6 Resistance to mining and pathways to a sustainable rural environment

Rewriting the maps

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Introduction

Northern Ireland is a unique area of the UK and Ireland, with its own approach to environmental governance, as well as a unique context and history to consider when exploring sustainability for rural society (Brennan, Purdy and Hjerp, 2017). Although Northern Ireland is a devolved administration under the jurisdiction of the UK, it is biophysically part of one island with the Republic of Ireland (ROI). This has deep implications for how land is used and the rural environment conceptualised in Northern Ireland. This chapter explores how extractivism, in the form of mining, presents a threat to ecological and societal sustainability in rural Northern Ireland, and explores how rural societies are addressing the challenge of Brexit by developing pathways to a sustainable future from the ground up.

Much research highlights the impacts and dynamics of extractivism in the Global South. However, in light of recent calls for increased mining in Europe (del Mármol and Vaccaro, 2020), it is clear we need a deeper understanding of how this could play out in Global North contexts. Brexit puts Northern Ireland in a uniquely vulnerable situation with regard to environmental governance, with rural areas facing the possibility of becoming sacrifice zones for extractivism via mining (Brennan, Dobbs and Gravey, 2019). To understand the implications of mining for rural societies and the environment in a Global North context, in this chapter we apply an environmental justice lens to a case study of a prospective gold mine in Northern Ireland, mobilising the concepts of resource frontiers, Lawscaping and rural sacrifice zones to develop key insights from the case. These concepts can assist researchers and community activists in navigating the presentation of the mining as a neutral process, facilitated by an objective legislative framework that sees conflict and pollution as requiring a mere technological fix, governance or managerial change to mitigate the impacts of operations. Conflicts between local rural communities, mining companies and facilitative states are understood as a clash of understandings of what land is – a lived-in-place or a 'thing' for commercial extraction (Graham, 2011). Examining the historical and political origins of this latter perspective exposes extractivism as a system rooted in patriarchy and a pillar of neoliberal capitalism, relying on legal techniques

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developed in the colonial period to delegitimise other ways of seeing land in order to dispossess prior inhabitants of new frontiers.

Building on these insights, we point towards pathways for a more just and equitable rural society in Northern Ireland. Rural populations are not passive victims in this context but are involved in resistance movements that are challenging the extractive economy and demanding alternatives that would create a more just rural society, in ecological, social and economic terms. We present some of the resistance movements to extractivism and the lessons we can learn from listening to rural, frontline community voices, highlighting the legal, policy and collaborative avenues used by communities to develop pathways to a more sustainable future.

Mining in Northern Ireland

What has been called a 'mining bonanza' is currently unfolding in Northern Ireland (Greene and Leake, 2019), with almost 25 percent of the total land area (335,000 hectares) concessioned for mineral prospecting licenses. Multiple companies, both local and international, have been awarded prospecting licenses and there is one active gold mine, the Cavanacaw Gold Mine near Omagh, active since 2007 and operated by a Canadian company, Galantas Gold (Figure 6.1).

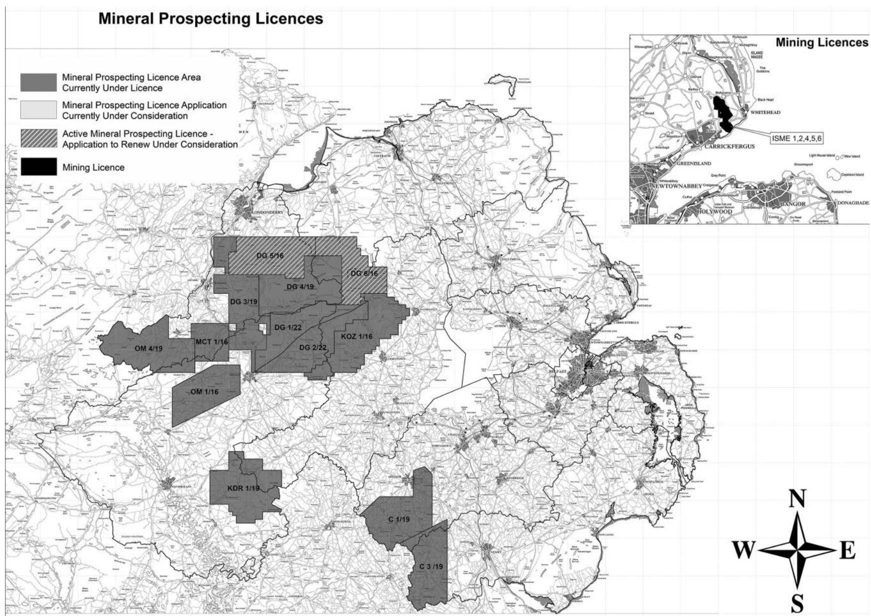

Figure 6.1 Mineral prospecting licences in Northern Ireland.
Source: Department for the Economy (2022).

Government policy across the island of Ireland is supportive of the mining industry. Both ROI and NI rank in the top ten by the Fraser Institute (Yunis and Aliakbari, 2021) in terms of the policy perception index, which measures how attractive a county's policy climate is to mining. As of August 2021, there is one live planning application for a mine on the Island of Ireland, promoted by Dalradian Gold, a Canadian exploration company that has been active in the Sperrin mountains (Sperrins) since 2009 carrying out exploratory works. The company has acquired over 122,000 hectares in prospecting licences across the Sperrins, almost ten percent of the total land area of Northern Ireland.[1] Plans for the proposed project include an underground gold mine at Curraghinalt as well as a processing plant and a 17-storey high dry stack facility on Crockanboy Hill less than one kilometre from the village of Greencastle. This is within the context of an Area of Outstanding Natural Beauty (AONB), beside an EU-designated Special Area of Conservation (SAC) and an Area of Special Scientific Interest (ASSI), as well as many archaeological sites. This application was submitted in November 2017 and represents one of the largest applications ever seen on the Island at 10,000 pages. The Department for Infrastructure, NI, which is tasked with deciding on the application, has yet to make a decision, but has announced that the application will go through an independent public inquiry. In what follows we chart the community resistance to mining across Ireland, before relating this case study to the theoretical concept of environmental justice, and then explore pathways to sustainable futures. A range of secondary data was gathered and analysed for the case study, including policy documents, planning applications and submissions, media reports, stakeholder reports, and websites and publications from community and other civil society groups.

The expanding resource frontier

Mining tends to be presented in international industry and government discourse as a socially beneficial activity necessary for the transition to a low-carbon economy, bringing jobs and prosperity to underdeveloped rural regions. The reality is more complex, with mining activity in rural regions often marked by conflict, environmental degradation and economic instability (Responsible Mining Index, 2020). Thus, demonstrating the need for a critical re-examination of taken-for-granted assumptions when dealing with rural sustainability.

Countless empirical studies document the continued impoverishment and social and environmental destruction brought by extractive projects (Nash, 1993; Horowitz, 2004; Kirsch, 2007; Bebbington and Bury, 2013; Gilberthorpe, Agol and Gegg, 2016; Jalbert et al., 2017). For example, gold mining, as is proposed in the Sperrins, is particularly socially and ecologically damaging, leaving huge 'ecological rucksacks' (Martinez-Alier, 2003: 225). Producing a single gold ring generates 20 tonnes of mine waste (Gaia Foundation, 2021: 2), and the process relies on toxic substances such as mercury or cyanide (Martinez-Alier, 2003: 101). The commodities boom at the start of the 21st century resulted in many new

extractivist projects and associated resistance (Veltmeyer, 2013; Veltmeyer and Bowles, 2014). Resource frontiers continue to expand around the world driven by a high global metabolism for resources (Tsing, 2003). These frontiers typically expand across Indigenous, peasant and rural people's lands (War on Want, 2019). While carbon frontiers that pursue fossil fuel resources are in decline, new frontiers in biofuels, plantation crops and minerals are increasing, pursued by corporate and state extractive activity often in the name of 'post-carbon climate friendly economic shifts' (Tilley, 2020: 1435). The global mining industry is working to position itself as a leader in the energy transition, with claims of sustainable mining as central for the switch to renewables. This is set to continue as OECD's (2019) Global Resources Outlook to 2060 suggests that global GDP will triple by 2060. This will depend on the growth of extractivism, with a projected 100 and 50 percent increase in metals (War on Want, 2019: 9).

The expanding extractive frontier is pushing its way into Europe, with Indigenous (such as the Sami) and rural communities now facing what communities in the Global South have endured since colonisation. The European Commission's critical raw metals action plan (European Commission, 2020b) outlines the need for increased extractivism in Europe and the Global South to meet energy needs. This push for increased mining has been termed the European Mining Boom. del Mármol and Vaccaro (2020) outline the policies the EU is pushing to enable increased extractivism in the form of mining, noting that the model of rural development across Europe is moving from one of natural protection to one of marking out land for critical minerals, creating far-reaching consequences for rural development. Although the UK has left the EU, these narratives are prominent there too (Milmo, 2021), from Cornish Lithium to precious metals in Scotland and Northern Ireland. In the Sperrins, the Canadian company Dalradian pushes a narrative of jobs and prosperity for the area; however, it is not clear how many jobs will be created and how many will go to local people. Further, Dalradian is ultimately owned by Orion Mining Finance, a New York-based investment firm, while the British Crown Estates own the precious metals in Northern Ireland and will receive four percent of the revenue, so most wealth will be extracted.

Community resistance to mining

As interest in mining in Northern Ireland has grown, so too has community resistance. This reflects a growing international movement. Globally, frontline communities are pushing back against the expansion of extractivism, offering solutions to social and ecological injustice. Frontline community refers to communities that have collectively recognised the ways in which they are impacted and are collectively organising against it, moving beyond the passive term of 'impacted' or 'affected' community, 'frontline' implies a sense of agency. However, frontline voices have historically been largely absent in climate policy, campaigning spaces and agendas (War on Want, 2019). Rural communities are largely behind these struggles for environmental justice. These movements re-politicise

areas that have been labelled non-political, or requiring only 'technical-fixes', in our globalised economy (Byres, 2019).

Local grassroots resistance has been growing across Northern Ireland, not only to mining but also fracking, the enclosure of public park lands, industrial agriculture and oil and gas drilling. In the case of Dalradian's proposed gold mine, to date over 37,000 objection letters have been sent into the application (Preston, 2021), the highest number ever seen to a planning application on this island. This gives some sense of the resistance felt to this project, with objections being sent in from across the North and South of the island as well as internationally. Local communities have been organising in opposition to Dalradian's plans since 2015, when Save our Sperrins community group was established. Since then, up to 12 groups across the Sperrins have been established. There is also a range of activist, NGO and trade union collectives engaging in the resistance, including Friends of the Earth Northern Ireland, The Environmental Gathering, and Communities Against the Injustice of Mining (CAIM), a recently established network of communities opposing mineral prospecting and mining across the Island.

Resistance has incorporated multiple tactics from public meetings, community celebrations, protests and marches, exhibitions, writing and sending objection letters. As well as an occupation of the site on Crockanboy Hill called the Greencastle People's Office (GPO), and legal challenges. For example, in November 2019, local resident and member of Save Our Sperrins, Fidelma O'Kane successfully challenged the water discharge consent related to the mine agreed in 2017 in the High Court (Belfast Telegraph, 2019). The Owenkillew and Owenreagh rivers begin in the Sperrin Mountains, adjacent to the proposed site. They are home to one of Europe's largest populations of freshwater pearl mussels, Ireland's only endangered species (Joint Nature Conservation Committee, 2021). Both rivers are protected Special Areas of Conservation and Areas of Special Scientific Interest. These two tributaries feed into the cross-border Foyle catchment area that supplies drinking water to many people on both sides of the border. Permission has not yet been given but already this rural community has faced extreme impacts from the extractive plans, including the division of the community and the criminalisation of local people as well as facing intimidation and death threats (Rimmer, 2019). Despite these challenges, the resistance in the Sperrins represents one of the strongest environmental justice struggles on this island and has mobilised a huge range of people, many of whom are new to this form of activism.

Mining – an environmental justice lens

Despite the negative ecological and social impacts, narratives of prosperity and the promise of modernity to be delivered through extractive industries are still evident in European understandings of development (del Mármol and Vaccaro, 2020). Much of the literature on environmental policy, extractive industries and development are focused on how to do mining better (Bridge, 2004). Here mining is framed as an issue of environmental performance, with poor performance indicating, for example, a lack of investment in technology, capital or insufficient

managerial skills (Porter, 1990), or an issue of eco-efficiency (Warhurst and Franklin, 2001). If the negative consequences of mining are referred to, narratives of technological innovation and corporate social responsibility are put forward by industry actors (Svampa, 2013). This framing is consistent with a weak sustainable development and the eco-modernist narrative, which assumes constant growth and a continual increase in the flow of minerals into the global economy (Dryzek, 1997). This perspective does not ask if these resources are socially necessary (Bridge, 2004: 232), and does not consider the impacts on rural communities and the differential power dynamics in such spaces (Fazito, Scott and Russell, 2019). Similar to other struggles over natural resources, mining is presented 'in an objective light' as an ecologically, economically and socially beneficial rural development, despite clear evidence to the contrary (Proulx and Crane, 2020). This portrayal of objectivity in government and industry discourse delegitimises resistance to mining, even to the point of criminalising local residents. This highlights the systems of oppression underpinning extractivism and the urgent need for an environmental justice approach to studies in this area.

In contrast, an environmental justice perspective highlights themes of power, control and resource rights (Martinez-Alier, 2001). This approach recognises that extractivism is not a neutral environmental process but is embedded in power structures and systems of oppression, and illustrates that environmental burdens are concentrated on those most marginalised in society (Martinez-Alier, 2001; Bebbington et al., 2008). Work within feminist political ecology (Rocheleau, Thomas-Slayter and Wangari, 1996; Harcourt and Nelson, 2015) and critical resource geographies (Himley, Havice and Valdivia, 2021) have also explored these perspectives. Extractivism is rooted in colonialism and is an economic model based on continual growth and a way of seeing the world. Klein (2014: 169) calls extractivism, a 'dominance-based relationship with the earth, one of purely taking', which is 'the opposite of stewardship, which involves taking but also taking care that regeneration and future life continue'. If we take this understanding of extractivism seriously, it becomes clear that it is not a neutral process requiring a technological fix, a governance or managerial change to mitigate the impacts of these operations. It's a system rooted in colonialism, patriarchy and a pillar that upholds neoliberal capitalism, and needs to be examined as such. Much of the relevant environmental justice literature deals with extractivism in a Global South context, therefore using this lens within the Global North assists us in addressing a research gap.

In the case of mining in Northern Ireland, we see prospecting concessions concentrated to the west and border areas of the province, areas which have faced under-investment, marginalisation and are still marked by legacies of conflict and colonialism (Hayward, 2017). Further, research has revealed that the border region is most vulnerable to the impacts from Brexit (Hayward, 2017). Utilising an environmental justice perspective enables us to examine the power structures underpinning extractivism in the unique context of post-Brexit Northern Ireland. Within this overarching lens, we apply the concepts of resource frontiers, Lawscaping and rural sacrifice zones to the issue of mining in Northern

Ireland to further our understanding of its implications for rural societies and the environment. These concepts allow us to situate Northern Ireland in the recent mining boom in Europe and understand the peripheralisation of this region as part of a longer historical, political and spatial process.

Creating rural sacrifice zones – lawscaping the Island of Ireland

In the extractive worldview, we see the objectification of the earth and devaluation of the frontline communities who suffer the worst impacts of extraction (Jewett and Garavan, 2019), with extraction points considered as peripheral, as sacrifice zones (Klein, 2014). Rurality has been linked to processes of marginalisation and decline (del Mármol and Vaccaro, 2020). Narratives of an empty countryside have been advantageous for extractive industries as rural areas are often conceptualised as empty wilderness, sacrifice zones to facilitate the interests of mining industries (Landén and Fotaki, 2018). It has been suggested that the mineral age within Europe is causing a process of inner colonialism, where rural areas are sacrificed for the needs of urban centres (del Mármol and Vaccaro, 2020: 47).

In the Irish context, policymakers in North and South have embraced neoliberal efforts to attract foreign direct investment (Byres, 2019), particularly in natural resources (Slevin, 2016). In the North, a 'double transition' has taken place to both peace and neoliberalism (McCabe, 2012). The de-escalation of conflict has led to the treatment of NI aligning with that of other peripheral regions of the UK, which remain subordinate to the financial power of London (Byres, 2019). Years of conflict followed by austerity and extractive economics has left an unequal society. It is noted that potential mines are located on the border and the historically marginalised rural areas 'west of the Bann'. Thus, the expanding resource frontier is creating a dangerous situation for rural areas across NI to become a sacrifice zone.

Extractivism relies on the rendering of land in an abstract, neutral and rationalised manner in order to remove it from the context and place-based understandings of local communities. Mining law and policy on the island of Ireland operate in such a way as to support this. The concept of Lawscaping is broadly used to explain how the law treats land as a disembodied 'thing' (Graham, 2011), a neutralising process that undermines non-commercial views of land. This Lawscaping process has historical associations on the island of Ireland, illustrated by the colonial plantation of the island which occurred prior to the English Enclosure Movement (Bhandar, 2018). In the pre-colonial era, William J. Smyth contends that Ireland's land was understood and mapped in the oral tradition according to land-use potential, webs of kinship and forms of animism (Smyth, 2006: 83). A 'conquest by law' ensued, with colonisation forcibly removing previous embedded understandings of land, to replace them with tenure and resource-ownership as we understand it today (Smyth, 2006: 84). The Downs Survey of the island taken in the years 1656–1658 was the first detailed land survey on a national scale (Bhandar, 2018: 40). The survey sought to facilitate a "massive land transfer

to private adventurers", soldiers who were part of an "immigrant landlord class" (Linebaugh and Rediker, 2002: 122 in Bhander, 2018: 41). To do so, the surgeon-general of the English army William Petty developed a standardisation and quantification process to render Ireland a *terra nullius* or *'no man's land'* (Bhandar, 2018: 40). Petty's mapping reduced the land and its people to a collection of economic units based on 'a racial regime of ownership' (Bhandar, 2018: 48). This meant that those who engaged in what produced economic worth – English cultivation methods – were judged as being entitled to divine ownership, while those who left the land as a depicted unproductive wilderness were dispossessed in a seemingly neutral, mathematical manner (Bhandar, 2018: 45). The former ways of living in place, such as understanding land and its features through narrative memory and poetry were removed in favour of rendering land as a commercial product (Smyth, 2006: 74). Later surveys, such as the 1825–1841 Ordnance Survey, further disembodied the land through standardisation as local place-names were translated from the native Irish into meaningless phonetic English translations (Mercier and Holly, 2020: 8).

On the island today, the expansion of extractivism is progressing through another Lawscaping process. The Tellus Survey project to chart mining prospects across the land of Ireland, implemented by the Geological Survey Northern Ireland (GSNI) and Geological Survey Ireland (GSI), and supported by the Department of the Economy (NI) and the Department of the Environment, Climate and Communications (RoI), has carried out extensive geological and geophysical mapping of the whole Island of Ireland since 2004. These maps are the basis for licensing rounds, companies are invited to bid to prospect for minerals in any part of the island. There are no restrictions – ecological, archaeological, religious or cultural –placed on the activity apart from built-up urban centres. The religious site of Glendalough, for example, is included in the south, as is the UNESCO World Heritage site of the Burren and all protected AONB in the north. Through this mapping, the land is re-written in a new language of extractive opportunity – as mere fungible entities for trade on the global market. Local people's views of the land as a 'peopled place' and ecological factors are all rendered unseen. As of December 2021, in ROI there are 426 minerals prospecting licences, five mining licences and five mining leases granted by the government (Government of Ireland, 2021).

Mapping Glendalough or the Sperrins purely as opportunities for extraction is possible because legislation on mining in both regions of Ireland render natural resources 'seen' as purely commercial entities (Slevin, 2016). All mines and minerals in Northern Ireland are vested exclusively in the Ministry of Commerce, and gold in the Crown Estate (Northern Ireland. *Mineral Development Act) (Northern Ireland) 1969*, while Article 10(1) of the Irish Constitution vests ownership of all natural resources in the State, subject to existing lawful rights, and presumes the establishment of a licensing/leasing regime (Ireland, *Bunreacht na hÉireann* 1937). With regards to minerals, gold and silver, state ownership is vested in the Minister for the Environment, Climate Action and Communications and leased to third parties such as exploration or mining companies (Ireland, *Minerals Development*

Acts 1940–1999).[2] Ministers grant consent to a company to prospect for and 'work' minerals. If the land is privately owned, licence or lease holders in respect of natural resources do not have a right to access or occupy the land without a property owner's consent to take the resource for which a lease or licence is granted. However, the Irish government has previously made compulsory purchase orders and imprisoned land-owners for refusing to comply with court injunctions granting company access to land, for example, when granting land for the Shell gas project in Erris, Co. Mayo (Barrington, 2010: 14). This resistance by local people was based on the 'unaccounted concept' of 'love of the land and love of the place' (Gilmartin, 2009: 276), following a long legacy of place-based resistance rooted in cultural and environmental understandings of the land as against its commercialisation (Smyth, 2006: 88).

Pathways to a sustainable rural society

In this section, we outline some of the ways in which rural communities in Northern Ireland are developing their own pathways to a just and socially and environmentally sustainable future. We focus particularly on the legislative and soft law hooks being leveraged by communities in relation to the proposed

Figure 6.2 Sign erected on the Crockanboy Road in reaction to an abandonment notice from the Department of Infrastructure.
Source: Author.

Dalradian gold mine, and the emerging strategy of building resistance through collaboration. In addition, we signpost future directions within these strategies for these communities and consider how communities can navigate the challenges of Brexit (Figure 6.2).

Navigating Brexit

Brexit has complicated the situation in relation to access to justice in Northern Ireland, not least due to the removal of vast swathes of EU environmental law and governance structures and scrutiny (Brennan, Dobbs and Gravey, 2019). One of the most effective legal approaches to protecting places from extractivism in Europe has been the European Union's Natura 2000 network of protections, comprising of SAC designated under the Habitats Directive (Council directive 92/43/EEC [1992]) and Special Protection Areas (SPA) designated under the Birds Directive (Council Directive 79/409/EEC [1979]). Environmental rights under the Natura 2000 framework can block a project should it be found to conflict with the conservation objectives of a particular EU-designated site (Jackson, 2018). The protection extends beyond the delineated boundary of an SAC or SPA to protect the vicinity, particularly waterways, in order to prevent residual pollution. Communities on the island of Ireland, as across Europe, have grown adept at using such rights to block extractivist developments they also oppose for wider reasons inexpressible under current legal or policy frameworks.

To ensure the continuation of EU environmental protections after Brexit, UK Environment Secretary Michael Gove introduced the Environment Bill in 2018 as a demonstration of 'this government's strong commitment to maintain environmental protection as we leave the EU' and established an Office for Environmental Protection [OEP] which would 'provide independent scrutiny and advice, and hold government to account on development and implementation of environmental law and policy' (Gove, 2018). In the final UK *Environment Act 2021*, Northern Ireland was belatedly included as a region with access to the OEP, which replaces the European Commission and the Court of Justice of the European Union (CJEU) as a supra-regional oversight body. Environmental campaigners in the country have heavily criticised the removal of the European Commission and CJEU supra-national oversight bodies (Gabbitas, 2019), which are considered more effective than the planned UK replacement.

The feared downgrading of protections appears to be playing out in practice. On the 28th of 2017, Friends of the Earth Northern Ireland sought a court order to force the Department of Agriculture, Environment and Rural Affairs to immediately issue a Stop Notice to halt the unauthorised extraction of up to two million tonnes of sand a year from Lough Neagh, a SPA (Friends of the Earth Limited Application [2017]). The case was successful in quashing the Minister for Agriculture, Environment and Rural Affairs decision not to order a Stop Notice. However, in 2018 the Planning Appeals Commission decided that extraction should continue with added minor restrictions, despite a 75 percent collapse in the site's bird population since its designation (Irish News, 2020). The case is

included in a list of open files before the European Commission that have not yet escalated to infringement proceedings (European Commission, 2020a). The European Court of Justice continues to have jurisdiction over cases concerning infringements of EU law that occurred in the period before the end of the transition period under Article 87 of the EU-UK Withdrawal Agreement (European Commission, 2019). There are four Special Areas of Conservation in the vicinity of the Sperrins gold mine, which include the Owenkillew River SAC, the River Foyle and tributaries, the River Roe and tributaries and the Banagher Glen and Teal Lough. However, unfortunately such an option may not be open to mining campaigners in the Sperrins as no complaint or case was brought before the final Brexit withdrawal date. Campaigners fear the loss of oversight by EU institutions will make the area more vulnerable to exploitation for mining (Friends of the Earth Northern Ireland, 2021). Affording access to justice to protect SACs within the Sperrins will certainly be a litmus test for a government that seeks to prove it will uphold protections to the same, if not enhanced, standards as the EU.

Legislative hooks

As Brexit has confined the avenues of protection available to communities in Northern Ireland, new ones must emerge. Here we consider international hard and soft law 'hooks' which communities can use to fight against extractivist 'Lawscaping' and re-embed a substantive understanding of the land. These include international campaigns for rights of nature, rights to landscape, human rights instruments and the Aarhus and Espoo Conventions (UNECE, 1998, 1991).

Seeing territory as a substantive landscape and collective good interwoven with local people and their way of life is increasingly being given recognition in 'soft law' and public policy contexts at international, regional and national level. The Inter-American Court of Human Rights has ruled against governments and mining companies in recognising the collective property rights of Indigenous peoples, including customary tenure, access to land and resources despite not having a proper title. This has included recognition of a people's spiritual and cultural links to a particular place (Strecker, 2018, 2020).[3] Other international soft law instruments have similarly expressed collective rights to land, customary tenure, access to resources and community cultural and spiritual connections to land, such as the UN Declaration on the Rights of Peasants (UNDROP, 2018) and the Akwé: Con Guidelines (CBD, 2004). Indigenous communities do face serious issues with implementation of positive judgements. As extractivism intensifies, there is a growing need to cross the indigenous and non-indigenous divide and grant similar collective concepts of property and recognition of cultural, spiritual connections to land in order to secure protection for rural and other local peoples that rely on that land (Strecker, 2018).

The concept of the 'rights of nature' has been leveraged around the world in anti-mining and anti-extractive struggles. Such struggles highlight how non-human entities such as corporations are granted legal 'personhood' and even rights to pollute, while ecosystems and local relationships to place remain largely

without protection (Fitz-Henry, 2018; Strecker, 2018). A narrative of reclaiming rights for both communities and nature emerges strongly from the anti-mining activism in the Sperrins (See Figure 6.2). On the third of April 2021, local people from Greencastle gathered on Crockanboy Road to assert their rights to community. They did so in response to an abandonment notice from the Department of Infrastructure that appeared along this road without warning, stating the road would be given to Dalradian Gold. This road is not insignificant; beyond being an important route used by the community for generations, it is home to the GPO, an occupied area of the proposed mine site that has been the heart of resistance for over 1,000 days. This declaration (Figure 6.1) attests to the interconnection felt between human and the more-than-human world, the agency of those within an extractive frontier and the deep time scales of intergenerational thinking; all of which are vital components we must nurture in times of urgent socio-ecological crisis. This declaration speaks to the territory as lived and living memory.

Two council areas in Northern Ireland recently passed a motion in support of the rights of nature: Derry and Strabane District Council on the 25th June 2021 and Fermanagh and Omagh District Council on 5th July 2021 (Doran and Killean, 2021). This motion states that community workshops will be held to draw up a declaration on the rights of nature. Maeve O'Neill, activist and councillor, brought the motion to council stating:

> The environmental justice movement recognises that it is those communities who are most deprived and also communities of colour who are hardest hit by an unhealthy environment. There's ordinary working-class communities that are targeted by pollutant industries and who are most exposed to pollution. What Rights of Nature can do is to rebalance the systems of governance to allow communities to assert their rights to a healthy environment but it also allows nature the rights to exist, flourish and naturally evolve. There are incredible examples worldwide. Rights of Nature is embedded in the constitutions of Bolivia and Ecuador and New Zealand in 2018 gave rights to the Whanganui River, recognising that the river is a giver of life... Imagine that for the River Foyle system and its tributaries and the ecosystems within it.
>
> (O'Neill quoted in Anderson, 2021)

Also relevant is 'rights to landscape'. The GPO declaration of the Rights of the Community (Figure 6.2) gives expression to already existing public policy under the European Landscape Convention (ELC), which entered into force for the UK in March 2007.[4] The convention:

> conceives of landscape above all as a people's landscape, and accordingly, provides for the active participation of the public in the formulation of landscape plans and policies.
>
> (Strecker, 2020: 328)

In protecting substantive and peopled conceptions of landscape the Convention conceivably makes 'unaccounted concepts' count (Killian, 2010). Northern Ireland published a Landscape Charter in 2014 (NIEA, 2014) which covers the Sperrins Mountains, a site designated an AONB in 2008 (DAERA, 2022). However, the European Landscape Convention is as yet an example of 'soft law' that should guide planning and development, as opposed to having legal force. There are no individual or collective complaint mechanisms and interpretations of landscape in caselaw from the European Court of Human Rights have remained aesthetic in focus (Strecker, 2018).

Another option is to protect the environment by protecting human rights to a healthy environment, a central topic of discussion for the all-island law group Environmental Justice Network Ireland (EJNI). Under the EU/UK Withdrawal Agreement, the UK Government has committed, in Article 2 (1) of the Ireland/Northern Ireland Protocol, to ensuring that certain equality and human rights in Northern Ireland will continue to be protected after Brexit (Hough, 2019: 64). The UK also remains a signatory to the European Court of Human Rights, which restrictively interprets rights to the environment as rights that protect against immediate natural disasters, or a right that protects more aesthetic considerations. The Northern Ireland Human Rights Commission (NIHRC) sets out obligations on the NI Executive and departments to take actions to prevent adverse environmental impact upon the individual, including the rights to health, water, food, housing, life and privacy (NIHRC, 2015). Particularly relevant to the Sperrins is that the NI Executive has also transposed into national law duties to protect the rights of public access to justice and public participation in decision-making on the environment and public health. These provisions are strengthened by their requirement to be free from discrimination in the application of environmental legislation, the right to a private and family life and the right of everyone to the 'peaceful enjoyment of [his or her] possessions' under the European Convention on Human Rights (NIHRC, 2015). These obligations related to public participation, access to justice and freedom from discrimination are particularly pertinent in the case of the Sperrins due to the lack of equal protection for people in Northern Ireland, as a result of weaker environmental protections and their lack of consideration in Brexit negotiations. As Alison Hough outlines, Brexit represents a wider threat to environmental governance on the island due to its undermining of 'the current framework of cross-border co-operation that was fostered by the Good Friday/Belfast Agreement' for peace in 1998 (Hough, 2019: 55).

Resistance through collaboration

One way in which communities in Northern Ireland have dealt with the uncertainty of Brexit is through developing alliances with other activists, both on the island of Ireland and globally. Resistance to mining is part of an active recent history of community resistance to extractivism in both the ROI and Northern Ireland, particularly petroleum extraction. The construction of new gas infrastructure in Co. Mayo in the early 2000s was the site of a protracted 15-year resistance

against Royal Dutch Shell from local communities and other activists (Darcy and Cox, 2019). Since 2017 the Irish government has banned onshore hydraulic fracturing in the state and the issuing of new offshore petroleum exploration and extraction licences. There is also significant resistance by community and activist groups to proposed Liquefied Natural Gas (LNG) import terminals. The fossil fuel industry has cited the amount of 'anti-industry sentiment generally prevailing' as a disincentive to investment in Ireland (PwC Ireland, 2019: 12). In Northern Ireland, resistance has been successful in fighting off fracking in Woodburn Forest, Carrickfergus with the last exploration licence relinquished in April 2020. However, the threat has been re-introduced with licence applications lodged by Tamboran and EHA in Fermanagh and Lough Neagh (Hayhurst, 2020).

Resistance to mining in ROI has focused both on existing mines and mining licences, much of which is focused in the border counties Monaghan, Cavan and Donegal. Objections are focused on the environmental and health impacts, along with lack of opportunity for public participation (Redhills Action Against Mining, 2019). In general, planning law in relation to extractive regimes is opaque (Ryall, 2018), with quarrying legislation alone described as a system of 'labyrinthine complexity' (Doyle, 2011: 180). Mining, like peat and forestry, is subject to outdated methods of notification, such as short public consultations and notices on gateposts. Government departments also restrict environmental procedural rights by instituting departmental licencing systems to bypass the proper planning regime (Jackson, 2021). However, objections to mining applications have been more immediately successful than in Northern Ireland. Two licences, in the western ROI counties Donegal and Galway, were quickly withdrawn after community resistance and support from politicians (Houses of the Oireachtas, 2019), in stark contrast to Dalradian's resolute pursuit of its plans in the Sperrins.

Resistance in the Sperrins, which represents a highly organised, internationalist and decentralised movement, has been providing support to other communities across Ireland opposing mineral prospecting and mining in their communities, including in Donegal. Due to the transboundary location of many licenses, along the ROI-NI border, it is clear that the impacts will not be confined to one side or the other. For example, Donegal will be more impacted than parts of Northern Ireland by particulate matter air pollution from mining in Curraghinalt, NI.

Historically community groups in NI and ROI have worked together on campaigns against extractivist projects, including proposed fracking in Co. Leitrim in the northwest of ROI and fracking at Woodburn, Co. Fermanagh, NI. These campaigns along with the campaign against the Shell gas terminal in Co. Mayo, also saw collaboration between activist groups and Irish NGOs. Nascent cross-border co-operation on resistance to mining is gathering pace with the formation of the CAIM network in February 2021, and relationships have developed through shared knowledge exchange at events and meetings between groups fighting several forms of extractivism throughout the island.

This resistance also has a global outlook. Many environmental struggles in Ireland, North and South, are local in nature, often against extractive industries

and industrial projects in a specific place. However there is a need to recognise the deep place-based rootedness of these grassroots movements and their solidarity connections around the world. 'Glocal' movements (Urkidi, 2010) are those rooted in place but that reach out to connect with and engage with other frontline communities around the world. The campaign in the Sperrins has connected with frontline communities in, Mexico, Cyprus, Romania, Greece, Honduras, Colombia, Peru, the Lakota Nation, Spain, Finland, Australia, New Zealand, the USA, Philippines, Papua New Guinea and Turkey.

Conclusion

In this chapter, we have traced the developments in prospective mining projects in the North of Ireland within its unique context as a peripheral part of the UK. We have outlined that the resistance across the Sperrins is deeply connected on an all-island basis as well as internationally, as resistance reaches out and connects with frontline communities around the world. Instruments in policy that could lead to a more equitable rural society, in terms of environmental justice, have been identified, such as the landscape convention, rights of nature and the human right to the environment. Framing mining as an environmental justice issue, through the lenses of resource frontiers, extractivism and Lawscaping enables us to move beyond technical or eco-modernist understanding of mining. Instead, we see these conflicts as tied to power imbalances within a complex context of patriarchy, colonialism and neoliberal pathways of development, raising deeper questions about relationships with land and place. This is of particular urgency as Ireland has been identified as a hotspot in a European mining boom (Sullivan, 2021).

The conflict in the Sperrins highlights the difficulties with using environmental protections to protect a sense of 'peopled place'. Sustainable development, in the form of local jobs, is often the retort to environmental concerns, as we see in the 'jobs versus the environment' narrative in the context of the Sperrins. In this narrative, the 'public interest' means overriding environmental and social concerns for commercial development. However, a 'conservation v development' 'dichotomy' is overly simplistic and fails to recognise the fundamental link between human development and the safeguarding of landscape and public space.

A combination of resistance techniques, policy, hard and soft-law pressures together can support pathways to a sustainable future. However, we caution against relying on legal or formal policy avenues as a panacea. Often communities pushback or defeat extractivist techniques through other means outside of government fora – for example, by flooding with objection, physical presence or direct action.

The struggles in the Sperrins are not just about opposing projects of so-called development and modernity, they also offer a radical critique of extremely relevant and pressing issues in our times of socio-ecological collapse. In the case of mining resistance, communities offer nuanced perspectives on the transition to a more

sustainable future in rural areas. Ideas are progressed that a just transition must be a post-extractive transition, that nature has rights and that people are nature. These narratives are fundamental, but may not be so evident in mainstream environmental discourse. Rural communities must be listened to and engaged in these issues rather than framed as backward looking and anti-development, or as passive victims. There is a need to recognise the agency of those in these so-called sacrifice zones, as it is these communities that have contributed least to the current crisis but are bearing the largest burdens. These issues speak to our understandings of socio-ecological relationships and the regenerative, post-extractive futures that are possible for rural areas, especially in times of extreme ecological collapse.

Notes

1 See this map: MPL-Dalradian 2020 – Google My Maps.
2 The Minerals Development Act 2017, enacted on 26 July 2017 has not been commenced.
3 Cases include *Maya Indigenous Communities of Toledo District v Belize (2004)* and *Xákmok Kásek Indigenous Community v. Paraguay (2010) discussed in Strecker 2018.*
4 Ireland has also signed ratified the European Landscape Convention in March 2002, and came into effect in March 2004. The Council of Europe Faro Convention (Value of Cultural Heritage for Society) emphasises the relationship between landscape, community, human rights and democracy but has not yet been signed/ratified by Ireland or the United Kingdom.

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