Lithium Mining

A study document commended to the Presbyterian Church (U.S.A.)
by the 226th General Assembly (2024)

PRESBYTERIAN CHURCH (USA)

Background

In 2022, the 225th General Assembly approved *Investing in a Green Future: A Vision for a Renewed Creation*, which included a call to "work toward a goal of 100% renewable energy in congregations, mid councils and agencies in the PC(USA) by 2030 by practicing energy efficiency, purchasing our power from renewable energy sources and investing in the development of renewable energy." Currently, reaching this goal requires lithium, which is problematic in itself.

This study document on lithium mining is in response to the 2022 General Assembly referral: 2022 Referral: ENV-02, directing ACSWP, in consultation with relevant entities of the Presbyterian Mission Agency, to study and report back to the 226th General Assembly (2024) on the impacts of lithium mining and other types of mining activities, with particular attention on Indigenous lands and communities in South America and the Western United States – From the Advisory Committee on Social Witness Policy (Minutes, 2022, Part I, p. 79).

Issues with Mining[1]

The transition to clean energy requires the electrification of everything currently powered by combustion engines: vehicles, furnaces, appliances, etc. Electrification on such a large scale currently requires the use of metals and other minerals that can only be attained by mining. The need to increase mining of metals and other minerals imposes genuine costs.

Mining is dangerous work. It exposes workers to conditions that can be both dangerous and, in the longer term, deleterious to human health. It also comes with environmental risks and costs. It can be energy- and water-intensive. It can degrade land and ecosystems. It risks the leaching of environmental toxins and the release of harmful dust and gas. It often produces wastewater that spreads toxins.[2]

Moreover, the high demand for certain metals sets off a global search for deposits in which powerful nations and corporations seek to obtain rights to mine on lands that often belong to others. The recent conflict over mining rights in Arizona on Baaj Nwaavjo I'tah Kukveni land, which is sacred to several local Indigenous communities, is a good example.[3] The fact that mining certain minerals and putting them to use for renewable energy is a genuine social and ecological good does not itself grant any nation or corporation mining rights. The U.S. government has no ethical justification for demanding that Indigenous people allow mining on their sacred lands in order to correct a problem whose roots are bound up in the colonization of Indigenous peoples. We must instead seek other sources or simply reduce the country's overall energy usage.

A similar dynamic is playing out around the world as the powerful attempt to gain control of lands on which vulnerable people live. The situation echoes a long history of the exercise of colonial power. While access to mining may be gained by fair deals that respect the autonomy of local people, unjust means are unacceptable no matter the desirability of increasing renewable energy.[4]

While costs of mining for the sake of the green transition are genuine, it is important to remember that they pale in comparison to those of mining, drilling and fracking for fossil fuels. Even apart from the

contribution to climate change, the environmental effects of mining, drilling and fracking for fossil fuels are significant, especially when oil spills devastate towns, waters and ecosystems. The harm to workers is well-documented. And access to fossil fuels has given rise to war, exploitation, dispossession and more. Fortunately, the minerals mined for the green transition can be put to use in batteries and other electrical devices that can last decades and potentially be recycled, while fossil fuels, once mined, drilled, or fracked, are burned once and gone, requiring an unceasing search for more.

In an ideal world, we would leave mining behind. Given current realities, however, the need for certain metals and minerals is too urgent to dismiss. Mining can, though, avoid excessive and unjust harms when it respects local autonomy, protects and provides health care for workers, and limits environmental harms.

Issues with Lithium Sourcing

With the increased demand for electric vehicles in the United States, we also need to be cognizant of the issues with the availability of lithium. "Much of the world's lithium comes from South America and Australia, and China dominates the worldwide supply chain for lithium-ion batteries. The U.S. produces less than 2% of the world's supply of lithium, although it has about 4% of the reserves. The largest reserves in the world are in Chile."[5] Recently, what is believed to be the second-largest deposit of lithium was discovered in Iran.[6] Depending on foreign sourcing of lithium may be a security issue for the United States, as well as a moral issue given we are depending on residents of other countries bearing harms of less strict environmental and labor regulations.

"In the United States, 79% of lithium, 68% of cobalt, 97% of nickel, and 89% of copper reserves and resources in the U.S. are located within 35 miles of Native American reservations."[7] If the United States sources lithium and other metals domestically to transition to a green economy, the free, prior and informed consent process needs to be followed, giving full participation of Indigenous peoples.

Free, Prior and Informed Consent (FPIC)

Investing in a Green Future: A Vision for a Renewed Creation called on the church to "recognize that Indigenous peoples have been particularly harmed by environmental racism. Ancestral lands and traditional practices may be tied to specific locations. These sacred grounds are seized and dumped on, destroying Indigenous culture. By supporting Indigenous peoples in their efforts, we attempt to honor the broken and unenforced treaties that ultimately led to the environment's neglect."

It is for this reason that Free, Prior and Informed Consent is important in any mining operations development proposal. United Nations Secretary-General António Guterres articulated this well, saying, "There is no excuse for denying the world's 476 million Indigenous peoples self-determination and meaningful participation in all decision-making," he said. "Free, prior and informed consent is central for Indigenous peoples to exercise their own vision of development."[8]

The United Nations Manual on Free, Prior and Informed Consent describes the process:

> FPIC is a specific right that pertains to Indigenous Peoples and is recognized in the UNDRIP

(United Nations Declaration on the Rights of Indigenous Peoples). It allows them to give or withhold consent to a project that may affect them or their territories. Once they have given their consent, they can withdraw it at any stage.

Furthermore, FPIC enables them to negotiate the conditions under which the project will be designed, implemented, monitored and evaluated. Organizations contributing to this manual hold the view that all project-affected peoples have the right to be part of decision-making processes in ways that are consistent with the principles underlying the right of FPIC. It is recommended that organizations seeking FPIC contribute to progressively enable peoples to exercise their right to self-determination and the capacity of states (at all levels) to provide for the exercise of that right.

FPIC is not just a result of a process to obtain consent to a particular project; it is also a process in itself, and one by which Indigenous peoples are able to conduct their own independent and collective discussions and decision-making. They do so in an environment where they do not feel intimidated and where they have sufficient time to discuss in their own language, and in a culturally appropriate way, matters affecting their rights, lands, natural resources, territories, livelihoods, knowledge, social fabric, traditions, governance systems, and culture or heritage (tangible and intangible).

Lastly, it is also important to underline that the FPIC process does not guarantee consent as a result. The result of an FPIC process can be any of the following outcomes: consent from the Indigenous Peoples' community on the proposed activity; consent after negotiation and change of the conditions under which the project will be planned, implemented, monitored and evaluated; or the withholding of consent. It is also important to bear in mind that consent, once given, can also be withdrawn at any stage.[9]

One issue with FPIC is the lack of an enforcement mechanism. Without that, it is difficult to enforce FPIC. States and corporations will claim they are respecting FPIC when in fact they may be manipulating the process. There is so much money at stake in transitioning to the green economy that it can lead to green colonialism.

Green colonialism can take different forms in different settings. Broadly, it occurs when the Global North achieves a high standard of living by exploiting the health, labor and land of the Global South. Green colonialism can also take place within a country; interestingly, as we invest in more renewable energy and other conservation activities, it oftentimes comes at the expense of marginalized communities, like Indigenous groups.[10]

Transportation

The largest use of lithium is in the transportation sector. One solution is to work toward transitioning away from private vehicles to public transportation. The Climate and Community Project at the University of California, Davis, recently released a report, "Achieving Zero Emissions with More Mobility and Less Mining." The report found that

> the United States can achieve zero-emissions transportation while limiting the amount of lithium mining necessary by reducing the car dependence of the transportation system, decreasing the size of EV batteries, and maximizing lithium recycling. Reordering the U.S. transportation system through policy and spending shifts to prioritize public and active transit while reducing car dependency can also ensure transit equity, protect ecosystems, respect Indigenous rights and meet the demands of global justice.[11]

Regulation

If new lithium is sourced domestically, there is a need for strong regulation. Current mining law is over 150 years old. In May 2023, Rep. Raul Grijalva (D-Ariz.) introduced the Clean Energy Minerals Reform Act to "modernize and reform the country's 150-year-old hard rock mining law, which has remained virtually unchanged since its enactment." The fact sheet from the House Natural Resources Committee states:

> Minerals like copper, lithium, and nickel are essential for our clean energy future, but our severely outdated mining law — the Mining Law of 1872 — is failing us. Mining has caused immeasurable destruction and is the nation's No. 1 source of toxic pollution. Our sacred places, wilderness, recreation access, and public health are under constant and serious threat from mining.
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> Ranking Member Grijalva's Clean Energy Minerals Reform Act creates a more sustainable mining future that protects special places, respects tribal consultation and safeguards public health as we strengthen domestic supply chains for clean energy technologies.[12]

There needs to be support for continuing advocacy for the issues that it raises.

The Church's Investments

It is clear that the market will not regulate itself. It is further evident that for-profit corporations will not regulate themselves at the expense of their profit margins. Lack of an enforcement mechanism for FPIC can lead to putting investors at risk of being complicit in green colonialism. Therefore, the Presbyterian Church (U.S.A.) needs to consider its investments regarding transitioning to a green economy. The Mission Responsibility Through Investment Committee should use its seat at the table to engage with corporations to utilize and not manipulate the free, prior and informed consent process in their operations where Indigenous communities are impacted.

Conclusion

Investing in a Green Future: A Vision for a Renewed Creation concluded that "The vision for a renewed and restored creation is daunting in its scope, but we know that God's abundance makes this transition possible. There is no doubt that transition to a low-carbon/zero-emissions economy will be difficult." One of the difficult roads to a green future is lithium mining. The mining itself is harmful to the environment and to water supplies. Lithium is critical to moving to a green transportation sector. Moving to a green

transportation sector will mitigate climate change. Climate change is one of the biggest crises facing the world today. Tough choices will have to be made. Critical is the right of prior, free and informed consent in any decisions related to mining.

We believe that God is calling the church to this difficult work as we lift our vision of an environment renewed, better health outcomes, and clean air and water.

For further reading:

- Ryan Darr, "Costs of Transitions to a Green Economy," https://myga.pc-biz.org/search/3001158
- Investing in a Green Future: A Vision for a Renewed Creation, pcusa.org/resource/investing-green-future-vision-renewed-creation

Endnotes

1. Much of this section is from Ryan Darr, "Costs of Transitions to a Green Economy," https://myga.pc-biz.org/search/3001158.
2. "Environmental Risks of Mining," *Mission 2016: The Future of Strategic Natural Resources*, Massachusetts Institute of Technology, web.mit.edu/12.000/www/m2016/finalwebsite/problems/mining.html.
3. Lyric Aquino, "Biden designates Baaj Nwaavjo I'tah Kukveni National Monument," *Grist*, Aug. 8, 2023, grist.org/indigenous/biden-designates-baaj-nwaavjo-itah-kukven-national-monument.
4. Radhika Shah and Phil Bloomer, "Respecting the Rights of Indigenous Peoples as Renewable Energy Grows," *Stanford Social Innovation Review* (April 23, 2018), ssir.org/articles/entry/respecting_the_rights_of_indigenous_peoples_as_renewable_energy_grows.
5. Patrick Whittle, Associated Press, "U.S. seeks new lithium sources as demand for clean energy grows," PBS Newshour, March 28, 2022, pbs.org/newshour/economy/u-s-seeks-new-lithium-sources-as-demand-for-clean-energy-grows.
6. Natasha Turak, "Iran says it's discovered what could be the world's second-largest lithium deposit," CNBC, March 6, 2023, cnbc.com/2023/03/06/iran-says-its-discovered-worlds-second-largest-lithium-deposit.html.
7. Shifting Gears Part II: Indigenous Peoples' Rights And Mining In The U.S.," Investor Advocates for Social Justice, April 11, 2023, iasj.org/shifting-gears-part-ii-indigenous-peoples-rights-and-mining-in-the-u-s.
8. "End inequalities, recognize abuses, UN chief says on International Day of Indigenous Peoples," U.N. News, un.org/sw/node/143693.
9. Food and Agricultural Organization of the United Nations, "Free Prior and Informed Consent: An Indigenous peoples' right and a good practice for local communities," 2016, p.13.
10. "What is Green Colonialism?," Earth.org, May 25, 2021, earth.org/green-colonialism.
11. Thea Riofrancos, Alissa Kendall, Kristi K. Dayemo, Matthew Haugen, Kira McDonald, Batul Hassan, Margaret Slattery and Xan Lillehei, "Achieving Zero Emissions with More Mobility and Less Mining," 2023, Climate and Community Project, climateandcommunity.org/more-mobility-less-mining, p.6.
12. Democrats-naturalresources.house.gov, "Clean Energy Minerals Reform Act," May 2023, democrats-naturalresources.house.gov/imo/media/doc/clean_energy_mineracts_reform_act_of_2023.pdf.

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