

# A Summary for Communities

The one part of the book written for the community rather than the company: what a legacy grievance is, why resolution is possible, and the ten questions to put to whoever owns the site now. Copy it, translate it, read it aloud at a meeting.

*From Legacy Grievances and Historical Claims: A Guide to Post-Operational Dispute Resolution by Thomas Gaultier*

Most of this book speaks to practitioners, lawyers, and companies about communities. This appendix speaks to the community directly. It is written in plain language. You may copy it, translate it, or read it aloud at a meeting. Nothing here is legal advice, and you should seek your own independent advisor, but it will help you understand your situation and ask the right questions.

**What a legacy grievance is.** A legacy grievance is a harm from a mine or other operation that was never properly put right, and that is still affecting you today. The mine may have closed years ago. The company that ran it may have sold the site, changed its name, or disappeared. The people who made promises to you may be long gone. The harm, though, is still there: a river that is no longer safe, land that was taken without fair agreement, a school or clinic that was promised but never built, illnesses among former workers, graves or sacred places that were disturbed. You may have been told the matter was settled. If it was settled without your real agreement, or if the promises were never kept, then it is not settled.

**Resolution is possible.** This is the most important thing to know. These problems are difficult and slow, but they are not hopeless. Across the world, communities that organised, kept their records, and refused to let the file be closed have won acknowledgment, repair, and a lasting say over the land. The fact that the original company is gone does not always mean the responsibility is gone. In many places, the duty to clean up a site stays with whoever owns the land now, whatever was written in the sale. A new owner who wants to mine again often needs your acceptance to proceed, and that need is your strongest source of influence.

**Acknowledgment before compensation.** In the author's field experience, the most consistent finding was this: communities wanted acknowledgment before they wanted money. People wanted someone in authority to say, out loud and on the record, that what happened was wrong, that the land was taken without consent, that the promises were broken, that the river was polluted. Where money arrived without that acknowledgment, people felt it was an attempt to buy their silence, and the peace did not last. Where acknowledgment came first, repair could begin. You are entitled to ask for it, and to refuse an offer that skips it. Money offered to close the file quietly is not the same as justice.

**You have a right to support.** You do not have to face a company or a new owner alone, and you do not have to rely on their experts. You have the right to your own independent legal and technical advisors, people who work for you, not for the company. In a fair process, the company pays for that independent support but does not control it. You also have the right to take part without fear: no one should threaten you, sue you, or punish you for raising a grievance or asking questions.

## — Questions to Ask the Company (or the New Owner)

- 1 Will you state publicly, on the record, what happened here and acknowledge the harm before we discuss any money?
- 2 Who is responsible now for the harm left by the previous operator, and do you accept that responsibility as the current owner?

- 3 Will you pay for independent legal and technical advisors who work for our community, not for you?
- 4 Will you share all studies, reports, and test results about our health, our water, and our land with us, in our language and in a form we can understand?
- 5 Who exactly is in the room with the authority to make decisions and binding commitments?
- 6 How will any promise you make be written down, guaranteed, and enforced if you later sell the site or close the company?
- 7 What happens to the care of this site, and to your commitments, after you are gone?
- 8 How will we be included in decisions about cleanup, land use, and the future of the site, and can we say no?
- 9 What protection do we have so that no one is threatened or punished for raising a grievance?
- 10 Will you fund repairs that rebuild our livelihoods and governance for the long term, not only a one-time cash payment?

Take your time. Keep your documents. Bring your own advisors. A company acting in good faith will welcome these questions. One that resists them is telling you something important.

These questions are for a community living with the legacy of an operation that has come and gone. For communities facing a new project rather than the legacy of an old one, the companion volume *When the Mine Arrives* sets out the same kind of questions to ask, and how to prepare, before operations ever begin.

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### **Ask for the acknowledgment first. The money is easier to agree once it is given.**

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