rights Council and are widely understood to reflect and operationalize existing international legal obligations, particularly with respect to states’ duties to protect human rights and ensure access to remedy.¹²⁰ Importantly, the UNGPs also clarify that, alongside the state duty to protect, businesses have an independent responsibility to respect human rights—requiring them to avoid infringing on the rights of others and to address adverse impacts with which they are involved, regardless of whether states are meeting their own obligations.¹²¹ As such, the UNGPs serve not only as a policy guide but as an authoritative benchmark for both state and corporate conduct. Canada has also established institutional mechanisms that engage directly with the UNGP framework, including the National Contact Point for Responsible Business Conduct¹²² and the Canadian Ombudsperson for Responsible Enterprise,¹²³ both of which provide avenues to raise complaints and encourage Canadian companies to align their practices with UNGP standards.

Key Pillars: Protect, Respect, and Remedy

The principles identified in the UNGPs are divided into three key pillars:

State Duty to Protect Human Rights:

States are responsible for protecting individuals from human rights abuses by third parties, including businesses. This involves the implementation of effective policies, laws, and regulations to prevent human rights abuses and to protect marginalized communities, including Indigenous peoples.¹²⁴ States must protect against human rights abuse within their territory by third parties, including business enterprises,¹²⁵ and should set out clearly the expectation that businesses domiciled within their jurisdiction respect human rights throughout their operations.¹²⁶

Corporate Responsibility to Respect Human Rights:

Businesses should avoid infringing on human rights and address any adverse impacts they are involved in. This responsibility applies to all business operations, regardless of size or sector.¹²⁷ Among other things, this includes the responsibility of business enterprises to adhere to internationally recognized human rights, such as UNDRIP,¹²⁸ carry out human rights due diligence to assess the potential impacts of their activities on human rights,¹²⁹ and prevent and mitigate adverse human rights impacts, including through use of its leverage.¹³⁰

Access to Remedy:

Victims of business-related human rights abuses should have access to effective judicial and non-judicial remedies. States and businesses must provide channels for grievances to be addressed and resolved.¹³¹ States must ensure that those affected by human rights abuses within their jurisdiction have access to effective judicial, administrative, and other appropriate mechanisms to seek remedy.¹³² Business enterprises should establish or participate in operational-level grievance mechanisms for individuals or communities who may be adversely impacted by their operations.¹³³



The UNGP's three pillars provide an important framework for assessing the responsibilities of both the federal and Ontario government and companies operating in the region. The Crown must not only engage in meaningful consultation and consent processes with affected Indigenous communities, consistent with UNDRIP and Canada's international human rights obligations, but must also ensure robust regulatory oversight of mining activities. At the same time, companies operating in the region have an independent responsibility to respect human rights by identifying and addressing risks to Indigenous rights, lands, and livelihoods, and engaging in good-faith, rights-respecting relationships with communities. In the event of adverse impacts, it is essential that both governments and companies have systems in place to ensure effective remedy.

OTHER RELEVANT INTERNATIONAL STANDARDS

The protection of Indigenous rights, including the principle of FPIC, is grounded in a broader body of international human rights law, including treaties to which Canada is a State Party, such as the International Covenant on Civil and Political Rights (“ICCPR”),¹³⁴ the International Covenant on Economic, Social and Cultural Rights,¹³⁵ and the International Convention on the Elimination of Racial Discrimination.¹³⁶ These international treaties require states to ensure that every person is free from racial discrimination¹³⁷ and has the fundamental right to self-determination.¹³⁸ FPIC flows directly from the rights guaranteed by these agreements, ensuring that Indigenous peoples have specific and concrete rights to self-determination and non-discrimination.¹³⁹

Furthermore, Article 25 of the ICCPR provides every citizen the right to take part in public affairs. UNDRIP adapts this general right specifically to Indigenous peoples through Article 18, which affirms their right to participate in decision-making in matters affecting their rights through representatives chosen by themselves and in accordance with their own procedures.¹⁴⁰ This provision serves two important purposes: first, to remedy historical exclusion of Indigenous peoples in public life and decision-making processes; and second, to legitimately recognize and restore Indigenous representative bodies and decision-making systems that were abolished or ignored by colonial governments.¹⁴¹ By ensuring that Indigenous peoples can participate in decision-making through their own institutions and according to their own laws and customs, Article 18 helps ensure that they are not merely consulted, but are able to meaningfully shape outcomes affecting them.¹⁴²

Finally, as recognized under the UNGPs, international human rights law requires states to regulate third parties to prevent human rights violations. UN human rights treaty bodies have repeatedly affirmed that states have a duty to regulate corporate conduct and exercise due diligence to prevent business-related human rights harms. In *Basem Ahmed Issa Yassin et al. v. Canada*, the Human Rights Committee recognized that states may bear obligations where activities conducted by enterprises under their jurisdiction impair rights under the ICCPR.¹⁴³ Other treaty bodies, including the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, and the Committee on the Rights of Persons with Disabilities, have similarly emphasized that states must protect against human rights abuses by private actors, including corporations.¹⁴⁴ Regional human rights bodies have adopted comparable approaches. The Inter-American Commission on Human Rights has explained that a state may incur responsibility where it has knowledge of corporate conduct that threatens human rights and the state tolerates or acquiesces to such conduct.¹⁴⁵ In the context of mining development in the Ring of Fire, these international human rights principles require Canada and Ontario to ensure that robust regulatory frameworks are in place to prevent corporate activities from undermining the rights of affected First Nations communities.

Advisory Opinions with Respect to Climate Change

Recent developments in international jurisprudence underscore that environmental protection and climate governance are inseparable from the protection of Indigenous rights, making these standards highly relevant to development in the Ring of Fire region. Specifically, advisory opinions from the Inter-American Court of Human Rights ("IACHR") and the International Court of Justice ("ICJ") released in July 2025 reinforce that states have binding obligations to prevent environmental harm and protect human rights.

The IACHR Advisory Opinion on Climate Emergency and Human Rights, released July 3, 2025, recognizes the human right to a healthy environment under Article 26 of the *American Convention on Human Rights*.¹⁴⁶ This also reflects the resolution adopted by the UN Human Rights Council in 2021 which encouraged states "to adopt policies for the enjoyment of the right to a clean, healthy and sustainable environment as appropriate, including with respect to biodiversity and ecosystems" and "to continue to take into account human rights obligations and commitments relating to the enjoyment of a clean, healthy and sustainable environment in the implementation of and follow-up to the Sustainable Development Goals."¹⁴⁷ The IACHR Advisory Opinion recognized the obligation to not cause irreversible harm to the environment as a *jus cogens* norm and found that "all States should cooperate to end conducts that violate the prohibitions derived from peremptory norms of general international law that protect a healthy environment."¹⁴⁸

The IACHR Advisory Opinion also refers to the principles of environmental democracy, defined as "the need to ensure rights of access to information, participation and justice in any process leading to environmental decision-making," with guaranteed equity and proportionality for meaningful participation.¹⁴⁹ The IACHR highlighted that the protection of ecosystems must take into account "how to ensure adequate protection for the rights of Indigenous and tribal peoples and communities that have a close relationship with those ecosystems."¹⁵⁰

Similarly, the ICJ Advisory Opinion affirmed that states have binding obligations under customary international law to take preventive and precautionary measures to avoid significant harm to the environment and emphasized that climate change and environmental degradation are inseparable from the protection of fundamental human rights.¹⁵¹ The ICJ noted that climate protection has attained the status of obligations *erga omnes*—customary international law obligations that require all states, including Canada, to protect the climate system and other parts of the environment from anthropogenic greenhouse gas emissions.¹⁵² The ICJ specified that state failure to protect the climate system may include fossil fuel production and consumption, the granting of fossil fuel exploration licences, and the provision of fossil fuel subsidies.¹⁵³ The ICJ expressly noted that Indigenous peoples may be more severely affected by the impacts of climate change.¹⁵⁴

Accordingly, international law recognizes that failure to prevent, mitigate, or avoid climate-harmful decision-making will disproportionately impact Indigenous persons, aggravating historic disadvantage and undermining the equality guarantees that international law requires Canada to uphold. Potential development in the Ring of Fire puts an estimated 664-726 Mt C of peat carbon at risk over the territory covered by mining claims and road-building projects.¹⁵⁵ This equals approximately 2.4 to 2.6 Gt of carbon dioxide and risks turning the Ring of Fire region into a carbon source.¹⁵⁶ These issues pose serious threats to the climate and might run against state obligations to protect the environment, as delineated in the IACHR and ICJ advisory opinions.

INDIGENOUS RIGHTS IN THE RING OF FIRE: FIRST NATIONS PERSPECTIVES AND KEY ISSUES



The findings in this section are grounded in direct engagement with First Nations community members across the Treaty 9 region. In an effort to center grassroots perspectives, discussions were held with individuals from Constance Lake First Nation, Fort Albany First Nation, Ginoogaming First Nation, Long Lake 58 First Nation, Moose Cree First Nation, Nibinamik First Nation, Attawapiskat First Nation, Eabametoong First Nation, and Missanabie Cree First Nation, as well as representatives connected to the Mushkegowuk Council (“Mushkegowuk”) and Matawa First Nations Management (“Matawa”). These engagements sought to reflect a diversity of experiences and relationships to proposed mining and infrastructure developments. Particular care was taken to ensure that the perspectives included here are not limited to leadership positions, but also reflect the lived realities and concerns of community members directly affected by ongoing and proposed activities in the region.

These conversations took place against the backdrop of overlapping and ongoing crises affecting many First Nations across northern Ontario. Communities are navigating long-standing and intersecting challenges, including mental health emergencies, unsafe drinking water, housing shortages, inadequate healthcare access, and rising violence linked to the drug crisis.¹⁵⁷ Multiple Nations and regional organizations have declared states of emergency in recent years in response to these conditions, underscoring the severity and persistence of these issues.¹⁵⁸ For example, communities have reported ongoing suicide crises, decades-long boil water advisories, repeated evacuations due to flooding or infrastructure failures, and significant gaps in policing, health, and social services.¹⁵⁹ These conditions place considerable strain on already limited human and financial resources, directly impacting communities’ capacity to engage meaningfully in consultation and decision-making processes related to development on their territories.¹⁶⁰



As a result, the perspectives shared in this section must be understood within this broader context of structural inequity and crisis. Community members consistently emphasized that they are being asked to participate in complex, high-stakes negotiations over mining and infrastructure projects while simultaneously managing urgent and immediate threats to community well-being. This raises important questions about the fairness and legitimacy of consultation processes, particularly where capacity constraints and crisis conditions limit the ability of First Nations to engage on their own terms.

The themes that follow—FPIC and consultation, environmental challenges and climate risks, economic benefits and challenges, impacts on land, culture, and governance, and jurisdictional and regulatory gaps—reflect the key issues identified through these discussions and provide insight into how proposed development in the Ring of Fire is being experienced at the community level. The issues raised by communities are not ancillary to development; they are directly tied to the protection of fundamental human rights and must be treated as foundational to any mining and infrastructure development in the region. Meaningful consideration of these concerns must therefore occur before any development begins and continue throughout the full lifecycle of mining and related infrastructure projects. Failing to do so risks entrenching existing inequities and undermining both the legitimacy and sustainability of development in the region.

FREE, PRIOR AND INFORMED CONSENT & CONSULTATION

The duty to consult Indigenous peoples and the principle of FPIC are integral to the protection of Indigenous rights. UNDRIP Articles 19 and 32 affirm that Indigenous peoples have the right to FPIC before any project affecting their lands, territories, or resources is approved.¹⁶¹ While consultation is required for a broad range of government actions, FPIC is specifically required for activities that would have a significant impact on Indigenous lands or rights.¹⁶² As stated above, FPIC is about Indigenous peoples being equal decision-makers, with a real say over what happens on their lands and territories – not just reacting to what governments propose.¹⁶³

Barriers to Free, Prior and Informed Consent

Affected First Nations communities in the Ring of Fire region report facing numerous systemic barriers to meaningful participation in decisions affecting their territories. Indigenous community members report that FPIC, in effect, has been reduced to delayed notifications, inaccessible technical documents, and sporadic outreach that excludes elders, land users, and families directly impacted by development. Interviewees reported learning about exploration activity not through formal consultation processes, but through helicopter activity, social media posts, or flags appearing on traplines—bypassing any opportunity for informed and collective decision-making.¹⁶⁴

For example, Charles Hookimaw, a member of Attawapiskat First Nation, stated that his community receives only fragmented and highly technical summaries, often without context or proper opportunities for dialogue. He explained that information about proposed exploration permits is typically provided to Chief and Council, who are then expected to inform community members, despite often lacking the capacity and funding to facilitate meaningful discussions or prepare timely responses.¹⁶⁵ He stressed that First Nations communities lack funding for Indigenous-led assessments and that limited capacity and resources make permitting processes difficult for Indigenous communities to manage within the time periods imposed to go through permits.¹⁶⁶ Hookimaw also described relying on notices posted to the Environmental Registry of Ontario (“ERO”)—a platform where the provincial government shares information on environmental permits—which may provide only limited information and often allow just 30 days for comments from First Nations members like him.¹⁶⁷ When additional information is needed, requests to the Ministry of Energy and Mines may go unanswered, receive responses

only shortly before deadlines, or, in some cases, be answered only after decisions have already been made about permits.¹⁶⁸ According to Hookimaw, ministry officials have at times indicated that consultation with First Nations has already occurred through company-led processes, without disclosing how those consultations were conducted.¹⁶⁹

These concerns were echoed by Peter Moses, Mineral Development Information Support Officer at Matawa. Acting as technical support, Moses visits communities to provide perspective and understanding—his own initiative for capacity-building. Moses stated that First Nations communities often feel overwhelmed by the volume of permits forwarded to them for review, creating a sense of undue pressure.¹⁷⁰ If they do not respond, the permit may be issued regardless. He also notes an inadequacy of funding to address large-scale environmental disruption.¹⁷¹



The term *prior* in FPIC requires that consent happens before decisions are finalized, not after. Involving Indigenous peoples as early as possible ensures that crucial details and design phases only occur after communities have been consulted, participated, and truly absorbed the necessary information to undertake their own decision-making processes.¹⁷² However, this has not historically been the case for mining-affected First Nations communities. For example, Hookimaw describes that when Ontario introduced the 2007 *Endangered Species Act*, First Nations were not included in the development of such legislation.¹⁷³ The Victor Mine was proposed at the same time, leading to an influx of permits to get approvals before stricter rules were implemented.¹⁷⁴ Due to a lack of capacity and resources, they could not respond to such a large volume of permits, negatively impacting their ability to participate and going against the spirit of FPIC.¹⁷⁵ This trend was repeated, according to Hookimaw, when Ontario introduced Bill 5 – a provincial legislation seeking to allow projects to be exempt from laws and regulations that would normally require environmental assessments and consultations.¹⁷⁶

Community members have also highlighted concerns regarding the inaccessibility of information, particularly to elders, which undermines the ability to make *informed* decisions.¹⁷⁷ Troy Woodhouse, Assistant Terrestrial Region Manager with Mushkegowuk's Lands & Resources department, stated that northern Indigenous communities tend to be more timid and less willing to ask questions. He stresses that in order to obtain FPIC, information must be properly communicated in their own language and in terminology that they understand. Translations often do not reflect the deeply relational aspect of languages such as Cree, where a 'river' is not simply a river, but rather "a place where people come to draw water."¹⁷⁸ Failure to ensure accessibility not only undermines the "informed" element of FPIC but the Crown duty to consult per the Supreme Court of Canada, which held in *Clyde River v. Petroleum Geo-Services* that providing information to First Nations in a format that is inaccessible is "not true consultation".¹⁷⁹

First Nations are increasingly being offered Impact Benefit Agreements ("IBA") from mining companies where companies offer jobs in exchange for support for projects in Indigenous territories.¹⁸⁰ In his experience at Mushkegowuk, Woodhouse states that these agreements are kept private by the companies who sign them, raising concerns about public accountability.¹⁸¹ Each First Nations community is meant to have an IBA coordinator, whose role is to hold companies accountable while ensuring that community members receive their promised jobs and benefits.¹⁸² However, Woodhouse notes that in practice, this advocacy rarely occurs.¹⁸³ Moreover, contemporary Indigenous economic analysis, championed by the ABPA, demonstrates that the traditional IBA model is fundamentally colonial, structurally deficient, and inadequate for mitigating the volatile risks of commodity markets. Rather, a strategic transition toward comprehensive Indigenous equity ownership is required.

The term *free* under FPIC encompasses all factors that might impede Indigenous peoples' free will.¹⁸⁴ Thus, the consultation and negotiation process must be free from coercion or manipulation.¹⁸⁵ James Anaya asserts that Indigenous peoples should be free from compulsion by the State or extractive company agents that pressure them to allow projects on their land.¹⁸⁶ He further posits that services that fall under State responsibility, such as education, health, and infrastructure should not be used as conditions to acquire acceptance for extractive projects.¹⁸⁷ When companies promise these conditions in exchange for project approval, issues about whether consent was truly "free" might arise, particularly when a First Nations community lacks such basic infrastructure.¹⁸⁸ Similarly, governments should not use the promise of necessary infrastructure – such as connected roads that may increase access to food and housing for Indigenous communities – to obtain consent from First Nations regarding extractive projects.



Concerns Regarding Consultation Processes

Closely connected to concerns about the implementation of FPIC are broader questions about the consultation processes through which Indigenous participation is being sought in the Ring of Fire. Community members raised concerns not only about whether consultation is occurring, but also about who is being consulted, how representatives are selected, and whether engagement processes meaningfully reflect the diversity of views within affected First Nations.

Article 32 of UNDRIP states that “States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representatives” in obtaining consent.¹⁸⁹ In the context of consent for extractive activities on Indigenous land, consultation must occur prior to the project, on the basis of good faith, and include impacts and potential benefits.¹⁹⁰ However, some community members express concerns about who is being consulted. For example, Charles Hookimaw expressed that he believed only those Chiefs who support resource development projects were invited to consultation meetings with the federal government, while those in opposition were excluded from those conversations.¹⁹¹

Even where Chiefs are invited to participate, they may not reflect grassroots perspectives in the community. Woodhouse explained that in his perspective as Assistant Terrestrial Region Manager at Mushkegowuk, the Chief and Council system under the *Indian Act* raise governance concerns around representation.¹⁹² Chiefs and Council are often composed of the same families holding power across generations, creating an insular power structure.¹⁹³ He noted that Chiefs may not always engage with the community or report their decisions, resulting in resolutions that do not truly represent community voices.¹⁹⁴ Individuals with concerns, such as Woodhouse, are not being included in consultation processes, which suggests that consent is not always representative of the community. As a result, consulting solely with Chief and Council, particularly when they are hand selected, may not constitute meaningful consultation.¹⁹⁵

These issues are matters that companies must consider in their engagement with Indigenous communities but are ultimately matters for the Crown to resolve. Although it is both common and, under certain conditions, permissible for the Crown to delegate procedural aspects of consultation to third-party proponents, including mining companies, the ultimate responsibility for ensuring that the duty to consult is meaningfully and adequately fulfilled remains with the Crown.¹⁹⁶ This includes ensuring that appropriate Indigenous representative institutions are engaged and that affected community members have a genuine opportunity to participate in decisions that may affect their rights.

ENVIRONMENTAL CHALLENGES AND CLIMATE RISKS

Resource development—particularly large-scale extractive projects—and environmental degradation impose disproportionate impacts on Indigenous persons.¹⁹⁷ Climate change, which the ICJ recognizes as an “urgent and existential threat” of “planetary proportions”,¹⁹⁸ creates increasingly severe risks for Indigenous persons, which are further exacerbated by the activities of extractives industries.¹⁹⁹ The intimate connection between protection of the environment and climate system and Indigenous rights is further recognized in UNDRIP, which affirms the right of Indigenous peoples to the conservation and protection of the environment and the productive capacity of their lands and territories.²⁰⁰ The UNGPs similarly state that both states and businesses should assess and prevent environmental harm that may impact human rights.²⁰¹ In the Ring of Fire, these obligations are particularly acute given the ecological significance of the James Bay Lowlands—a globally unique peatland system that serves as a carbon sink and biodiversity corridor.

The Hudson–James Bay Lowlands, which cover much of the Ring of Fire region, are composed of wetlands that store over 1.6 billion tonnes of carbon.²⁰² Mining development, particularly through open-pit operations and road construction, threatens to destabilize this fragile balance. Dewatering processes lower groundwater levels, drying the peatlands and accelerating the release of methane and carbon dioxide—greenhouse gases with serious global warming potential.²⁰³ These risks threaten the rights of Indigenous peoples. For example, First Nations members have expressed concerns about the ways in which environmental risks will impact their access to food, water, and ability to practice their traditions as a result of declining fish stocks, disrupted caribou migration, and fears over water contamination.²⁰⁴ One community member fears that traplines and burial sites will be endangered without proper environmental studies.²⁰⁵

Members from Attawapiskat First Nation cite past experiences with industrial activity that led to worsening water quality, reduced wildlife migration and rising community health issues like tuberculosis.²⁰⁶ Charles Hookimaw has observed how wildlife—such as wolves, foxes, caribou, and aquatic life—has massively suffered in the James Bay Lowlands as a result of the ongoing noise, light, and vibrations that flow from work in the Victor Mine. These impacts can be dire, with wildlife fleeing and potentially not returning for 5 to 10 years. In other areas of Canada, such as British Columbia, Hookimaw reports that Indigenous peoples witnessed declining salmon populations following a mine project.²⁰⁷

In order to prevent and mitigate these environmental and human rights impacts, First Nations members emphasized the need for Indigenous-led environmental assessments and full participation in decision-making.²⁰⁸ However, interviewees report that First Nations are not resourced²⁰⁹ to have full-time community monitors—local Indigenous members trained to observe and report environmental changes—which leave Indigenous communities with little capacity to properly review exploration permits or track cumulative impacts.²¹⁰ These gaps not only weaken environmental oversight but infringe on the right to Indigenous environmental governance.²¹¹ A community activist member from Attawapiskat First Nation explained that without full participation in environmental assessments, Indigenous communities lose their ability to steward the lands that are integral to their identity, health, and cultural survival.²¹²

Environmental assessments conducted under the federal IAA play an important role in identifying and evaluating the environmental and social impacts of major resource development projects. Under the federal IAA, Indigenous peoples are involved with assessments of designated projects affecting their lands and territories throughout multiple phases of the project – from planning to enforcement.²¹³ Through this process, the federal government is also able to facilitate its duty to consult under section 35 of the *Constitution Act, 1982*: in determining whether to grant project approvals, the government is required to consider whether the Environmental Assessment helped to fulfill the duty to consult with Indigenous communities.²¹⁴

However, the federal government recently decided not to require a comprehensive impact assessment for Wyloo's Eagle's Nest Project.²¹⁵ As a result, we have significant concerns that the project's cumulative environmental effects will not be assessed through the federal impact assessment process, limiting opportunities for Indigenous communities to participate in decision-making regarding the lands and territories on which they live and rely.

These concerns are further heightened by the recent enactment of Bill C-5 and Ontario's Bill 5 – federal and Ontario legislations, respectively, that allow projects to be exempt from laws and regulations that would normally require environmental assessments and consultations.²¹⁶ Together, these legislative changes raise broader concerns about compliance with the duty to consult and accommodate, as well as with the principle of FPIC under UNDRIP.

ECONOMIC BENEFITS AND CHALLENGES

Concerns Regarding the Realization of Benefits

The Government of Ontario has consistently framed mining and associated infrastructure development in the Ring of Fire as a significant economic opportunity, emphasizing the potential for job creation, regional growth, and increased investment in northern communities.²¹⁷ Similarly, companies in the region have highlighted prospective benefits such as employment opportunities, skills training, and local economic development as key justifications for advancing projects.²¹⁸ These narratives position mining as a pathway to improved socio-economic conditions for First Nations communities.

However, perspectives shared by First Nations community members reflect a more cautious and conditional view of these purported benefits. While some acknowledged the potential for increased access to jobs, housing, and education, they emphasized that such benefits must not come at the expense of environmental integrity, cultural survival, and the protection of lands and waters.²¹⁹ Concerns were also raised about the distribution of benefits, with community members noting that economic gains are often skewed toward external companies and that there are limited pathways for local residents to access skilled or long-term employment. Questions were raised about the sustainability of these economic promises, particularly where projects may offer short-term gains without lasting community benefit.²²⁰ One community member also stressed the need for more targeted and equitable forms of compensation, including direct support for families and communities most affected by land use changes.²²¹

Importantly, many of the “benefits” cited—such as access to clean water, adequate housing, and essential services—are in fact basic human rights that should be guaranteed irrespective of resource development. Framing these as contingent on mining risks instrumentalizing fundamental rights as bargaining tools. Beyond this, any commitments related to employment and economic development must be accompanied by clear, enforceable, and community-driven measures to ensure that benefits are meaningful, accessible, and sustained over the long term.

The Paradigm of Indigenous Economic Sovereignty: Moving Beyond the IBA

For decades, the predominant mechanism for securing Indigenous cooperation has been the “IBA” –one mechanism through which mining companies negotiate with Indigenous communities regarding the terms under which development may proceed and the benefits that may flow to affected communities. These agreements typically address matters such as employment and training opportunities, procurement and contracting commitments, financial compensation or revenue-sharing, environmental monitoring, and other community supports or infrastructure investments. While IBAs can provide an avenue for securing economic benefits and formalizing aspects of the relationship between companies and First Nations communities, they have also been subject to significant criticism.

For example, IBAs can lock communities into agreements that fail to account for changing project conditions or evolving community needs. Troy Woodhouse explained that, in his experience at Mushkegowuk, these agreements are often negotiated only once and rarely revisited. He recounted one example of an IBA signed when gold was valued at \$500 per ounce, noting that despite the commodity’s value skyrocketing, the agreement was never adjusted to reflect those gains.²²²

Moreover, contemporary Indigenous economic analysis, championed by Waawoono Consultancy and the ABPA, demonstrates that the traditional IBA model is fundamentally colonial, structurally deficient, and inadequate for mitigating the volatile risks of commodity markets.²²³

According to the ABPA, a strategic transition toward comprehensive Indigenous equity ownership is required, built on three critical mechanisms:

The Certainty Premium

Indigenous equity ownership is a fundamental financial de-risking tool for major capital projects. When First Nations are significant equity partners, operational and legal risks drop sharply, lowering the cost of capital and creating a tangible premium for investors.

The “Golden Share”

Economic development must not compromise ecological integrity. The Golden Share is a specialized equity structure granting Indigenous Nations designated authority over specific environmental decisions, preserving ultimate land-based sovereignty regardless of standard equity percentages.

The Infrastructure Utility Model

Instead of relying solely on boom-and-bust mineral revenue streams, First Nations should own the enabling infrastructure outright (e.g., all-season roads, transmission lines). Acting as a “toll road” to development, this guarantees stable, securitized revenue streams to fund community initiatives.

LAND, CULTURE, AND THE EROSION OF INDIGENOUS GOVERNANCE

UNDRIP recognizes Indigenous peoples' right to self-determination, autonomy in internal affairs, and the maintenance of distinct cultural and legal institutions.²²⁴ Treaty 9 similarly protects traditional practices such as hunting and trapping. Despite these protections, community members have expressed concerns regarding extractive development in the Ring of Fire contributing to the erosion of Indigenous cultural identity and governance.

Participants described how traditional land-based practices—such as trapping, hunting, and fishing—are being disrupted by exploration activities and proposed infrastructure, often without adequate notice or consultation with the families and knowledge-holders most directly affected. Peter Moses noted that trappers, who are the main users of the traditional territory, should be consulted as the mining could interrupt hunting of geese and other animals.²²⁵ These disruptions not only impact subsistence and livelihoods, but also undermine the intergenerational transmission of cultural knowledge and the exercise of Indigenous legal orders grounded in relationships to land and water.²²⁶

Community members also raised concerns that road construction and development may encroach on burial sites and culturally significant areas, as well as broader environmental changes—such as water degradation and shifting wildlife patterns—that are already affecting hunting, mobility, and food security.²²⁷ Attawapiskat's past experience with the Victor Diamond Mine is instructive, as that project correlated with a decrease in wildlife in the area, impacting hunting and fishing rights.²²⁸ One community member stressed that land stewardship is central to Cree law and governance, and its erosion threatens community resilience.²²⁹

Furthermore, as previously stated, existing colonial governance structures, such as the *Indian Act* band council system, can impede meaningful participation by potentially impacted community members by privileging formal leadership that do not always reflect Indigenous decision-making systems and grassroots voices.²³⁰ According to Woodhouse, in his personal view, bureaucratic obstacles, such as requiring in-person nomination and travelling to the band council's physical location, effectively suppresses community involvement on a structural level.²³¹ This system makes it difficult for ordinary members to challenge or replace leadership, as it disproportionately affects members who live far from the reserve or lack resources to travel.

Woodhouse also notes that Councillor positions are paid directly by the band with no caps on compensation or transparency requirements.²³² Thus, members may not be aware of how much money is being paid out or to whom, creating a system that enables financial self-interest with no checks in place to ensure that decisions reflect the broader community. Further, he cites a community in western Ontario that proposed passing a by-law to make the Chief position hereditary. He states that when power remains within one family, it consolidates authority in ways that fail to represent the broader community. In practice, this can create conditions in which external actors, such as corporations, engage selectively with elected officials, rather than with the broader community and traditional leadership.²³³ This approach risks deepening internal divisions and undermining community cohesion.²³⁴

These practices undermine the rights protected under UNDRIP, which requires engagement with representative institutions chosen by Indigenous peoples themselves²³⁵ and can erode the legitimacy of Indigenous governance and decision-making systems.



VISIONS FOR THE FUTURE

First Nations members consistently articulated visions for the future grounded in the protection of land and the realization of Indigenous self-determination. While some acknowledged the possibility of development, they emphasized that it must be pursued on terms defined by Indigenous communities themselves, ensuring that any benefits do not come at the expense of lands, waters, and cultural continuity.²³⁶

Participants highlighted the need for Indigenous-led approaches to decision-making, including the development of community-driven scientific and environmental assessments, as well as stronger internal cohesion and governance systems that center grassroots voices.²³⁷ For some, this also included a broader rethinking of governance structures at the First Nation level, including moving away from colonial systems such as the Chief and Council model toward approaches that better reflect Indigenous laws, leadership traditions, and community priorities. For example, Woodhouse noted, in his personal view, that meaningful governance reform would require substantial investments in community capacity, including education, leadership development, and resources to support broader member participation in governance processes.²³⁸ There were also calls for the restoration and full recognition of Treaty rights, alongside greater Indigenous authority over environmental governance.²³⁹

More broadly, participants emphasized that governments should bear responsibility for supporting Indigenous governance and education through sustained public investment. One interviewee noted that because resource extraction generates significant public revenues and underpins broader economic development, those benefits should be redistributed in ways that strengthen First Nations communities and alleviate the financial burden they currently bear in responding to development pressures.²⁴⁰ Taken together, interviewees envisioned a shift away from externally driven extractive models toward sustainable, community-based economic approaches that reflect Indigenous laws, values, and long-term priorities.²⁴¹

ASSESSMENT OF GOVERNMENT AND CORPORATE APPROACHES

GOVERNMENT MEASURES AND ENGAGEMENT

The Ring of Fire has become a significant site of political and economic interest at both the provincial and federal levels, frequently framed as a strategic opportunity for resource development, economic growth, and energy security. In this context, successive governments have advanced a range of legislative, policy, and funding initiatives aimed at enabling infrastructure development and facilitating access to mineral resources in the region. This heightened policy focus has resulted in an expanding set of government measures—including regulatory frameworks, environmental assessment processes, and agreements with Indigenous communities—that shape how development proceeds and how Indigenous rights are engaged in practice.

Relevant Federal and Provincial Legislation

Constitution Act, 1982, Section 35: Duty to Consult and Accommodate

Section 35 of the *Constitution Act, 1982* recognizes and affirms the existing Aboriginal and treaty rights of Indigenous peoples in Canada.²⁴² It provides constitutional protection for these rights and establishes a framework for the reconciliation of Indigenous and Crown sovereignty.

The duty to consult and, where appropriate, accommodate Indigenous peoples arises from the Honour of the Crown and aims to foster reconciliation between Indigenous communities and the Canadian state.²⁴³ In *Haida Nation v. British Columbia (Minister of Forests)*, the Supreme Court of Canada held that the Crown must consult Indigenous groups when it has real or constructive knowledge of potential Aboriginal rights or title and contemplates actions that may adversely affect those rights.²⁴⁴ The scope of consultation varies with the strength of the Indigenous claim and the severity of the potential impact.²⁴⁵ Importantly, the Court emphasized that this duty is a Crown obligation and the ultimate responsibility will always rest on the Crown, though procedural aspects of the duty can be delegated.²⁴⁶ If the Crown is delegating any aspects of the duty to third parties, it must inform both the third party and the Indigenous group in question of this reliance and must not rely only on the third party's account of whether the duty has been adequately discharged.²⁴⁷

In addition to consultation, the Crown's obligation may require accommodation at the stage when a rights infringement is first contemplated – taking steps to avoid irreparable harm to Indigenous rights or interests. Accommodation requires adjusting government or project plans where appropriate to respect Indigenous claims and promote negotiated solutions, rather than merely notifying or discussing potential impacts.²⁴⁸

Additionally, as stated above, in *Kebaowek* the Federal Court found that UNDRIP informs the duty to consult and requires robust, deep consultation directed toward consent.²⁴⁹ While this decision strengthens the duty to consult, it is important to recognize that compliance with UNDRIP requires FPIC to be more than “consultation-plus”. Failing to operationalize FPIC in a manner that respects its purpose of shared decision-making undermines Indigenous self-determination and perpetuates colonial decision-making structures. Section 35, therefore, must be interpreted and applied in a manner that ensures that Indigenous peoples are involved in decision-making processes – particularly with respect to extractives – from the very beginning, helping shape both the process and outcome. In this approach, a decision is not legitimate unless Indigenous peoples are engaged in the process.²⁵⁰

Ontario's Mining Act

The Ontario *Mining Act*²⁵¹ governs mineral exploration and development in the province. While it provides a framework for mining activities, concerns have been raised about its adequacy in addressing Indigenous rights and environmental protections.

Regulations under the *Mining Act* provide a Consultation Framework that reflects the Ministry of Energy and Mine's current operational practices regarding consultation with Indigenous communities at various points through the mining sequence. This sequence generally involves 5 stages: early exploration, advanced exploration, mine development, mine production, and closure.²⁵²

Where the duty to consult with one or more Indigenous communities is triggered for early or advanced exploration and mine production activities, the Ministry must be satisfied that appropriate consultation has been carried out before making regulatory decisions under the Act. The threshold for triggering this process is low, with a "credible assertion" being sufficient to require the duty. The adequacy of consultation is measured based on the strength of rights asserted by Indigenous communities and the scope of potential adverse effects.²⁵³

The below diagram aids in the determination of the scope of consultation required.

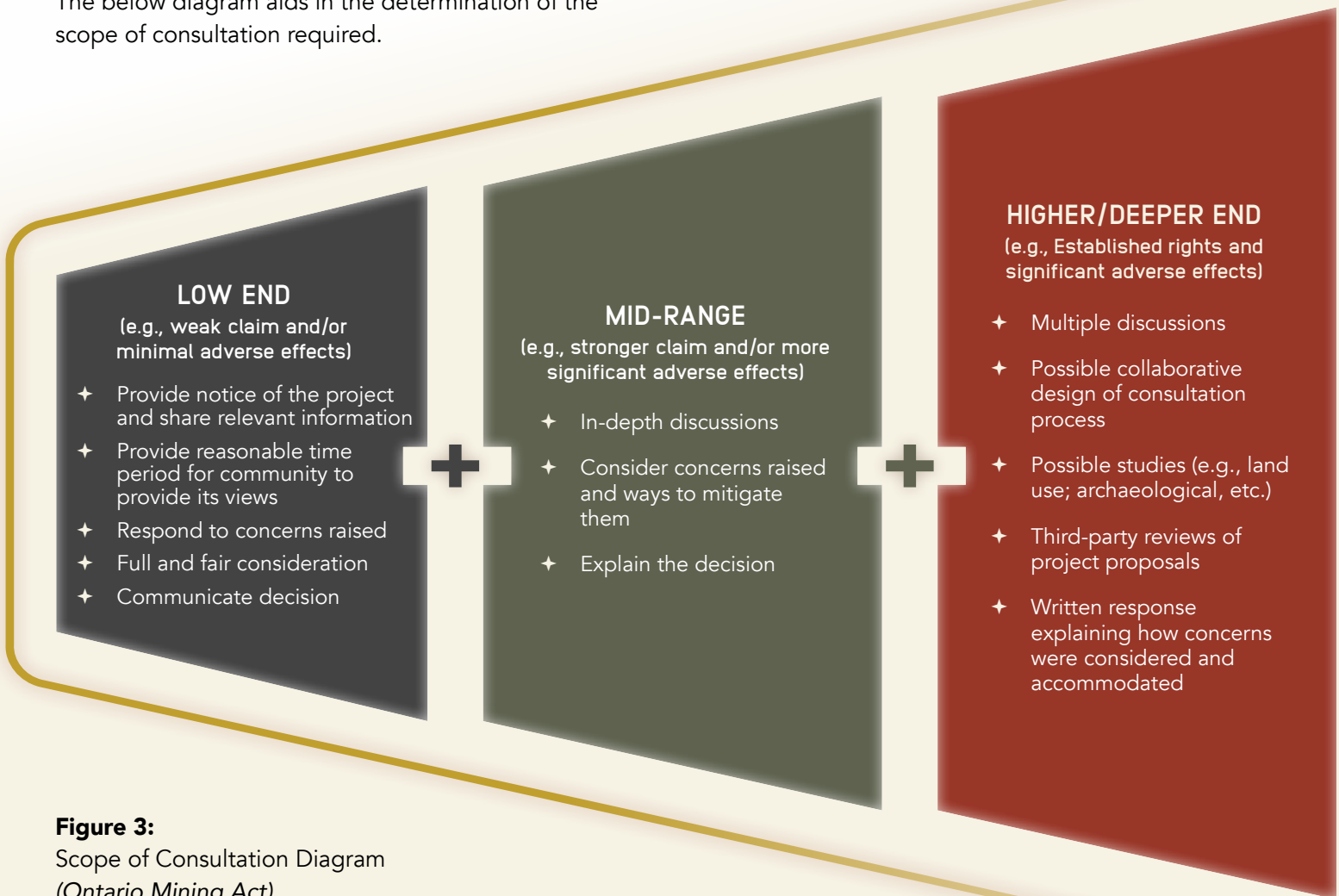


Figure 3:
Scope of Consultation Diagram
(Ontario Mining Act)

Source:
Ontario Government

Accommodation in the Consultation Framework refers to measures that will avoid, minimize or mitigate the adverse effects of proposed exploration or development activities on established or credibly asserted Aboriginal or treaty rights. Accommodation is balanced with the broader public interest in having the project proceed and, where applicable, the Crown's treaty right to take up lands for mining and other purposes.²⁵⁴ The Ministry of Energy and Mines states that "even where the Crown's duty to consult calls for accommodation, this does not generally give Indigenous communities a veto over decision-making, nor are the ministry and the Aboriginal community required to agree on what is considered

appropriate accommodation."²⁵⁵ This approach appears to treat Indigenous participation as an external "checkbox" rather than decision-making in nature, thereby limiting the extent to which Indigenous peoples can meaningfully influence outcomes that affect their lands and rights. In doing so, it risks undermining the principle of FPIC under UNDRIP, which emphasizes the importance of obtaining Indigenous consent and respecting their authority in decisions impacting their territories²⁵⁶ – especially in the context of mining.²⁵⁷



The COVID-19 Economic Recovery Act (Bill 197)

In 2020, the Ontario government passed the *COVID-19 Economic Recovery Act* ("Bill 197"), which significantly altered Ontario's environmental assessment process.²⁵⁸ The changes aim to "streamline" the environmental review process and increase "efficiency" for proponents, which will likely have negative impacts on Indigenous communities.²⁵⁹ The key changes include replacing individual environmental assessments with a project list subject to "comprehensive" environmental assessments, standardizing the terms of reference for certain sectors, and introducing new timelines, including a 10-year maximum limit for environmental assessment completion.²⁶⁰

Notably, the obligation to consult with First Nations may be undermined, as these changes may exclude projects from review altogether.²⁶¹ If a project is not on the list or covered by a streamlined environmental assessment, there is no mechanism for First Nations to request a review or ensure consultation.²⁶² Furthermore, the revisions loosen environmental scrutiny for industries like mining and forestry, accelerating access to lands and resources without addressing the inadequate community infrastructure needs.²⁶³

Protect Ontario by Unleashing our Economy Act (Bill 5) and One Canadian Economy Act (Bill C-5)

In June 2025, the Ford government enacted the *Protect Ontario by Unleashing our Economy Act* ("Bill 5"),²⁶⁴ including both the "One Project, One Process" framework and the *Special Economic Zones Act*, among other schedules. The "One Project, One Process" model under the Ontario *Mining Act* allows expedited approval for mining projects and aims to cut review times for these projects by 50%.²⁶⁵

The *Special Economic Zones Act* allows the provincial government to designate certain areas as Special Economic Zones ("SEZs"), in which projects would be exempt from certain regulations and laws.²⁶⁶ The Act itself does not specify the criteria for establishing an SEZ. In October 2025, the province released draft regulations on SEZs, which stated that legal exemptions for SEZs would be decided on a case-by-case basis.²⁶⁷ The regulations did indicate that selected projects must have a "significant and long-term" benefit to the province with a "high likelihood of success."²⁶⁸ While Premier Doug Ford has previously expressed interest in designating the Ring of Fire as an SEZ,²⁶⁹ the first SEZ designation was announced in March 2026 for Toronto's Billy Bishop Airport.²⁷⁰

Around the same time as Bill 5, Canada introduced the *One Canadian Economy Act* ("Bill C-5"), which received royal assent in June 2025. Under the umbrella of the *One Canadian Economy Act* is the *Building Canada Act*, which allows for projects designated as being in the "national interest" to be accelerated and bypass regulations.²⁷¹ Projects are referred to the newly established Major Projects Office ("MPO") for consideration.²⁷² As of April 1, 2026, the MPO has had 15 projects referred to it, and two of them are in Ontario: the Canada Nickel's Crawford Project in Timmins and the Darlington New Nuclear Project.²⁷³ The criteria for national interest projects are that they: (a) strengthen Canada's autonomy, resilience and security; (b) provide economic or other benefits to Canada; (c) have a high likelihood of successful execution; (d) advance the interests of Indigenous peoples; and (e) contribute to clean growth and to meeting Canada's objectives with respect to climate change.²⁷⁴

Both Bills 5 and C-5 have jointly been challenged in court by a group of First Nations in Ontario,²⁷⁵ who are arguing that the laws are unconstitutional, as they violate section 35 of the Constitution, as well as sections 7 and 15 of the *Charter of Rights and Freedoms* (the right to life, liberty and security of the person, and equality rights, respectively).²⁷⁶ The Applicants claim that Bills 5 and C-5 further violate UNDRIP, which requires consultation with Indigenous peoples to obtain their FPIC before adopting legislative or administrative measures that affect them. Approval for development in the Ring of Fire that bypasses Indigenous consent is likely a violation of Article 32 of UNDRIP. Furthermore, where these bills are inconsistent with UNDRIP, they thus may fail to comply with UNDRIPA as well. The case is ongoing as of 2026.



Jurisdictional Gaps and Regulatory Fragmentation

The array of overlapping federal and provincial legislations have resulted in jurisdictional gaps and regulatory fragmentation in respect of Indigenous engagement and participation in decision-making around extractives. Notably, section 91(24) of the *Constitution Act, 1867* affirms federal jurisdiction over “Indians, and Lands reserved for the Indians,” while section 92A gives provinces control over natural resource development. This jurisdictional overlap has resulted in fragmented governance that weakens the enforcement of Indigenous rights.

Ontario’s *Mining Act*—enacted pursuant to provincial jurisdiction over natural resources—permits the online staking of mining claims without advance consultation with affected Indigenous communities. The consequences have been explosive: over the past three years, mining claims in the Ring of Fire region have surged by 66%, resulting in over 43,000 active claims covering an area fourteen times the size of the city of Toronto.²⁷⁷ The sheer volume of these unconsented claims represents the weaponization of administrative burden. Ontario’s free-entry system forces First Nations—many of whom are operating with severely constrained staff and resources while managing localized community crises—to simultaneously review hundreds of highly technical exploration permits. This relentless influx is not just an infringement on territorial rights; it acts as a systemic strategy designed to overwhelm community capacity, effectively forcing defaults on arbitrary, state-imposed consultation deadlines. This practice is widely criticized as violating both the duty to consult and FPIC under UNDRIP, and is currently the subject of ongoing litigation in Ontario.²⁷⁸

At the same time, Ontario’s Bill 5 and the federal Bill C-5 seek to bypass environmental assessments and Indigenous consultation prior to mining approvals, raising further concerns that Indigenous perspectives will be sidelined in favour of industrial efficiency.²⁷⁹ These initiatives reflect a broader trend of legislative rollback that prioritizes economic expediency over constitutional and human rights obligations. In response to this crisis, and legislative rollbacks like Bills 5 and C-5, a coordinated Indigenous legal resistance has formed. In April 2023, ten Ontario First Nations—including Ginoogaming First Nation, a Treaty 9 signatory—launched a monumental \$95-billion lawsuit against the federal and provincial governments, directly challenging their assumed jurisdiction over Crown lands and seeking recognition of co-jurisdiction over Treaty 9 territories.

UNDRIPA is also a source of legal confusion. As a federal legislation, UNDRIPA only imposes obligations on the federal government, to ensure Canadian laws moving forward are in line with the principles of UNDRIP. The Canadian government has stated that UNDRIPA should be seen as an important source through which to interpret provincial law, but it is unclear how this is to be applied in practice, as most provinces have yet to adopt their own provincial UNDRIP legislation.²⁸⁰

Indigenous communities are therefore required to navigate a complex legal landscape in which responsibility is fragmented across multiple levels of government, while having limited capacity and resources not only to participate in existing processes but also to challenge developments that may undermine their rights.

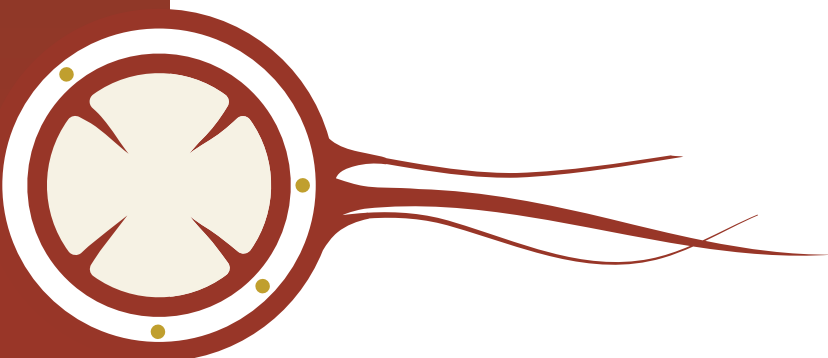
Government Investment and Agreements with First Nations

Investment in Critical Minerals

As of March 2025, Canada has 56 active critical mineral mines, 31 processing facilities, and 171 advanced projects.²⁸¹ The federal government has laid out three main focus areas. Firstly, investing in domestic production of minerals tied to clean energy, advanced technology, and defence.²⁸² Second, protecting supply chains by reducing reliance on foreign suppliers.²⁸³ Third, focusing on partnerships by working with Indigenous groups, domestic stakeholders, and international allies to develop critical minerals.²⁸⁴ Importantly, the Critical Minerals Infrastructure Fund will provide federal funding until 2030 through two avenues of support.²⁸⁵ Approximately \$3 million in funding will be used for Indigenous grants to increase Indigenous engagement and capacity in relation to infrastructure projects.²⁸⁶ Additionally, up to \$500 million in contribution funding will support shovel-ready and preconstruction projects.²⁸⁷

On the provincial level, the Ontario government has established the \$500 million Critical Minerals Processing Fund ("CMPF").²⁸⁸ The CMPF seeks to complement Ontario's work in the Ring of Fire by providing funding to maximize production in the area, speed up approvals, and "cut red tape".²⁸⁹ These investments on both the federal and provincial level reflect the prioritization of the critical minerals supply chain and the strengthening of Canada's position as a competitive supplier.

However, the disparity in funding between infrastructure development and Indigenous engagement raises concerns about whether these projects may come at the expense of Indigenous rights. Moreover, Ontario's CMPF funding framework does not explicitly address human rights considerations at any level.



First Nations Agreements

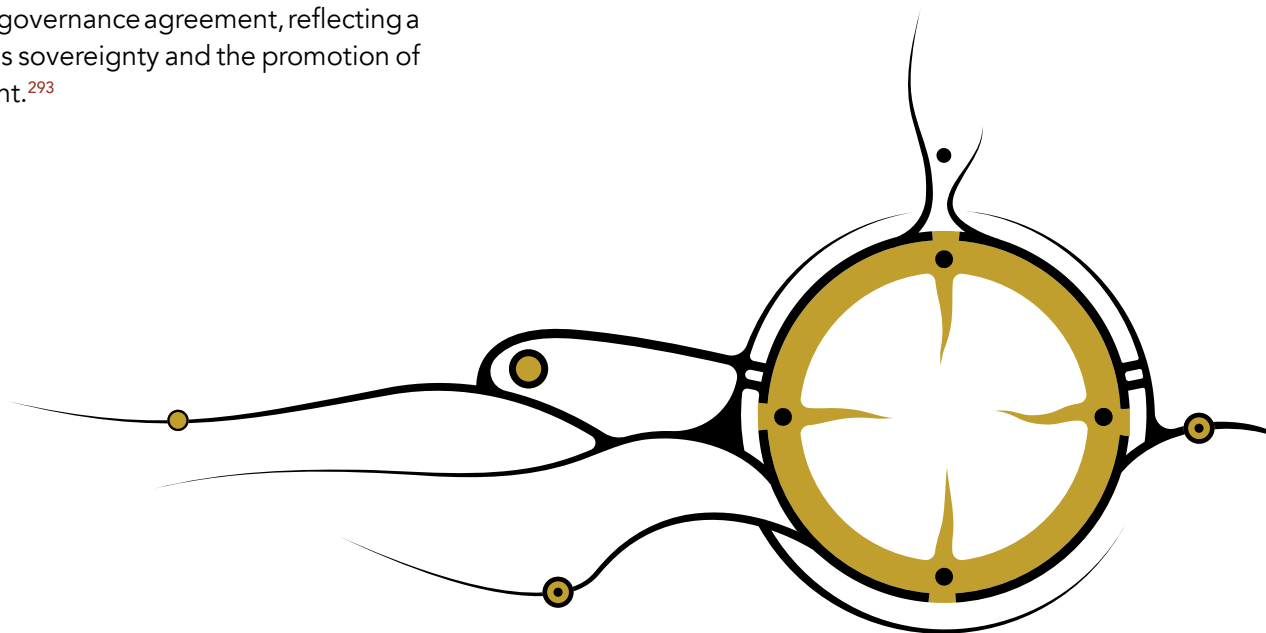
Ontario and federal governments have, in recent years, pursued a series of agreements, partnerships, and initiatives with First Nations aimed at advancing infrastructure and resource development in the Ring of Fire region. These include community-specific agreements tied to road construction, broader self-governance frameworks, and targeted investments in infrastructure intended to facilitate access to the region.

For example, Aroland First Nation entered into a “shared prosperity agreement” with Ontario to support infrastructure development, including road connections to the Ring of Fire, positioning the community as a potential regional hub.²⁹⁰ Similarly, the province has entered into partnership agreements with Webequie First Nation²⁹¹ and Marten Falls First Nation,²⁹² including funding commitments to support the construction of access roads and related community infrastructure.

At the federal level, initiatives such as the Framework Agreement on First Nations Land Management Act, co-developed with First Nations organizations, signal a broader policy shift toward enabling greater control over land management and supporting economic development. Five Anishinabek First Nations communities have also signed a self-governance agreement, reflecting a shift toward Indigenous sovereignty and the promotion of economic development.²⁹³

At the same time, these approaches have been met with mixed responses and ongoing criticism. While some agreements are framed as advancing economic opportunities and self-governance, concerns have been raised about the extent to which they meaningfully reflect community-wide consent or adequately address underlying rights and governance issues. For instance, despite entering into agreements, leadership from Aroland First Nation has expressed opposition to broader legislative measures, including Bill 5, and has explicitly withheld consent for certain uses of community infrastructure in support of mining activities.²⁹⁴

More broadly, Indigenous participants interviewed have raised concerns that government engagement often focuses on agreements with elected leadership, without sufficiently engaging grassroots community members, such as elders, or traditional governance structures.²⁹⁵ This has led to critiques that such processes risk sidelining internal community dynamics, overlooking dissenting voices, and advancing development in ways that may not fully align with FPIC and respect for Indigenous self-determination.



Impact Assessments in the Region

Ontario Environmental Impact Assessments

Ontario's *Environmental Assessment Act* (1990)²⁹⁶ creates a planning and decision-making process for the consideration of potential environmental effects before a project begins.²⁹⁷ The process is particularly important for Indigenous communities, as many proposed developments—such as public roads and highways, waste management projects, resource management initiatives, and flood protection projects—occur on or near Indigenous lands.²⁹⁸ The Act mandates public consultation, requiring parties to engage with Indigenous communities to address potential environmental and cultural impacts.²⁹⁹ There are two types of assessments: individual and streamlined.³⁰⁰ Individual environmental assessments apply to large-scale projects and involve detailed consultation, environmental impact evaluation, and ministerial approval.³⁰¹ Streamlined assessments (also referred to as Class Environmental Assessments), in contrast, are used for routine projects that have predictable and manageable environmental effects. They follow a self-assessment model with built-in consultation requirements.³⁰² Under the Act, Indigenous communities can also request a Part II Order, allowing them to address significant outstanding environmental concerns that cannot be resolved through the Class Environmental Assessment process.³⁰³

Notably, many mining projects are not subject to comprehensive environmental assessment requirements under the Act. The *Environmental Assessment Act* generally does not apply to the development of a mine itself unless the project is specifically designated or the proponent enters into a voluntary agreement.³⁰⁴ Instead, assessment requirements are more commonly triggered for associated activities—such as road construction, transmission infrastructure, or certain Crown decisions—rather than for the core mining operation.³⁰⁵ Where environmental assessments do occur in the mining context, they are often conducted through Class Environmental Assessment processes, which are designed for routine activities with predictable impacts and rely on a self-assessment model.³⁰⁶ As a result, the scope of review may be limited, and there is no guarantee that broader or cumulative environmental and cultural impacts—particularly those affecting Indigenous lands and rights—will be fully assessed prior to project advancement.

The consultation framework provided by the Act has also been criticized as functioning primarily as a generic feedback mechanism for public input, rather than a robust process for meaningful engagement.³⁰⁷ While the process requires proponents to provide opportunities for participation and to document how input has been considered, it does not require agreement with affected communities or ensure that concerns raised will shape final decisions.³⁰⁸ In practice, consultation is often proponent-led, with companies responsible for designing and implementing consultation plans, including determining the scope and methods of engagement.³⁰⁹

Moreover, although Indigenous communities are included within the consultation process, the framework does not establish distinct, rights-based consultation standards that reflect the requirements of FPIC under UNDRIP, particularly in the context of resource extraction on Indigenous lands. As a result, concerns from Indigenous communities raised may be documented and considered, but there is no guarantee that they will meaningfully influence project approvals or conditions. This stands in contrast to a rights-based approach to

mineral development, under which engagement would be structured to ensure consistency, transparency, and substantive participation in decision-making, rather than varying in depth or impact depending on the nature of the project or the discretion of the proponent. The recent enactment of Bill 5 further compounds this uncertainty, as it introduces additional scope for projects to proceed with reduced regulatory oversight and less clarity on how consultation and environmental assessment requirements will apply in practice.

Currently, there are no Ring of Fire mining projects undergoing environmental assessments under the Ontario *Environmental Assessment Act*.³¹⁰ However, ad hoc assessments of proposed road infrastructure projects in the region are underway. In February 2023, Marten Falls First Nation and Webequie First Nation started leading environmental assessments for their individual proposed all-season road projects—the Northern Road Link Project.³¹¹

Figure 4:
Map of Proposed Road Environmental
Assessment in the Ring of Fire

Source:
Ontario Government

Legend

- Marten Falls Community Access Road
- Marten Falls Community Preferred Route
- Northern Road Link
- Webequie Supply Road
- Webequie Supply Road Preferred Route
- Existing Highway/Road
- Existing Winter Road





Federal Environmental Impact Assessments

The federal IAA³¹² establishes Canada's framework for assessing the potential environmental, health, social, and Indigenous rights impacts of designated projects before they proceed. It applies primarily to "designated projects," which are either listed in the Physical Activities Regulations (commonly referred to as the Project List) or individually designated by the Minister of Environment and Climate Change where a project may cause adverse federal effects.³¹³ Projects on the Project List generally include activities with the greatest potential for adverse and complex impacts, such as major mines and related large-scale infrastructure, in areas of federal jurisdiction related to the environment.³¹⁴ In addition, the Act provides discretionary authority for the Minister to designate projects that are not on the Project List where there are concerns about environmental effects, Indigenous rights impacts, or other jurisdictional issues.³¹⁵

The application of this framework to mining development in the Ring of Fire has shifted over time. In November 2011, the Canadian Environmental Assessment Agency initiated a comprehensive environmental assessment for the Eagle's Nest Project. At the time, the project was subject to a full federal assessment process, requiring detailed examination of environmental effects as well as potential impacts on Indigenous rights and interests.³¹⁶ However, in February 2026, the IAAC determined that Eagle's Nest does not warrant designation under the current IAA.³¹⁷ This decision effectively removes the project from a comprehensive federal assessment pathway, raising concerns that it may proceed with reduced environmental scrutiny and fewer formal opportunities for Indigenous consultation and participation. In a press release in response to the news from the IAAC, Neskantaga First Nation Chief Gary Quisses stated, "This decision puts our river, our homelands, and our Treaty rights at risk. We will not allow mining companies or governments to decide the future of the Ring of Fire without us."³¹⁸

Federal Regional Assessment

In February 2020, a regional environmental assessment was launched for all the mineral deposits in the Ring of Fire area.³¹⁹ Focused on northern Ontario, this historic assessment aims to evaluate the cumulative environmental, health, social, and economic impacts of potential developments in the region.³²⁰ As of the date of this report, the assessment is co-lead by 15 First Nations from the Matawa and Mushkegowuk Councils and the IAAC.³²¹ Each participating First Nation will contribute a dedicated chapter to the final report to reflect their unique perspectives and priorities.

On January 20, 2025, the Federal government officially began the Regional Assessment, when it released the terms of reference.³²² In early 2026, the Regional Assessment Working Group (“RAWG”) released its interim report, titled *Aabitaad*, *Megwaad*, and *Pitamah* (meaning “for now” in Ojibwe, Oji-Cree, and Cree) to reflect the ongoing nature of the assessment.³²³ The interim report covers a wide range of social, environmental, and economic issues affecting Indigenous communities, and establishes four non-negotiable priorities determined by the voices and values of the First Nation partners:

- ✦ **To be well together (Community wellbeing):** Focusing on community safety, housing, food security, and elder care.
- ✦ **Cultural and spiritual wellbeing:** Preserving Indigenous governance and natural law as the foundation for a sustainable future.
- ✦ **Social and economic equity:** Addressing the crushing cost of living in remote communities.
- ✦ **Healthy environment relationships:** Monitoring water systems, wildlife, peatlands, biodiversity, and climate change adaptation.

The interim report also identifies steps that should be taken by the federal government to address issues of anti-Indigenous racism and health inequity in both Indigenous communities and healthcare systems.³²⁴ It also seeks to explore mechanisms for implementing the Missing and Murdered Indigenous Women and Girls inquiry recommendations and address issues relating to education and literacy levels.³²⁵

On an environmental level, the report will examine the impacts of development projects on water bodies, air quality, and aquatic life. These issues will be explored through both an Indigenous and Western lens, with a focus on engaging Indigenous communities, including youth and elders.³²⁶

A profoundly unique insight from the RAWG is the framing of language and literacy as fundamental prerequisites for economic equity. The report notes that during the original signing of Treaty 9 in 1905, the Peetabeck Inninowuk (Cree speakers) were forced to rely on Hudson’s Bay Company translators, leading to a “Crown’s version” of land surrender that contradicted the Elders’ negotiated reality of shared stewardship.³²⁷ To prevent a recurrence of these historical translation failures, modern environmental assessments must integrate oral and visual ways of sharing information.³²⁸

Despite the critical nature of this assessment, it has been severely hindered by the province, including by the refusal to share valuable, publicly funded scientific baseline data regarding regional species (such as caribou and polar bears).³²⁹ Regional representatives have publicly condemned this as a deliberate strategy to “muzzle” the process and blind regulators and First Nations partners to the long-term ecological consequences of rapid infrastructure development.³³⁰

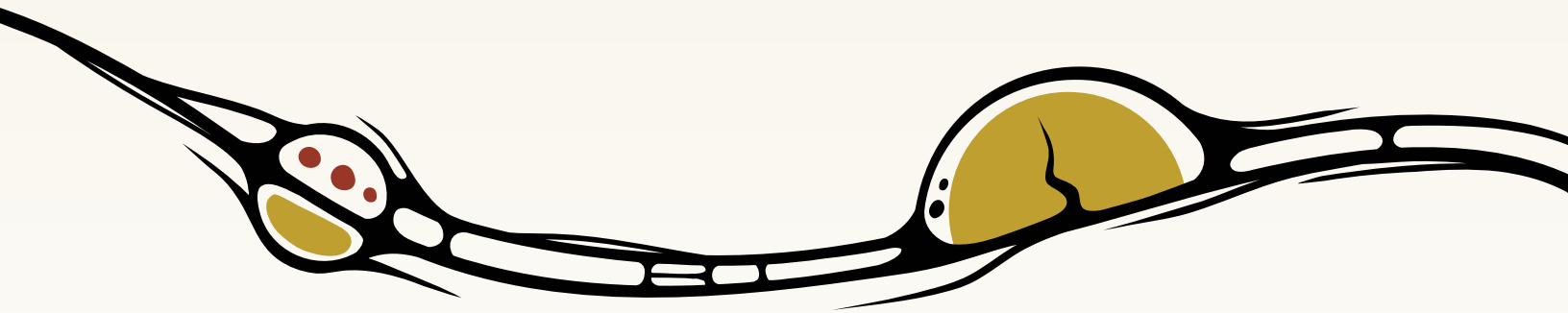
Furthermore, although the Regional Assessment seeks to make recommendations to the government, it lacks guidance for companies carrying out these development projects themselves. It also does not seem like the Regional Assessment will be considering social and environmental impacts that might materialize in the exploration and preliminary stages of the developmental process; a comprehensive rights-based assessment of development should take into account the entire life cycle of development.

The final report of the RAWG is set to be released within 30 months of January 20, 2025.³³¹

CORPORATE CONDUCT: PRACTICES AND GAPS

Three key corporate players in the Ring of Fire region are Juno, Wyloo and Teck. The former two are the largest mining claim holders in the region engaged in early exploration, while Teck was a more recent entrant, having secured an option agreement with Canterra Minerals for property in the Ring of Fire. This section assesses this cross-section of corporate actors, including their publicly available commitments to Indigenous engagement and sustainability policies and information provided through interviews. By examining these companies, who are at different stages of development and have varying levels of experience in the region, the aim is not only to identify emerging best practices, but also to highlight gaps between stated commitments and on-the-ground conduct, particularly in relation to alignment with UNDRIP and the UNGPs.

The companies profiled in this section were contacted by the IHRP and ABPA for comment prior to publication. The IHRP met with the Senior Lead of Social Responsibility and/or the Director of Indigenous Affairs at Teck in November 2025, February 2026, and May 2026. Representatives of Wyloo, including the company's then Vice President of Sustainability, Director of Environment, Director of Government Relations and Sustainability, and Coordinator of Community Relations, were interviewed by the IHRP in February 2025 and April 2025. Notably, these employees are reportedly no longer employed at Wyloo and prior to the publication of this report, representatives of Wyloo added that the statements from the IHRP's interviews with Wyloo included in this report "are from individuals who are no longer with the company and whose comments do not reflect Wyloo's views, approach or engagement initiatives, or its commitment to respect Indigenous rights and work in partnership with First Nations in the Ring of Fire." The IHRP also contacted Juno prior to the release of this report but the company did not reply to our request for comment.



Wyloo Metals

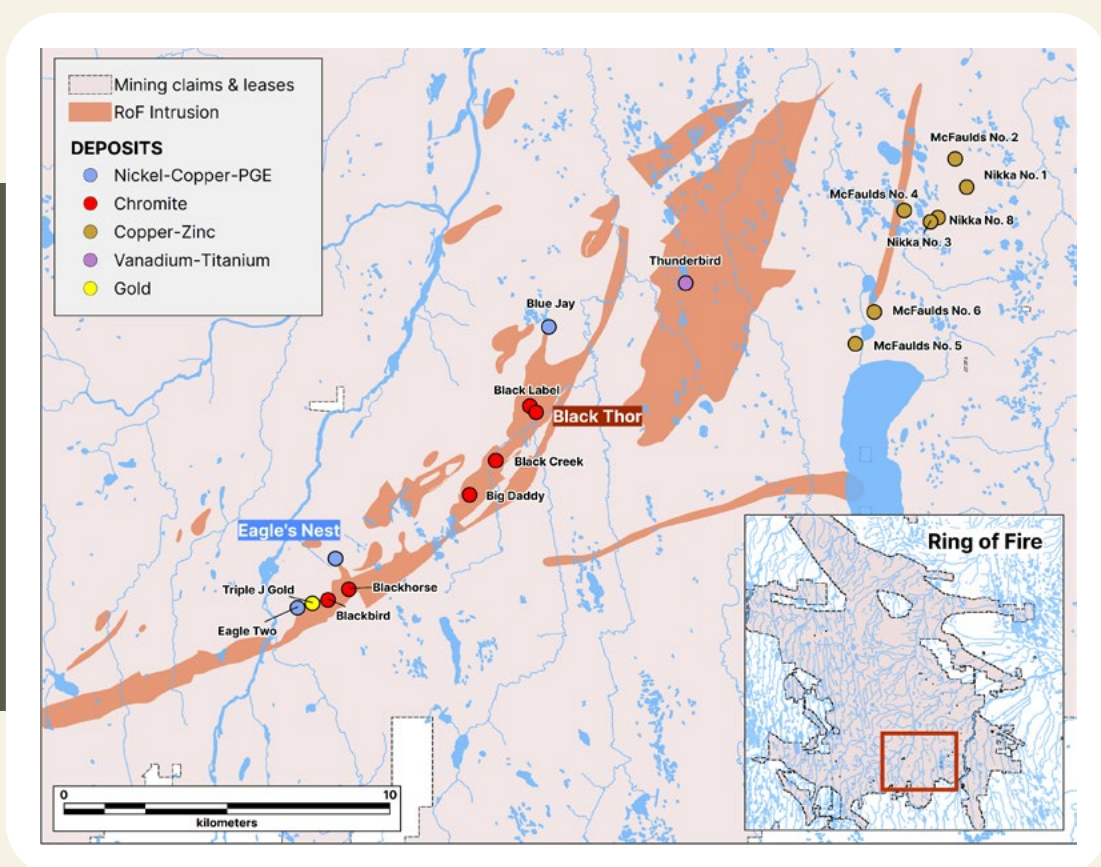
Projects in the Ring of Fire: Eagle's Nest and Blackbird

Wyloo's flagship project in the Ring of Fire region is the Eagle's Nest Project, one of the most significant, undeveloped, high-grade nickel, copper and platinum group element ("PGE") deposits in the world.³³² According to Wyloo, the current mine plan for the Eagle's Nest Project "supports minimal surface disruption, with no surface quarries, open pits or waste rockpiles during operations. Tailings will also be managed underground, either in voids or incorporated with paste backfill to minimise surface disruption."³³³ The company's plan forecasts an initial 15-year mine life with annual production projected to yield 15,000 tonnes of nickel, 6,000 tonnes of copper, 70,000 ounces of palladium and 22,000 ounces of platinum in separate, high-quality nickel and copper concentrates.³³⁴ Wyloo reports that its activities in the Ring of Fire are currently limited to a small exploration camp at Esker Site near the Eagle's Nest Deposit.³³⁵ That said, as of 2026, Wyloo's Eagle's Nest project is the most advanced in the region. In 2025, Wyloo stated that mine construction was targeted to begin by 2027,³³⁶ but the company more recently stated that it is "aiming to secure permits for advanced exploration by 2029 following robust consultation with First Nations."³³⁷

In addition to Eagle's Nest, Wyloo's Blackbird Project is a second deposit containing large tonnage chromite.³³⁸ The deposit is less than one kilometre from Eagle's Nest and, according to Wyloo, "can be accessed from underground, leveraging the existing surface and underground infrastructure that will already be in place at the future Eagle's Nest Mine."³³⁹ Wyloo is currently planning for scoping studies for the project that will contribute to future workplans.³⁴⁰

Figure 5:
Key Mineral Discoveries
in the Ring of Fire

Source:
Wyloo Metals Corp.



Indigenous Engagement and Sustainability Policies

Wyloo has published a sustainability strategy with respect to its involvement in the Ring of Fire. The strategy is divided into four key areas: people, planet, safety, and governance.³⁴¹

According to Wyloo, the company's People Strategy includes a range of initiatives aimed at supporting Indigenous participation and community development in relation to the Eagle's Nest Project.³⁴² These include more than CA\$100 million in contracts to Indigenous-led businesses, intended to create opportunities for participation in the project's economic benefits through direct contracting, improved access to capital, and business support including capacity building.³⁴³ The strategy also includes a training and employment program designed to provide "guaranteed employment for trainees upon completion," as well as a commitment to maximizing local participation at the Esker Site.³⁴⁴ In addition, Wyloo highlights social development programs that are "co-designed with First Nation communities" in areas such as education and healthcare, alongside community engagement practices focused on sharing materials, plans, and site maps to support "educated and informed discussions about decisions that impact" local communities.³⁴⁵

The Planet pillar of Wyloo's sustainability strategy emphasizes environmental protection and the long-term viability of local communities. The company states that it aims to "go beyond the status quo" by adopting advanced technologies to develop the Eagle's Nest Project as a net-zero emissions mine.³⁴⁶ Key elements of this approach include a commitment to "radical transparency" through a "glass box" model intended to provide real-time project information to stakeholders, including for compliance monitoring and adaptive management.³⁴⁷ The design also emphasizes a reduced physical footprint of approximately one square kilometre, underground tailings storage with no surface tailings facilities, and the elimination of open pits, waste rock piles, and surface quarries.³⁴⁸ Wyloo further highlights water recycling systems to reduce freshwater use and limit effluent discharge, alongside environmental monitoring programs developed in consultation with First Nations and supported by ecological consultants, including species-at-risk mitigation measures.³⁴⁹

Wyloo's Safety Strategy identifies worker health and safety as the company's highest priority, framed through a workplace culture approach encapsulated in the motto "I've got your back" at the Esker Site.³⁵⁰ This language reflects an emphasis on operational safety systems and internal accountability for employee well-being throughout project development and operations.³⁵¹

The Governance Strategy focuses on internal decision-making structures and project oversight mechanisms intended to guide development of the Eagle's Nest Project. Wyloo describes governance as central to achieving "positive outcomes for all partners," and highlights commitments to sustainability governance and management oversight across all phases of the project lifecycle.³⁵² This includes incorporating Indigenous values into project development, fostering co-management arrangements with First Nation partners, and maintaining a "glass box" approach to ensure transparency, reporting, and access to project information.³⁵³



Consultation with Indigenous Communities

Wyloo states that engagement with Indigenous communities should take place through all project phases, not only in the up-front permitting phase.³⁵⁴ When asked about how Wyloo upholds UNDRIP and the UNGPs in its operations, Wyloo took the position that international frameworks, such as UNDRIP and UNGPs, do not create legal obligations for corporations in Canada. For instance, in a *written interview*, Wyloo states that while the UNGPs require the state to protect rights, private companies are only expected to respect them.³⁵⁵ In the context of mining and Indigenous communities in Canada, Wyloo states companies are expected to respect Indigenous rights “by taking proactive steps to validate that state-level obligations are met when obtaining approvals for [mining] activities”.³⁵⁶

When asked about the consultation process with Indigenous communities in the Ring of Fire, Stephen Crozier, Wyloo’s then Vice President of Sustainability, stated that some communities report that they have not been consulted, and “this could not be further from the truth”.³⁵⁷ However, when asked about specific examples of Indigenous communities that Wyloo has contacted and how their feedback has been incorporated in decision-making, they declined to provide details. Instead, they shared that they received periodic inquiries regarding their activities and specific requests, such as adjusting flight paths to avoid disrupting seasonal hunting.³⁵⁸

Wyloo states that it is guided by its “Glass Box” framework with respect to Indigenous engagement. The strategy is described as a framework intended to support enhanced transparency and compliance monitoring of its operations relating to the Eagle’s Nest Project.

The proposed architecture for the “Glass Box” includes:

- ✦ Mapping functional flows (e.g. Indigenous relations, government relations, ESG reporting);
- ✦ Rules Committee – The committee will include representatives from Marten Falls and Webequie First Nations. Other communities may join in the future depending on engagement (e.g. Aroland). It will define and periodically review areas of activity, process for capturing information, and limits on data reporting and accessibility.
- ✦ Presentation Layers vs Data Layers of Information – Key information will be presented to the public in an accessible format on topics selected with input from the Rules Committee (“Presentation Layer”). Additional information will be made available in a “Data Layer” to individuals with appropriate clearance.
- ✦ Responses – Wyloo will commit to providing responses to inquiries, questions and comments raised in connection with the information in the Presentation Layer or Data Layer within a defined period of time.³⁵⁹

Wyloo also has a Sustainability Approach Report, which includes environmental assessments co-led with Indigenous communities and field programs designed to gather Indigenous knowledge.³⁶⁰ According to the company, these programs have resulted in the inclusion of additional species, waterbodies, and other environmental areas of interest in on-going monitoring programs.³⁶¹

Wyloo has stated that Indigenous communities most directly affected by the Eagle’s Nest Project are Marten Falls and Webequie First Nations.³⁶² However, on June 4, 2024, Aroland First Nation denounced Wyloo’s MOU with the City of Greater Sudbury to secure a parcel of land to build a downstream battery materials processing facility in Greater Sudbury that would process minerals mined in the Ring of Fire.³⁶³

Community Development and Remediation

Wyloo states that development of social programs falls within community, provincial, and federal jurisdiction. However, it expects that it will enter into IBAs with Indigenous communities relating to the Eagle's Nest Project, which may include commitments to collaborate on such programs.³⁶⁴ In terms of sharing financial benefits, Wyloo states that such benefits will support long-term economic development goals.³⁶⁵ Wyloo also reports that it is co-conducting socio-economic studies with all impacted communities.³⁶⁶

When asked about environmental restoration after project completion, Wyloo states that its general approach to reclamation is to ensure that a site can be safely returned to a passive status with limited risk to the surrounding environment.³⁶⁷ Wyloo also expects the glass box model will assist in determining its closure planning processes.³⁶⁸

Wyloo maintains that they are committed to providing timely written responses to formal complaints. They note their Project's microsite communication channel, where feedback is reviewed, logged, and stored electronically.³⁶⁹ When asked about grievance mechanisms, Wyloo states that internal policies will be developed to achieve the "highest score" in the Towards Sustainable Mining ("TSM") governance framework.³⁷⁰ They also stress that a broader orientation towards mechanisms that support active engagement is needed beyond grievance mechanisms alone.³⁷¹

The Limits of Wyloo's Approach

While Wyloo positions itself as a progressive actor in the Ring of Fire through its "Glass Box" transparency initiative and net-zero mine designs, a critical analysis by the ABPA reveals structural deficiencies in this approach. In the ABPA's view, Wyloo's framework ultimately preserves colonial power dynamics over data, value chains, and environmental accounting.

To align with true Indigenous economic sovereignty, it is proposed that the following systemic gaps be addressed:

- 1 Rejecting the "Glass Box" for True Data Sovereignty (OCAP®):** Wyloo's "Glass Box" model relies on a corporate-hosted portal where a "Rules Committee" determines what information is made public and what remains restricted. The ABPA asserts that controlled, corporate-owned transparency is not FPIC. Environmental baseline data, hydrological monitoring, and compliance metrics collected on Indigenous lands must be governed by the principles of OCAP® (Ownership, Control, Access, and Possession). True transparency requires that First Nations own the data infrastructure outright, rather than merely receiving access credentials to a corporate dashboard.
- 2 Closing the "UNDRIP Loophole" and Corporate Redwashing:** Wyloo explicitly states that international frameworks like UNDRIP and the UNGPs "do not create legal obligations for corporations in Canada," arguing that their responsibility is limited to validating that the state meets its obligations when granting approvals. In the ABPA's view, hiding behind the Crown's legally contested duty to consult—particularly under Ontario's free-entry system—may amount to a sophisticated form of corporate redwashing. A company cannot claim ESG excellence while disavowing the very human rights frameworks designed to protect host communities. The ABPA demands that corporations integrate UNDRIP directly into their binding charters, independent of flawed provincial permitting regimes.
- 3 Demand for "Value-Chain Equity":** Wyloo has signed a MOU to secure a parcel of land to build a downstream battery materials processing facility in Greater Sudbury, a move publicly denounced by Aroland First Nation.³⁷² Resource colonialism historically extracts raw wealth from Indigenous lands to enrich southern manufacturing hubs. The ABPA demands "Value-Chain Equity"—Indigenous economic sovereignty must not stop at the edge of the mine pit. First Nations must hold equity stakes in the downstream processing plants, refineries, and manufacturing facilities that rely entirely on the critical minerals extracted from Treaty 9 territory.
- 4 Challenging "Net-Zero" with Holistic Peatland Accounting:** Wyloo claims the Eagle's Nest will be a "net-zero emissions mine" featuring a small surface footprint and underground tailings. However, net-zero claims by mining companies must consider any potential impacts of mining on nearby peatlands; a mine cannot be truly net-zero if its required enabling infrastructure (such as the all-season road networks) and underground dewatering processes degrade the surrounding James Bay Lowlands—a fragile peatland ecosystem holding an estimated 35 billion tonnes of carbon.

Juno Corp

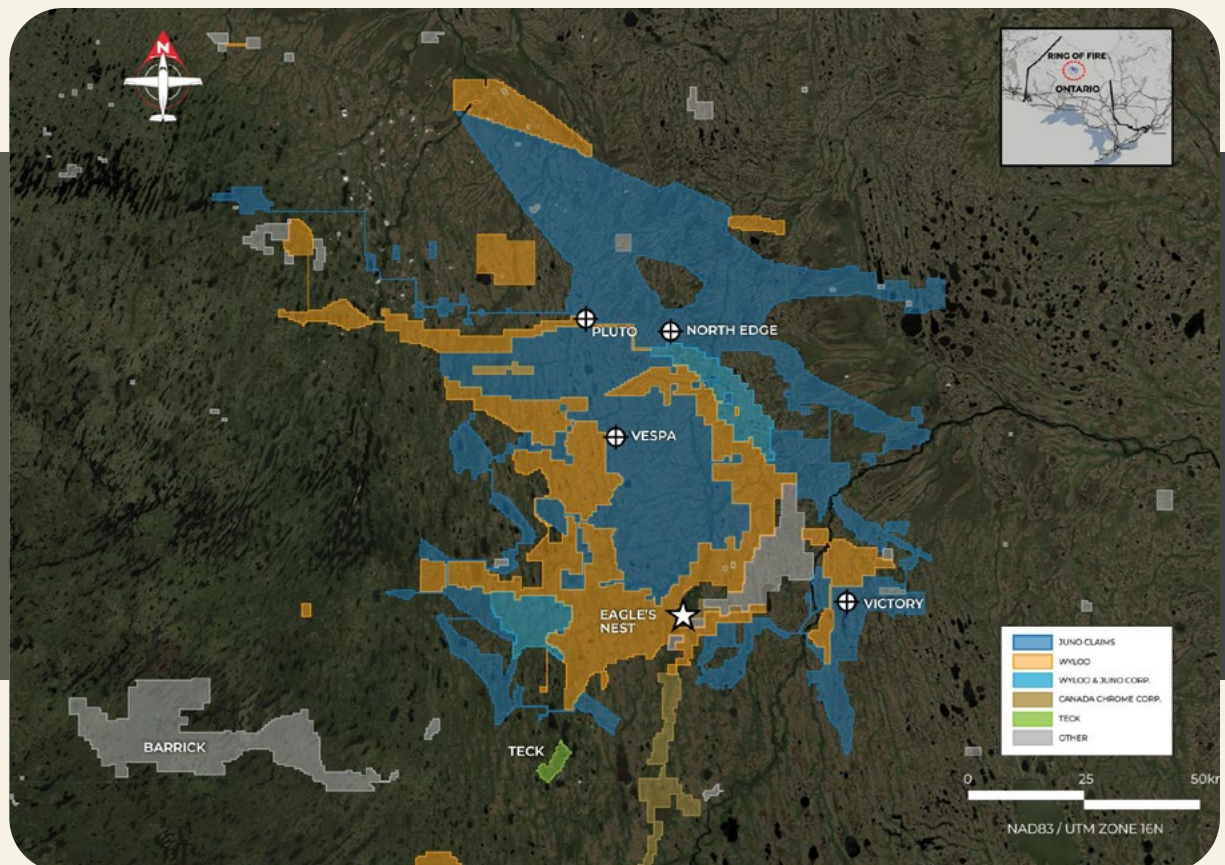
Juno is a private mineral exploration company founded in 2019 with the goal of pursuing the exploration and development of critical minerals in the Ring of Fire. It is a Canadian company headquartered in Toronto, Ontario. Juno is the largest mineral claim holder in the Ring of Fire, with over 27,000 mineral claims covering more than 5,300 km².³⁷³

Projects in the Ring of Fire: Vespa Complex, and Big Thunder Gold District (Pluto and North Edge)

Juno's primary service is undertaking exploratory work within the Ring of Fire to locate mineral- and gold-rich regions that can later be developed by mining companies.³⁷⁴ Its operations include helicopter, drone, and ground geophysical surveys, along with exploratory drilling.³⁷⁵ Within the Ring of Fire, Juno's current principal exploration projects are the Vespa Complex and Big Thunder Gold District.³⁷⁶ The Vespa Complex shows significant potential for critical mineral accumulation important to the aerospace and battery-metal energy supply chains.³⁷⁷ Big Thunder Gold District, which includes Pluto and North Edge, contains an extensive gold system with the possibility to emerge as a new gold district.³⁷⁸

Figure 6:
Map of Juno
mining claims in
the Ring of Fire

Source:
Juno Corp.



The Vespa Complex is a newly identified intrusive complex in the Ring of Fire.³⁷⁹ According to Juno, the complex shows significant potential for critical mineral accumulation, particularly titanium, vanadium, scandium and high-purity iron, which are important to the aerospace and battery-metal energy supply chains.³⁸⁰ To date, Juno has engaged in both Drone Magnetic surveys and drill-testing in the region.³⁸¹ In 2026, Juno plans to allocate approximately \$10 million towards further exploration of Vespa, including drilling, soil sampling, and metallurgical testing.³⁸² Juno believes that Vespa has the potential to host 250 million to 750 million tonnes of high-grade V-Ti-Fe mineralization.³⁸³

Within the Big Thunder Gold District (formerly the North Arm Gold District), two sites of primary importance have been identified by Juno: Pluto and North Edge, where visible gold was observed.³⁸⁴ Juno commenced exploration work on the Big Thunder Gold District in 2024 and following drone magnetic surveys, second phase drilling occurred in November and December 2024.³⁸⁵ Drilling is expected to resume following the completion of a detailed 3D Induced Polarization survey.³⁸⁶ According to Juno, early-stage exploration indicates Big Thunder as an emerging gold district.³⁸⁷ In 2026, Juno plans to allocate approximately \$10 million to follow up the positive results at Pluto and North Edge and to test the broader Big Thunder gold district.³⁸⁸ Juno also plans to undertake extensive soil sampling programs in The Big Thunder district.³⁸⁹



Indigenous Engagement and Sustainability Policies

To the IHRP and ABPA's knowledge, Juno does not publicize or detail its strategy for minimizing its environmental footprint. Juno has a stated commitment to sustainability and responsible exploration, and purports to achieve this through "modern exploration techniques hand-in-hand with fundamental environmental, social, and governance ("ESG") practices that seek to minimize exploration impacts."³⁹⁰ The specific ESG practices are not outlined, but the website does mention the use of "cutting-edge geoscience" to minimize exploration impacts.³⁹¹ Additionally, Juno claims to have a "highly talented ESG team" with over 15 years of experience.³⁹²

With respect to Indigenous engagement, Juno has signed MOU/Early Exploration Agreements with three nearby First Nations communities: Webequie First Nation, Marten Falls First Nation, and Kasabonika Lake First Nation. Juno states that these agreements work to foster economic participation and support for local cultural and commercial activities. The agreements with Webequie First Nation and Marten Falls First Nation include commitments to regular meetings; the establishment of a working group committee; support for local cultural activities, and cooperation measures to mitigate any impacts from exploration activities on traditional lands.³⁹³ In Juno's most recent corporate press conference, it emphasized its partnership with the Webequie and Marten Falls First Nations,³⁹⁴ stating that the company "envision[s] enormous prosperity for the surrounding First Nations communities once sustainable and inclusive resource development takes place."³⁹⁵

However, there is no mention of Juno's relationships with communities who oppose development in the Ring of Fire. Both Neskantaga First Nation and Attawapiskat First Nation have been openly against development in the Ring of Fire due to potential effects on the land, water, and treaty rights.³⁹⁶ Furthermore, the sheer scale of Juno Corp's land claims in the region has raised significant alarm among environmental actors, as significant peatlands, watersheds and habitat for threatened wildlife lie within.³⁹⁷ Wildlands League has also documented land clearing, machinery dragged through bush, trail cutting, and seismic wiring causing significant environmental harm all before mining has even begun.³⁹⁸

Juno currently holds several mineral exploration permits from the ERO for mineral exploration within the Ring of Fire.³⁹⁹ On the ERO, it states that each permit was only issued once all Indigenous communities and the public had the opportunity to provide comments or raise their concerns.⁴⁰⁰ For each permit, comments received were considered but generally did not result in additional terms and conditions being imposed.⁴⁰¹ However, it is important for stakeholders to be aware that the scope of the duty to consult increases along with the seriousness of the potentially adverse effect upon the right or title claimed.⁴⁰² As a result, although low-impact exploratory drilling may be approved with relatively limited conditions, future mine development and extraction activities could face heightened regulatory scrutiny and more extensive consultation obligations.

In a statement made on January 29, 2025, the President and Chief Operating Officer Jacob McKinnon stated, "Juno recognizes and supports Premier Doug Ford's statement that the Ring of Fire is of National Strategic Importance, to both the Canadian and United States economies. The Company is also working with the Ontario government to ensure reasonable timelines and guidelines for low-impact exploration activities."⁴⁰³ The details of Juno's collaboration with the Ontario government are not publicly disclosed.



Consultation with Indigenous Communities

In 2020, Juno applied for two exploration permits to drill in the Ring of Fire at sites approximately 240 and 265 kilometers from the Attawapiskat community.⁴⁰⁴ Juno's president emailed Attawapiskat to introduce the company and notify the community of the proposed exploration.⁴⁰⁵ Attawapiskat refused consent and requested additional time to assess potential impacts.⁴⁰⁶ During this period, the provincial government mistakenly provided incorrect information to the First Nation, creating the impression that aspects of the consultation had been delegated to Juno, contrary to constitutional requirements.⁴⁰⁷ Relying on this understanding, Attawapiskat attempted to initiate dialogue with Juno, but Juno did not respond to multiple communications and did not advise the province that these outreach efforts had occurred.⁴⁰⁸ Juno later stated that a ministry employee had instructed it not to engage directly with the First Nation.⁴⁰⁹

As reported, the only "consultation" from Juno was a single email to Attawapiskat's land coordinator in January of 2020.⁴¹⁰ Apart from this instance, there was not a single meeting held to the IHRP and ABPA's knowledge.⁴¹¹ This series of misunderstandings culminated in Attawapiskat First Nation seeking an injunction against Juno, as they believed that they were not adequately consulted about mining exploration in their territory.⁴¹²

Juno's approach to dissenting communities reveals severe structural flaws in the provincial free-entry system. In *Attawapiskat First Nation v. Ontario*, the Ontario Superior Court of Justice ruled that Juno's failure to communicate with the community and the province regarding exploration concerns was an 'affront to reconciliation'. The court noted the First Nation was left with the impression that consultation was a mere *pro forma* obligation designed to rubber-stamp industrial access."⁴¹³

The court stated:

"From the perspective of Attawapiskat, what can be made of this process? It was invited to deal with Juno, by Juno. It was referred to the Ministry's former policy, stating that dealings with a proponent were part of consultation. Juno then ignored communications from Attawapiskat and didn't tell the Ministry about it. When the Ministry found out about it, it corrected the misunderstanding and then almost immediately told Attawapiskat that it had had sufficient time to respond and imposed a very short deadline. Attawapiskat could only be left with the impression that the Ministry was viewing the consultation process as a *pro forma* obligation".⁴¹⁴

Juno and Attawapiskat reached a resolution that requires that Juno give advance notice before going on the land and drilling, but it is not clear whether the relationship has been repaired. It appears Attawapiskat continues to oppose the Ring of Fire development and the issuance of exploration permits to Juno,⁴¹⁵ and community members from Attawapiskat who have been interviewed continue to raise concerns that remain unaddressed.



Community Development and Remediation

Juno repeatedly frames Ring of Fire development as beneficial to First Nations through infrastructure, roads, economic participation, and supply-chain development. Its investor presentation states that Ring of Fire roads/infrastructure are “essential” to provide First Nations with modern facilities and year-round access, noting that communities are otherwise served by aircraft and winter ice roads.⁴¹⁶ It also states that Marten Falls and Webequie are “strongly supportive” and leading environmental assessment/permitting on their traditional lands.⁴¹⁷

A member of Attawapiskat First Nation argued that the current push for road infrastructure—supported by Marten Falls and Webequie in exchange for development benefits—ultimately hands control and agenda-setting over to industry actors like Juno.⁴¹⁸ He acknowledges that most First Nations are pro-development, but frames it as a survival response as communities witness youth being lost to drugs and poverty.⁴¹⁹

Corporations should be aware that “essentials” that are basic human rights, should not be conditional on consent to mining, as this defeats the purpose of FPIC. As stated above, FPIC should not be obtained under conditions of coercion or manipulation, as consent must be given “freely”.

Juno’s 2025 activity summary states that the company envisions enormous prosperity for surrounding First Nations once sustainable and inclusive resource development occurs.⁴²⁰ They state that they continue to strive to mitigate potential impacts from exploration activities on traditional lands.⁴²¹ However, in order to ensure mining proceeds in a rights-respecting manner, the company must engage affected Indigenous communities as shared decision-makers at every stage of the process and respect the principle of FPIC.

Corporations should be aware that “essentials” that are basic human rights, should not be conditional on consent to mining

The Limits of Juno's Approach: An ABPA Critique

While Juno frames its operations around sustainable resource development and providing essential infrastructure to First Nations, a critical analysis by the ABPA reveals significant structural deficiencies.

To align with true Indigenous economic sovereignty, Juno's approach must address several systemic gaps:

- 1 Concerns regarding Use of the Free-Entry System and Regulatory Redwashing:** Juno is the largest mineral claim holder in the Ring of Fire, with over 27,000 mineral claims.⁴²² Relying heavily on Ontario's free-entry system under the *Mining Act*, the company has contributed to a surge in unconsented mining claims described earlier in this report, which the ABPA believes act as a systemic strategy to overwhelm community capacity. Juno's reliance on provincial ERO permitting processes, rather than proactive, direct consultation, was previously ruled by an Ontario court as an "affront to reconciliation".⁴²³ In the ABPA's view, hiding behind flawed provincial permitting regimes to advance exploration without explicit FPIC constitutes corporate redwashing.
- 2 Coercive Framing of Basic Human Rights:** Juno frequently frames the development of Ring of Fire roads and infrastructure as "essential" to providing First Nations with modern facilities.⁴²⁴ However, as stated previously, the IHRP and ABPA argue that basic human rights—such as access to housing, clean water, and safe transportation—must not be conditional on a community's consent to mining. Under international human rights law, using necessary infrastructure as a transactional bargaining chip would violate the "free" component of FPIC, as it relies on coercion and manipulation.
- 3 Absence of True Economic Sovereignty:** While Juno highlights its MOUs and early exploration agreements with certain First Nations, these agreements primarily focus on employment and local cultural support.⁴²⁵ In the ABPA's view, these traditional transactional models are structurally deficient and colonial in nature. True Indigenous economic sovereignty requires transitioning to comprehensive equity ownership, such as the "Infrastructure Utility Model" and "Golden Share" environmental protections, which Juno has not publicly integrated into its operational strategy.
- 4 Ecological Omission and Lack of Independent Verification:** Despite claiming a commitment to ESG practices to minimize exploration impacts,⁴²⁶ Juno does not publicize its strategy for minimizing its environmental footprint. Furthermore, the sheer scale of its land claims threatens fragile peatlands and critical watersheds.⁴²⁷ The ABPA explicitly demands independent verification of corporate ESG claims and true data sovereignty governed by OCAP® principles. Neither of these are reflected in Juno's current reliance on internal ESG teams and standard provincial comment period.

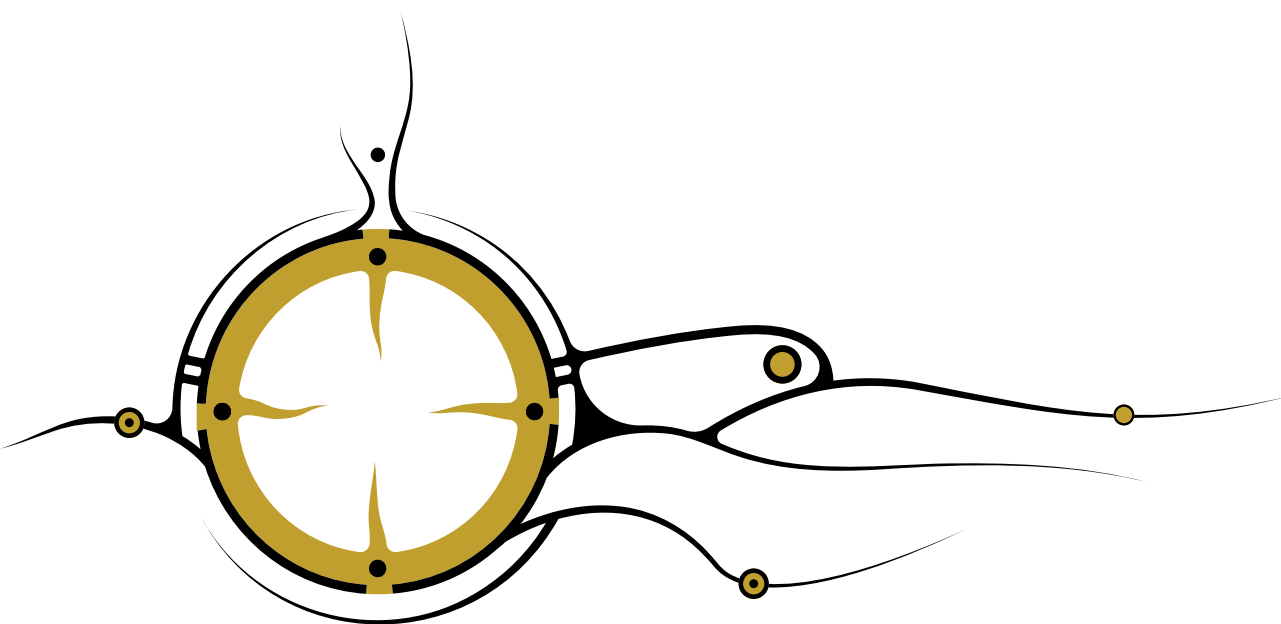
Teck

In 2024, Teck entered an options agreement with Canterra Minerals for their claim in the Ring of Fire.⁴²⁸ Teck generally focuses on mining operations for zinc and copper.⁴²⁹ Through the options agreement, Teck was considered the operator of the project and took on the risk associated with exploration activity and the nearby communities.⁴³⁰ At the time of publication of this report, the IHRP and ABPA were informed by Teck that the company has decided to exit the options agreement with Canterra and no longer has any interest in the Ring of Fire region. This report nevertheless includes an assessment of Teck's prior involvement, as its publicly stated human rights and sustainability commitments remain relevant to evaluating corporate practices and expectations for responsible engagement in the region. The Canterra project remains at a very early stage, as Canterra did not have any exploration in the area beyond staking its claim.⁴³¹

Projects in the Ring of Fire: Canterra Option

Teck entered into an option agreement with Canterra Minerals in 2024 to acquire full ownership of Canterra's mining claims in the Ring of Fire region of northern Ontario.⁴³² Canterra's ground consists of a group of mining claims covering roughly 30 square kilometres in the James Bay Lowlands, approximately 40 kilometres southwest of Wylloo's Eagle's Nest NI-PGE deposit.⁴³³ Under the terms of the options agreement, Teck had the option to earn in on the property through a series of payments totaling C\$275,000 over two years, while Canterra retained a 1.5% royalty that Teck could reduce to 0.5% upon making an additional payment of C\$2 million.⁴³⁴

Teck and Canterra have retained a substantial package of historic data from Canterra's predecessor, Diamondex Resources Ltd, which includes 12,500 line kilometres of heli-airborne VTEM surveys and the identification of more than 70 prioritized VTEM anomalies.⁴³⁵ Because the property has very little exposed bedrock, the companies had not yet completed activities like drilling or surface mapping, meaning targets remain unexplored.⁴³⁶



Indigenous Engagement and Sustainability Policies

Teck describes itself as a leading Canadian resource company focused on responsibly providing the metals essential for global development and the energy transition,⁴³⁷ while caring for the people, communities, and land connected to its operations.⁴³⁸ Since 2000, Teck has published an annual sustainability report,⁴³⁹ and all its operations globally apply the TSM program, publicly reporting TSM results across sites to support comparability and transparency over time.⁴⁴⁰

Teck's publicly available Indigenous Peoples Policy and Human Rights Policy indicate that the company is "guided by" international instruments including UNDRIP, the International Labour Organization Convention No. 169 on Indigenous and Tribal Peoples, the International Council on Mining and Metals ("ICMM") Position Statement on Indigenous Peoples and Mining, and the Towards Sustainable Mining Indigenous and Community Relationships Protocol.⁴⁴¹ Teck is a member company of the ICMM and has posted about ICMM's approach to FPIC, which describes "constructive relationships between mining and metals companies and Indigenous peoples that are based on mutual respect, meaningful engagement, trust and mutual benefit."⁴⁴²

Within its sustainability structure, Teck identifies "Communities and Indigenous Peoples" as one of its key sustainability topics alongside climate change, water, tailings management, biodiversity, health and safety, and human rights.⁴⁴³ Teck has articulated specific goals related to Indigenous peoples, including increasing local employment and procurement opportunities, achieving greater representation of Indigenous peoples across its business through employment, procurement, business development, capacity building, education and training, and contributing \$100 million to community organizations and global initiatives by the end of 2025.⁴⁴⁴ These targets indicate that Teck is treating Indigenous participation and shared benefits as measurable objectives rather than purely aspirational language.

Teck's sustainability governance includes a Board-level Sustainability Committee mandated to review policies, procedures, and risk management practices relating to sustainability, including Indigenous communities.⁴⁴⁵ Senior management responsibility is distributed across a team of executives.⁴⁴⁶ The Committee is subject to annual evaluation, though this is conducted internally.⁴⁴⁷ Board expertise and training include presentations by external experts and consultants on topics including engagement with Indigenous peoples, public policy, and government regulations.⁴⁴⁸

However, the ABPA submits that gaps remain in Teck's accountability framework. The company relies on process-oriented measures, such as the existence of agreements and engagement structures rather than clear outcome-based metrics assessing the quality or effectiveness of Indigenous engagement.⁴⁴⁹ Verification appears limited to broader sustainability reporting rather than independent verification of specific claims about Indigenous relationships. Teck states that given the early stages of the Canterra project, any independent verification during the early exploration phase would be modest as external audits efforts are geared towards current operations and projects and, more specifically, at the agreement stage.⁴⁵⁰ However, in the APBA's view, subjecting the company's sustainability disclosures to external audits by firms like PwC, these ISAE 3000 audits provide only limited assurance.⁴⁵¹

Overall, while Teck appears to treat Indigenous rights as a serious financial and operational risk with structured governance in place, it is the ABPA's view that the limited use of independent verification and outcome-based metrics creates some residual risk. The ABPA believes that a company's reliance on process-oriented audits without substantive Indigenous verification may amount to a sophisticated form of redwashing. As noted in this report, such concerns regarding redwashing can be addressed by mandating that corporate claims regarding FPIC be treated with rigorous, independent, Indigenous-led third-party auditing standards, ending the era of self-reported sustainability claims.

Consultation with Indigenous Communities

In its 2025 Annual Information Form, Teck recognizes “risks associated with Indigenous Peoples’ claims and other title risks.”⁴⁵² However, its public-facing website frames Indigenous engagement primarily through a community relations and ESG narrative, rather than as a legally grounded responsibility rooted in UNDRIP and FPIC.⁴⁵³ Furthermore, Teck has not issued public statements specifically identifying or addressing the First Nations affected by its Ring of Fire project.⁴⁵⁴ In an interview with the IHRP, Teck did confirm that the company has been focused on relationship-building with nearby communities since the options agreement was signed, including outreach to Marten Falls, Neskantaga and Webequie First Nations. – members of Nishnawbe Aski Nation.⁴⁵⁵

However, Teck has not publicly disclosed any disputes, opposition, or concerns raised by First Nations in relation to its Ring of Fire activities.⁴⁵⁶ For example, although Nishnawbe Aski Nation Grand Chief Alvin Fiddler has stated that Premier Ford’s promise to “unlock” the Ring of Fire and fast-track development constitutes “a direct attack on the inherent, Treaty and Aboriginal rights of First Nations who have governed and stewarded these lands since time immemorial,” Teck has not issued any public response to such concerns, to the IHRP and ABPA’s knowledge.⁴⁵⁷ According to the company, it is not within Teck’s general practice to comment on government to government conversations or general concerns regarding mining in the region. Rather, it is the company’s practice to disclose disputes where the opposition is with respect to a specific Teck project and the dispute reaches a certain disclosure threshold.⁴⁵⁸

Community Development and Remediation

Teck has articulated goals around local employment and procurement opportunities and Indigenous economic participation. The company’s stated targets include increasing Indigenous employment and business procurement, contributing to capacity building and education initiatives, and delivering direct economic benefits to communities connected to its operations.⁴⁵⁹ However, at the current early stage of the Ring of Fire project, no IBAs with nearby First Nations communities have been publicly disclosed or confirmed.

Teck/Canterra have not yet engaged in a formal Environmental Assessment for the Ring of Fire project given its early-stage status.⁴⁶⁰ As with consultation, Teck has pointed to its general approach at other projects, including assisted community-led environmental assessments as indicative of how it may approach environmental obligations in the Ring of Fire. In an interview, Nicole Nicholas, Senior Lead Social Responsibility at Teck, stated that for a previous project, the company assisted a community financially in undertaking their own environmental assessment.⁴⁶¹ However, no project-specific environmental or remediation commitments were articulated for the Canterra property.

Teck’s general sustainability framework includes reclamation and closure planning as part of its operations globally.⁴⁶² According to the company, all its operations apply the TSM program, which includes requirements around mine closure and environmental management. The extent to which these frameworks were considered with respect to the specific environmental and cultural sensitivities of the Ring of Fire region, including the James Bay Lowlands peatland was not evident.

Teck has formal mechanisms for Indigenous peoples to raise concerns within Teck’s operations, including response processes, dispute resolution clauses, and ongoing engagement structures.⁴⁶³ However, at this stage, we have not been able to corroborate the extent or quality of Teck’s consultation with affected Indigenous communities in the Ring of Fire.

Overall Findings

At a general level, at least two of the companies examined in this report—Wyloo and Teck—do maintain some sustainability, environmental, and corporate responsibility policies, and explicitly reference international standards such as UNDRIP and UNGPs as guiding frameworks for their operations. These commitments provide an important baseline for responsible business conduct and reflect an increasing recognition within the mining sector of the relevance of human rights and Indigenous rights standards to resource development. They also signal an awareness, at least at the policy level, of expectations relating to consultation, environmental stewardship, and community engagement in extractive projects.

Despite these stated commitments to consultation and partnership, corporate engagement in the Ring of Fire demonstrates continuing gaps. While companies boast internal sustainability frameworks, none currently subject their Ring of Fire Indigenous engagement claims to mandatory, independent auditor verification evaluating the quality of specific Indigenous relationships or genuine FPIC.

CORPORATE ACCOUNTABILITY GAPS: SELF-REPORTED METRICS VS. INDEPENDENT VERIFICATION

Wyloo

Juno

Teck

Evaluation Criteria

Primary Project Stage

Advanced Development. Eagle's Nest project is the most advanced in the region. According to the company, Wyloo is "aiming to secure permits for advanced exploration by 2029 following robust consultation with First Nations."

Early Exploration. Conducting drone magnetic surveys and early-stage drill-testing at the Vespa Complex and Big Thunder districts.

Very Early Stages. Held an options agreement with Canterra Minerals and was reviewing historical data with no drilling completed.

Evaluation Criteria

Stated Grievance Mechanism

Digital Platforms & Direct Contacts. Offers a project microsite and "Glass Box" transparency initiative. However, critics perceive these mechanisms as procedural rather than substantive.

None Disclosed. Relies heavily on provincial regulatory permit comment periods. Previously ignored direct community outreach regarding an exploration agreement.⁴⁶⁴

Formal Corporate Channels. Operates a "Doing What's Right" whistle-blower hotline and mandates site-level reporting and human rights remediation.

Evaluation Criteria

Alignment with UNDRIP/TRC 92

Voluntary Alignment, Denies Legal Obligation. Views UNDRIP as non-binding for corporations. States a focus on "Truth & Reconciliation" but details on incorporating direct Indigenous feedback are withheld.

Poor Alignment. The company's previous failure to communicate directly with Attawapiskat First Nation was ruled by a court as an "affront to reconciliation".

Guided by UNDRIP Policy. Corporate policies explicitly state alignment with UNDRIP and prioritize Indigenous relations, though local Ring of Fire project execution remains unverified.

Evaluation Criteria

Independent Auditor Verification of Indigenous Claims

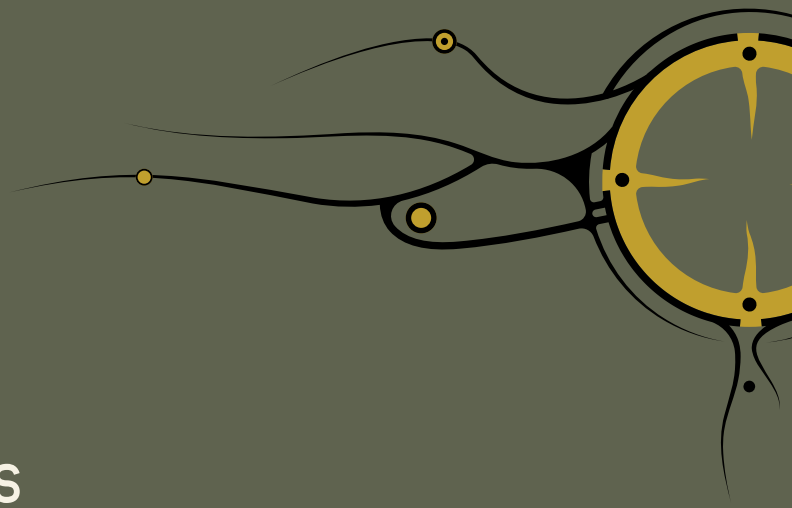
No Independent Verification. Does not publish comprehensive CSR reports or verify sustainability claims via independent auditors.

No Independent Verification. Lacks formal non-financial disclosures or independent verification of Indigenous relationship claims.

Limited Independent Verification. Relies primarily on broader internal sustainability reporting and compliance-based audits at the agreement stage (e.g., verifying agreements are in good standing), rather than explicit independent, outcome-based audits evaluating the quality of specific Indigenous relationships or genuine FPIC.

Across companies, there is limited transparency about how Indigenous input has shaped decision-making, little evidence of proactive efforts to secure FPIC, and an overreliance on MOUs rather than continuous engagement where consultation processes are co-created. In many cases, consultation appears to be treated as a procedural formality rather than a substantive process grounded in Indigenous law and governance.

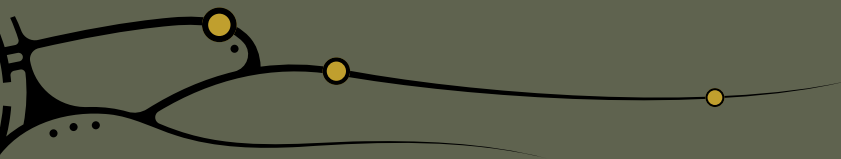
These gaps may be addressed with greater reliance on UNDRIP, the UNGPs, and Canadian constitutional obligations, and through true meaningful participation of Indigenous communities that prioritizes Indigenous self-determination, including Indigenous knowledge and decision-making systems.



RECOMMENDATIONS



The Ring of Fire represents both a profound threat and a potential turning point in the relationship between governments, corporations, and First Nations in northern Ontario. This report submits that current approaches to consultation continue to fall short of true respect of Indigenous sovereignty, legal orders, and ecological stewardship. Absence of shared decision-making, risks of environmental degradation, jurisdictional ambiguity, and the lack of enforcement mechanisms remain significant concerns for affected First Nations. Moving forward, development must be grounded in a rights-based approach that centres Indigenous governance, environmental sustainability, and legally enforceable standards of consent. FPIC must be meaningfully strengthened through legal and practical reforms. Governments and corporations must avoid engaging in green colonialism – that is transitioning to green energy technologies while exploiting Indigenous lands and resources without consent. The lack of consultation and consent can lead to a repeat of the colonial patterns of exploitation and dispossession that have historically characterized the relationship between Indigenous peoples, government and extractive industries.



1

Legal and policy frameworks must be harmonized across jurisdictions to eliminate fragmentation and uphold Indigenous rights.

Federal and provincial laws must be amended to align with Treaty 9 obligations and the commitments under UNDRIP, closing legal loopholes that allow development to proceed without meaningful consultation. Federal and provincial legislation—including the federal IAA and Ontario's *Mining Act*—should be amended to recognize a legally enforceable right to withhold consent to mining, in alignment with the standards set by UNDRIP. One promising model is British Columbia's Bill 41, which affirms that the DRIPA "incorporates UNDRIP into the positive law of British Columbia with immediate legal effect".⁴⁶⁵ This means that UNDRIP is the interpretive lens through which existing and new provincial laws should be interpreted, and the standard against which they should be assessed.⁴⁶⁶ Although not perfect, it provides a legislative foundation Ontario could adopt.

2

Indigenous co-management and revenue-sharing must be enforced.

First Nations governance must be supported through legally binding co-management and revenue-sharing frameworks. Indigenous communities must be given equal decision-making authority over land use, resource extraction, and environmental stewardship, in line with Canada's commitments under UNDRIPA and UNDRIP. These agreements must prioritize long-term community well-being and self-determined development.

3

Indigenous capacity and governance must be adequately funded

Indigenous communities must also be given the necessary resources to adequately respond to consultation requests. Indigenous knowledge systems—such as oral histories, land-based ecological expertise, and cultural practices—should be integrated into environmental assessments at all stages. Financial support must also be provided to facilitate Indigenous-led research, land stewardship programs, and full participation in review panels.



4

FPIC must be meaningfully strengthened through legal and practical reform.

Governments must avoid engaging in green colonialism - that is transitioning to green technologies while exploiting Indigenous lands and resources without consent.⁴⁶⁷ The lack of consultation and consent can lead to a repeat of the colonial patterns of exploitation and dispossession that have historically characterized the relationship between Indigenous peoples, government, and extractive industries.⁴⁶⁸ Thus, governments and corporations must commit to implementing First Nations-led consultation protocols that reflect Indigenous legal orders and decision-making structures. These protocols should dictate how information is shared, how consent is communicated, and how authority is exercised. At the same time, domestic legal frameworks must evolve to recognize FPIC as more than a procedural obligation. Federal and provincial legislation—including the IAA and Ontario’s *Mining Act*—should be amended to recognize a legally enforceable right to withhold consent to mining, in alignment with the standards set by UNDRIP.

5

Accountability and transparency must be embedded into every phase of resource development.

Corporations and governments should be legally required to publicly disclose consultation efforts, environmental impact assessments, and community benefit agreements. These disclosures must be accessible and written in plain language to ensure community understanding. Indigenous communities must also be given the necessary resources to adequately respond to consultation requests.

1

Discard the Social License to Operate.

Corporations must explicitly discard the obsolete and colonial concept of securing a Social License to Operate (“SLO”). An SLO is a corporate public relations metric that implies a project merely needs sufficient community tolerance or the illusion of social acceptability to proceed. Investors and regulators must recognize that the new, non-negotiable standard must be FPIC. While an SLO seeks a reputational victory, FPIC under international law requires economic, environmental, and jurisdictional alignment with First Nations rightsholders.

2

Bring corporate practices in line with both domestic law and international standards such as the UNGPs and UNDRIP.

Corporations must not rely solely on voluntary corporate social responsibility (“CSR”) standards, which often vary widely and fail to meet the expectations and needs of Indigenous communities. Corporations must commit to implementing First Nations-led consultation protocols that reflect Indigenous legal orders and decision-making structures. Corporations must ground their operations in existing human rights frameworks, such as UNDRIP and UNGPs. This includes respecting Indigenous legal orders, integrating Indigenous decision-making processes, and committing to Indigenous-led solutions throughout the development cycle.

3

Avoid engaging in greenwashing and redwashing, recognizing the serious legal and reputational risks these practices carry.

Greenwashing refers to the false branding of projects as environmentally sustainable, while redwashing refers to the performative presentation of social justice commitments for economic gain or public relations purposes. Both practices can lead to serious legal consequences under Canada’s emerging regulatory frameworks. Recent updates to the *Competition Act* under Bill C-59, enhanced guidance from the Canadian Securities Administrators, and litigation examples (e.g., Lululemon,⁴⁶⁹ Keurig,⁴⁷⁰ RBC⁴⁷¹) show that civil penalties and burdens of proof for unsubstantiated environmental or social claims are growing. Economic consequences—including stock price declines, divestments, public protests, and ESG score downgrades—are also increasing. Companies operating in the Ring of Fire must prioritize verifiable, rights-based approaches rather than relying on branding strategies that fail to meet legal or ethical standards.

Capital Markets and Securities Regulators

Ultimately, ignoring Indigenous rights is not merely an ethical failure; we submit it is a material financial risk. The failure to secure FPIC has historically resulted in catastrophic project delays and massive capital destruction. Therefore, the corporate sector can no longer treat the Truth and Reconciliation Commission's Call to Action 92 as a voluntary social initiative. It must be embedded directly into the fabric of capital markets compliance to protect both Indigenous sovereignty and investor capital.

To systematically eradicate “redwashing” and ensure that capital is allocated efficiently and ethically in the Ring of Fire, securities regulators (the Ontario Securities Commission and Canadian Securities Administrators) must implement the six necessary reforms proposed by the ABPA:

1. **Establish an Indigenous Advisory Council:** Fund a permanent council within the securities regulatory framework with a mandate for policy co-development.
2. **Amend NI 51-102 (Continuous Disclosure):** Require mandatory, ongoing disclosure from issuers regarding their policies, governance, and performance related to FPIC and TRC Call to Action 92.
3. **Expand NI 43-101 Amendments:** Acknowledge that project-specific mining disclosures do not replace the need for broader, corporate-level continuous disclosure on Indigenous relations.
4. **Create a Bespoke Prospectus Exemption:** Implement an “Indigenous Community Investment Prospectus Exemption” to facilitate capital flow into Indigenous-led utility and equity projects.
5. **Combat Redwashing via Independent Verification:** Mandate that corporate claims regarding FPIC be treated with rigorous, independent, Indigenous-led third-party auditing standards, ending the era of self-reported sustainability claims.
6. **Promote Investor Stewardship:** Issue formal guidance clarifying that managing risks related to Indigenous rights is a core component of fiduciary duty for institutional investors.

In sum, the Ring of Fire cannot be approached as a mere economic project — it is a test of Canada's commitment to reconciliation, environmental justice, and international human rights. Realigning development with Indigenous-led solutions is not only a legal imperative but a moral one.

APPENDIX A: LAWSUIT TRACKER

Matawa First Nations v. Canada

Status: Withdrawn

In **November 2011**, the Matawa First Nations launched a legal challenge to the federal environmental assessment process, which had failed to implement a Joint Panel for the Cliffs Chromite project.⁴⁷²

On March 15, 2013, The Federal Court dismissed Cliffs and the government of Canada's motions challenging some of the evidence the First Nations presented in the 2011 case and questioning the independence of three experts.⁴⁷³

In September 2013, the Matawa First Nations chiefs withdrew the legal challenge in favor of negotiations.⁴⁷⁴

Eabametoong First Nation v. Ontario

Status: Decision rendered

In **February 2018**, Eabametoong First Nation brought a challenge against the Ministry of Northern Development and Mines due to inadequate consultation for a gold exploration permit issued to Landore Resources.

On July 16, 2018, The Ontario Divisional Court ruled in favor of the Eabametoong First Nation. It set aside The Director of Exploration for the Ministry of Northern Development and Mines' permit for Landore pending completion of adequate consultation with Eabametoong.⁴⁷⁵

Neskantaga First Nation v. Ontario

Status: Dismissed

In **November 2021**, Neskantaga filed an application with the Ontario Superior Court to seek declarations on the Ontario government's constitutional obligations under the provincial *Environmental Assessment Act*.⁴⁷⁶ Neskantaga's specific purpose for this application was to clarify the following:

- a. what steps the Ontario Crown is required to take to fulfill the Duty to Consult and Accommodate ("DTCA") under the *Environmental Assessment Act*.
- b. the extent the Crown can delegate consultation to project proponents – and what steps the Crown must then take to ensure the DTCA is fulfilled.⁴⁷⁷

The Court dismissed the application. It ruled that it "had no jurisdiction to rewrite" or upgrade the Act, nor the authority "to make a declaration on the extent" of Ontario's duty to consult and accommodate First Nations.⁴⁷⁸ The Court viewed the declarations as constitutional challenges based on Aboriginal rights, or 'de facto references', another legal tool outside the jurisdiction of the Court.⁴⁷⁹

**Missanabie Cree Nation
et al. v. Ontario**

Status: Pending

In September **2022**, Missanabie Cree Nation, Chapleau Cree First Nation, and Brunswick House First Nation, brought a challenge against the province, asserting that Ontario has unjustifiably infringed their Treaty rights by permitting industrial activities. Among other things, they seek to prohibit Ontario from continuing to authorize such industrial activities.⁴⁸⁰

**Missanabie Cree First
Nation et al.
v. Canada and Ontario**

Status: Pending

In **May 2023**, Treaty 9 First Nations filed a proposed class proceeding against the government of Canada seeking \$10 billion in equitable compensation on the basis that Canada failed to implement the terms of Treaty 9 by, among other things, not increasing treaty annuity payments over time and granting to Ontario a one-half interest in all mineral rights in Indian reserves within Ontario.⁴⁸¹

**Neskantaga First Nation
et al. v. Canada**

Status: Pending

In **April 2023**, 10 Ontario First Nations, including Neskantaga, launched a \$95-billion lawsuit against the federal and provincial governments, challenging their jurisdiction over Crown lands. If successful, it could derail the progress made toward developing the region to date and force the provincial government to reset its entire approach to the Ring of Fire.⁴⁸²

**Grassy Narrows First Nation
v. Ontario**

Status: Pending

In **July 2024**, Grassy Narrows First Nation (“Grassy Narrows”) launches a challenge against Ontario’s *Mining Act*, claiming that the system for granting mining claims pursuant to the legislation is unconstitutional and inconsistent with the UNDRIP. Grassy Narrows asserts that Ontario breached its duty to consult Indigenous peoples by granting mining claims and allowing exploratory work without discharging its duty to consult and receiving Grassy Narrows’ free, prior, and informed consent.⁴⁸³

**Apitipi Anicinapek Nation
v. Ontario**

Status: Pending

In **August 2024**, these First Nations filed an application at the Ontario Superior Court of Justice challenging Ontario's *Mining Act*. The Applicant First Nations take issue with Ontario's free-entry system and digital claimstaking process, which allows companies anywhere in the world to stake prospective mineral exploration ground. The Applicants argue that these claims are happening on their traditional land without the required prior engagement with First Nations, overriding their treaty and Charter rights.⁴⁸⁴

**Alderville et al.
v. Canada and Ontario**

Status: Pending

In **September 2025**, Alderville First Nation, Apitipi Anicinapek Nation, Aroland First Nation, Attawapiskat First Nation, Fort Albany First Nation, Ginoogaming First Nation, Kitchenuhmaykoosib Inninuwug, Oneida Nation of the Thames and Wabauskan First Nation filed an application at the Ontario Superior Court of Justice challenging the constitutionality of Bills 5 and C-5.⁴⁸⁵



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