



**THE “GREEN MINERALS BOOM,”
IMPACTS ON OUR COMMUNITIES,
AND INDIGENOUS RIGHTS**

Luke Danielson

Mineral Needs for the Energy Transition

The transition to renewable energy and the fight against climate change are a critical challenge of our time in history. The International Institute for Sustainable Development asserts that “[a]t least 23 key minerals will be critical to the development and deployment of solar panels, wind turbines, electric vehicles and energy storage technologies. Many of these minerals are projected to surge in demand in the coming decades.”¹

Some of the projected increases in demand are sobering. According to the World Bank the production of lithium, as well as other minerals like graphite and cobalt, could increase by nearly 500% by 2050 to meet the growing demand for clean energy technologies. The World Bank estimates that over 3 billion tons of minerals and metals will be needed to deploy wind, solar and geothermal power, as well as energy storage, required for achieving a below 2°C future.

The European Commission² forecasts that for electric vehicle batteries and energy storage, the EU would need up to 18 times more lithium by 2030, and almost 60 times more lithium by 2050, compared to the current supply to the whole EU economy.

¹ Church and Crawford, Green Conflict Minerals: The fuels of conflict in the transition to a low-carbon economy (August 2018) available at <https://www.iisd.org/system/files/publications/green-conflict-minerals.pdf>

² EU 2020 list of critical raw materials. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions critical raw materials resilience: Charting a path towards greater security and sustainability.

Impacts on Our Communities and Our Landscape

There is no way to access these materials without significant impacts on our communities, and on the environment. Aluminum, which by quantity is the biggest part of the transition, tends to occur in humid areas many of which have tropical forest with high biodiversity. The environmental impacts of processing rare earth elements are quite significant.

There is no place exempt from this search for minerals. There are a number of potential deposits near Gunnison, some of which may well be developed in coming years to meet the coming demand.

Some of the most significant impacts of this minerals boom will fall on indigenous peoples, both in the U.S. and in other parts of the world.

Indigenous Peoples

There are an estimated 476 million Indigenous Peoples in the world. Though they make up just 6 percent of the global population, they account for about 19 percent of the world's extreme poor.

Indigenous Peoples often lack formal recognition of their rights to lands, territories and natural resources, are often last to receive public investments in basic services and infrastructure and face multiple barriers to participating fully in the formal economy, enjoying access to justice, or participating in political processes and decision making.

Indigenous Peoples own, occupy, or use a quarter of the world's surface area. But they safeguard 80 percent of the world's remaining biodiversity. They hold vital ancestral knowledge and expertise on how to adapt, mitigate, and reduce climate and disaster risks.

Much of the land occupied by Indigenous Peoples is under customary ownership. But many governments recognize only a fraction of this land as formally or legally belonging to Indigenous Peoples. Insecure land tenure is a driver of conflict, environmental degradation, and weak economic and social development. This threatens cultural survival.

Their lands also contain much of the world's untapped mineral wealth. The lack of clear recognition of indigenous rights, and the pressing need for more lithium, copper, aluminum and other minerals to feed the energy transition present all the ingredients of unjust and conflictive outcomes. These can not only represent further imposition on the rights of indigenous peoples but can delay or even prevent access to the minerals needed for decarbonizing the world's energy economy.

In international law, the *Convention on Indigenous and Tribal Peoples in Independent Countries*,³ Convention 169 of the International Labour Organization, is a binding reference point of great importance in the protection of the rights of indigenous communities. There are other important instruments, such as the United Nations Declaration on the Rights of Indigenous Peoples.⁴ But the Convention, being a treaty, is binding and has the force of law in the countries that have ratified it.

The Convention established, among other things, the right of these communities to participate in decision-making processes that affect their communities, their traditional territories, or their natural resources.

But the Convention is not very specific about the exact measures that governments should take to implement its obligations, and they have in many cases been slow to implement specific binding procedures.

Our book, **The Path to Peace and Development**, of which Luke Danielson is lead author, analyzes over 25 rulings of the courts of Colombia, Chile, Peru, Mexico, Guatemala, Ecuador and other Latin American countries and the subsequent efforts of governments to bring their processes in line with the requirements of the Convention. It will be published in February 2023 by the Human Rights Institute of the University of Deusto in Spain. It is being translated into English and will be published by the Foundation for Natural Resources and Energy Law in March.

It is important that this “green mining boom” take place in a framework that protects and respects indigenous rights. Justice requires this. So does avoiding delay in accessing needed minerals.

³Official text available on the website of the International Labour Organization https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/documents/publication/wcms_345065.pdf

⁴Available at https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf