

Responsible Renewable Energy Companies: Lithium Extraction and Indigenous Peoples' Rights in Argentina, Bolivia and Chile ("Lithium Triangle")

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EXECUTIVE SUMMARY

In the current climate crisis, there is an urgent need for a transition to low-carbon energy sources that respect human rights. Responsible extraction of lithium, a key component of electric vehicle batteries and renewable energy storage, is an essential element of this transition and is becoming strategically important in the Lithium Triangle between Argentina, Bolivia and Chile which holds over 70% of global lithium reserves.

To date, there has been no comprehensive scientific assessment of the long-term impacts of lithium extraction on the environment and indigenous peoples inhabiting the high salt flats between Argentina, Bolivia and Chile. This report seeks to fill part of this gap by providing an analysis of harm including violations of the rights of indigenous peoples such as the right to free, prior and informed consent, loss of water sources (lagoons, rivers and groundwater) for household use as well as traditional shepherds and farming communities, and a lack of appropriate remedies.

Despite peaceful protests, advocacy, and legal actions by communities in the region, most harms have gone unaddressed, leading to growing resistance and scepticism within communities. Failure to address this going forward will not only result in further abuse of indigenous peoples' rights but would also expose the end-users of lithium – including electric vehicle manufacturers, solar and wind energy companies – to financial and reputational risks putting our global transition to a low-carbon economy in jeopardy.

Based on field visits and consultation with indigenous peoples' organizations in the three countries, this report recommends that:

Host States where lithium extraction takes place (Argentina, Bolivia and Chile) should:

- Fully and effectively comply with international human rights obligations, including the rights to consultation and free, prior and informed consent, and the regulation of water use (both fresh and brine), in accordance with the environmental precautionary principle.
- Review security concerns related to use of armed security at mineral extraction facilities.
- Adopt and enforce environmental and human rights due diligence laws for companies, including provision of remedies.
- Protect human rights in trade and investment agreements.

States where lithium mining companies are domiciled should:

- Adopt mandatory environmental and human rights due diligence laws for companies (including extraterritorial obligations).
- Adopt recommendations by UN bodies to prevent human rights violations and provide full compensation for harms caused by the lithium extraction in the high Andean salt flats.

Lithium mining and processing companies, including battery manufacturers should:

- Adopt and implement human rights policies along with evaluation and monitoring mechanisms.
- Undertake comprehensive impact studies before operations in indigenous territories in accordance with the UN Guiding Principles on Business and Human Rights and legislation protecting the rights of indigenous peoples.
- Ensure full, transparent and timely information - easily accessible to communities and the general public - on the environmental and human rights impacts of ongoing and planned projects, especially on the actual use of water (clean and brine).

- Adopt measures to prevent environmental damage and mitigate the damage caused, and ensure complaint mechanisms for comprehensive and effective reparation of those affected.

End-users of lithium batteries (including automotive companies producing or planning to produce electric vehicles, renewable energy companies requiring storage) should:

- Adopt due diligence measures and engage in dialogue with relevant actors to ensure the lithium they acquire from the region meets international environmental and human rights standards.
- Ensure that lithium (and other mineral) supply chains respect human rights, especially the rights of access to water, land/territory and the rights of indigenous peoples, children and women.

To investors, governments, intergovernmental and funding institutions engaged in climate change & energy transition should:

- Ensure that energy transition financing mechanisms, especially for climate change mitigation and adaptation, contain robust human rights and indigenous peoples' rights standards.
- Require robust environmental and human rights due diligence standards for the renewable energy sector that directly address the rights of indigenous population and workers.
- Establish clear due diligence regulations, both for supply chains and for the preservation of environmentally fragile environments.
- Protect and respect activists, indigenous leaders and civil society organizations that defend human rights, the environment and the integrity of ecosystems or fight for a just energy transition, avoiding undue interference with the autonomies and self-determination of the indigenous peoples living in the salt flats.

To indigenous peoples in the Lithium Triangle:

- Carry out an independent evaluation, with the support of partner organizations, on the current state of the salt flats and the impacts that have occurred or will occur in their natural environment due to the presence of the lithium industries, with the aim of taking measures to protect their rights.
- Maintain ongoing training on the rights of native, indigenous and local peoples in accordance with international standards.
- Continue to defend natural and cultural heritage, promoting unity with peoples of other countries from which lithium is extracted, in order to raise public awareness of the need to respect rights within renewable energy and electric vehicle supply chains in the context of a just transition to a low-carbon economy.