



**SUBMISSION by the SHOSHONE PAIUTE TRIBES OF THE DUCK VALLEY
TO THE UN SPECIAL RAPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES
FOR HIS REPORT TO THE UN HUMAN RIGHTS COUNCIL ON:**

Green financing, a just transition to protect Indigenous Peoples' rights

**FAST TRACKED LITHIUM EXTRACTION IN OUR TERRITORIES WHERE INDIGENOUS PEOPLES
ARE NOT RECOGNIZED AS DECISION MAKERS AND DO NOT RECEIVE ANY REMUNERATION =
PERVERSE SUBSIDIES + GREEN COLONIALISM**

MAY 2023

I. OVERVIEW – LITHIUM EXTRACTION = GREEN COLONIALISM

We, the Shoshone Paiute Tribes of the Duck Valley, deeply appreciate the insight of the UN Special Rapporteur on the Rights of Indigenous Peoples to focus his upcoming report to the UN Human Rights Council on Green Financing and what is often referred to as the “Green Economy”, knowing that this can have negative effects on our rights as Indigenous Peoples. In many ways Nevada is “Ground Zero” in the United States of America (US) and beyond when it comes to lithium extraction, highly sought after as an essential element in electric vehicle (EV) batteries. As Indigenous Peoples in Nevada we have already been suffering from and living with the effects of mining since the creation of the state, this is the next and potentially devastating wave facing current generations. What makes it even more dangerous is that the extraction of lithium and the production of lithium-ion batteries are often misrepresented as being part of a green economy as part of the transition to EVs, when it stands to turn even more of our homelands into grey wastelands. It is well known that lithium from the extraction to the disposal of the batteries, carries a great environmental cost/legacy.

These negative environmental effects are not accounted for, rather they are externalized, and as Indigenous Peoples we and our future generations carry the biggest cost in terms of loss of our indigenous economies and use of our land. The real green economies are our sustainable indigenous economies and land uses, and our work as stewards of the land. These are the activities that should be remunerated, international law allows for cultural and environmental subsidies, or positive incentives, yet there is not sufficient funding for that provided world-wide and really none in Nevada. Instead what we are seeing when it comes to the mining industry are perverse subsidies, or negative incentives, that fund and accelerate further environmentally destructive activities.

First and foremost, the failure to recognize indigenous rights and to remunerate Indigenous Peoples, from whose homelands are where the lithium is being extracted from, is an illegal subsidy provided by way of legislation and policy, in this case under the current mining legislation. It further violates international law, specifically human and indigenous rights and environmental law, that foresees (free) prior informed consent of Indigenous Peoples in regard to access to land and resources traditionally owned or used by Indigenous Peoples and fair and equitable benefit-sharing.

What is misrepresented as the “green economy” is really a greenwashing; and the next wave of now “green colonialism” facing us as Indigenous Peoples in Nevada and beyond. The most negative environmental effects of the transition to EVs are their lithium-ion batteries from extraction of the minerals to production and disposal. The push for accelerated lithium extraction has destabilized entire countries from Bolivia to the Democratic Republic of the Congo. Similarly in the US and Nevada, the specifically the fast-tracking of lithium mining

applications has demonstrated a lack of checks and balances in regard to approval of mining projects and effective national remedies when it comes to the protection of our rights as Indigenous Peoples. Rather we are seeing the proliferation of claims and applications for lithium mining. We will use the fast-tracked Thacker Pass application in Western Shoshone and Northern Paiute territory as a case study, after putting all this in the context of the archaic mining legislation regulating mining in Nevada and beyond.

The added dimension is that both the state of Nevada and the US federal government are actively subsidizing the extraction of lithium and the production of lithium-ion batteries. The new US energy policy and government heavily support and provide funding for lithium¹, including the “American Battery Materials Initiative” promoted as strengthening critical mineral supply chains, awarding \$2.8 billion in grants from the Bipartisan Infrastructure Law². Our People have negative experiences with past federal energy policies, including the promotion of hydroelectric energy production. This resulted in the construction of hydroelectric dams in the entire Columbia River system. Our territories are in the far reaches of the Columbia River Basin and our Indigenous economies based on salmon and people were devastated by the loss of one of salmon who used to migrate to our home lands. It devastated our traditional food and the healthy protein supply – our ancestors went from a diet that to a large part consisted of salmon to the reversal of the previous ratio of protein to carbohydrates and the resulting negative health effects have multiplied over the generations. Our people were not informed, let alone consulted, or involved in the decision to dam the mighty Columbia River, rather our people saw their food supply cut off from one year to the next, devastating us. Nowadays we participate in the negotiations under the Columbia River Treaty, still the damage has already been done and salmon has never returned to our waters. What has been presented as green energy has devastated our people and our truly green indigenous economies before.

The further conflict of interest in terms of the federal government’s promotion of lithium extraction and production, lies in the fact that over 60% of the lands in Nevada are controlled and managed by the federal Bureau of Land Management (BLM) that also deals with mining applications. BLM historically and to date has an adversarial relationship with Indigenous Peoples as evidenced by Western Shoshone international complaints, resulting among others in an early warning and urgent action decision by the UN Committee on the Elimination of Racial Discrimination (CERD)³. It is part of the Department of the Interior, which also houses the Bureau of Indian Affairs (BIA) with the responsibility to look after tribal lands, so in a way both

¹ https://www.energy.gov/sites/default/files/2021-06/FCAB%20National%20Blueprint%20Lithium%20Batteries%200621_0.pdf

² <https://www.whitehouse.gov/briefing-room/statements-releases/2022/10/19/fact-sheet-biden-harris-administration-driving-u-s-battery-manufacturing-and-good-paying-jobs/>

³ <https://law.arizona.edu/sites/default/files/Early%20Warning%20and%20Urgent%20Action%20Decision.pdf>

administer federal lands. The US government overall has a trust responsibility towards Native American tribes, yet it has to lived up to that in regard to mining.

As Indigenous Peoples we have standing at international law and the same right as states to control access to our lands and resources, it takes expression in the concept of prior informed consent (PIC) in multi-lateral environmental agreements, such as the Convention on Biological Diversity (CBD)⁴ and its Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits arising from their Utilization⁵. Indigenous PIC, or free prior and informed consent as set out in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)⁶ has to be implemented in regard to mining generally and particularly in light of the wave of lithium mining applications. Still rather than seeking our indigenous PIC they are not even following the executive order by President Biden's memorandum on uniform standards for tribal consultation which apply to mining and the proposed lithium projects.⁷

It leaves our people and lands exposed to yet another wave of colonialism, this time camouflaged green, threatening further dispossession and pollution of our lands. There are thousands of lithium claims and over 70 lithium mining applications in Nevada alone, lithium mining is an environmental hazard from the extraction phase to when the batteries have to be disposed of. It brings up parallels to our homelands having been subject to both testing of atomic energy and dumping of the associated waste, which adds to the cumulative effects accumulating across our territories. We do not want to see our homelands turned any further into wastelands. The Thacker Pass application for Lithium Mining in Western Shoshone and Northern Paiute homelands has been fast tracked, because of the push for production of lithium and it is claimed that it will cover a quarter of the lithium required for a transition to electric cars, General Motors has heavily invested in the project⁸. This will be considered as a case study on the following, once we connect the current wave to the historic context which remains the backdrop to the archaic federal mining legislation which applies to the majority of lands in Nevada and Idaho.

As the Shoshone Paiute Tribes of the Duck Valley, our reservation is located on the border between Idaho and Nevada. Our territories reach North beyond Boise, where issues regarding the Treaty of the Boise Valley remain, including its proper ratification. Mining issues also arise in Idaho, with a similarly high portion of public land being held by the federal government and

⁴ <https://www.cbd.int/doc/legal/cbd-en.pdf>

⁵ <https://www.cbd.int/abs/doc/protocol/nagoya-protocol-en.pdf>

⁶ https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

⁷ <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/11/30/memorandum-on-uniform-standards-for-tribal-consultation/>

⁸ <https://www.reuters.com/markets/commodities/gm-lithium-america-develop-thacker-pass-mine-nevada-2023-01-31/>

administered by the BLM, as a result the points made in this submission equally apply to Idaho. We are focusing on the state of Nevada, because that is where most of the lithium mining applications are located. If Nevada was a country by itself, would be the fourth largest producer of minerals in the world.

We are part of the Western Shoshone and Northern Paiute Peoples, who have been leading the resistance against colonial laws and policies. We continue to work closely together with our Shoshone and Paiute relatives and tribes across Nevada. Our tribes human and territorial health has been impacted by mining, the territories of our tribes, especially where they overlap with the state of Nevada have long been subject to extensive mining activities for over 150 years. Our people have been suffering the negative environmental and health effects without receiving any benefits.

II. ARCHAIC = COLONIAL MINING LEGISLATION PROVIDES PERVERSE SUBSIDIES TO MULTI-NATIONAL MINING CORPORATIONS

Nevada only became a US state in 1864, partially to secure President Lincoln's reelection, who was murdered the following year. By then the US Civil War had ended and the might of the built-up US Army was thrown against Indigenous Peoples, including in Nevada. In 1865 one of the massacres of Indigenous Peoples in the state took place right at Thacker Pass, making it a historic site to be preserved as a reminder of the inter-generational effects of genocide. Miners, including from California, who had been involved in horrific genocides of Indigenous Peoples there, had started to push into Nevada since the discovery of silver in the Virginia City area in 1859 and mining has been a major industry throughout Nevada from then till now.

When Nevada became a state in 1864, its constitution explicitly set out that the state would not claim any public land that was not claimed, leaving the vast majority of Nevada's land managed by the federal government.⁹ Based on the most recent data compiled by the Congressional Research Service on the percentage of land owned by the federal government as of 2018 amounted to 80.1% (56.3 million of 70.3 million acres). Of this land 84.1% are controlled by the Bureau of Land Management (BLM).¹⁰ While this could be (mis)interpreted as an advantage when it comes to addressing the concerns of tribes, with so much land under the control of the Department of the Interior, which has recognized its federal trust responsibility to federally recognized tribes, this is not how it has played out on the ground.

⁹ <https://www.blm.gov/about/history/history-by-region/nevada>

¹⁰ For more information see: This article stipulates that Nevada is the state with the most federal land. <https://stacker.com/real-estate/states-most-land-owned-federal-government>

Within less than a decade federal mining legislation was put into place, which regulates mining on most lands in Nevada. Nevada Congressional representatives played a major role in the formulation of the legislation then and blocking attempts at reform since. The 1872 Mining Act still provides the legal basis for BLM’s regulation of solid mineral mining today.¹¹ The law grants free access to individuals and corporations to prospect for minerals on public domain lands, and allows them to stake claims. It does not take into account indigenous rights and is in violation of international obligations in regard to indigenous (free) prior informed consent, including as set out in UNDRIP, which the US government has endorsed. Indigenous Peoples have started to challenge these free entry and staking mining regimes, such as the Gitxaala Nation’s landmark legal challenge of British Columbia’s (BC) “free entry” mineral tenure regime, in Canada. The BC Supreme Court has just completed hearings underway since early April challenging the mineral tenure regime currently granting mineral claims without Indigenous consultation or consent. **It is important to note that the vast majority of the world’s mining corporations and more than 80% of those active in Nevada, including in lithium mining, are head-quartered in Canada.**

Just over 150 years into the federal Mining legislation, congressional representatives from Nevada, have continued to actively oppose changes to the legislation meant to protect the environment and indigenous rights. Nevada Democratic federal Senator Cortez Masto are an example on point recently introduced the *Mining Regulatory Clarity Act*, alongside other bills.¹² The bills were introduced in response to a federal court decision by the Ninth Circuit in *Center for Biological Diversity v. U.S. FWS*, 33 F.4th 1202 (9th Cir. 2022), the “Rosemont Mine” decision¹³, finding that the BLM violated federal mining and public land law when it approved that mining development without valid rights to use adjacent land for waste facilities and uses. This case was then used as precedent by opponents of the Thacker Pass Mine, including tribes, and the district court held that BLM violated the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. §§1701 et seq., when BLM approved the Project’s permanent waste rock and tailings storage facilities covering 1,300 acres, based on an erroneous assumption that Lithium Nevada Corporation had statutory rights under the 1872 Mining Law, without ever inquiring or verifying the existence of such rights. This case and arising issues will further be discussed in the following case study on the Thacker Pass Mine. Really, the Bills introduced by Nevada Democratic Senator Cortez Masto would amend the 1872 Mining Act to cover what they term as “mining-support activities, like waste or processing, on lands that do not contain economically valuable minerals and counter the above mentioned federal court decision.¹⁴ She

¹¹ <https://www.govinfo.gov/content/pkg/COMPS-5337/pdf/COMPS-5337.pdf>

¹² <https://www.congress.gov/bill/118th-congress/senate-bill/1281/text>

¹³ <https://casetext.com/case/ctr-for-biological-diversity-v-united-states-fish-wildlife-serv-7>

¹⁴ Senator Cortez Masto sets these objectives out in her own press releases about the bills: <https://www.cortezmasto.senate.gov/news/press-releases/cortez-masto-and-risch-introduce-legislation-to-protect-critical-mineral-production-in-the-west>

also opposed a bill by House Democrats that foresees collection of federal royalties from the hardrock mining industry, as part of the US Build Back Better Plan.¹⁵ **As it stands Indigenous Peoples in Nevada receive no revenue or remuneration for the minerals extracted from their territories.** The international observer might be struck by Democratic Senators from Nevada opposing legislation introduced by House Democrats and introducing bills to counter federal court decisions that protect the environment, something that the US Democratic Party prides itself in. That is why we set out in our statement to the UN Permanent Forum on Indigenous issues (UNPFII) that in the State of Nevada both major US political parties are playing political football with the future of our children. This does not only apply to the emergency action required to address the acute health and environmental hazard caused by hydrocarbon plumes under the only school in our community, it also applies to issues related to mining. Effectively both major political parties, the Republican and Democratic Party in Nevada actively support the mining industry; and fail to take into account our interests. Federal legislation and state regulation of mining really come at the expense of Indigenous People. They continue to allow colonial free access and staking and entirely disregard our rights as Indigenous Peoples. It does not require our (free) prior informed consent and does not foresee any remuneration for us.

In 2021 Nevada passed a bipartisan Assembly Bill 495 to collect revenue from silver and gold mining, we opposed it because it entirely excluded our tribes from receiving any revenue and yet they passed it.¹⁶ Ironically the state announced that the revenue collected would be used to fund schools¹⁷, yet when a hazardous hydrocarbon plume was located under the only school in our community that is under the responsibility of the Elko School district in Nevada, the state initially did not want to take emergency action to build a school. It should be noted that this state bill does not cover lithium mining. Since the treaty of the Ruby Valley was signed in 1863, there has been no mechanism put in place to share benefits from mining, which currently is a USD 9.25 billion industry annually in the state of Nevada alone. Still our people remain the poorest in our own territories, which continue to be exploited on the basis of colonial mining legislation. The Organisation of Economic Cooperation and Development (OECD) which brings together the richest countries in the world conducts research on environmentally harmful subsidies.¹⁸ Contrasting these perverse subsidies that negatively affect people and the environment with positive incentives, which are permitted under international law, to protect culture and the environment, it was found that perverse subsidies outnumber positive ones hundred-fold. To ensure a truly Green Economy this ratio has to be reversed, the role of Indigenous Peoples as stewards of the land has to be recognized and remunerated.

¹⁵ <https://www.nevadacurrent.com/2021/10/07/senator-assures-industry-nevada-will-remain-a-mining-colony/>

¹⁶ <https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/8244/Overview>

¹⁷ <https://www.nevadacurrent.com/2021/06/01/new-mining-tax-approved-revenue-will-fund-schools/>

¹⁸ <https://www.oecd.org/fr/tad/environmentallyharmfulsubsidieschallengesforreform.ht>

The failure to recognize our indigenous rights and to remunerate us for the resources taken from our territories is a perverse subsidy, provided by way of legislation and policy in this case. This is in violation of the World Trade Organization (WTO) Agreement on Subsidies and Countervailing Measures.¹⁹ It benefits multi-national mining corporations, most from Canada, who do not have to remunerate the indigenous owners of the resources. It violates our indigenous rights, including under UNDRIP and international obligations for benefit-sharing and indigenous prior informed consent.

The House Democrats recognized the perverse subsidies being provided to the mining industry under the current Build America Back Better Plan, they proposed the following “Revenue Raiser #2: American taxpayers will stop giving away money to the heavily polluting hardrock mining industry. The law governing how these materials are mined on public lands is... so old that huge, multinational mining companies that dominate this industry are not required to pay federal public royalties or pay to clean up abandoned mine lands. Not even the oil, gas, or coal industries have this kind of arrangement.”²⁰ Clearly the US government is recognizing the perverse subsidy that is being provided to the mining industry, even in comparison to fossil-fuel industry, externalizing the huge environmental cost. What they fail to address in the plan, yet again are the rights of Indigenous Peoples. The related Bill by the House Democrats is what Nevada Democrat Senator Cortez Masto held hearings on and voted against, providing a platform for multi-national mining companies, including the CEO of Canada-based Barrick Gold, inviting them to explain why they should not have to pay royalties like fossil-fuel companies.²¹ What is further disconcerting is that we are seeing further subsidies being deployed to the lithium extraction and processing industries under the guise of it being a green economy, when as pointed out by federal courts, these industries are equally environmentally destructive. It further perverts perverse subsidies, as will be explained in the following case study about the Thacker Pass application.

III. CASE STUDY ON THE THACKER PASS LITHIUM MINE PROJECT

On September 12, 1865, 31 Indigenous men, women, and children were massacred by government soldiers on Thacker Pass, part of that history was recorded by the BLM’s own historical records and was recently affirmed by a land survey²². A number of families, who now live in our community of Owyhee were impacted by the massacre and the inter-generational effects of genocide impact our people until today. The area is named Peehee mu’huh, or rotten

¹⁹ https://www.wto.org/english/docs_e/legal_e/24-scm.pdf

²⁰ <https://hnrdeems.medium.com/the-build-back-better-act-giving-americans-a-fair-return-from-the-fossil-fuel-industry-25668dd5e083>

²¹ <https://www.nevadacurrent.com/2021/10/07/senator-assures-industry-nevada-will-remain-a-mining-colony/>

²² <https://www.nevadacurrent.com/2022/09/06/blms-rediscovery-of-massacre-site-renews-calls-for-halt-of-lithium-mine-project/>

moon, by the Paiute people for its crescent shape and the massacre, it is culturally and spiritually significant as an important site in the Great Basin where tribal citizens can still gather traditional foods and medicines. It is also home to the largest known lithium deposit in the United States, and hence has been the number 1 target and in many ways the first project for lithium extraction being fast-tracked in Nevada. A number of our tribes have expressed their opposition to the proposed mine, including due to the cultural significance of the location and its importance for indigenous economies and we have not even been properly consulted, let alone seeking our (free) prior informed consent. Initially several Nevada tribes went to court in an effort to pause any excavation and construction at Thacker Pass by Canadian-based Lithium Americas, the parent company of Lithium Nevada Corporation, citing the 1865 massacre as cause to halt the mining proposal, still a federal judge ruled against the tribes in November 2021.²³ The proposal had been fast-tracked and received approval from the BLM despite opposition from numerous impacted tribes.

A number of tribes continued to challenge the Lithium Mining proposal, in light of the previously mentioned Rosemont Mine decision by the Ninth Circuit in *Center for Biological Diversity v. U.S. FWS*, 33 F.4th 1202 (9th Cir. 2022), requiring that permanent waste rock and tailings storage facilities require statutory rights under the 1872 Mining Law that justify a claim to all the lands. It turns out that in the case of the Thacker Mine that covers over 1300 acres and the BLM never inquired or verified that there was the requisite claim to the whole land, substantiated by the existence of minerals throughout. As a result the district court found that BLM violated the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. §§1701 et seq., when BLM approved the Project's permanent waste rock and tailings storage facilities. Even though the district court granted summary judgment on the principal claim for relief and held that the Project was unlawfully approved, the court nevertheless refused to vacate BLM's decision approving the mine or enjoin mine construction pending appeal.

This case is currently under appeal before the Ninth Circuit Court, environmental groups and a number of tribes made an emergency application to stop all construction of the mine before the appeal is heard to avoid irreparable harm and to stop imminent construction of the largest open pit lithium mine in the US, that will obliterate over 5,000 acres of public land containing BLM-designated priority habitat for the imperiled sage-grouse, and eliminate the current uses of the area by Indigenous Peoples and others. The project proponent, Lithium Nevada Corp. (LNC), indicated its plans to begin ground disturbance and construction, including clearcutting and stripping of vegetation, construction of waste rock and tailings storage facilities, roads, and other Project infrastructure, among other industrial facilities, spread across 2,660 acres of public land in the first year alone. Still the Ninth Circuit court refused to grant injunctive relief.

²³ <https://www.nevadacurrent.com/2021/11/16/judge-says-no-evidence-of-massacre-at-proposed-mine-site-tribes-say-otherwise/>

During the week of May 22, 2023 we were advised that construction is underway that has been interfering with burial grounds and indigenous artifacts.

It is important to remember that Nevada Democratic Senator Cortez Masto introduced a federal bill to counter the precedent set out above and cover the approval of all mining waste and tailing facilities, in the first place. As recently as Tuesday, May 16, 2023 the Biden Administration announced that it the BLM has completed the review necessary to establish mineral rights on the land adjacent to Lithium Americas' project and is convinced it will satisfy the requirements set out by the Ninth Circuit Court.²⁴ This despite the objection and appeal by federally recognized tribes and environmental groups, it just constitutes further evidence of the intent of the Biden Administration to fast track lithium mining and to approve applications at all costs, in this case at the cost of Indigenous Peoples and the environment. Just like the state of Nevada is not imposing its mining tax on lithium extraction, the federal government also does not want to collect royalties from its extraction, rather it is providing further perverse subsidies for lithium processing, promising committing 2.8 billion USD alone to “secure a reliable and sustainable supply of critical minerals used for power, electricity, and electric vehicles (EVs).”²⁵

So it means that all levels of government and corporations are banding together in this push for lithium extraction, in late January 2023 General Motors (GM) announced that it will invest \$650 million in Lithium Americas Corporation to help develop the Thacker Pass lithium mining project, standing to become its biggest investor, over previous Chinese ones. GM has also agreed to buy all the lithium from Thacker Pass scheduled to open in 2026 - roughly 40,000 tons per year.²⁶ GM has not engaged with Indigenous Peoples and not responded to their calls to divest from the project. The Thacker Pass project specifically and the push for lithium mining in Nevada generally are cases on point for the issue investigated in this Special Rapporteur Report on the so-called Green Economy, which in these cases has a devastating effect on Indigenous Peoples, their rights and the environment.

IV. LACK OF EFFECTIVE NATIONAL REMEDIES – NEED FOR INTERNATIONAL OVERSIGHT

This case study also shows that there is a lack of effective remedies for Indigenous Peoples in Nevada when it comes to lithium mining and other mining applications. The BLM, as a federal agency has not been properly taking into account the rights and concerns of Indigenous Peoples, rather the federal government has been fast-tracking the applications. Similarly courts

²⁴ <https://apnews.com/article/mining-lithium-nevada-thacker-rosemont-decision-c7e251ef3994dfea4f2dff58322ff4ac>

²⁵ <https://www.whitehouse.gov/briefing-room/statements-releases/2022/10/19/fact-sheet-biden-harris-administration-driving-u-s-battery-manufacturing-and-good-paying-jobs/>

²⁶ <https://www.reuters.com/markets/commodities/gm-lithium-americas-develop-thacker-pass-mine-nevada-2023-01-31/>

have not been providing the necessary remedies, such as injunctive relief to avoid irreversible damage. So neither the executive, nor the judicial branch are providing effective remedies, opening the door to seeking international relief. When it comes to the legislative branch, both at the federal and at the state level, they keep introducing bills that run counter to the rights of Indigenous Peoples, so there is a lack of effective remedies at all levels.

It has to be remembered that international precedent in terms of violation of Indigenous Rights by the US federal government and specifically the BLM, has already been set by the Western Shoshone case, and the early warning and urgent action decision of the UN Committee on the Elimination of Racial Discrimination (CERD) making their recommendations all the more relevant today.²⁷ This precedent also applies in the context of lithium mining in both Western Shoshone and Northern Paiute territory. This issue of lithium extraction is clearly deeply connected to our human, territorial and planetary health and climate change. The international community cannot allow the greenwashing of environmentally destructive lithium mining and processing industries. We do need a rights-based approach that recognizes our standing as Indigenous Peoples as decision makers and stewards of the land. This is necessary to address the above concerns in regard to violations of Indigenous Rights and perverse subsidies being provided to multi-national corporations pushing to extract lithium in Nevada. Recognizing Indigenous Peoples as decision-makers regarding access to our lands and resources, is also in line with international obligations set out above.

In light of the lack of effective national remedies, international oversight is required, especially in regard to the push for lithium extraction in Nevada and beyond. The federal mining legislation applicable to mining on so-called public lands, really our homelands, remains colonial and archaic. Faced with yet another, this time camouflaged green, wave of colonialism, as the Indigenous Peoples of these lands, we call on the international community to continue to monitor this situation. **We urge the UN Special Rapporteur on the Rights of Indigenous Peoples to directly communicate with the US government and recommend:**

- to recognize us as Indigenous Peoples as decision-makers regarding access to our territories and resources, especially in regard to lithium extraction;
- to require the full and fair remuneration of Indigenous Peoples, noting that failure to do so violates international trade law and constitutes a perverse subsidy; and
- to remove all environmentally harmful subsidies from mining in the United States, especially from lithium extraction, processing and production.

We further invite the UNSR to make an official visit to Nevada to investigate the ongoing indigenous rights violations arising due to land management by the BLM and lithium extraction.

²⁷ <https://law.arizona.edu/sites/default/files/Early%20Warning%20and%20Urgent%20Action%20Decision.pdf>