

# Conservation of High Andean wetlands and lithium mining adjusted to social and environmental standards



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## Introduction

The accelerated demand for key minerals necessary for the energy transition, such as lithium, has led to the advancement of mining exploration and exploitation in the Argentinean Altiplano. Together with areas of Bolivia and Chile, this region is known as the "lithium triangle of the Southern Cone", where approximately 67% of the proven reserves of this mineral are concentrated (USGS, 2018).

The closed basins of Argentina's Altiplano, which contain lithium-rich brines, are lands that have been inhabited by indigenous peoples for thousands of years. It is an extremely arid region, where groundwater is dominant, and, in many cases, the only source of water.

High Andean wetlands, which are very fragile ecosystems, are the expression of complex and unique water systems. They are highly productive oases, home to valuable and unique Andean biodiversity, a source of life for the Andean communities.

For this reason, it is necessary that these characteristics are properly recognised and valued by the decision making authorities that affect these ecosystems. It is also necessary to initiate and/or deepen the discussion to get to know the needs, interests and concerns of local communities.

We are concerned that—in the context of a growing interest in minerals for the energy transition— extractive projects are being authorised without sufficient analysis of the environmental impacts and the irreparable damage to the cultures that live there.

The programme Saving High Andean Wetlands for People and Nature, led by Wetlands International in partnership with the YUCHAN Foundation and the Environment and Natural Resources Foundation, aims to achieve governmental policies and management plans that recognise the ecosystemic value of wetlands to promote their conservation and sustainable use. Our programme has set out to develop an analysis of the situation affecting wetlands from an interdisciplinary and holistic approach, in order to understand their urgent needs without losing sight of the important ones.

In this document, we first describe the social, cultural and environmental importance of wetlands, highlighting the lack of information. We also emphasize the lack of integration and incorporation of the available technical information into decision-making processes. We then address the threats to these ecosystems, that result from the growing interest in the minerals that our global society requires for the energy transition and reflect on the role that environmental tools could play in responding to some of these threats. We conclude with a series of recommendations for different actors, in the hope that they will contribute to an open debate on the subject and will be taken into consideration in decision-making processes.

## Recommendations

Based on everything stated up to this point, we offer the following recommendations:

### To provincial governments

- Strengthen EIA procedures by using the Guide for Environmental Impact Assessments (SAyDS, 2019). Place special emphasis on employing independent experts for all EIA stages, use base lines —after identifying environmental, social, and cultural variables that should be analyzed and incorporated into the procedure—, allowing the input of specialists in the subject matter capable of proposing changes and rejecting the project under review, regardless of the authority in charge. Environmental Impact Assessment procedures should also strive to generate solid public scientific information of their own to strengthen the process. This information should be widely shared with the people and communities affected by the procedure, a necessary step for achieving public participation and conducting an inquiry among genuine indigenous communities respectful of their views and culture.
- Offer government officials constant training and keep them up-to-date on environmental and social matters. Broaden the staff in provincial and municipal administrations capable of doing the complex social and environmental evaluations required to analyze current extractive mining projects.
- Adapt EIA procedures to the specific ecosystem where they will be carried out (wetlands). Offer an integral assessment of the basin and tailor the definition of the project's zone of influence to its spatial and temporary hydrogeological dynamic — connectivity between basins, and modern and fossil water—, require an impact assessment procedure even for the final stages of a project, a cumulative and synergistic evaluation when the same basin has more than one mining project, or when a basin is connected to others where mining is being done, and offer adequate guidelines to address the situation.
- Demand mining companies hire an insurance policy capable of ensuring payment for any damages caused by its activity and, if possible, create a restoration fund to coordinate reparations (General Law on the Environment No. 25.675, article 22 LGA).
- Lay out the economic cost of mine closure to determine the economic and environmental feasibility of the project.
- Guarantee that citizen participation, as well as consultation and free, prior and informed consent procedures, are done under national and international standards. Ensure that local administrative procedures guarantee the right of citizen participation (General Law on the Environment No. 25.675, articles 19-21; Protection of the Environment Law of Salta Prov. N° 7070, General Law on the Environment of Jujuy Prov. N° 5063), and that consultation and free, prior and informed consent procedures for mining are carried out (ILO Convention No. 169, from the United Nations Declaration on the rights of indigenous people). There should also be a guarantee that the implementation of these procedures does not restrict their essential requirements according to the aforementioned regulations.
- Respect the right to self-determination of indigenous communities and people. Ensure that they are in charge of deciding their development priorities based on their rights, offering spaces for meaningful dialogue to allow them to prioritize productive activities

aligned with their worldview, and acknowledging the role they play in protecting nature.

- Offer free technical, environmental, and legal advice. Guarantee that local communities receive technical, environmental, and legal advice, as well as legal counsel to participate in consultation and free, prior and informed consent procedures. These communities must have access to a team of independent advisers with the same level of expertise as those who work for the mining company's technical teams, to reduce information asymmetry.

### **To the national government**

- Guarantee a national regulation that offers guidelines on how to carry out citizen participation, as well as consultation and free, prior and informed consent procedures. This regulation should be connected to the Escazú Agreement, which Argentina ratified in September of 2020.

- Take the necessary steps to pass regulations capable of offering basic guidelines on how to conduct an environmental land use planning process.

- Take the necessary steps to pass regulations capable of offering basic guidelines and requirements on how to conduct an Environmental Impact Assessment (EIA), taking into account strategic environmental assessment and cumulative impact assessment.

- Promote non-evaporative methods for lithium extraction to avoid water loss following lithium mining.

- Promote incorporating the country's added value into the productive chain of lithium.

- Take the necessary steps to pass wetland protection laws that establish minimum budgets for preserving wetlands and protecting the singularity of the High Andean wetlands. This law should determine preservation goals, a clear definition of what a wetland is, an inventory and an environmental land use planning process for wetlands, what activities are under moratorium, an adequate institutional framework for the challenges the federal government might face, as well as the economic tools required to complete these tasks. (Fundación Humedales et al., 2020; Taller ecologista et al., 2020a; Taller ecologista et al., 2020b).

- Offer technical guidance to local authorities based on their needs and demands, to assist them on how to best identify and interpret environmental impacts on the ecosystems of High Andean wetlands.

- Empower top environmental authorities with leadership roles in EIA procedures linked to lithium extraction policy. These authorities should also fully incorporate EIA procedures into environmental policy.

### **To corporations and businesses**

- Comply and respect international standards on participation and consultation of indigenous communities: be involved in the consultation and free, prior and informed consent procedures, allowing the State to lead the process and respecting the steps agreed upon with the communities while ensuring they are culturally appropriate. Deliver vast, sufficient, reliable, and objective information in ways that are accessible

to the communities. Respect the timetable of the consultation process without interference or offers of any kind.

- Provide state actors with reliable information about a project in a clear, precise, and timely fashion, with the goal to strengthen and promote a legally compliant EIA. Spread a project's public information widely and across as many channels as possible.
- Act responsibly during all production stages. This entails requiring suppliers and contractors to comply with social and environmental standards and informing companies that acquire your goods and services what their social and environmental impact is.

### **To local communities**

- Demand that your rights be upheld. If necessary and possible, seek legal counsel and assistance from other technical professionals to uphold your rights and take part in the discussion regarding the complex technical information revealed by the EIA.

### **To the global community**

- Be responsible and informed global consumers, aware of the social and environmental impact of the goods and services you acquire. Review your forms of consumption and consider alternatives that not only promote circular economy and diminish mineral demands for the energy transition but can also reduce pressure on ecosystems.
- Intensify the demand to reject planned obsolescence and to advance policies that favor reusing and recycling minerals needed for battery manufacturing, taking into account their total lifespan.