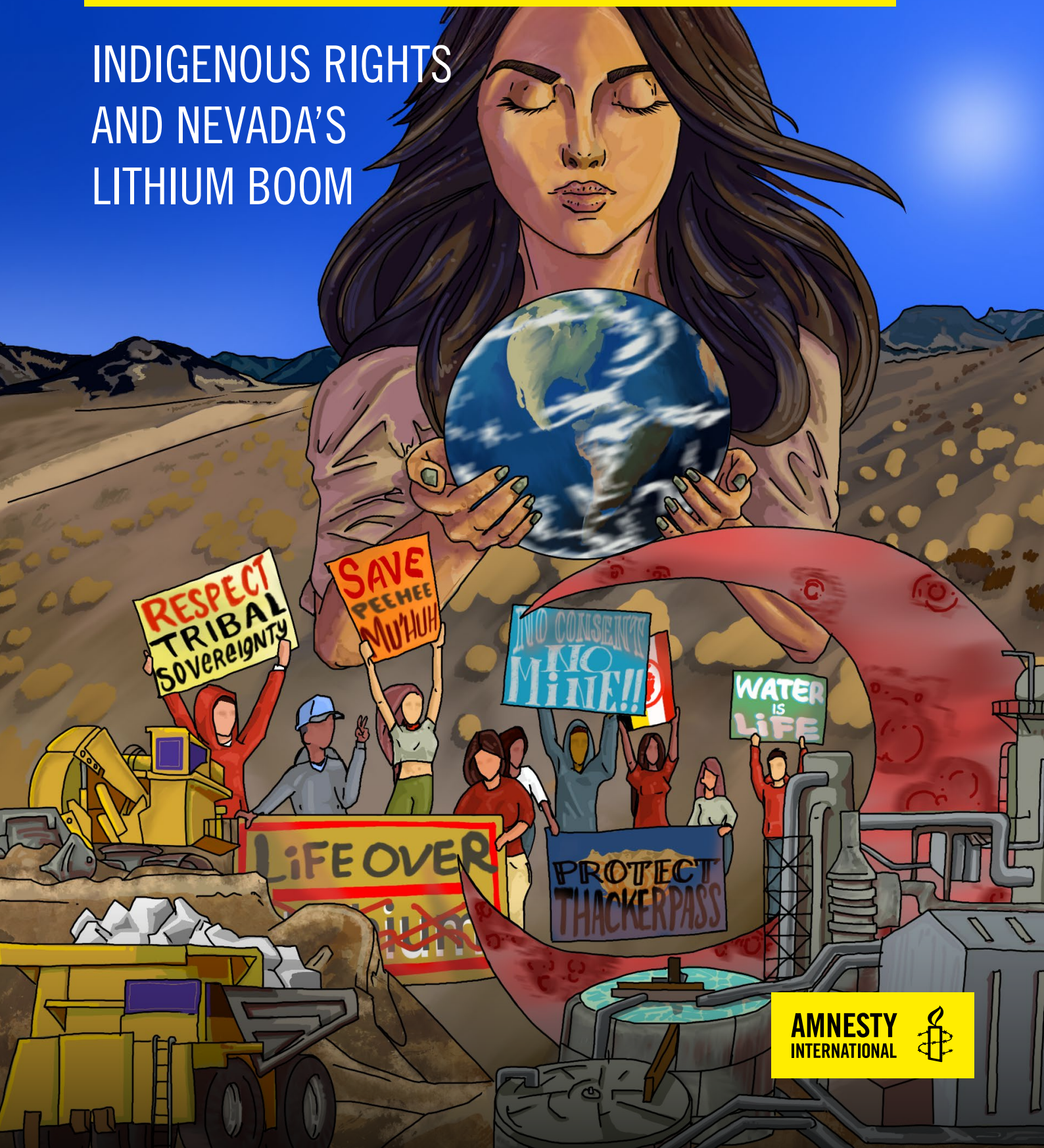
"WE'RE HERE TO PROTECT MOTHER EARTH"

INDIGENOUS RIGHTS AND NEVADA'S LITHIUM BOOM



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As lithium projects accelerate across Nevada, extraction is being approved on Indigenous ancestral lands without securing free, prior and informed consent. Companies are advancing projects as the US fast-tracks "critical minerals" development, sidelining rights protections and heightening risks for people. In an arid, high-desert environment, lithium extraction threatens scarce water, cultural survival, health and fragile ecosystems.

1. EXECUTIVE SUMMARY

> ***"We're here to protect Mother Earth and our traditional ways of life. These companies come in, desecrate our land and take our resources for profit, and we're the ones that have to live with the repercussions – dirty air, dirty water and toxic land."***
>
> Numu Dini, member of the Walker River Paiute Tribe and founder of Prayer Horse

Global demand for minerals is surging, primarily driven by the shift to renewable energy, with rapid growth in AI-related data centres adding further pressure. The accelerating extraction of these so-called "critical minerals" – such as lithium, nickel, and cobalt – is fuelling patterns of exploitation and harm that echo historical injustices. Amnesty International's research shows that communities in the Philippines and the Democratic Republic of the Congo are already experiencing severe harms linked to energy transition mining, including pollution, violations of the right to self-determination, restricted access to ancestral lands, threats to cultural practices, displacement, and loss of livelihoods.[1]

Nevada is central to meeting the USA's demand for lithium, holding around 85% of the country's known reserves. While only one lithium mine is currently operational, the scale and pace of planned expansion is striking: as of September 2024, more than 23,500 active lithium claims had been registered across the state. Lithium extraction and processing in Nevada's arid high desert environment carries environmental risks, including groundwater depletion, contamination, and biodiversity loss – with impacts on the rights to water, health, culture, and a clean, healthy and sustainable environment.

In the race to secure so-called "critical minerals", the USA has increasingly prioritized speed over rights protections. Under the current Trump Administration, deregulation has accelerated this shift: executive orders have increased support for "critical mineral" projects while weakening regulatory safeguards by fast-tracking permits and limiting the scope of environmental review. These measures erode meaningful consultation, restrict opportunities for affected communities to participate, and enable projects to advance despite unresolved human rights concerns.

1 Amnesty International, Philippines: What do we get in return? How the Philippines nickel boom harms human rights (Index: ASA 35/8607/2024), 9 January 2025, https://www.amnesty.org/en/documents/asa35/8607/2024/en/; Amnesty International and Afrewatch, "This is What We Die For": Human rights abuses in the Democratic Republic of the Congo power the global trade in cobalt (Index: AFR 62/3183/2016), 19 January 2016, https://www.amnesty.org/en/documents/ afr62/3183/2016/en/; Amnesty International, Time to Recharge: Corporate action and inaction to tackle abuses in the cobalt supply chain (Index: AFR 62/7395/2017), 15 November 2017, https://www.amnesty.org/en/documents/afr62/7395/2017/en/; Amnesty International and the Initiative pour la Bonne Gouvernance et les Droits Humains, Powering Change or Business as Usual? Forced Evictions at Industrial Cobalt and Copper Mines in the Democratic Republic of Congo (Index: AFR 62/7009/2023), 11 September 2023, https://www.amnesty.org/en/documents/ afr62/7009/2023/en/.

SETTLER-COLONIAL LAND DISPOSSESSION AND NEVADA'S LITHIUM BOOM

Nevada's lithium boom is unfolding on lands that many Indigenous Peoples identify as ancestral territories that are integral to their cultural identity, spirituality, and livelihoods. An estimated 79% of all known US lithium reserves lie within 35 miles of Tribal reservations. Although the USA classifies much of this land as "public land," this designation is the product of a long and ongoing process of settler-colonialism – marked by dispossession, forced displacement, and the replacement of Indigenous stewardship systems with federal control.

The expansion of lithium mining is rooted in this history, which has enabled the US government to authorize large-scale extraction on lands that remain central to Indigenous Peoples' cultures and livelihoods. Without adequate respect for Indigenous rights, the current acceleration of energy transition projects risks reproducing long-standing injustices.

INDIGENOUS RIGHTS UNDER INTERNATIONAL LAW APPLY REGARDLESS OF DOMESTIC LAND CLASSIFICATIONS

Under international human rights law, these lands are recognized as belonging to the Indigenous Peoples who have traditionally owned, occupied or otherwise used them. International standards, including the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), affirm that Indigenous Peoples have the right to give or withhold consent to projects affecting their land, territories and resources. This is a core component of their rights to self-determination and to Free, Prior and Informed Consent (FPIC), and applies regardless of US domestic land classifications.

While declarations are not legally binding on states, UNDRIP carries significant normative authority. Experts in international law have affirmed that several of the rights it sets out, including the rights to self-determination and to traditional lands and resources, reflect customary international law.

Although the USA has not codified FPIC in domestic law, it has endorsed UNDRIP, committed to its objectives, and is a State party to the International Convention on the Elimination of Racial Discrimination (ICERD), whose Committee has repeatedly urged states to ensure that no decisions directly affecting Indigenous Peoples' rights are taken without their informed consent.

METHODOLOGY

This briefing examines whether the rights of Indigenous Peoples are being respected in the development of three lithium projects in Nevada:

Thacker Pass Lithium Mine (Humboldt County): an 18,000-acre project located in the McDermitt Caldera, one of the world's largest known hard-rock lithium deposits. The mine, now under construction, is being developed by the US subsidiary of a Canadian mining company, Lithium Americas Corporation, with General Motors as a joint-venture partner with exclusive offtake rights for 20 years. In 2025, as part of a renegotiation of Lithium America's US$2.26 billion Energy Department loan, the US Government acquired a 5% stake in both Lithium Americas and the Thacker Pass project.

Nevada North Lithium Project (Elko County): a 7,819 acres project described as "comparable" to Thacker Pass. It is being developed by a Canadian mineral exploration company Surge Battery Metals Inc., with an Australian mining company, Evolution Mining Limited, as a joint-venture partner.

Rhyolite Ridge Lithium-Boron Project (Esmerelda County): a 7,166-acre project owned by an Australian mining company, Ioneer Ltd. The company claims the project will significantly expand US lithium supply. Ioneer has secured multiple offtake agreements, including with the Ford Motor Company and Prime Planet Energy & Solutions (Toyota and Panasonic Corporation), EcoPro Innovation and Dragonfly Energy. In 2025, the US Department of Energy approved a US$996 million loan to support the project.

The briefing is based on research conducted between August 2025 and March 2026. This included a visit to Elko County and Humboldt County in northern Nevada, where Amnesty researchers met with around 20 members of Indigenous Peoples affected by proposed lithium projects, as well as local advocates, and carried out site visits to the Thacker Pass and Nevada North Lithium Project areas. Researchers also conducted remote interviews with 11 Indigenous Peoples impacted by the projects between December 2025 and January 2026 and consulted with subject matter experts. Desk-based research included an extensive review of documentary evidence, including environmental impact assessments and corporate disclosure.

Amnesty International wrote to the US Bureau of Land Management (BLM), which is the federal agency responsible for permitting projects on public lands, as well as the Department of Energy, which has provided loans for the Thacker Pass and Rhyolite Ridge projects, in order to provide them with an opportunity to respond to the findings. Neither agency had responded at the time of writing.[2] Amnesty also wrote to the companies developing the three projects, their joint-venture partners, and the companies with sourcing agreements linked to these mines. Their responses were reviewed, taken into account, and are included in the Annex.

FAILURE TO OBTAIN FPIC

For all three lithium projects examined, Indigenous Peoples' rights to FPIC and to self-determination were violated. Consent was never sought, nor was it an objective of the consultations that were undertaken. The engagement that did take place was minimal, falling far short of international standards which require that Indigenous Peoples have the right to give – or to withhold – consent to projects affecting their lands, territories and resources, and that consent must be sought iteratively throughout the project's lifecycle.

A review of project documents showed a consistent pattern of shortcomings in the consultation process, including:

1. Repeated denials of requests made by Tribes and advocates to review thousands of pages of technical documents;
2. Insufficient timeframes for feedback prevented informed decision-making and meaningful participation;
3. Key information necessary for FPIC was missing or inaccessible; and
4. The absence of any genuine FPIC process designed with the full and effective participation of affected Indigenous Peoples.

In their responses, Ioneer and Lithium Americas emphasized that the projects are located on federal public land, that UNDRIP is not legally binding in the USA, and that FPIC is not a requirement under US law. They pointed to BLM-led consultation processes and their own engagement efforts. However, while Ioneer and Lithium Americas argue that these approaches satisfy applicable US domestic legal requirements, aspects of the BLM's approval and consultation processes for these projects have been contested in the US federal court system, and questions remain in some instances as to whether those processes were sufficient under US law. Additionally, Ioneer and Lithium America's claims do not change the fact that the project areas concerned are in ancestral Indigenous territories, nor do they negate Indigenous Peoples' rights under international human rights standards. UNDRIP reflects globally recognized norms and companies are expected to respect these standards wherever they operate, regardless of gaps or limitations in national frameworks. At the time of writing, the third project operator, Surge Battery Metals, had not responded.

2 As of April 2026.

FAILURE OF COMPANIES TO RESPECT FPIC

> ***"The companies talk about FPIC but are they implementing it? I've not seen FPIC implemented here. We just get the same consultation we've always had with the BLM – it's not sufficient."***
>
> Fermina Stevens, member of the Te-Moak Tribe of Western Shoshone and Executive Director of the Western Shoshone Defense Project

While states have an obligation to ensure FPIC is obtained before approving mining projects, the companies developing, operating and financing these projects also have a responsibility to ensure state-led FPIC processes are adequate. Where state processes fall short – as is the case for all three projects examined in this briefing – companies must take additional steps to avoid causing or contributing to human rights abuses.

Across all three mining projects, FPIC has not been obtained. In this context, the companies advancing these mines risk contributing to, or becoming directly linked to, serious human rights abuses if they continue without securing FPIC. Under international standards, companies have a responsibility to halt activities affecting Indigenous lands, territories, and resources until genuine FPIC processes are carried out, and to use their leverage with state authorities and joint-venture partners to ensure such processes takes place.

Joint-venture partners and downstream companies sourcing lithium have entered commercial relationships with projects that lack FPIC, in some cases contradicting their own stated policies. By continuing these relationships, they risk becoming directly linked to, or contributing to, human rights abuses connected to the projects.

> ***"The mine is going to destroy our homelands, our way of living. I honestly don't feel our Tribe's ready for what's to come. The fact we and generations of our descendants are being sacrificed for green energy – why does it have to be to the detriment of Indigenous People? We are people, we matter, just as much as anybody else."***
>
> Shelley Harjo, member of the Fort McDermitt Paiute and Shoshone Tribe and former Tribal Council member

Home states of multinational mining and electric-vehicle companies also have a critical role to play. Countries such as Canada and Australia – where companies involved in Nevada's lithium projects, including Ioneer Ltd, Evolution Mining, Lithium Americas and Surge Battery Metals, are headquartered or owned by parent companies based there – must ensure that corporations domiciled within their jurisdiction respect Indigenous Peoples' rights wherever they operate, including FPIC, and provide accessible avenues for affected communities to seek remedy. Without strong home-state regulation and accountability mechanisms, companies will continue to evade responsibility and reproduce the very harms the energy transition seeks to address.

Silver Peak lithium mine in Clayton Valley, Nevada
© Marli Miller/UCG/Universal via Getty Images

KEY RECOMMENDATIONS

TO THE BUREAU OF LAND MANAGEMENT (BLM)

- Suspend operations and permits for any project that has moved ahead without obtaining FPIC; where appropriate, initiate consultations in good faith in order to obtain FPIC.
- Require FPIC before approving any project that may affect Indigenous lands, territories, or resources, including those designated as public lands. Ensure Indigenous Peoples have advance access to full, clear, and culturally appropriate information, as well as independent technical and legal expertise of their choosing.

TO CONGRESS

- Codify the UN Declaration on the Rights of Indigenous Peoples, including FPIC, in domestic law.
- Prohibit federal finance or permits for projects without FPIC.

TO LITHIUM PROJECT OPERATORS

- Where the state fails to conduct an adequate FPIC process, or where FPIC has not been obtained, halt all activities that affect Indigenous lands, territories, and resources until a genuine FPIC process is carried out with the full and effective participation of the affected Indigenous Peoples.

TO DOWNSTREAM COMPANIES

- Require FPIC as a condition for all contracts, sourcing agreements, and financing. Where suppliers or business partners fail to respect FPIC, use leverage to require corrective action, and end relationships where harms persist or cannot be remedied.

TO INVESTORS

- End relationships with investees that fail to take timely and meaningful action to demonstrate respect for Indigenous Peoples' rights, including FPIC.

TO HOME STATES OF LITHIUM PROJECT OPERATORS

- Require companies to respect human rights throughout their global operations and supply chains, including by conducting human rights and environmental due diligence that includes respect for Indigenous rights and FPIC.
- Hold transnational corporations accountable for human rights and environmental abuses in their home State and remove barriers to affected communities accessing remedy there.

2. METHODOLOGY

This briefing builds on Amnesty International's ongoing investigations into human rights abuses associated with the extraction of minerals. It draws on research conducted between August 2025 and March 2026 and focuses on three lithium mining projects in Nevada, a western state in the United States of America (USA): Thacker Pass Lithium Mine, Nevada North Lithium Project, and Rhyolite Ridge Lithium Project. These projects were selected because they are at different but critical stages of development, have undergone environmental assessment and permitting processes, and were identified by local groups as priorities for scrutiny.

Nevada map with project locations.

Map data © 2026 Google, INEGI

In August 2025, Amnesty International visited Elko County and Humboldt County in northern Nevada and met with around 20 members of Indigenous Peoples affected by proposed lithium projects, as well as several local advocates. The team conducted site visits to the Thacker Pass Lithium Mine and Nevada North Lithium Project. Researchers conducted remote interviews with 11 Indigenous Peoples impacted by the proposed projects from December 2025 to January 2026 and consulted with other subject matter experts to inform the research.[3] Researchers also carried out an extensive review of documentary evidence, including environmental impact assessments, public comments submitted during environmental assessment processes, and corporate disclosures. This was complemented by desk research, including analysis of national legal and regulatory frameworks against international human rights standards, as well as reports from the United Nations (UN), civil society organizations, academic sources, and media coverage.

The research aimed to assess whether authorities and mine operators have sought Indigenous Peoples' right to free, prior and informed consent (FPIC) before advancing lithium projects affecting Indigenous Peoples. This information was largely obtained from project documents and correspondence with the Bureau of Land Management (BLM) and the mine operators. Amnesty International met with some members and advocates from Indigenous Peoples and carried out remote interviews; however, the findings should not be interpreted as providing a comprehensive account of those Peoples' perspectives. Amnesty will continue to follow developments related to lithium mining in Nevada and engage with affected communities.

In January 2026, Amnesty International wrote to the BLM, the lithium project operators and their joint venture partners, to ask questions, including whether FPIC was sought and obtained, and to provide them with the opportunity to respond to the findings. In February 2026, Amnesty also wrote to the Department of Energy and the companies with sourcing agreements with the lithium projects included in this briefing, to give them the opportunity to respond. Amnesty International then reviewed the responses and took appropriate account of the information provided in updating the findings of the briefing. Lithium Americas and Ioneer both provided detailed responses, disputing our findings and critiquing elements of our methodology – in Lithium Americas case, including the absence of a meeting offer. Amnesty issued rebuttals clarifying our findings and the companies' responsibilities under international human rights standards and subsequently offered meetings to both companies. Neither company responded. The companies' decision not to engage further, despite their earlier criticism, meant we were unable to incorporate any further clarifications beyond their initial written responses. Copies of the responses received can be found in the Annex.

ACKNOWLEDGEMENTS

Amnesty International expresses its deep gratitude to the Indigenous community members who generously shared their time, experiences and expertise for this briefing. We also acknowledge the vital work of Indigenous-led and other US-based civil society organizations that have long advocated for redress for harms documented in this briefing and provided invaluable insights and guidance. These organizations, who gave consent to be named in the report, include: the Western Shoshone Defense Project, Noowuh Knowledge Center, People of Red Mountain, Earthworks and Great Basin Resource Watch. Amnesty International also gratefully acknowledges the research support and expert advice provided by the University of Minnesota Law School's Human Rights Litigation and Advocacy Clinic.

3 The Indigenous Peoples Amnesty spoke to belonged to the following Tribes: the Fort McDermitt Paiute and Shoshone Tribe, Reno-Sparks Indian Colony, Te-Moak Tribe of Western Shoshone, Timbisha Shoshone Tribe and Walker River Paiute Tribe.

3. BACKGROUND

3.1 COLONISATION OF INDIGENOUS PEOPLES IN NEVADA

What is now called Nevada lies within the Great Basin – a vast, arid region with an Indigenous presence dating back thousands of years, to what many describe as "time immemorial" and the origin point of some Indigenous creation stories. Long before European contact, this land was home to distinct Indigenous Peoples, including Newe (Western Shoshone), Numu (Northern Paiute), Nuwuvi (Southern Paiute), Waší·šiw (Washoe) and Pipa Aha Macav (Fort Mojave).[4] The arrival of European settlers, emboldened by the Doctrine of Discovery used to legitimize the colonization of Indigenous Peoples, brought disease, starvation, violence, and forced displacement – devastating Indigenous Peoples across North America.[5] Communities were forcibly driven from their ancestral lands and confined to reservations, often losing vast territories that were often fertile and resource-rich.[6] These reservations were typically small, fixed parcels of land, often far from traditional homelands. Resistance was met with brutal violence, massacres, and imprisonment.[7]

Today, many lands originally held by Indigenous Peoples are controlled by multiple entities, including state and federal governments. Nevada is home to 21 federally recognized Tribes, encompassing 28 reservations, bands, colonies and community councils.[8] Reservations are the territories of sovereign Tribal governments – structures imposed under US federal policy that often conflict with traditional Indigenous governance and social structures. Disputes over these arrangements are long-standing.

Across the USA, Indigenous Peoples continue to face systemic discrimination rooted in colonization. Barriers to housing, healthcare, education, safety, and justice persist.[9] Indigenous women, in particular, experience disproportionately high rates of sexual violence and disappearances - harms the US government has failed to adequately prevent or address.[10] Environmental injustice compounds these harms: as noted by the UN Human Rights Committee, Indigenous "lands and sacred sites" have been adversely impacted by extractive industries, military infrastructure and toxic and nuclear waste.[11] UN experts have described heavily contaminated areas where low-income and marginalized groups bear the disproportionate burden of exposure to pollution and toxic substances as "sacrifice zones".[12]

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4 Nevada Department of Native American Affairs, "Tribal Nations", https://dnaa.nv.gov/tribal-nations/ [accessed on 23 December 2025].

5 David Wilkins, "Deconstructing the Doctrine of Discovery", 24 October 2014, https://ictnews.org/archive/deconstructing-the-doctrine-of-discovery/. Elizabeth Furse & Robert Miller, *Native America, Discovered and Conquered: Thomas Jefferson, Lewis & Clark, and Manifest Destiny,* 2006.

6 U.S. National Park Service, "American Expansion Turns to Official Indian Removal", https://www.nps.gov/articles/american-expansion-turns-to-indian-removal.htm [accessed 23 December 2025].

7 Human Rights Watch and the American Civil Liberties Union, "The land of Our People, Forever", United States Human Rights Violations against the Numu/Nuwu and Newe in the Rush for Lithium", 6 February 2025, https://www.hrw.org/report/2025/02/06/the-land-of-our-people-forever/united-states-human-rights-violations-against-the.

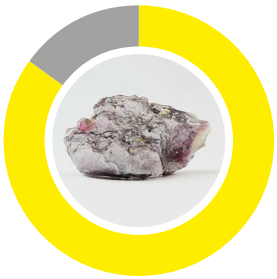
8 Nevada Department of Native American Affairs, "Tribal Nations" (previously cited).

9 U.S. Congress, Joint Economic Committee, "Native American Communities Continue to Face Barriers to Opportunity that Stifle Economic Mobility", 2022, https://www.jec.senate.gov/public/_cache/files/9a6bd201-d9ed-4615-bc32-9b899faf5627/nativeamericanscontinuetofacepervasiveeconomicdisparaties-final.pdf. ; and Findling, M.G. et al., "Discrimination in the United States: Experiences of Native Americans, Health Services Research", December 2019, Health Services Research, Vol. 54, No. S2, https://doi.org/10.1111/1475-6773.13224.

10 Amnesty International, *USA: The never-ending maze: Continued failure to protect Indigenous women from sexual violence in the USA*, (Index: AMR 51/5484/2022), 17 May 2022, https://www.amnesty.org/en/documents/amr51/5484/2022/en/.

11 UN Human Rights Committee, "Concluding observations on the fifth periodic report of the United States of America", 7 December 2023, UN Doc: CCPR/C/USA/CO/5, https://docs.un.org/en/CCPR/C/USA/CO/5.

12 UN Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, *Report on the right to a clean, healthy and sustainable environment*: non-toxic environment, 12 January 2022, UN Doc. A/HRC/49/53, para. 27. https://www.ohchr.org/en/documents/thematic-reports/ahrc4953-right-clean-healthy-and-sustainable-environment-non-toxic.



NEVADA HOLDS AROUND

85% OF THE COUNTRY'S KNOWN LITHIUM RESERVES

When these zones disproportionately harm Indigenous Peoples because of policies, practices, laws or regulations that – whether intentionally or not – disadvantage individuals or groups based on race, skin colour, descent or national and ethnic origin, this constitutes environmental racism.[13] This is the reality facing many Indigenous Peoples in Nevada.

3.2 LITHIUM MINING IN NEVADA

Lithium, alongside other so-called "critical minerals", such as cobalt and nickel, is an essential component in lithium-ion batteries currently used in electric vehicle batteries, renewable energy storage systems, and increasingly as back-up power for artificial intelligence (AI) data centres.[14] While States and industry often describe these minerals as "critical", this framing can reflect political and industry priorities rather than an objective assessment of what societies genuinely need, particularly given that different modelling assumptions produce divergent projections – one study, for example, shows that the USA could reach zero-emissions transport with far less lithium extraction by reducing car dependence, decreasing electric vehicle battery sizes and maximizing recycling.[15] The International Energy Agency nevertheless projects that demand for minerals used in these batteries is set to increase by approximately ninefold between 2024 and 2050.[16]

Nevada is central to meeting the USA's rapidly expanding demand for lithium, holding around 85% of the country's known reserves, including the country's largest deposit and its only active lithium production site: the Silver Peak Lithium Mine.[17] While Silver Peak remains the sole operational project today, the scale of planned expansion is striking. As of September 2024, there were an estimated 23,500 active lithium claims across Nevada – an indicator of the rapid acceleration of mining activity.[18] According to Great Basin Resource Watch – a regional environmental justice organization – most of these lithium claims arose in the last six to seven years.[19]

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13 UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, *Report: Ecological crisis, climate justice and racial justice*, 25 October 2022, UN Doc. A/77/549. See also: Amnesty International, *Extraction Extinction: Why the lifecycle of fossil fuels threatens life, nature and human rights*, (Index: POL 30/0438/2025), November 2025, p.33, https://www.amnesty.org/en/documents/pol30/0438/2025/en/.

14 According to the International Energy Agency (IEA), electric vehicles account for 70% of lithium-ion battery deployment, with battery energy storage making up a further 15%. The IEA also notes that lithium-ion batteries are becoming an increasingly important source of back-up power for digital infrastructure, including data centres and AI.

15 Climate & Community Institute, *Achieving Zero Emissions with More Mobility and Less Mining,* January 2023, https://climateandcommunity.org/research/more-mobility-less-mining/. See also: Greenpeace, *Beyond Extraction: Pathways for a 1.5 °C-aligned Energy Transition with Less Minerals,* March 2026, https://www.greenpeace.org/static/planet4-international-stateless/2026/02/677b279a-beyond-extraction_energy-transition-with-less-minerals_2026.pdf.

16 International Energy Agency, *Global Critical Minerals Outlook 2024*, May 2024, https://iea.blob.core.windows.net/assets/ee01701d-1d5c-4ba8-9df6-abeeac9de99a/GlobalCriticalMineralsOutlook2024.pdf.

17 DRI Communications, "Nevada's Lithium Landscape", https://storymaps.arcgis.com/stories/b890a5ffc0c44e1fbb733ee3a4e68f05 [accessed on 27 November 2025].

18 The Nevada Independent, "Even as lithium prices drop, industry expansion in Nevada still underway", 23 March 2025, https://thenevadaindependent.com/article/even-as-lithium-prices-drop-industry-expansion-in-nevada-still-underway.

19 Email exchange with Great Basin Resource Watch, January 2026.

Silver Peak lithium mine in Clayton Valley, Nevada © Marli Miller/UCG/Universal via Getty Images

A sign warns of the danger of abandoned mines in the historic mining town of Tonopah, Nevada © Robyn Beck/AFP via Getty Images

This lithium boom will disproportionately affect Indigenous Peoples. Research indicates that 79% of all known US lithium reserves are located within 35 miles of Tribal reservations,[20] meaning many claims overlap with ancestral lands that hold deep cultural and spiritual significance.[21] Both Indigenous and non-Indigenous communities in Nevada are already overburdened by a long history of mineral extraction that continues today. According to the BLM, Nevada has the largest mining programme in the country, with more than 180,000 active mining claims accounting for nearly half of all BLM claims nationwide.[22] The state also has the highest number of abandoned mines in the USA – almost 200,000 sites[23] – which pose serious physical hazards and environmental risks, including heavy metal contamination of air, soil and water.[24]

20 MSCI, "Mining Energy-Transition Metals: National Aims, Local Conflicts", 3 June 2021, https://www.msci.com/research-and-insights/blog-post/mining-energy-transition-metals-national-aims-local-conflicts.

21 Further, this datapoint only measures lithium reserves within 35-miles of Tribal reservations and excludes other Indigenous territories not designated as reservations.

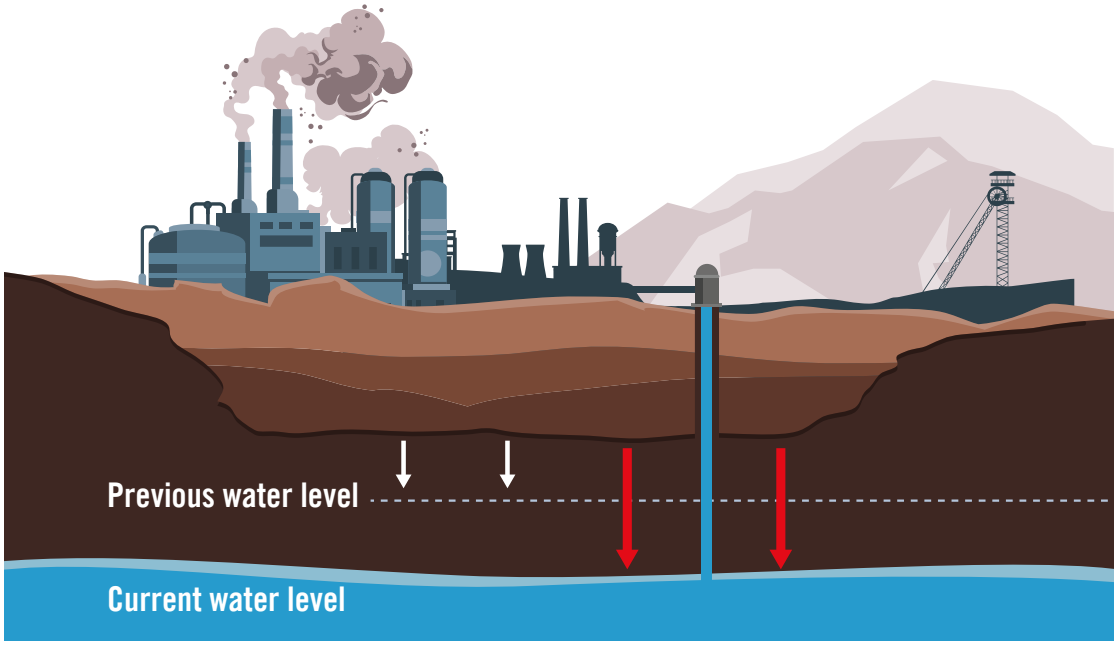
22 US Department of the Interior, BLM, "Nevada Mining and Minerals", https://www.blm.gov/programs/energy-and-minerals/mining-and-minerals/about/nevada (accessed on 19 December 2025).

23 The Nevada Independent, "Even as lithium prices drop, industry expansion in Nevada still underway", 23 March 2025, https://thenevadaindependent.com/article/even-as-lithium-prices-drop-industry-expansion-in-nevada-still-underway.

24 US Geological Survey, "The Abandoned Mine Inventory of the United States – A Brief Summary", 14 March 2025, https://pubs.usgs.gov/publication/fs20253003/full#:~:text=Consequently%2C%20there%20are%20hundreds%20of,Abandoned%20Mine%20Lands%20Unit%20staff.

3.3 ENVIRONMENTAL RISKS OF LITHIUM MINING

The extraction of lithium like other minerals critical for the energy transition, has been linked to human rights and environmental abuses worldwide.[25] Lithium mining and processing can be water intensive.[26] In Nevada's high mountain desert environment, where communities are located in remote areas and groundwater is scarce, this intensifies the risk of depleting limited water resources essential for people, wildlife, and fragile desert ecosystems.[27] Mining operations clear vegetation and disturb thin desert soils, often destroying habitats and reducing biodiversity.[28] Waste and pollutants from extraction and processing can contaminate air, soil, and water, threatening ecosystems and human health.[29] Nevada's regulatory framework allows the approval of mining projects even when they are expected to generate perpetual pollution, as long as companies demonstrate an ability to manage that contamination indefinitely – which would typically involve ongoing water treatment, containment and long-term monitoring.[30] Yet in practice, no company can credibly guarantee the long-term management of mine pollution, including perpetual water treatment, over the timescales that such contamination would persist. These environmental risks threaten the rights and wellbeing of both affected Indigenous Peoples and non-Indigenous communities.



Ground water depletion

25 See Business & Human Rights Centre, "Transition Minerals Tracker", https://www.business-humanrights.org/en/from-us/transition-minerals-tracker.

26 UNESCO, *United Nations World Water Development Report 2024: Water for Prosperity and Peace*, 2024,https://www.unesco.org/reports/wwdr.

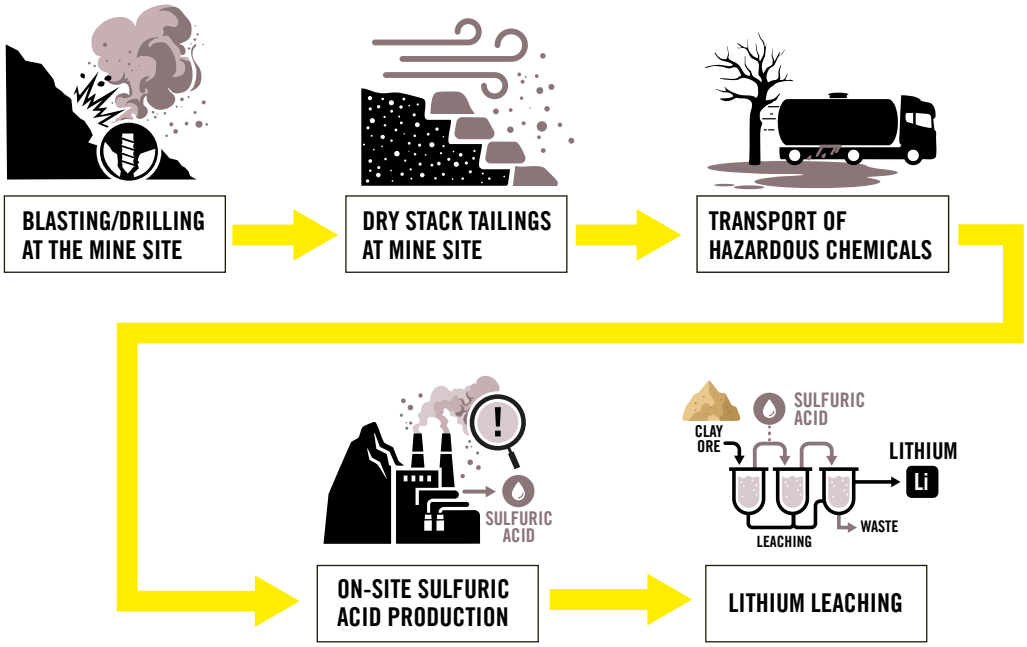
27 The Nature Conservancy, "Stories in Nevada: Our Water Future", https://www.nature.org/en-us/about-us/where-we-work/united-states/nevada/stories-in-nevada/water-conservation/ [accessed on 15 January 2026].

28 Sophie Parker, Michael Cifford and Brian Cohen, "Potential impacts of proposed lithium extraction on biodiversity and conservation in the contiguous United States", 10 February 2024, Science of the Total Environment, Vol. 911, https://www.sciencedirect.com/science/article/pii/S0048969723072674.

29 Climate and Community Project and University of California, Davis, "Achieving Zero Emissions with More Mobility and Less Mining", January 2023, https://www.climateandcommunity.org/more-mobility-less-mining. Sophie Parker, Michael Cifford and Brian Cohen, "Potential impacts of proposed lithium extraction on biodiversity and conservation", 10 February 2024 (previously cited).

30 Great Basin Resource Watch, "A Regulatory Framework for Improving Perpetual Management Obligations at Nevada's Hardrock Mines", January 2025, https://www.gbrw.org/ftpgbrw/NWRA/John-Hadder-NWRA-1-27-25-D1.pdf.

Amnesty International reviewed the available environmental impact statements (EIS) prepared by the BLM for the lithium projects covered in this briefing, which identify significant direct and indirect potential impacts. These potential impacts include air pollution from blasting, drilling and transportation, as well as from producing sulfuric acid used to leach lithium from clay ore.[31] Groundwater depletion was also identified as a potential impact, as well as hazardous waste releases, and increased traffic on roads.[32] These potential impacts threaten fundamental rights, including the rights to health, water, and a clean, healthy and sustainable environment.



The EISs also identify specific risks to Indigenous Peoples, including restricted access to traditional resource areas, environmental degradation within ancestral territories, disturbance or destruction of some historic and cultural sites, and impacts on sacred traditions and cultural practices due to landscape changes. According to the National Congress of American Indians, federal environmental review processes in the USA often fail to meaningfully integrate Indigenous scientific knowledge and land-based expertise, resulting in environmental reviews that do not fully capture the ecological, cultural, or cumulative risks for Indigenous Peoples.[33] Amnesty's assessments of the EIS' suggest this may be the case as well for the lithium projects. For example, the Thacker Pass EIS failed to acknowledge or analyse Peehee Mu'huh ("Rotten Moon") as the site of an 1865 massacre of members of an Indigenous People or as a culturally significant landscape central to the heritage of the affected Indigenous Peoples.[34]

31 BLM, Rhyolite Ridge Lithium-Boron Final Environmental Impact Statement, September 2024, https://eplanning.blm.gov/public_projects/2012309/200540745/20119551/251019531/Rhyolite%20Ridge%20FEIS%20-%2020240913_508.pdf. BLM, Thacker Pass Lithium Mine Project, Final Environmental Impact Statement, 4 December 2020, https://eplanning.blm.gov/public_projects/1503166/200352542/20030633/250036832/Thacker%20Pass_FEIS_Chapters1-6_508.pdf. BLM, Nevada North Lithium Exploration Project Environmental Assessment, February 2025, https://eplanning.blm.gov/public_projects/2035156/200636015/20128869/251028849/NNLEP%20EA_02282025.pdf

32 BLM, Rhyolite Ridge Lithium-Boron Final Environmental Impact Statement, September 2024 (previously cited). BLM, Nevada North Lithium Exploration Project Environmental Assessment, February 2025 (previously cited).

33 National Congress of American Indians, "NCAI Issues Formal Comments to CEQ Regarding NEPA Regulation Rollbacks and Federal Government's Trust Responsibility", April 2025, https://www.ncai.org/news/ncai-issues-formal-comments-to-ceq-regarding-nepa.

34 Thacker Pass Lithium Mine Project, Final Environmental Impact Statement, December 2020, In September 1865, soldiers from the First Nevada Cavalry of the US Union Army raided a village of Northern Paiute and Western Shoshone Indigenous Peoples, massacring men, women and children as they fled into the area that is now known as Thacker Pass.

3.4 FAST-TRACKING AND DEREGULATION

According to the USA geopolitical tensions, including with China, have increasingly led the government to treat securing so-called "critical minerals" as a strategic priority.[35] This framing has underpinned the Trump administration's moves to order actions to deregulate and fast-track mining projects.[36] The Biden administration also took measures to strengthen domestic mineral supply chains, citing the need to reduce dependence on China and other competitors and to safeguard US "national security".[37] These measures included significant increases in federal funding for "critical mineral" projects.

More recently, executive orders introduced under the Trump administration have intensified this trend by increasing funding while dismantling regulatory safeguards for mining. These measures included fast-tracking permits and reducing environmental review requirements.[38] An executive order issued by President Trump in January 2025 declared that it is US policy "to establish our position as the leading producer and processor" of minerals, and directed federal agencies to revise National Environmental Policy Act (NEPA) regulations to accelerate permitting and remove perceived obstacles.[39] Under the new guidance, agencies now have discretion to limit public review and comment opportunities, particularly on draft EISs and final decisions, which significantly reduces transparency and public participation and makes it harder for communities to challenge flawed decisions and seek redress.[40] In December 2025, the US House of Representatives passed the Mining Regulatory Clarity Act, which risks further weakening environmental protections and undermining the rights of affected people, including Indigenous Peoples, to participate in decision-making.[41]

Collectively, these developments could undermine human rights protections by weakening environmental review processes, limiting opportunities for meaningful consultation with affected people, and prioritizing speed over compliance with international standards - including the rights of Indigenous Peoples to self-determination and the requirement to obtain their FPIC before any project proceeds on their lands, territories, or resources.

35 The White House, "Fact Sheet: President Donald J. Trump Unleashes America's Offshore Critical Minerals and Resources", 24 April 2025, https://www.whitehouse.gov/fact-sheets/2025/04/fact-sheet-president-donald-j-trump-unleashes-americas-offshore-critical-minerals-and-resources/; and US Department of Energy, "Loan Program Office Announcement for Thacker Pass Lithium Project", October 2024, https://www.energy.gov/lpo/thacker-pass

36 The White House, "Fact Sheet: President Donald J. Trump Unleashes America's Offshore Critical Minerals and Resources", 2025 (previously cited); and US Department of Energy, "Loan Program Office Announcement for Thacker Pass Lithium Project", 2024 (previously cited).

37 The White House, "Fact Sheet: Biden-Harris Administration Takes Further Action to Strengthen and Secure Critical Mineral Supply Chains", 20 September 2024, https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2024/09/20/fact-sheet-biden-harris-administration-takes-further-action-to-strengthen-and-secure-critical-mineral-supply-chains/

38 The White House, "Immediate Measures to Increase American Mineral Production", 20 March 2025, https://www.whitehouse.gov/presidential-actions/2025/03/immediate-measures-to-increase-american-mineral-production/; The White House, "Unleashing American Energy", 20 January 2025, https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-american-energy/

39 The White House, "Unleashing American Energy", 20 January 2025 (previously cited).

40 Linklaters, "U.S. Federal Agencies Significantly Modify Environmental Review Regulations and Policies", 15 July 2025, https://www.linklaters.com/knowledge/publications/alerts-newsletters-and-guides/2025/july/15/us-federal-agencies-significantly-modify-environmental-review-regulations-and-policies#:~:text=by%20project%20developers.-,Potential%20Implications,comment%20process%20required%20for%20regulations.

41 House Gop, "House Advances American Energy Dominance and Removes Roadblocks", 18 December 2025, https://www.gop.gov/news/documentsingle.aspx?DocumentID=3086

4. INDIGENOUS PEOPLES: THE RIGHT TO FPIC IN THE CONTEXT OF MINING

Indigenous Peoples have the right to use and benefit from their traditional lands, territories, and resources, and to fully participate in all decisions about how these are developed. As a default, extractive activities should not take place on Indigenous lands without their FPIC, a principle enshrined in international standards such as the UN Declaration of Indigenous Peoples (UNDRIP), and affirmed by bodies such as the Inter-American Court of Human Rights.[42] UNDRIP establishes that "States shall consult and cooperate in good faith" with Indigenous Peoples to "obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources."[43] A critical aspect of FPIC is the process leading to consent, especially the need for robust mechanisms of consultation to facilitate mutually acceptable agreements, and monitoring, enforcement and grievance mechanisms.

To meet FPIC requirements, several core conditions must be satisfied:

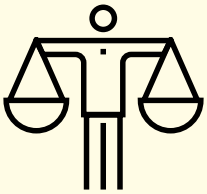
1. **Consent must be freely given** – without coercion, manipulation, threats, fear of reprisal, corruption or inequality of bargaining power.
2. **Adequate time** must be provided for Indigenous Peoples to give their consent to a proposed activity according to their values, tradition, circumstances and decision-making process.
3. **Full, clear, objective and culturally appropriate information** about the proposed activity – and its potential consequences, to the greatest extent possible – must be disclosed. Indigenous Peoples must be informed of their rights and have the right to obtain independent advice. Where necessary to address imbalances of power and resources, this support should be funded by the state or company, in a manner that fully safeguards the independence and impartiality of the advice.
4. **Non-approval must remain an option –** it should be clear from the outset that not proceeding with the project is an option and Indigenous Peoples have the right to withhold consent. Any action by the state or company before consultations are concluded – such as issuing licences or permits – signals an unwillingness to accept a refusal and undermines trust in the process.
5. **Consent must come through Indigenous Peoples' own representative structures and decision-making processes** and include women and marginalized members of the Indigenous People.[44]
6. **Indigenous People have the right to decline participation in consultation processes,** and they may choose to withdraw from them at any time.

42 UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples, 2007, UN Doc: A/RES/61/295, https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html; Inter-American Court of Human Rights, *Case of the Saramaka People v. Suriname*, Judgment of 28 November 2007, Series C No. 172, https://www.corteidh.or.cr/docs/casos/articulos/seriec_172_ing.pdf.

43 UNDRIP, 2007, UN Doc: A/61/L.67, Article 32.2; Inter-American Court of Human Rights, Saramaka People v. Suriname (Preliminary Objections, Merits, Reparations, and Costs), Series C No. 172, adopted on 28 November 2007, corteidh.or.cr/docs/casos/articulos/seriec_172_ing.pdf, paras 133, 137

44 UN, Free, prior and informed consent: a human rights-based approach – Study of the Expert Mechanism on the Rights of Indigenous Peoples, 10 August 2018, UN Doc: A/HRC/39/62, https://www.ohchr.org/en/calls-for-input/free-prior-and-informed-consent-report.

INTERNATIONAL HUMAN RIGHTS STANDARDS



Indigenous Peoples have the right to use and benefit from their traditional or customary lands and to be full participants in all decisions concerning how these lands, territories and resources are developed. As a default, extractive activities should not take place within the territories of Indigenous Peoples without their free, prior and informed consent (FPIC).

The greater the potential impact – such as from large-scale mining – the more the duty to consult in order to obtain consent hardens into an obligation not to proceed without that consent. This reflects the sliding-scale approach, under which increasingly significant impacts require correspondingly stronger protections. Consent is not a one-off event; it is an iterative process throughout the lifecycle of a mine, from exploration to closure and remediation.[45]

While declarations are not legally binding on states, UNDRIP carries significant normative weight, as affirmed by the UN Special Rapporteur on Rights of Indigenous Peoples.[46] In his report, the Special Rapporteur states: "even though the Declaration itself is not legally binding in the same way a treaty is, the Declaration reflects legal commitments that are related to the Charter, other treaty commitments and customary international law."[47] A global body of experts in international law, the International Law Association, has also found that rights recognized in UNDRIP reflect customary international law, including the rights of Indigenous Peoples to self-determination and FPIC, to their traditional lands and natural resources, to reparation and redress for past harms, and to the enforcement of all treaties and agreements negotiated with a state.[48] FPIC can therefore be understood as a principle grounded in customary law.

While the United States has not codified UNDRIP or FPIC in domestic law, it has endorsed UNDRIP and committed to its objectives,[49] including through a 2014 UN General Assembly resolution following the World Conference on Indigenous Peoples.[50] Further, the USA is a State party to the International Convention on the Elimination of Racial Discrimination (ICERD), whose Committee has called on State parties to ensure that no decisions directly affecting the rights and interests of Indigenous Peoples are taken without their informed consent.[51]

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45 Once given, consent should not be arbitrarily withdrawn, but may be conceivable for example, if, after the project has begun, the project has impacts on the lands and resources of the community that were not foreseen during consultations, or if workers associated with the project are involved in significant criminal, offensive or culturally inappropriate behaviour. If the project proponent withheld information related to these new concerns, such developments could effectively invalidate the earlier decision, given that it could no longer be said that consent was 'informed'.

46 UN Special Rapporteur on Rights of Indigenous Peoples, Report to the General Assembly, 9 August 2010, UN Doc A/65/264, para. 60.

47 UN Special Rapporteur on Rights of Indigenous Peoples, Report to the General Assembly, 9 August 2010, UN Doc A/65/264, para. 62

48 International Law Association, Rights of Indigenous Peoples - Report of the Hague Conference, 2010, pp. 51-52.

49 Amnesty International, "President Obama endorses the UN Declaration on the Rights of Indigenous Peoples!", 16 December 2010, https://www.amnestyusa.org/blog/president-obama-endorses-the-un-declaration-on-the-rights-of-indigenous-peoples/.

50 UN, Resolution adopted by the General Assembly on 22 September 2014, 25 September 2014, UN Doc: A/RES/69/2, https://documents.un.org/doc/undoc/gen/n14/468/28/pdf/n1446828.pdf

51 Committee on the Elimination of Racial Discrimination, General recommendation XXIII on the rights of indigenous peoples, 1997, UN Doc: A/52/18, para 4(d)

US policy relies on tribal consultation, requiring federal agencies to engage in government-to-government dialogue with federally recognized Tribes when actions have "tribal implications".[52] Under this framework, consultation for mining projects is led by the BLM – the federal agency responsible for permitting operations on public lands. These consultations typically take place with the Tribal Council, which functions as the legislative body for many Tribes. However, this framework falls short of international standards because:

- **It does not recognize the right of Indigenous Peoples to withhold consent,** as required under UNDRIP.
- **It limits engagement to federally recognized tribal governments,** excluding some traditional governance structures.
- **It does not follow Indigenous Peoples' own decision-making processes or their preferred methods of consultation,** which are central to the principle of FPIC.

As a result, projects such as mining, pipelines, and infrastructure often proceed without FPIC – perpetuating patterns of dispossession and violating international human rights norms.

By contrast to the USA, some other States have incorporated elements of UNDRIP and FPIC into domestic legislation or policy frameworks, demonstrating its normative legitimacy and the authority of these standards.[53] This includes Canada, where FPIC is embedded in federal law through the United Nations Declaration on the Rights of Indigenous Peoples Act,[54] and in British Columbia's provincial law through the Declaration on the Rights of Indigenous Peoples Act.[55] This has direct relevance to the lithium mining companies operating in Nevada that are headquartered in British Columbia – such as Lithium Americas Corporation and Surge Battery Metals that are featured in this briefing. Given that FPIC forms part of the legal and policy framework in the jurisdiction where these companies are incorporated, they and their subsidiaries should apply these standards consistently across their operations, including when operating outside Canada. Further, in 2023, the UN Special Rapporteur on the rights of Indigenous Peoples called on Canada to "recognize the extraterritorial human rights obligations of Canadian companies operating abroad and ensure they are held accountable for human rights violations committed in other countries, including against Indigenous Peoples."[56] He also reiterated previous calls on Canada by other UN mandate holders and treaty monitoring bodies to adopt a regulatory framework to hold transnational corporations accountable for human rights violations and environmental abuses.[57]

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52 Provisions in Sections 1501.2 and 1501.7 of the CEQ Regulations that call for the involvement of Tribes that may be affected by a Federal proposal, CEQ issued a Memorandum to the Heads of Federal agencies encouraging more active solicitation of Tribal entities for participation as cooperating agencies in NEPA documents. In addition, Executive Order 13175, Consultation and Coordination With Indian Tribal Governments (November 6 2000), outlines requirements for consultation with Tribal Governments. Finally, most Federal agencies have policy documents that provide agency-specific provisions for coordination with Tribal entities. All of these requirements are applied, when appropriate, during the NEPA process. See: https://ceq.doe.gov/get-involved/tribes-and-nepa.html.

53 For example, Bolivia has explicitly recognized FPIC in its 2009 Constitution (Article 30) and in the Law on the Rights of Indigenous Peoples. In the Philippines, the Indigenous Peoples' Rights Act (IPRA), 1997, explicitly requires FPIC for projects on Indigenous lands. The UNDRIP Act, 2021, commits Canada to aligning federal laws with UNDRIP.

54 United Nations Declaration on the Rights of Indigenous Peoples Act, 2021, https://laws-lois.justice.gc.ca/eng/acts/u-2.2/FullText.html.

55 Declaration on the Rights of Indigenous Peoples Act, November 2019, https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/19044.

56 UN General Assembly, *Visit to Canada: Report of the UN Special Rapporteur on the rights of Indigenous Peoples,* 24 July 2023, UN Doc: A/HRC/54/31/Add.2, para 96, https://cnca-rcrce.ca/wp-content/uploads/2023/09/Report-of-UNSR-on-rights-of-Indigenous-Peoples-for-Canada-visit-2023.pdf

57 *Visit to Canada: Report of the UN Special Rapporteur on the rights of Indigenous Peoples,* 24 July 2023, paras 68, 72, 73 (previously cited)

Under international law, the USA has an obligation to respect, protect and fulfil human rights. The UN Guiding Principles on Business and Human Rights (UN Guiding Principles) affirm that states must enforce laws requiring companies to respect human rights and ensure accountability and remedy for abuses.[58]

The UN Guiding Principles establish that all companies have a responsibility to respect human rights wherever they operate.[59] This requires companies to:

- Adopt and publicly disclose human rights policies that apply cross all operations and explicitly commit to respecting the rights of Indigenous Peoples', including securing FPIC before undertaking any activity that may affect their lands, territories or resources.[60]
- Conduct ongoing human rights due diligence to identify, prevent, mitigate and account for any negative human rights impacts resulting from their operations or because of their business relationships with other actors.
- Remediate any human rights abuse they cause or contribute to.[61]
- Follow the higher standard where national laws fall short of internationally recognized human rights protections.[62]

The UN Special Rapporteur on Rights of Indigenous Peoples affirms that companies' responsibilities to respect human rights includes respecting FPIC as outlined in UNDRIP.[63] The UN Working Group on the issue of human rights and transnational corporations and other business enterprises states that businesses need to ensure that state-led FPIC processes are adequate and if they are not, they should "consider carefully" whether the project can proceed without the risk of causing or contributing to adverse impacts on Indigenous Peoples.[64]

58 UN OHCHR, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, Principle 3(a), 1 January 2012, https://www.ohchr.org/en/publications/reference-publications/guiding-principles-business-and-human-rights

59 This responsibility was expressly recognized by the UN Human Rights Council on 16 June 2011, when it endorsed the UN Guiding Principles and on 25 May 2011 when the 42 governments that had then adhered to the Declaration on International Investment and Multinational Enterprises of the OECD unanimously endorsed a revised version of the OECD Guidelines for Multinational Enterprises. See Human Rights Council, Human Rights and Transnational Corporations and other Business Enterprises, Resolution 17/4, UN Doc A/HRC/RES/17/4, 6 July 2011, daccess-ods.un.org/ tmp/638279.914855957.html.

60 UN Guiding Principles, Principle 15 and Principle 12, including Commentary.

61 UN Guiding Principles, Principle 15(c).

62 UN Guiding Principles, Principle 11 including Commentary. Also see: OHCHR, Frequently asked Questions about the Guiding Principles on Business and Human Rights, 2014, p. 7.

63 Special Rapporteur on the Rights of Indigenous Peoples, Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya: Extractive industries and indigenous peoples, July 2013, UN Doc: A/HRC/24/41, para 21, https://docs.un.org/en/a/68/279

64 UN General Assembly, Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, 7 August 2013, UN Doc: A/68/279, Para 21.

UNDER INTERNATIONAL LAW

THE USA HAS AN OBLIGATION TO RESPECT, PROTECT AND FULFIL HUMAN RIGHTS.

The updated OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (OECD Guidelines), which draw on the UN Guiding Principles, require companies to carry out due diligence that recognizes the distinct risks faced by Indigenous Peoples.[65] As OECD members, Canada and Australia have committed to promoting these standards. This has direct relevance as several companies involved in lithium projects in Nevada are either headquartered in, or owned by parent companies based in, Australia and Canada. As such, they are expected to ensure that their global operations, including those of their US subsidiaries, align with the OECD Guidelines.[66]

In Canada, this is reinforced through the Canadian Ombudsperson for Responsible Enterprise (CORE), which is mandated to review alleged human rights abuses linked to Canadian companies operating abroad and to promote alignment with the OECD Guidelines.[67]

65 OECD, *OECD Guidelines for Multinational Enterprises on Responsible Business Conduct*, June 2023 update, https://www.oecd.org/content/dam/oecd/en/publications/reports/2023/06/oecd-guidelines-for-multinational-enterprises-on-responsible-business-conduct_a0b49990/81f92357-en.pdf.

66 In Canada, no transnational lawsuits against Canadian mining companies for abuses abroad have yet been decided on their merits, though recent cases have lowered barriers to remedy and increased legal, financial and reputational risks; all were settled before trial. In *Nevsun Resources Ltd. v. Araya* (2020), the Supreme Court confirmed that corporations do not have blanket immunity under customary international law, and that breaches of customary human rights norms can be addressed in Canadian courts. With UNDRIP now incorporated into federal and several provincial laws, Canadian companies operating overseas must recognize that benefiting from host-state actions that violate human rights may expose them to liability in Canada. *Nevsun Resources Ltd. v. Araya*, [2020] 1 SCR 166, 28 February 2020, https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/18169/index.do.

67 However, the office is currently vacant and under review, has no power to compel documents or testimony, has not completed any investigations since 2024, and has been criticized for lacking the authority to hold companies accountable. At the time of writing, its future remains uncertain, limiting its effectiveness as an oversight mechanism. Canadian Ombudsperson for Responsible Enterprise, "Mandate of the Canadian Ombudsperson for Responsible Enterprise", 2023, https://core-ombuds.canada.ca/core_ombuds-ocre_ombuds/mandate-mandat.aspx?lang=eng&utm.

5. FPIC AND LITHIUM PROJECTS IN NEVADA

A desert blooming shrub in the Nevada desert, where massive lithium deposits are buried © 2025 Amnesty International

All three lithium projects examined in this briefing are located on land claimed by the Western Shoshone. Thacker Pass is located on land traditionally used by both the Western Shoshone and Northern Paiute Indigenous Peoples, while Rhyolite Ridge is located within the traditional territory of the Western Shoshone and Southern Paiute Indigenous Peoples. As such, these areas hold deep historical, spiritual and cultural significance for the Indigenous Peoples connected to them. However, due to a history of displacement and long-standing land disputes, the US government largely designates these areas as public land, allowing mining companies to pursue development without recognizing Indigenous stewardship. Under international human rights standards, Indigenous Peoples have rights not only to the lands they currently occupy and have title to, but also to lands "which they have traditionally owned, occupied or otherwise used or acquired"; projects proposed on such lands must also respect FPIC obligations.[68]

68 UNDRIP, Article 26(1) and 26(2).

Recognition of Western Shoshone land rights by international bodies

While the US government maintains that Western Shoshone peoples' legal rights to their ancestral lands have been "extinguished through gradual encroachment",[69] the Western Shoshone assert that their territory remains unceded both under the 1863 Treaty of Ruby Valleyand by virtue of their inherent land rights as Western Shoshone peoples.[70] This has been reinforced by two international human rights bodies. In 2002, in the case *Mary and Carrie Dann vs United States*, the Inter-American Commission on Human Rights (IACHR) concluded that the United States had violated the Western Shoshone's right to property by failing to respect and protect their ancestral lands and by treating those lands as federal property without due process or consent.[71]

In 2006, the UN Committee on the Elimination of Racial Discrimination reaffirmed these concerns, challenging the USA's position that Western Shoshone legal rights to their ancestral lands had been extinguished. The Committee noted evidence that the Western Shoshone have continued to use and occupy those lands and natural resources in line with their traditional land tenure patterns.[72] It stated that the USA's position is made on the basis of processes before the Indian Claims Commission, "which did not comply with contemporary international human rights norms, principles and standards that govern determination of indigenous property interests", as stressed by the IACHR in the case *Mary and Carrie Dann vs United States*. The Committee urged the USA to "desist from all activities planned and/or conducted on the ancestral lands of Western Shoshone or in relation to their natural resources, which are being carried out without consultation with and despite protests of the Western Shoshone peoples."[73]

This recognition of Western Shoshone ancestral lands as unceded territory strengthens the case that authorization of extractive projects on their land without recognition of their land rights and FPIC is inconsistent with international human rights standards.

Failure to obtain FPIC threatens the rights of Indigenous Peoples, including their rights to self-determination, livelihoods, cultures and identities. Amnesty International examined the three lithium projects included in this section, to assess whether FPIC was sought and obtained and to understand how company practices measure up to international human rights standards, regardless of gaps in domestic law.

69 UN Committee on the Elimination of Racial Discrimination, "Report of the UN Committee on the Elimination of Racial Discrimination: Sixty-eighth session (20 February–10 March 2006), Sixty-ninth session (31 July–8 August 2006)", 1 October 2006, UN Doc: A/61/18, https://docs.un.org/en/A/61/18.

70 The 1863 Treaty of Ruby Valley was a treaty between the United States and the Western Shoshone, recognizing Western Shoshone ownership and allowing the US limited rights of passage and use, without transferring title. See: Tribal Treaties Database, Treaty with the Western Shoshoni, 1863, https://treaties.okstate.edu/treaties/treaty-with-the-western-shoshoni-1863-0851.

71 IACHR, *Mary and Carrie Dann v. United States*, Case 11.140, Report No. 75/02, 27 December 2002, https://oas.org/en/iachr/decisions/mc/2024/res_18-24_mc_53-99_us_en.pdf.

72 UN Committee on the Elimination of Racial Discrimination, "Report of the UN Committee on the Elimination of Racial Discrimination: Sixty-eighth session (20 February–10 March 2006), Sixty-ninth session (31 July–8 August 2006)", 1 October 2006, UN Doc: A/61/18, https://docs.un.org/en/A/61/18.

73 UN Committee on the Elimination of Racial Discrimination, "Report of the UN Committee on the Elimination of Racial Discrimination", 2006.

Thacker Pass in northern Nevada, approved for a massive lithium mine proposed by Lithium Americas © Carolyn Cole / Los Angeles Times via Getty Images

5.1 THACKER PASS LITHIUM MINE

The Thacker Pass Lithium Mine is an 18,000-acre project located in the McDermitt Caldera in Humbolt County, northern Nevada. Currently under construction, the mine sits on one of the world's largest known hard-rock lithium deposits.[74] It is being developed by the US subsidiary of Lithium Americas Corporation (Lithium Americas), a Canadian-owned company, with General Motors as a joint venture partner with an exclusive 20-year offtake agreement for production.[75] Since the project's inception, Lithium Americas has announced an increase in mineral reserve estimates for the project, stating the project supports "an expansion of up to five phases with an 85-year mine life".[76] In September 2025, as part of a renegotiation of Lithium America's USD$2.26 billion Energy Department loan, the US Government acquired a 5% stake in Lithium Americas and a separate 5% stake in the Thacker Pass project.[77]

The project is located on ancestral lands claimed by several Indigenous Peoples, including multiple Tribes: The Fort McDermitt Paiute and Shoshone Tribe, Reno-Sparks Indian Colony, Burns Paiute Tribe, Summit Lake Paiute Tribe, Duck Valley Shoshone-Paiute Tribe, and Pyramid Lake Paiute Tribe. Views within and among these Tribes are not uniform. However, several Tribes, including the Reno-Sparks Indian Colony, Burns Paiute Tribe, and Summit Lake Paiute Tribe, along with Indigenous-led groups and environmental organizations, have filed lawsuits arguing the US government failed to properly consult them and that the project will cause severe environmental damage and desecrate sacred Indigenous lands and burial

74 Lithium Americas, "Thacker Pass", https://lithiumamericas.com/thacker-pass/overview/default.aspx [accessed on 23 December 2025].
75 Lithium Americas, "Thacker Pass", (previously cited).
76 Lithium Americas, "Lithium Americas Increases Mineral Resource and Reserve for Thacker Pass", January 2025, https://lithiumamericas.com/news/news-details/2025/Lithium-Americas-Increases-Mineral-Resource-and-Reserve-for-Thacker-Pass/default.aspx#:~:text=CONSTRUCTION%20TIMELINE,completion%20of%20Phase%201%20construction.
77 US DOE, "Department of Energy Restructures Lithium Americas Deal to Protect Taxpayers and Onshore Critical Minerals", 1 October 2025, https://www.energy.gov/articles/department-energy-restructures-lithium-americas-deal-protect-taxpayers-and-onshore.

THE SENIOR INTERIOR DEPARTMENT OFFICIAL

KAREN BUDD-FALEN HAD FAILED TO DISCLOSE THAT HER FAMILY RECEIVED **USD$3.5 million**

FROM THE SALE OF WATER RIGHTS FROM THEIR RANCH IN NORTHERN NEVADA TO A **LITHIUM AMERICAS SUBSIDIARY**, IN CONNECTION WITH THE **THACKER PASS MINE.**

sites.[78] While these legal challenges have largely been unsuccessful in US courts,[79] they demonstrate that significant Indigenous concerns remain unresolved and highlight the absence of FPIC.

In 2025, Human Rights Watch and the American Civil Liberties Union published an investigation concluding that the BLM violated Indigenous Peoples' rights by permitting the Thacker Pass mine without obtaining FPIC.[80] The report notes the federal permitting process lasted less than one year (21 January 2020 to 15 January 2021), compared to the agency's 3.1-year average for approving new mining projects.[81] It found that the BLM's engagement with the Tribes was minimal, limited to three rounds of letters sent to three Tribal governments, with no follow-up and no in-person meetings. Much of the correspondence occurred during the Covid-19 pandemic, when Tribal offices were closed and communities were severely impacted.[82] Requests for an extension of the 45-day comment period on the draft EIS prepared by the BLM by Indigenous and non-indigenous affected parties, which cited the size of the document, technical complexity and lack of access to relevant project documents, were denied.[83]

Recent reporting has further raised questions about the integrity of the BLM's environmental review. In January 2026, lawmakers called for an investigation after reporting revealed that senior Interior Department official Karen Budd-Falen had failed to disclose that her family received USD$3.5 million from the sale of water rights from their ranch in northern Nevada to a Lithium Americas subsidiary, in connection with the Thacker Pass mine.[84] In a letter to the Acting Inspector General, the lawmakers wrote: "It appears Ms. Budd-Falen may have used her power in the Interior Department to give her family a USD$3.5 million windfall by fast-tracking a mining project and letting a multi-billion-dollar corporation skip an environmental review designed to keep communities safe from polluting projects."[85] Although an EIS was formally completed for the mine,[86] the lawmakers state that concerns raised by the U.S. Fish and Wildlife Service regarding the mine's impacts on groundwater and endangered species were disregarded "suddenly, without explanation", amid the involvement of senior officials and individuals within Budd-Falen's chain of command.[87] Amnesty International wrote to Budd-Falen at the Department of Interior ahead of publication to provide an opportunity to respond; the agency had not responded at the time of writing.

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78 Nevada Current, "Three tribes file new lawsuit challenging Thacker Pass lithium site", 21 February 2023, https://nevadacurrent.com/2023/02/21/three-tribes-file-new-lawsuit-challenging-thacker-pass-lithium-mine/. The Guardian, "'We were not consulted': Native Americans fight lithium mine on site of 1685 massacre", 13 October 2025, https://www.theguardian.com/us-news/2023/oct/13/native-americans-1865-massacre-lithium-mine-thacker-pass.

79 See for example: NPR, "Tribes object. But a federal ruling approves construction of the largest lithium mine", 17 July 2023, https://www.npr.org/2023/07/17/1188204958/tribes-object-federal-ruling-approves-lithium-mine.

80 Human Rights Watch and the American Civil Liberties Union, "The land of Our People, Forever" (previously cited).

81 It should be noted that projects where there are significant concerns, as is the case with Thacker Pass, take longer than this average.

82 Human Rights Watch and the American Civil Liberties Union, "The land of Our People, Forever".

83 BLM, Final Environmental Impact Statement Thacker Pass Lithium Mine Project, Appendix R: Comment Responses, December 2020, https://eplanning.blm.gov/public_projects/1503166/200352542/20030652/250036851/Thacker%20Pass_FEIS_Apx%20R_CommentResponses_508.pdf.

84 New York Times, "The Trump Administration Approved a Big Lithium Mine. A Top Official's Husband Profited.", 3 January 2026, https://www.nytimes.com/2026/01/03/climate/lithium-mine-interior-karen-budd-falen-water-contract.html.

85 Public Domain, "House Dems Demand Probe Into Top Interior Official, Citing Public Domain's Reporting", 20 January 2026, https://www.publicdomain.media/p/house-dems-demand-probe-karen-budd-falen.

86 BLM, Final Environmental Impact Statement Thacker Pass Lithium Mine Project, December 2020.

87 Letter from U.S. House of Representatives Committee on Natural Resources, 20 January 2026, https://www.documentcloud.org/documents/26494862-2026-01-20-jh-and-md-letter-to-doi-oig-re-kbf-redacted/?mode=document&q=suddenly#document/p1.

Members of the Fort McDermitt Paiute and Shoshone Tribe told Amnesty International that, during the period when the environmental review was underway, they and most Tribal members were unaware of the proposed project. They also said that most Tribal members were still unaware of the project in 2022, even though their then Tribal Council entered into a Community Benefits Agreement (CBA) with Lithium Americas that year. A CBA is a private and binding agreement negotiated between a company and a community or group of representatives from the community. Day is a member of the Fort McDermitt Paiute and Shoshone Tribe and a member of People of Red Mountain – an Indigenous-led organization which seeks to protect their ancestral lands from mining impacts.[88] He explained: "The council told us nothing. I went and knocked on people's doors and people knew nothing about the mine, so I was the one telling them. I'd ask what they thought and people said, "no, we don't want it.""[89]

According to Lithium Americas, the CBA "defines the long-term benefits for the Tribe", including training and employment opportunities and the construction of a community centre.[90] However, current and former Tribal Council members told Amnesty the CBA was signed without the Tribe having access to independent technical and legal expertise to fully understand the project, its potential impacts, or the implications of the agreement. Several interviewees noted that, given long-standing socio-economic challenges and limited information, the former Council did not fully appreciate the scope or consequences of signing the CBA.

Interviewees who had served on subsequent Tribal Councils and scrutinized the CBA described it as highly one-sided in favour of the company and improperly costed, offering few meaningful benefits to the community despite the mine's potentially devastating environmental and cultural impacts, while granting Lithium Americas significant social licence to advance the project.[91] Shelley Harjo, a member of the Fort McDermitt Paiute and Shoshone Tribe and former Tribal Council member, said:

> ***"Consent does not apply here. There was never any genuine consent given by the community. We were just railroaded. Our Tribe is financially impoverished, I feel we were taken advantage of – our being so naïve to what was really happening at the time."[92]***

Barbara Crutcher, another member of the Fort McDermitt Paiute and Shoshone Tribe and former Tribal Council member, similarly explained that high unemployment and persistent socio-economic pressures contributed to the previous Council signing the agreement "without considering the consequences."[93] She, along with five other interviewees, viewed the process as deeply one-sided. Barbara said: "It was unfair. And now it feels like there's nothing we can do - we're up against a huge mining company. They don't want to bargain; they don't want to listen to what we say."[94] The CBA was updated in December 2025, following requests for amendment by the Tribal Council.[95] Tribal Council members involved in the

88 Interview by video call with Day, member of the Fort McDermitt Paiute and Shoshone Tribe and member of People of Red Mountain, 16 January 2026. Day asked that only his first name be used in this briefing, and Amnesty International has respected this request. See also: People of Red Mountain, "About", https://peopleofredmountain.com/ [accessed 19 January 2026].

89 Interview with Day, member of the Fort McDermitt Paiute and Shoshone Tribe and member of People of Red Mountain, 16 January 2026.

90 Lithium Americas, Lithium Americas Signs Community Benefits Agreement with Fort McDermitt Paiute and Shoshone Tribe, 20 October 2022, https://lithiumamericas.com/news/news-details/2022/Lithium-Americas-Signs-Community-Benefits-Agreement-with-Fort-McDermitt-Paiute-and-Shoshone-Tribe-10-20-2022/default.aspx.

91 In-person meetings with former and current Tribal Council members, August 2025. Interview by video call with Shelley Harjo, member of the Fort McDermitt Paiute and Shoshone Tribe and former Tribal Council member, 17 December 2025. Interview by video call with Dackota York, member of the Fort McDermitt Paiute and Shoshone Tribe and former Tribal Council Chairperson, 22 December 2025. Interview by video call with Barbara Crutcher, member of the Fort McDermitt Paiute and Shoshone Tribe and former Tribal Council member, 6 January 2026. Interview by video call with Dorece Antonio, member of the Fort McDermitt Paiute and Shoshone Tribe, 14 January 2026.

92 Interview by video call with Shelley Harjo, member of the Fort McDermitt Paiute and Shoshone Tribe and former Tribal Council member, 17 December 2025.

93 Interview with Barbara Crutcher, 6 January 2026.

94 Interview with Barbara Crutcher, 6 January 2026.

95 Letter from Lithium Americas, 6 February 2026. The full response can be found in the Annex.

negotiations told Amnesty International that they ratified the CBA not because they consented to the project or believed the amended CBA was fair, but because after a year of unequal negotiations they felt it was the best they could secure given that the mine was proceeding regardless.[96]

It is important to note that a CBA is not a substitute for FPIC. FPIC is an ongoing, collective decision-making process requiring meaningful engagement with the entire affected Indigenous People, including traditional governance structures and marginalized groups.[97] An FPIC process must keep all options on the table, including the possibility of not proceeding with the project at all.

Even now, many community members struggle to understand the project and its potential impacts, largely because accessible information has not been provided.[98] Dackota York, a member of the Fort McDermitt Paiute and Shoshone Tribe and former Tribal Council Chairperson, explained that the BLM and Lithium Americas "come in and speak with their jargon and our community members don't really know what's going on."[99] During her term, Dackota found engaging with Lithium Americas extremely challenging due to the unequal power dynamic between the Tribe and the company:

> ***"We've got to the point where this mine is going forward regardless. There's nothing we can do to stop it. So, we kind of have to work with them, but they have way more money than us, they have better attorneys than us… they did not treat us as the government of a sovereign nation."[100]***

Members of the Fort McDermitt Paiute and Shoshone Tribe and supporters gather for a circle dance during a prayer and protest gathering in opposition to the Thacker Pass lithium mine. © Carolyn Cole / Los Angeles Times via Getty Images

96 Interview with Barbara Crutcher, 6 January 2026. Interview by video call with Dackota York, member of the Fort McDermitt Paiute and Shoshone Tribe and former Tribal Council Chairperson, 22 December 2025.
97 UN, Free, prior and informed consent: a human rights-based approach, 2018.
98 Interview by video call with Dackota York, member of the Fort McDermitt Paiute and Shoshone Tribe and former Tribal Council Chairperson, 22 December 2025. Interview with Dorece Antonio, 14 January 2026, Interview with Shelley Harjo, 17 December 2025. Interview with Barbara Crutcher, 6 January 2026. Interview with Jody Smart, 11 January 2026. Interview with Day, 16 January 2026.
99 Interview by video call with Dackota York, member of the Fort McDermitt Paiute and Shoshone Tribe and former Tribal Council Chairperson, 22 December 2025.
100 Interview with Dackota York, 22 December 2025.

Construction of the mine and fencing have already restricted Indigenous Peoples' access to parts of their ancestral lands.[101] Jody Smart, a member of the Fort McDermitt Paiute and Shoshone Tribe, told Amnesty International: "We can't go there to gather our food or traditional medicines any more. A lot of it has been destroyed for the mine. That land is sacred, it's where our ancestors were massacred – and we want to protect our burial sites."[102] Dorece Sam Antonio is a direct descendent of Ox Sam, one of the three survivors of the 1865 Thacker Pass massacre, and a leading figure in the 2023 Indigenous-led prayer camp opposing the mine. She said: "The company shouldn't be there. Those are my ancestors out there, that's why we tried to protect that land."[103]

Despite Lithium Americas initially stating it would not build worker housing and would hire locally,[104] the company has developed a housing camp for around 2,000 non-local workers,[105] which raises serious concerns about increased risks of sexual violence. Research shows that the presence of temporary housing for large numbers of non-Indigenous, predominantly male workers – commonly referred to as "man camps" – near extractive industry projects has been linked to a rise in violent crimes, including sexual violence, against Indigenous Peoples.[106] Members of the Fort McDermitt Paiute and Shoshone Tribe shared with Amnesty International their fears about sexual harassment by non-local workers and believe there have been no adequate measures discussed or implemented to protect Indigenous women and girls from the influx of workers.[107]

In its response to Amnesty International, Lithium Americas stated that the Thacker Pass mine is "not in a federally recognized Native American territory" and emphasized that UNDRIP is not legally binding in the USA.[108] The company maintained that an "intensive consultation process and environmental analyses" were conducted as part of the project's permitting process and noted that "federal courts have repeatedly upheld BLM's consultation as consistent with federal law". Lithium Americas highlighted what it described as its "sustained efforts" to coordinate and communicate with Tribes throughout the project's development. However, the fact that Thacker Pass is not located within a federally recognized reservation does not alter the status of the area as an ancestral Indigenous territory, nor does it negate Indigenous Peoples' rights under international human rights law.

Lithium Americas also characterized the risks of sexual violence associated with its worker housing as "vague concerns", despite concrete fears about the risks associated with the arrival of a large, predominantly male workforce raised by Indigenous women that Amnesty International spoke to. Lithium Americas did not address these risks but said it "has no tolerance for violence or illegal activity of any kind".[109]

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101 Meetings with community members in August 2025. Interviews with Shelley Harjo and Dackota York, December 2025. Interview with Dorece Antonio, 14 January 2026. BLM, Final Environmental Impact Statement Thacker Pass Lithium Mine Project, Appendix R: Comment Responses, December 2020.

102 Interview with Jody Smart, member of the Fort McDermitt Paiute and Shoshone Tribe, 11 January 2026.

103 Interview with Dorece Antonio, 14 January 2026.

104 BLM, Thacker Pass Lithium Mine Project, Final EIS, 4 December 2020 (previously cited).

105 Lithium Americas, Newsletter, January 2024, https://s203.q4cdn.com/835901927/files/doc_downloads/thacker-pass/newsletter/2024/Q4-2023-LAC-Newsletter.pdf.

106 Justin E. Brooks, "Two Countries in Crisis: Man Camps and the Nightmare of Non-Indigenous Criminal Jurisdiction in the United States and Canada", 2023, Vanderbilt Law Review, Volume 56, Issue 2, https://scholarship.law.vanderbilt.edu/vjtl/vol56/iss2/4; RTI International, "Violent Victimization Known to Law Enforcement in the Bakken Oil-Producing Region of Montana and North Dakota, 2006-2012", February 2019, https://www.ojp.gov/ncjrs/virtual-library/abstracts/violent-victimization-known-law-enforcement-bakken-oil-producing. Amnesty International, *Canada: "Removed from our land for defending it": Criminalization, Intimidation and Harassment of Wet'suwet'en Land Defenders,* (Index: AMR: 20/7132/2023), December 2023, https://www.amnesty.org/en/documents/amr20/7132/2023/en/.

107 Meetings with community members, August 2025. Interview with Shelley Harjo, 17 December 2025. Interview with Dackota York, 22 December 2025. Interview with Barbara Crutcher, 6 January 2026. Interview with Jody Smart, 11 January 2026. Interview with Dorece Antonio, 14 January 2026.

108 Letter from Lithium Americas, 6 February 2026. The full response can be found in the Annex.

109 Letter from Lithium Americas, 6 February 2026.

LITHIUM AMERICAS

CHARACTERIZED THE RISKS OF SEXUAL VIOLENCE ASSOCIATED WITH ITS WORKER HOUSING AS **"VAGUE CONCERNS"**

DESPITE **CONCRETE FEARS ABOUT THE RISKS ASSOCIATED WITH THE ARRIVAL OF A LARGE, PREDOMINANTLY MALE WORKFORCE** RAISED BY INDIGENOUS WOMEN THAT AMNESTY INTERNATIONAL SPOKE TO.

Lithium Americas has a Human Rights Policy committing to respect "all internationally recognized human rights standards" and specifically aligning with the UN Guiding Principles.[110] However, the policy does not reference FPIC, nor does the company demonstrate how it ensures that Indigenous Peoples' rights are upheld in practice.[111] Lithium America's policy also falls short of what would reasonably be expected of a company headquartered in Canada, where both federal and provincial legislation explicitly require alignment with UNDRIP, including FPIC. Although Lithium Americas commits to addressing "human rights violations directly related to its business", its approach to Thacker Pass indicates gaps between policy and practice.[112]

General Motors is a joint-venture partner and has an exclusive offtake purchase agreement for 20 years. It refers to UNDRIP and includes a general reference to FPIC in its Supplier Code of Conduct and 2024 Human Rights Statement, but does not explicitly commit to respecting FPIC or demonstrate how it operationalizes FPIC in its own decision making or supplier oversight.[113] General Motors told Amnesty International it is committed to complying with relevant laws and regulations and to respecting human rights throughout its operations and supply chain but did not engage with the question of whether FPIC was obtained. The company stated it had "considered the community's concerns and the history of engagement" as part of its due diligence before entering the joint venture.[114] However, the company did not indicate that it had assessed whether FPIC was obtained, or taken any steps to address the absence of consent, falling short of due diligence expectations under international standards.

110 Lithium Americas, "Human Rights Policy", May 2024, https://s203.q4cdn.com/835901927/files/doc_downloads/governance_docs/2024/LAC-Human-Rights-Policy.pdf.
111 Lithium Americas, "Human Rights Policy", May 2024, https://s203.q4cdn.com/835901927/files/doc_downloads/governance_docs/2024/LAC-Human-Rights-Policy.pdf.
112 Lithium Americas, "Human Rights Policy", May 2024, https://s203.q4cdn.com/835901927/files/doc_downloads/governance_docs/2024/LAC-Human-Rights-Policy.pdf.
113 General Motors, "Human Rights", https://investor.gm.com/static-files/5f2a714f-cba8-4591-b024-a32c3cfbf1e3 [accessed on 23 December 2025].
114 Letter from General Motors, 10 February 2026. The full response is in the Appendix.

A desert blooming shrub in the Nevada desert, where massive lithium deposits are buried © 2025 Amnesty International

5.2 NEVADA NORTH LITHIUM PROJECT

The Nevada North Lithium Project, spanning 7,819 acres in Elko County, Nevada, is being developed by a Canadian mineral exploration company, Surge Battery Metals Inc. (Surge). In December 2025, Evolution Mining Limited – an Australian gold mining company – joined as a joint venture partner.[115] Surge has described the project as "comparable" to Thacker Pass and claims it is "poised to meet the surging demand for "Made in America" battery metals through sustainable, responsible sourcing."[116]

In March 2025, the BLM approved exploration activities disturbing up to 250 acres, following an Environmental Assessment and a Finding of No Significant Impact.[117] These exploration activities, including drilling and sample testing, were approved and have begun without Surge seeking FPIC from Indigenous Peoples with ancestral rights to the land, including the Confederated Tribes of the Goshute Reservation, Ely Shoshone Tribe, Northwestern Band of the Shoshone Nation, Shoshone Bannock Tribes of the Fort Hall Reservation, Shoshone-Paiute Tribes of the Duck Valley Reservation, and Te-Moak Tribe of Western Shoshone Indians of Nevada.

BLM states that invitation letters for consultation were sent in August 2023 and again in October 2024 to six Tribes, and that no responses were received.[118] It also claims to have conducted government-to-government consultation by attending Tribal Council meetings, reporting "no concerns, issues, or other comments…"[119] However, in comments made on the Preliminary Environmental Assessment,

115 Surge, "Surge Announces Entering into Joint Venture with Evolution Mining Limited", 2 December 2025, https://surgebatterymetals.com/surge-announces-entering-into-joint-venture-with-evolution-mining-limited/.

116 Surge, "Securing American Energy Independence", https://surgebatterymetals.com/ [accessed 20 November 2025].

117 BLM, "Nevada North Lithium Exploration Project", https://eplanning.blm.gov/eplanning-ui/project/2035156/510 [accessed 20 November 2025].

118 BLM states letters were sent to the following: Confederated Tribes of the Goshute Reservation; Ely Shoshone Tribe; Northwestern Band of the Shoshone Nation; Shoshone-Bannock Tribes of the Fort Hall Reservation; Shoshone-Paiute Tribes of the Duck Valley Reservation; Te-Moak Tribe of Western Shoshone Indians of Nevada. See: BLM, Nevada North Lithium Exploration Project Environmental Assessment, February 2025 (previously cited).

119 BLM, Nevada North Lithium Exploration Project Environmental Assessment (previously cited)

"WE AFFIRM THAT THE ACTIVITIES CARRIED OUT ON INDIGENOUS TERRITORIES

WITHOUT FREE, PRIOR, AND INFORMED CONSENT (FPIC) VIOLATE OUR INHERENT AND RECOGNIZED RIGHTS…"

WESTERN SHOSHONE DEFENSE PROJECT
AN INDIGENOUS-LED ADVOCACY GROUP THAT WORKS TO DEFEND WESTERN SHOSHONE LAND RIGHTS

the Environmental Protection Agency (EPA) criticized this approach, noting that the Advisory Council on Historic Preservation considers that "consultation is more than simply notifying an Indian Tribe about a planned undertaking."[120] The EPA went on to state: "if letters were sent as part of consultation with no response, we encourage the BLM to further engage with these Tribes… due to regional Tribal concerns about lithium mining that have been expressed to the EPA…"[121]

Amnesty International reviewed public comments on the Preliminary Environmental Assessment and found additional issues, including the lack of community consultation and the timing of the public notice, which took place just before Christmas, when many people were unavailable and few BLM staff were in the office to respond to questions.[122] Requests made for an extension on the comment period were rejected by the BLM. In its comment, the Western Shoshone Defense Project, an Indigenous-led advocacy group that works to defend Western Shoshone land rights, stated: "We affirm that the activities carried out on Indigenous territories without Free, Prior, and Informed Consent violate our inherent and recognized rights…"[123]

Mary Gibson is a member of the Te-Moak Tribe of Western Shoshone and Executive Director of Noowuh Knowledge Center, an organization that works to provide education and preserve Newe (Shoshone) culture and history. She told Amnesty:

> ***"So much is connected to the land for us, spiritually and religiously. Our people have lived here since time immemorial, and we acknowledge that with our continuous presence here. I come from a long line of Newe matriarchs who for decades have fought to protect Western Shoshone land and treaty rights. This is our ancestral homeland, and we should be fully consulted on whatever happens on it, our sovereignty and self-determination should be respected… But it's just taken for granted that they're gonna mine here, no matter what. And that's really difficult to see – the environmental destruction, cultural impacts, health risks, the historical and continued abuse of our land and people."[124]***

Despite failing to obtain FPIC or conduct meaningful community consultations, Surge has expressed confidence that it will secure all necessary permits. In an online video interview, the company's Chairman stated: "I think it's realistic to talk within a year or two versus five or six years in previous administrations as far as getting the mining permits… under the guidelines of the new administration we see that process being streamlined."[125]

120 BLM, Nevada North Lithium Exploration Project Environmental Assessment.
121 BLM, Nevada North Lithium Exploration Project Environmental Assessment, p.104.
122 BLM, Nevada North Lithium Exploration Project Environmental Assessment, p.137
123 BLM, Nevada North Lithium Exploration Project Environmental Assessment, p.137.
124 Interview by video call with Mary Gibson, member of the Te-Moak Tribe of Western Shoshone/Elko Band and Executive Director of Noowuh Knowledge Center, 6 January 2026.
125 TMX Newsfile, "CEO.CA's Inside the Boardroom: Surge Battery Metals Lands Evolution Mining as Partner for Nevada Lithium Project", 26 September 2025, https://www.newsfilecorp.com/release/268118/CEO.CAs-Inside-the-Boardroom-Surge-Battery-Metals-Lands-Evolution-Mining-as-Partner-for-Nevada-Lithium-Project.

Amnesty International could not locate a human rights policy for Surge. Only general corporate social responsibility statements were publicly available, and none referenced Indigenous Peoples, human rights due diligence, or FPIC.[126] This is particularly concerning given that Surge is headquartered in British Columbia, Canada, where both federal and provincial law explicitly require alignment with UNDRIP, including FPIC.

Evolution Mining, Surge's joint-venture partner, has a First Nation Partners and Indigenous Peoples Standard, which commits it to seeking FPIC from Indigenous Peoples, but only for projects "affecting legally recognized traditional lands or territories",[127] which falls short of international standards whereby FPIC applies to Indigenous Peoples regardless of whether their lands or territories are formally recognized by the state. In its response to Amnesty International, Evolution Mining stated that it does not manage or operate the project, as Surge is the majority owner and operator, but said it expects parters to "maintain protocols consistent with the protection of human rights, including First Nations people."[128] The company did not address the issue of FPIC.

Amnesty International wrote to Surge to provide an opportunity to respond to the findings, but the company had not responded at the time of writing.

5.3 RHYOLITE RIDGE LITHIUM-BORON PROJECT

The Rhyolite Ridge Lithium-Boron Project, spanning 7,166 acres in Esmeralda County, Nevada, is owned by Australian company Ioneer Ltd (Ioneer). The BLM granted final approval for the project in October 2024.[129] Construction is estimated to begin in 2026.[130] Ioneer claims the project "will quadruple the US lithium supply and strengthen the domestic EV battery supply chain."[131] In 2025, Ioneer secured a USD$996 million federal loan from the US Department of Energy to support the project.[132] Ioneer has secured multiple offtake agreements, including with Ford Motor Company and Prime Planet Energy & Solutions (a joint venture between Toyota and Panasonic Corporation), South Korea's EcoPro Innovation and US-based Dragonfly Energy Holdings Corp (Dragonfly Energy).[133]

Indigenous Peoples with traditional and ancestral rights to the land where the project is located include: the Big Pine Paiute Tribe of the Owens Valley, Bishop Paiute Tribe, Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, Te-Moak Tribe of Western Shoshone Indians of Nevada, Ely Shoshone Tribe of Nevada, Shoshone-Paiute Tribes of the Duck Valley Reservation, Duckwater Shoshone Tribe of the Duckwater Reservation, Yomba Shoshone Tribe of the Yomba Reservation, Timbisha Shoshone Tribe, Fort Independence Paiute Tribe, Lone Pine Shoshone Tribe and Walker River Paiute Tribe.[134]

126 Surge Battery Metals, "A Commitment to ESG", https://surgebatterymetals.com/esg/ [accessed on 22 October 2025].
127 Evolution Mining, First Nation Partners and Indigenous Peoples Standard, https://evolutionmining.com.au/doc/First%20Nation%20Partners%20and%20Indigenous%20Peoples%20Standard.pdf.
128 Email from Evolution Mining, 10 February 2026. The full response is in the Appendix.
129 BLM, Rhyolite Ridge Lithium-Boron Final Environmental Impact Statement, Record of Decision and Plan of Operations Approval, 24 October 2024, https://eplanning.blm.gov/public_projects/2012309/200540745/20121441/251021421/Record%20of%20Decision%20and%20Plan%20Approval%20-%20Rhyolite%20Ridge%20Lithium-Boron%20Project%20(2024-10-23)-SIGNED.pdf.
130 Nevada Current, "Nevada mine delayed amid lithium price plunge", 11 July 2025, https://nevadacurrent.com/2025/07/11/nevada-mine-delayed-amid-lithium-price-slump/.
131 Ioneer, "Who Are We?" https://www.ioneer.com/about/who-are-we/ [accessed 20 November 2025].
132 DOE, "Rhyolite Ridge: Project Summary", https://www.energy.gov/edf/rhyolite-ridge [accessed 11 January 2025].
133 Ioneer, "Ioneer Joins U.S Federal Suit in Defense of Rhyolite Ridge Lithium-Boron Project", 7 November 2024, https://www.ioneer.com/wp-content/uploads/2024/11/Ioneer-Joins-U.S.-Federal-Suit-in-Defense-of-Rhyolite-Ridge-Lithium-Boron-Project_As-Final.pdf; Ioneer, "Ioneer and Dragonfly Energy Partnership to Strengthen U.S. Lithium Battery and Storage Supply Chain", 9 June 2023, https://www.ioneer.com/news/ioneer-and-dragonfly-energy-partnership-to-strengthen-u-s-lithium-battery-and-storage-supply-chain/.
134 Tribes identified by the BLM in project documentation. See, BLM, Native American Traditional Values Supplemental Environmental Report Rhyolite Ridge Lithium-Boron Project, August 2024, https://eplanning.blm.gov/public_projects/2012309/200540745/20119561/251019541/09_rr_native_american_ser_20240828_508r.pdf.

Ioneer's proposed lithium mine is in Rhyolite Ridge, Nevada © Godofredo A. Vasquez/Houston Chronicle via Getty Images

The EIS prepared by the BLM indicates that the BLM engaged in limited consultation with some Tribal representatives between January 2020 and August 2024, primarily through letters, emails, site visits and virtual meetings.[135] Internal BLM emails (obtained under the Freedom of Information Act by the Center for Biological Diversity) show the review was conducted on "a very aggressive schedule that deviates from other project schedules on similar projects completed recently at the District and State".[136] Despite the complexity of the more than 1,500-page draft EIS and supporting documents, the public was given only 45 days to review and comment. Requests for an extension, including from Tribal leaders – who cited that the short review period was "unfair when so much is at stake" – and the Western Shoshone National Council, were rejected.[137]

Joe Kennedy, a board member of the Western Shoshone Defense Project and former Chairperson of the Timisha Shoshone Tribal Council, recalled the impact of the short comment period:

> ***"We were crammed, trying to pull that information in such a short period of time – it wasn't feasible. The Tribes did the best they could, but with proper time they could have gathered more and coordinated between Tribal Governments, non-profits, etc. Meanwhile, the company had months to prepare their materials, and the BLM has the funding to hire their experts. Tribes, non-profits and the public don't have that. Most people aren't trained in environmental issues or hydrology, and we can't hire consultants because our resources are minimal. The companies should fund Tribes to participate, otherwise we just can't. And that should never undermine our right to say no to a project. In the end, they never really addressed any of our comments."*** [138]

135 BLM, Rhyolite Ridge Lithium-Boron Final Environmental Impact Statement, September 2024.

136 Email exchange published by the Center for Biological Diversity: https://biologicaldiversity.org/programs/public_lands/mining/pdfs/JR-12_21_23-Fwd_-Revised-RR-NEPA-Schedule.pdf.

137 See Appendix A: Public Comments and Responses, BLM, Rhyolite Ridge Lithium-Boron Final Environmental Impact Statement, September 2024.

138 Interview by video call with Joe Kennedy, a board member of the Western Shoshone Defense Project and former Chairperson of the Timbisha Shoshone Tribal Council, 8 January 2026.

Under international standards, FPIC requires that Indigenous Peoples be given sufficient time and culturally appropriate information to make decisions according to their traditions and circumstances. Rightsholders should also have access to independent technical and legal advice to sufficiently understand proposed projects and their implications, funded by the company or state where necessary. The BLM's final decision does not mention consent or describe any process to obtain FPIC.

A Tiehm's buckwheat plant in its native habitat in the Silver Peak Range in Esmeralda County, Nevada © Robyn Beck/AFP via Getty Images

Josh "Numu" Dini, a member of the Walker River Paiute Tribe and founder of Prayer Horse – an Indigenous organization working to raise awareness of mining threats to Tribal lands, water sources and traditional ways of life in the Great Basin - said the BLM's approach to "consultation" on the Rhyolite Ridge project was not meaningful. He explained that genuine consultation would involve "community meetings with real community involvement, not just talking to one or two people from the Tribe".[139] He said companies only engage with the community after securing their permits and even then, "they don't ask what our thoughts are, how we feel about the mine. And anyway, by that time, it's too late, they are already desecrating these sacred areas." He added that in the rush to expand "so-called green energy, now they are fast-tracking and not consulting, bypassing the tribes."[140]

Following BLM's approval, a coalition of environmental and Indigenous groups filed a lawsuit in October 2024, arguing the project violates environmental laws, threatens sacred Western Shoshone sites, and endangers Tiehm's buckwheat, a rare wildflower.[141] The plaintiffs also highlight the project's "highly accelerated permitting timeline", which "limited opportunities for environmental analysis and public participation."[142] Ioneer has joined the suit in defence of its project, stating the lawsuit "does not prevent activities from advancing".[143] In April 2026, the claimants filed an appeal after the US District Court of Nevada rejected the plaintiff's claims in late March 2026.[144]

139 Interview by video call with Josh "Numu" Dini, a member of the Walker River Paiute Tribe and founder of Prayer Horse, 7 January 2026.
140 Interview with Numu Dini, 7 January 2026.
141 Center for Biological Diversity, "Lawsuit Aims to Protect Rare Flower, Cultural Sites from Nevada Lithium Mine", 31 October 2024, https://biologicaldiversity.org/w/news/press-releases/lawsuit-aims-to-protect-rare-flower-cultural-sites-from-nevada-lithium-mine-2024-10-31/.
142 Center for Biological Diversity, Great Basin Resource Watch, and Western Shoshone Defense Project, Complaint for Vacatur, Declaratory Relief, and Injunctive Relief. https://biologicaldiversity.org/programs/public_lands/mining/pdfs/COMPLAINT-FINAL-FOR-FILING.pdf [accessed 24 December 2025].
143 Ioneer, "Ioneer Joins U.S. Federal Suit in Defense of Rhyolite Ridge Lithium-Boron Project", 7 November 2024, https://www.ioneer.com/wp-content/uploads/2024/11/Ioneer-Joins-U.S.-Federal-Suit-in-Defense-of-Rhyolite-Ridge-Lithium-Boron-Project_As-Final.pdf.
144 Reuters, "Environmentalists appeal judge's ruling for ioneer's Nevada lithium project", 8 April 2026, https://www.reuters.com/legal/litigation/environmentalists-appeal-judges-ruling-ioneers-nevada-lithium-project-2026-04-08/.

In its response to Amnesty International, Ioneer wrote that the Rhyolite Ridge is located on federal public land and that UNDRIP is not legally binding in the USA, and that FPIC is not required under US law.[145] The company stated it had fully complied with, and "voluntarily exceeded", federal requirements. It cited initiatives it said it had taken to address community concerns, such as early and continued engagement with Tribes, and project design modifications made at the request of affected tribes. It also referred to the development and implementation of a cultural resource monitoring Memorandum of Understanding with multiple tribes.[146] Ioneer also stated that the strength of its engagement is "corroborated by the fact that no tribal nation has filed a legal challenge to the Project", a claim that overlooks the previously discussed litigation brought by a coalition of organizations, including an Indigenous-led group, and misstates the relationship between litigation and FPIC for both tribal nations and other Indigenous Peoples. The absence of litigation does not, in itself, demonstrate that consent was sought or obtained, nor that affected Indigenous Peoples consider the engagement adequate or rights-respecting. Voluntary engagement and the absence of litigation by Tribes are not substitutes for FPIC.

The fact that Rhyolite Ridge is outside a federally recognized reservation does not change the area's status as an ancestral Indigenous territory, nor does it negate the rights of Indigenous Peoples under international human rights law. UNDRIP reflects globally recognized norms, which companies must respect regardless of gaps in domestic law.

Ioneer has a Human Rights Integrated Policy committing to "recognizing and respecting human rights" throughout its operations and supply chain, "as outlined in the UN Guiding Principles on Business and Human Rights.[147] It also has a specific Community, Indigenous Peoples and Tribal Nations Policy that commits the company to "adopt and apply engagement and consultation processes that ensure meaningful participation of Indigenous Peoples".[148] However, neither policy refers to FPIC.

5.4 CONSULTATION IS NOT CONSENT

While the BLM has carried out government-to-government consultation with some potentially impacted Tribes, consultation is only one part of FPIC and is not equivalent to consent. Consultation alone does not fulfil the right of Indigenous Peoples to give or withhold consent to mining projects that may affect their lands, territories and other resources.[149]

None of the project documents reviewed by Amnesty International identify FPIC as the objective of the consultations for any of the three lithium projects. A review of the EIS's and public comments also reveals a consistent pattern of shortcomings, indicating that the consultations fell far short of meaningful, transparent and good-faith engagement that would ensure Indigenous rights and concerns were addressed and incorporated into decision making: 1) requests for more time by Tribes and advocates to review project documentation and provide input were repeatedly denied by BLM; 2) insufficient timeframes for feedback prevented communities from making informed decisions or engaging meaningfully; 3) a lack of access to information necessary for FPIC, with community members stating they were still awaiting key documents; 4) failure to design a genuine FPIC process with full and effective participation of the Indigenous People.

Amnesty International wrote to the BLM, as the agency responsible for permitting operations, as well as to the Department of Energy, which has provided loans for the Thacker Pass and Rhyolite Ridge projects – to provide them with an opportunity to respond to the findings. Neither agency had responded at the time of writing. For FPIC to be respected, Indigenous Peoples must have

145 Letter from Ioneer, 9 February 2026. The full response can be found in the Annex.
146 Letter from Ioneer, 9 February 2026. The full response can be found in the Annex.
147 Ioneer, Human Rights Integrated Policy, 2024, https://www.ioneer.com/wp-content/uploads/2024/05/Human-Rights-Policy.pdf.
148 Ioneer, Community, Indigenous Peoples and Tribal Nations Policy, 18 September 2023, https://www.ioneer.com/wp-content/uploads/2023/09/INR-Community-Indigenous-Peoples-and-Tribal-Nations-Policy_RR40-0006-00-OR-PRO-00001_Rev-B.pdf.
149 UNDRIP, article 32(2).

full control over how the process is designed, who participates, and whether external experts are invited, and if so, which ones. Anything less undermines the 'informed' component of FPIC and violates international standards. Communities must receive full, clear, and culturally relevant information, including environmental and human rights impact assessments, well in advance of consultations. Rights-holders must have adequate time to review information and prepare responses.[150] Applying this standard, the three lithium projects fall short.

A sign reads "consultation is not consent" beside a totem pole in Nevada
© People of Red Mountain

EIS's for lithium projects often amount to thousands of pages, filled with highly technical data such as hydrology reports and biodiversity studies. Without access to independent technical and legal expertise, communities cannot reasonably be expected to understand the scope and implications of such projects and challenge companies during dialogue and negotiations, particularly given the stark power imbalances at play. Many communities lack the resources to secure this advice themselves. The onus therefore should be on project proponents to cover these costs, via a mechanism such as an independent fund that guarantees Indigenous Peoples' ability to select independent and impartial experts free from interference. Where communities choose to involve experts, this may include Indigenous archaeologists with connections to the land, to assess the cultural and spiritual significance of proposed sites.

Consultations must be carried out in good faith and through Indigenous Peoples' own representative institutions, including traditional communities and leadership, and must be inclusive of women and marginalized members of the Indigenous People. While consultation with Tribal Councils is important, interviewees explained that these bodies do not always reflect the knowledge or perspectives of Tribal elders and community members who maintain traditional ways of life.[151] As Fermina Stevens, a member of the Te-Moak Tribe of Western Shoshone and Executive Director of the Western Shoshone Defense Project, explained: "The traditional people are the ones using the land and resources. Our traditional way of life and culture and being impacted, but those concerns aren't being heard in the consultations."[152]

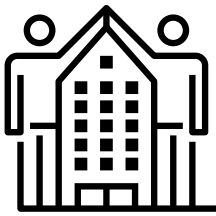
150 UN, Free, prior and informed consent: a human rights-based approach, 2018 (previously cited).
151 Interview with Joe Kennedy, 8 January 2026. Interview with Fermina Stevens, member of the Te-Moak Tribe of Western Shoshone and Executive Director of the Western Shoshone Defense Project, 8 January 2026. Interview with Mary Gibson, 7 January 2026.
152 Interview with Fermina Stevens, 8 January 2026.

6. FAILURE OF COMPANIES TO RESPECT FPIC

> ***"The companies talk about FPIC but are they implementing it? I've not seen FPIC implemented here. We just get the same consultation we've always had with the BLM – it's not sufficient. The land is ours, we're still here – we never gave it up or sold it. They're extracting minerals on our unceded treaty territory, and in the end, we will suffer the consequences. We should have a right to self-determination and receive compensation that secures our future financially. When the minerals are gone, and the water, animals and plants – the things we need to continue being the spiritual beings we are – are gone, how will we have a future?"***[153]
>
> Fermina Stevens, member of the Te-Moak Tribe of Western Shoshone and Executive Director of the Western Shoshone Defense Project

While states have an obligation to ensure FPIC is obtained before approving mining projects, international standards make clear that the companies developing, operating and financing these projects have a responsibility to ensure state-led FPIC processes are adequate. Where state processes fall short, as is the case for all three projects examined in this briefing, companies must take additional steps to prevent contributing to human rights abuses.

In their responses, both Ioneer and Lithium Americas emphasized that their projects are not located on federally recognized Indigenous territory, noted that UNDRIP is not legally binding in the USA, and relied on BLM-led consultation processes and their own engagement with Tribes to justify compliance. While Ioneer and Lithium Americas claim that these approaches satisfy domestic legal requirements, Amnesty International assesses company conduct against international human rights standards, which companies are expected to respect regardless of gaps in national law.



THE RESPONSIBILITY TO RESPECT HUMAN RIGHTS

REQUIRES COMPANIES NOT TO CAUSE OR CONTRIBUTE TO HUMAN RIGHTS ABUSES THROUGH THEIR OWN BUSINESS ACTIVITIES, AND TO ADDRESS NEGATIVE IMPACTS IN WHICH THEY ARE INVOLVED, INCLUDING BY REMEDIATING ANY ACTUAL IMPACTS.

153 Interview by video call with Fermina Stevens, 8 January 2026.

The location of these projects outside reservation boundaries does not alter their status as ancestral Indigenous territories or negate Indigenous Peoples' rights to self-determination and FPIC under international law. Across all three projects, FPIC has not been obtained. Companies that continue advancing these projects without securing FPIC risk contributing to, or becoming directly linked to, serious human rights abuses. Under international standards, companies should halt activities affecting Indigenous lands, territories, and resources until a genuine FPIC process is carried out and use their leverage to ensure that such a process takes place.

6.1 LITHIUM SUPPLY CHAIN

Downstream companies in the lithium supply chain are responsible for ensuring their sourcing does not contribute to human rights abuses, including by conducting human rights and environmental due diligence and verifying that upstream suppliers respect Indigenous rights and secure FPIC.

Amnesty International assessed the human rights and responsible-sourcing policies of the downstream companies. Ford has a human rights policy that commits the company to respect UNDRIP and a Responsible Materials Sourcing Policy that has a requirement that "raw materials suppliers must obtain Free, Prior, and Informed Consent of Indigenous communities prior to initiating projects or activities that may affect their lands, resources and rights"– making it the only company with an explicit FPIC requirement for raw material sourcing.[154]

In contrast, Toyota's human rights policy and supplier sustainability guidelines refer broadly to international norms including the UN Guiding Principles, but does not mention Indigenous Peoples or FPIC.[155] Similarly, Panasonic Corporation's Supply Chain CSR Promotion Guidelines do not refer to Indigenous Peoples and FPIC, stating only that suppliers should avoid purchasing minerals associated with "human rights issues."[156] Dragonfly Energy's Code of Conduct includes no reference to human rights at all, let alone Indigenous Peoples' rights.[157] EcoPro Innovation does not explicitly commit to FPIC. However, it requires suppliers to conduct human rights due diligence and integrate findings in decision making, considering affected communities and "indigenous populations".[158]

These findings reflect broader gaps in the electric vehicle sector. Amnesty International's October 2024 assessment of the due diligence policies of 13 leading global electric car makers found that only five showed even a moderate level of commitment to respecting Indigenous Peoples' rights and FPIC – and none met what would be considered an adequate standard.[159]

Overall, while Ford has the strongest FPIC-related commitment among the companies featured in this briefing, the policy commitments of the other companies reviewed fall short of international human rights standards. Even where the companies have adopted policies on responsible sourcing or Indigenous rights, the evidence compiled in this briefing suggests they are failing to meet those commitments in practice.

154 Ford, "2025 Integrated Sustainability and Financial Report", p.28, available at https://corporate.ford.com//social-impact/sustainability/.

155 Both documents available at Toyota, "Respect for Human Rights", https://global.toyota/en/sustainability/esg/human-rights/ [accessed on 23 December 2025].

156 Panasonic, Supply Chain CSR Promotion Guidelines, 1 December 2022, https://holdings.panasonic/global/corporate/about/procurement/for-suppliers/pdf/guideline_E.pdf.

157 Dragonfly Energy, Corporation Code of Conduct, 2022, https://dragonflyenergy.com/wp-content/uploads/2022/07/Dragonfly-Energy-Code-of-Conduct-7-29-22.pdf.

158 EcoPro Innovation, Supplier Code of Conduct, https://www.ecopro.co.kr/eng/sub0208 [accessed on 23 December 2025].

159 Amnesty International, *Recharge for Rights: Ranking the Human Rights Due Diligence Reporting of Leading Electric Vehicle Makers*, (Index: ACT 30/8544/2024), 15 October 2024, https://www.amnesty.org/en/documents/ACT30/8544/2024/en/.

INCLUDING:

- ✓ CONDUCTING HUMAN RIGHTS AND ENVIRONMENTAL DUE DILIGENCE
- ✓ VERIFYING THAT UPSTREAM SUPPLIERS RESPECT INDIGENOUS RIGHTS AND SECURE FPIC

Amnesty International wrote to the downstream companies with sourcing agreements linked to the Rhyolite Ridge project to ask whether FPIC verification formed part of their due diligence processes and to give them an opportunity to respond to the findings. In its response, Ford stated its commitment to respecting human rights throughout its supply chains, and FPIC "is a critical component of this responsibility."[160] The company noted its requirement from all suppliers to respect Indigenous rights in line with UNDRIP and "to obtain FPIC from indigenous communities when securing raw material," and added that "when potential issues are identified, we take action to investigate the issue." Ford did not specify what due diligence it had undertaken to assess and verify whether FPIC had been obtained for Rhyolite Ridge, nor whether it was investigating the FPIC violations identified by Amnesty International.

Panasonic confirmed its investment in Prime Planet Energy & Solutions but said as it's "not involved in its day-to-day management activities" it was unable to provide a response.[161] Toyota likewise said that neither it nor Prime Planet Energy had received lithium from Rhyolite Ridge but did not acknowledge that the mine is not yet operational. Neither company engaged with the question of whether FPIC had been obtained for Rhyolite Ridge.[162]

At the time of writing, Dragonfly Energy and EcoPro Innovation had not responded.

Companies across the lithium supply chain must conduct robust human rights and environmental due diligence, including ensuring FPIC is respected. Where a company's own activities have contributed to harm, it should provide effective remedy. Downstream companies linked to abuses through business relationships should use their leverage to address those impacts, and where necessary, consider responsible disengagement.

160 Email from Ford, 11 March 2026. The full response is in the Appendix.
161 Letter from Panasonic Holdings Corporation, 11 March 2026. The full response is in the Appendix.
162 Email from Toyota, 11 March 2026. The full response is in the Annex.

7. CONCLUSIONS AND RECOMMENDATIONS

> ***"The mine is going to destroy our homelands, our way of living. I honestly don't feel our Tribe's ready for what's to come. The fact we and generations of our descendants are being sacrificed for green energy – why does it have to be to the detriment of Indigenous People? We are people, we matter, just as much as anybody else."***
>
> Shelley Harjo, member of the Fort McDermitt Paiute and Shoshone Tribe and former Tribal Council member.[163]

Amnesty International is deeply concerned about the growing number of proposed lithium projects in Nevada and the risk of widespread violations of Indigenous rights. These concerns reflect a broader pattern. In 2023, the UN Human Rights Committee criticized the USA for failing to ensure timely and meaningful consultation with Indigenous Peoples and for its restrictive interpretation of FPIC under the International Covenant on Civil and Political Rights.[164]

Fast-tracking "critical mineral" projects replicates patterns of environmental racism and risks creating new sacrifice zones. Prioritizing resource extraction over Indigenous rights perpetuates "green colonialism", where climate solutions are imposed in ways that disregard the rights and sovereignty of affected communities and overlook other pathways that could reduce the pressures driving new mining.

Water protector and member of the Walker River Paiute Tribe and Prayer Horse Rider Josh "Numu" Dini attends a public meeting on the proposed Rhyolite Ridge lithium mine in Tonopah, Nevada, on 7 May 2024 © Robyn Beck/AFP via Getty Images

163 Interview with Shelley Harjo, 17 December 2025.
164 UN Human Rights Committee, Concluding observations on the fifth periodic report of the USA, 7 December 2023 (previously cited) Para 66.

The US government must ensure mining and related activities do not cause human rights harms, and, to the greatest extent possible, environmental harm. It must urgently reform federal and state laws to require FPIC before approving any project affecting Indigenous lands, territories or other resources, and guarantee consultations are conducted in good faith through Indigenous Peoples' own representative institutions, including traditional leadership. Permits should be revoked for any project that has proceeded without FPIC.

Home states of multinational corporations must adopt and enforce strong regulations to ensure companies respect human rights and the environment wherever they operate. Governments must also remove barriers that prevent victims from seeking effective remedy in the jurisdiction where the parent company is domiciled.

Ignoring FPIC allows companies to advance projects without addressing community concerns about environmental, social or cultural impacts, forcing Indigenous People to bear disproportionate harms for the benefit of multinational mining companies and electric vehicle manufacturers.

A just and equitable energy transition must centre Indigenous Peoples' rights, perspectives, knowledge systems and long-term wellbeing. Companies must apply international standards, including respect for Indigenous rights and FPIC, wherever national laws fall short, as is the case in the US. Where FPIC is not obtained, projects with significant impacts – such as mining – should not go ahead. Electric vehicle companies should adopt explicit FPIC commitments in line with UNDRIP across their supply chains and conduct transparent human rights and environmental due diligence, taking remedial action wherever abuses are identified.

RECOMMENDATIONS TO THE US GOVERNMENT

TO THE BUREAU OF LAND MANAGEMENT (BLM)

- Require FPIC before approving any project that may affect Indigenous lands, territories or resources, regardless of whether the project is on a reservation. FPIC must be obtained whenever there is a significant change to the project. Consultations should be in good faith through Indigenous Peoples' own representative institutions, including traditional leadership, and inclusive of women and marginalized members of the Indigenous People.
    - All relevant information, including environmental and human rights impact assessments, must be shared well in advance of consultations. Where communities choose to involve experts, this may include Indigenous archaeologists, with connections to the land, to assess the cultural and spiritual significance of proposed sites.
    - For projects that have significant impacts, such as mining, operations should not go ahead if consent is withheld or later withdrawn.
- Suspend operations and revoke permits for projects that violated the obligation to consult to obtain FPIC; where appropriate, initiate consultations in good faith to obtain FPIC. Ensure effective remedy for affected communities, including guarantees of non-repetition.

TO CONGRESS

- Enact legislation codifying UNDRIP in domestic law, in particular, requiring FPIC from Indigenous Peoples for mining and energy projects that affect their lands, rights or cultural heritage – regardless of whether land is designated as public or private. Require federal agencies and companies to provide full, clear, and culturally appropriate information - including environmental, cultural, and human rights impact assessments - well in advance of consultations. Ensure adequate time for Indigenous Peoples to review and respond.
- Prohibit federal loans, grants, or permits for projects unless FPIC obligations have been complied with and documented in line with international standards.
- Require companies seeking permits for mining projects to contribute to an independent fund to cover the costs for Indigenous Peoples to select independent and impartial consultants, legal advisors and other technical experts to review project impacts and advise on decisions. Require companies to cover the full cost of cleanup and remediation of mining projects (e.g. through surety bonds), including ensuring adequate water treatment for long as necessary.
- Pass legislation mandating companies operating in or sourcing from the USA to conduct human rights and environmental due diligence, including FPIC verification and public reporting.
- Pass legislation that reduces overall demand for raw materials as part of the US climate and energy transition policy (e.g., fund large-scale battery recycling and recovery programmes, expand investment in public transportation, and incentivize research and adoption of low-mineral technologies).

TO LITHIUM MINING COMPANIES

- Suspend all exploration, construction and related activities until genuine FPIC processes are carried out. If Indigenous Peoples withhold consent, and the project has impacts on Indigenous territories and/or cultural heritage, respect this decision and responsibly disengage from the project, in line with the UN Guiding Principles.
- Adopt and publish human rights policies aligned with international standards, including explicit commitments to Indigenous Peoples' rights and FPIC across all operations and supply chains.
- Conduct ongoing human rights and environmental due diligence, including verification of FPIC at every stage of the project lifecycle, from exploration to post-closure. Provide reparations where adverse impacts are identified.
- Consult with Indigenous Peoples through their own representative institutions and ensure consultations are inclusive of women, traditional leaders and marginalized members of the people. Ensure consultations are allocated sufficient time and adequately resourced, including funding for independent experts chosen by the Indigenous People.
- Share all project documentation, including environmental and human rights impact assessments, well in advance of consultations or negotiations, and make clear that Indigenous Peoples have the right to say no.
- Regularly publish accessible reports on FPIC processes, human rights due diligence, and steps taken to address risks and impacts.

TO DOWNSTREAM COMPANIES, INCLUDING BATTERY AND ELECTRIC VEHICLE MAKERS

- Adopt human rights policies aligned with international standards, including respect for Indigenous rights and FPIC throughout the value chain, and require suppliers to meet these standards. Include FPIC compliance as a condition for contracts, sourcing agreements, and financing.
- Conduct transparent value chain human rights and environmental due diligence, including FPIC verification, and assess consultation processes against international standards.
- Where suppliers fail to respect FPIC, exercise leverage to require corrective action, and responsibly disengage if harm persists.
- Publish regular reports detailing due diligence findings, FPIC verification processes, and steps taken to address risks. Reports should be accessible to rights holders and the public.

TO INVESTORS

- Assess and publicly report on human rights and environmental risks linked to lithium supply chains within their portfolios, with timelines for action.
- Raise human rights impacts and risks, especially Indigenous rights, with companies advancing projects in Nevada, and use or seek to increase leverage to require corrective action.
- End relationships with investees that fail to take timely and meaningful action that demonstrates respect for Indigenous Peoples' rights, including FPIC.

TO HOME STATES OF COMPANIES PURSUING LITHIUM PROJECTS IN NEVADA

- Require companies to respect human rights throughout their global operations and value chains, including by conducting human rights and environmental due diligence that meets international standards, including respect for Indigenous rights and FPIC.
- Require companies to halt activities linked to projects where FPIC has not been obtained, and to avoid entering or continuing business relationships that risk causing or contributing to human rights harm.
- Publicly communicate expectations that companies uphold international human rights standards wherever they operate, including UNDRIP and the UN Guiding Principles.
- Ensure any financial support or tax incentives, including diplomatic and export credit agency support, are contingent on recipients demonstrating human rights and environmental due diligence in line with international standards.
- Adopt and enforce regulations that hold transnational corporations accountable for human rights and environmental abuses in their home State and remove barriers that prevent affected communities from accessing effective remedy in home-state jurisdictions.
- Engage directly with the US Government, where relevant, to raise concerns about FPIC, Indigenous rights violations, and regulatory gaps in US mining permitting that enable harm.
- Support a legally binding UN treaty to hold corporations accountable for harms to human rights, the environment and climate, across their global operations and value chains.
- In Canada: ensure the Canadian Ombudsperson for Responsible Enterprise is fully funded and adequately staffed and provide it with legal authority needed to compel documents and witness testimony from corporate actors implicated in alleged human rights abuses.

8. ANNEX: COMPANY RESPONSES

Right of reply ahead of upcoming Amnesty International publication - Your review and support

Date Tue 10/02/2026 20:59

To [redacted]

Dear [redacted]

We appreciate the opportunity to respond prior to Amnesty International's report publication.

At Evolution, we respect the rights of our First National partners and have a mandatory approach to protecting human rights.

In relation to the Nevada North Lithium Project (the Project), activities currently consist of small scale, low impact exploration drilling activities to support further studies. Surge Battery Metals Inc (TSXV: NILI) (Surge) holds the majority interest and is the operator of this Project. As both majority owner and the manager of this Project, Surge has operational control of the Project's management. Evolution Mining Limited holds a minority joint venture interest only (currently ~26%), implemented via our holding in the Nevada North Lithium LLC. For accuracy, Evolution Mining does not have any operational control over this Project. We do however have expectations that our partners maintain protocols consistent with the protection of human rights, including First Nations people.

More broadly, we are committed to meaningful and early engagement. We take all reasonable efforts to conduct proactive and ongoing engagement with Indigenous peoples, guided by our Sustainability and Strategic Planning Standards and international frameworks. This approach is embedded throughout the entire mine lifecycle, including due diligence. As per our most recent FY25 Sustainability Report, you will note that there have been no disputes relating to land use, customary rights of local communities and Indigenous peoples, or incidents of violations involving the rights of Indigenous Peoples.

We trust this clarification that we are not to operating entity, will help correct any reference to Evolution Mining. Should you have any further questions, please do not hesitate in giving me a call.

Be well and safe

[redacted]

[redacted]

Evolution MINING

Response from Evolution Mining

Fw: Right of reply ahead of upcoming Amnesty International publication

From: [redacted]
Sent: 11 March 2026 12:20
To: [redacted]
Cc: [redacted]
Subject: RE: Right of reply ahead of upcoming Amnesty International publication

Hi [redacted]

Ford appreciates Amnesty International's inquiry.

We are committed to respecting human rights throughout our supply chain, and Free, Prior, and Informed Consent (FPIC) is a critical component of this responsibility. Our Supplier Code of Conduct requires all suppliers to respect the rights of Indigenous Peoples in accordance with the UN Declaration on the Rights of Indigenous Peoples and to obtain FPIC from indigenous communities when securing raw material. When potential issues are identified, we take action to investigate the issue.

As part of our commitment, mining suppliers are required to seek certification by an independent third party responsible mining assurance standard, such as the Standard for Responsible Mining from the Initiative for Responsible Mining Assurance (IRMA) or an agreed upon third-party certified equivalent. We continue to engage our suppliers and support their pursuit of IRMA certification, or equivalent, as part of our broader commitment to responsible and ethical sourcing.

[redacted]

[redacted]

[redacted]

Response from Ford

ioneer

IONEER LTD.
[redacted]

Response to Amnesty International — Ioneer Ltd.

Re: Amnesty International Request for Information dated January 27, 2026 — Rhyolite Ridge Lithium-Boron Project, Nevada, USA

Dear [redacted]

I write on behalf of Ioneer Ltd. ("Ioneer") in response to Amnesty International's Request for Information dated January 27, 2026, pertaining to Ioneer's Rhyolite Ridge Lithium-Boron Project (the "Project") in Esmeralda County, Nevada, USA.

At the outset, Ioneer must register its serious concern that Amnesty International has reached adverse conclusions regarding the Project's compliance with the UN Declaration on the Rights of Indigenous Peoples ("UNDRIP") free, prior, and informed consent ("FPIC") standard without first obtaining complete information from Ioneer, without full consideration of the Project's extensive federal permitting record, and without acknowledgment of Ioneer's robust, multi-year engagement with affected tribal nations. Amnesty International's findings contain no specific citations to the official administrative record for the Project, and instead rely on a series of unsupported conclusory assertions. This approach is inconsistent with the rigorous, evidence-based methodology that Amnesty International's mandate demands, and it calls into question the reliability of the conclusions reached.

I. The Project's Rigorous Federal Permitting Framework

The Project is located on federal public lands in Nevada administered by the Bureau of Land Management ("BLM"). As a result, the Project was subject to the highest level of federal environmental and cultural resource review, including:

- A full **Environmental Impact Statement ("EIS")** under the **National Environmental Policy Act ("NEPA")** — the highest tier of environmental review under U.S. law;
- Formal consultation under the **Endangered Species Act ("ESA")**; and
- Federally mandated consultation under the **National Historic Preservation Act ("NHPA")**, including Section 106 review specifically designed to address impacts to cultural resources of significance to indigenous peoples.

As Amnesty International is aware, the United States has not adopted UNDRIP as binding law, and FPIC as defined under UNDRIP is not a legal requirement for projects permitted under U.S. federal law. The United States has, however, incorporated meaningful protections for the interests of indigenous peoples into the federal statutes applied during the Project's permitting, including the NHPA and NEPA. **Ioneer not only fully complied with these requirements — it voluntarily exceeded them in significant and demonstrable ways.**

Response from Ioneer 1 of 4

II. Ioneer's Extensive Tribal Consultation and Engagement

The official federal administrative record for the Project documents a comprehensive program of tribal consultation and engagement that Amnesty International's findings fail to address. The full record is publicly available at: BLM Permitting — Rhyolite Ridge.

Key elements of this record include:

A. Scope and Scale of Direct Engagement

From January 2020 through April 2024 (when the Draft EIS was published for public review and comment), Ioneer made **328 documented points of contact with 13 tribal nations** in the region. This engagement produced tangible outcomes, including:

- Increased tribal participation in Fish Lake Valley community meetings;
- Multiple site visits with tribal chairpersons and the BLM conducted (i) prior to commencement of the permitting process, (ii) throughout the NEPA process, and (iii) following its conclusion;
- Formal presentations to multiple tribal councils;
- Ioneer's participation in tribal cultural and educational events; and
- Tribal participation in events at Ioneer's Tiehm's Buckwheat Conservation Center in Gardnerville, Nevada.

B. Complementary Efforts by Ioneer to Enhance the Federal Consultation Process

Ioneer's direct engagement was additive to — not a substitute for — the federal government's own formal consultation process, the latter of which is documented in detail in Section 5.2 and Table 5-1 of the Final EIS, as well as Sections 3.8, 4.8, 4.20.8, and the Native American Traditional Values Supplemental Environmental Report.

C. Project Modifications in Response to Tribal Input

Ioneer's engagement was not merely procedural — it produced substantive changes to the Project. Ioneer modified its plan of development to **avoid areas of cultural resource interest at the request of affected tribes**. Additionally, numerous sites were evaluated in direct consultation with tribal representatives and determined, through that consultative process, not to be eligible for protection under federal law. *See* FEIS, Sections 4.2, 4.8.

D. Commitments During Operations

Ioneer is further subject to mandatory monitoring, reporting, and avoidance and work-stoppage requirements upon the discovery of protected cultural resources during Project operations.

III. Voluntary Measures Exceeding Federal Requirements

Beyond full compliance with all applicable federal requirements, Ioneer has undertaken the following voluntary measures:

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1. **Early Engagement.** Ioneer commenced engagement with affected tribal nations in **2019 — prior to the initiation of the federal permitting process** — demonstrating its commitment to early, proactive outreach.

2. **Voluntary Cultural Resource Monitoring MOU.** Ioneer invited all affected tribal nations in the region to participate in developing a cultural resource monitoring Memorandum of Understanding ("MOU") governing geotechnical drilling activities at the site. Nine tribes responded to this invitation. This MOU was **not a regulatory requirement** but reflected Ioneer's good faith commitment to indigenous engagement and set a standard exceeding customary industry practices in the United States. The MOU was executed with multiple tribes and fully implemented during the activity period (*see attached agreement).*

3. **Proactive Document Sharing.** Ioneer independently provided all affected tribal nations with pertinent federal documentation at each key stage of the permitting process, supplementing BLM's own tribal notifications. This included delivery of hard copies to tribal offices and direct notification of comment periods.

4. **Funded Ethnographic Study.** Ioneer committed to fund an ethnographic study regarding a cultural resource site as part of the Historical Properties Treatment Plan, which was approved by the BLM following consultation with interested tribes.

5. **Tribal Scholarship Program.** Ioneer offers scholarships to local tribal nation students through its Sustainable World Scholarship Program.

6. **Native Plant Species Conservation Partnership.** Ioneer is developing a partnership with a tribal nation to provide services for the cultivation and transplanting of native plant species — a central reclamation / mitigation measure for the Project.

7. **Economic Development Outreach.** Although not required, Ioneer conducted multiple outreach efforts to affected tribal nations to identify economic development opportunities under the Inflation Reduction Act, the Bipartisan Infrastructure Law, and other federal and state programs. While certain tribal nations expressed interest, the absence of adequate federal or state technical assistance support and the nascent status of these programs have presented obstacles to concrete partnerships. Ioneer continues to pursue active discussions with tribal nations and potential leads in this area.

IV. Ongoing Engagement and Continuing Obligations

Ioneer's commitment to tribal engagement extends beyond the permitting process. Ioneer is subject to extensive monitoring, mitigation, and notification obligations on an ongoing basis as conditions of its federal project approvals, as documented in the federal approvals available at the BLM Permitting — Rhyolite Ridge link above. Ioneer continues its

Response from Ioneer 3 of 4

engagement efforts with tribal nations notwithstanding the successful completion of the federal permitting process.

V. The Absence of Legal Challenge Confirms the Adequacy of Consultation

The strength of Ioneer's engagement record is further corroborated by the fact that **no tribal nation has filed a legal challenge to the Project, and no claim has been asserted against the Project for NHPA cultural resource violations**. This stands in marked contrast to other Nevada and U.S. mining projects that have been the subject of contentious litigation brought by aggrieved tribal nations — a distinction that underscores the genuinely consultative and respectful nature of Ioneer's approach.

VI. Grievance Mechanisms and Governance Policies

With respect to grievance processes, Ioneer maintains an anonymous grievance (i.e., whistleblower) reporting mechanism available to anyone within the organization or the general public, accessible here: https://www.ioneer.com/contact/

Ioneer also maintains comprehensive governance policies providing for best-practice protections of health, safety, security, environment, and community, including:

- Corporate Governance
- Community, Indigenous Peoples and Tribal Nations Policy
- Human Rights Policy

VII. Conclusion

We respectfully but firmly urge Amnesty International to reconsider its findings in light of the extensive factual record set forth herein. Ioneer has not merely complied with applicable federal requirements for tribal consultation — it has consistently gone above and beyond those requirements to ensure meaningful, sustained, and good faith engagement with affected tribal nations throughout the life of the Project. Amnesty International's conclusions, reached without reference to this record and without providing Ioneer with an opportunity to be heard, do not reflect the reality of Ioneer's demonstrated commitment to indigenous rights and cultural resource protection.

[redacted]

[redacted]

[redacted]

Response from Ioneer 4 of 4

LithiumAmericas [redacted] [redacted]

February 6, 2026

[redacted]
1 Easton Street
London, WC1X 0DW
United Kingdom

[redacted]

I am dismayed to learn that Amnesty International has conducted and completed research on Lithium Americas' Thacker Pass Project with no previous attempt to communicate with us, especially when you were in Nevada conducting your research. Instead, you are offering the company "the opportunity to respond ahead of the report's publication," which is anticipated in the coming days. Lithium Americas is a critical stakeholder in the development of Thacker Pass and should have been contacted when you made the journey to Humboldt County to conduct interviews. Failing to do that prompts the question about whether additional key stakeholder voices were also neglected.

Despite being omitted from your research, we offer information about our project and reactions to your findings below.

The Thacker Pass Project has the potential to significantly advance America's electrification efforts, reduce carbon emissions, and strengthen domestic supply chains for critical minerals—strengthening America's energy future. LAC has made stakeholder engagement, including with Tribes, an important part of the development of the Project.

Your January 7th letter mischaracterizes or elides the intensive consultation process and environmental analyses conducted as part of permitting for the Project. The Bureau of Land Management (BLM) permitted the Project after years of government-to-government consultation with Tribes in the area, and federal courts have repeatedly upheld BLM's consultation as consistent with federal law.[1] Further, BLM produced a detailed environmental impact statement (EIS) for the Project addressing issues including cultural resources, socio-economic factors, air and water quality, tailings and reclamation, and water quantity. Courts

[1] *See*, *e.g.*, *W. Watersheds Project v. McCullough*, Nos. 23-15259, 23-15261, 23-15262, 2023 U.S. App. LEXIS 18063 (9th Cir. July 17, 2023); *Bartell Ranch LLC v. McCullough*, No. 3:21-cv-00080-MMD-CLB, 2023 U.S. Dist. LEXIS 19280 (D. Nev. Feb. 6, 2023); *Bartell Ranch LLC v. McCullough*, 558 F. Supp. 3d 974, 978 (D. Nev. 2021); *see also Reno-Sparks Indian Colony v. Haaland*, 663 F. Supp. 3d 1188, 1192 (D. Nev. 2023).

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Response from Lithium Americas 1 of 9

have repeatedly upheld BLM's process and analysis.[2] The Project has also been considered at length and permitted by multiple state agencies, including the Nevada Department of Environmental Protection (NDEP), which issued air quality, reclamation, and water pollution control permits for the Project; no challenge to the environmental permits has succeeded. The water pollution control permit included an extensive review of design and management for the filtered tailings facility.

You focus on Free and Prior Informed Consent (FPIC), a principle that emerges from the UN Declaration of the Rights of Indigenous Peoples (UNDRIP).[3] BLM fully complied with the U.S. government's tribal consultation laws when it permitted the project. In 2011, the U.S. government noted UNDRIP's "moral and political force" while clearly stating that UNDRIP is "not legally binding or a statement of current international law."[4] Further, the U.S. government has interpreted UNDRIP's provisions on FPIC to be consistent with existing federal law requiring consultation. In the U.S. government's interpretation, FPIC "call[s] for a process of meaningful consultation with tribal leaders, but not necessarily the agreement of those leaders, before the actions addressed in those consultations are taken."[5] Multiple court decisions have confirmed that before permitting the Project, BLM engaged in years-long consultation that fully complied with federal standards relating to engagement with Native American groups.[6]

You conclude that the construction and future operation of the mine at Thacker Pass violates Indigenous peoples' rights under international human rights standards. This finding appears to refer to Article 12 of UNDRIP.[7] But, as noted, UNDRIP is not binding in the United States.

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[2] *See id.*

[3] Article 19 of UNDRIP states that a government must obtain "free, prior and informed consent" from tribes "before adopting and implementing legislative or administrative measures that may affect them." Article 10, not relevant here because the Project did not involve any relocation of indigenous peoples, provides that "[n]o relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned."

[4] Dep't of State, *Announcement of U.S. Support for the United Nations Declaration on the Rights of Indigenous Peoples*, at 1 (Jan. 12, 2011).

[5] *Id.* at 5. The U.S. government's understanding of FPIC, and consultation requirements under the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA), also do not require periodic renewals of FPIC—though consistent with federal policy consultation between the government and Tribes may be ongoing.

[6] *See supra* n.1. Further, we note that, as your letter recognizes, FPIC applies to government-to-government consultation. Though LAC has extensively coordinated with Tribes in the Thacker Pass area, FPIC principles do not govern that coordination given that LAC is not a government entity.

[7] Article 12 states that "[i]ndigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain,

Further, the Treaty of Ruby Valley, which is the treaty that pertains to Western Shoshone peoples in the Thacker Pass area, does not reserve rights to access off-reservation public land. The Thacker Pass project is not located on Native American reservation land; it is located on public land managed by the BLM, and the nearest reservation (Fort McDermitt) is a 50-mile drive from Thacker Pass. In any event, the Project's authorization is consistent with Article 12 of UNDRIP.

With respect to religious freedom, the Supreme Court has held, and the Ninth Circuit recently reiterated, that government actions with respect to publicly owned land, such as BLM's approval of the Project, do not impinge on Tribes' or tribal members' freedom of religion under the Free Exercise Clause or under the Religious Freedom Restoration Act.[8]

LAC has extensively coordinated with the Fort McDermitt Tribe. LAC's coordination includes a Community Benefits Agreement with the Fort McDermitt Tribe. This agreement, which was initially entered into on October 20, 2022, was recently updated and ratified by the Fort McDermitt Tribal Council on December 5, 2025 following requests for an amendment by the Tribal Council. The Project also employed 11 Fort McDermitt Tribe members as cultural monitors/technicians during the cultural field surveys conducted in the spring of 2022, which formed the backbone of the National Historic Preservation Act (NHPA) analysis for the Project. Lithium Americas has also agreed to have members of the Fort McDermitt Tribe serve as cultural monitors on all future initial ground disturbance. That program commences next week. Lithium Americas has also conducted and supported multiple job trainings for employment at LAC's projects and in the mining industry. Our partnership with [redacted] (the mining operator at Thacker Pass) provides additional opportunities for employment to members of area tribes.

You also note various concerns regarding the environmental impact of the Project. These concerns are all addressed by and exhaustively analyzed in, among other documents, BLM's EIS for the Project and NDEP's air quality, reclamation, and water pollution control permits for the Project. Additionally, the water for the Project was previously consumptively used by agricultural users in the area. In other words, our water rights are not new appropriations – rather, they were preexisting water rights that are simply moving from one use to another within same water basin. Multiple rulings, including by federal courts and the Nevada State Environmental Commission, have confirmed the propriety of these federal and state permitting processes.[9]

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protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains."

[8] *See Apache Stronghold v. United States*, 95 F.4th 608, 622 (9th Cir. 2024) (relying on *Lyng v. Nw. Indian Cemetery Prot. Ass'n*, 485 U.S. 439, 108 (1988)).

[9] *See*, *e.g.*, *W. Watersheds Project*, U.S. App. LEXIS 18063; *Bartell Ranch*, U.S. Dist. LEXIS 19280;

Response from Lithium Americas 3 of 9

Finally, you express vague concerns—though without reference to particular issues—about the Project's Workforce Hub in Winnemucca. LAC has no tolerance for violence or illegal activity of any kind and we take extraordinary steps to ensure the safety of our employees and contractors. To suggest otherwise is completely unfounded.

Additionally, as noted, LAC has coordinated with the Fort McDermitt Tribe, the Tribe with a reservation closest to the Project. The Fort McDermitt Reservation is a 50-mile commute from the Project, and the workforce hub is even further—about 70 miles away. Other reservations are significantly further from the Project.

We provide responses below to your specific questions. We ask that Amnesty International carefully consider those responses as well as the general response set forth above. We also ask that Amnesty International carefully consider (1) the overwhelming evidence, including court decisions, that permitting processes for the Thacker Pass Project have fully complied with all relevant law including federal and state laws governing historic preservation, environmental protection, and religious freedom; and (2) LAC's sustained efforts to coordinate with Tribes.

[redacted]

Response from Lithium Americas 4 of 9

Annex 1: Additional Questions for Lithium Americas

1. **Does the company have a policy commitment to respect Indigenous Peoples' rights and require FPIC in line with international human rights standards?**

You can find our Human Rights Policy here. It applies not only to every corner of our company, but to our vendors and any other external partners as well.

With regard to FPIC, the United States has led the world in recognizing the inherent sovereignty of its original inhabitants. In the U.S. today, federally recognized Indian tribes have full decision-making powers over their recognized territories. The Thacker Pass Project is not in a federally recognized Native American territory. If it were, mining could not happen without the express consent and approval of that Tribe. Nevertheless, as described above, LAC has undertaken active engagement to form a close relationship with the Fort McDermitt Tribe and is proud of our mutual Community Benefits Agreement (which was updated in December 2025 and ratified by the Fort McDermit Council) that will provide support for that community for years to come.

Lithium Americas is committed to upholding the rights and interests of workers and local communities across our supply chain and operations. We are committed to upholding fundamental human rights as defined in the UN's Universal Declaration of Human Rights.

2. **Please provide detailed information on consultation processes with concerned communities regarding the Thacker Pass and the steps taken to obtain FPIC from Indigenous Peoples. If the FPIC process is ongoing, please outline upcoming FPIC-related activities. If FPIC has not been sought, why not?**

Formal consultation is a government-to-government process. In the case of the Thacker Pass Project, consultation was conducted predominantly by the Bureau of Land Management (BLM) and the area tribes.

Between 2010 and 2017, BLM consulted with tribes (including, in one instance, the Reno Sparks Indian Colony, which appealed the Thacker Pass NEPA decision arguing there was insufficient consultation) on four projects implicating the Project area, but BLM did not learn from any of those consultations either that Tribal Plaintiffs had a special interest in the Thacker Pass area, or that the Thacker Pass area was religiously or culturally significant to them.

This issue was thoroughly vetted in U.S. Federal and District Courts. Below are key passages from the ruling in the United States District Court, which found in favor of the Bureau of Land Management's Record of Decision for Thacker Pass:

• "The Court is ultimately persuaded by Federal Defendants' argument that BLM's decision not to consult Tribal Plaintiffs (the Reno-Sparks Indian Colony and the Burns Tribe of Oregon) on the

Response from Lithium Americas 5 of 9

Project was reasonable and made in good faith based on the information BLM had at the time it initiated consultation for the Project."

• "The Ethnographic Assessment also contains information that contributed more directly to BLM's decision not to consult Tribal Plaintiffs on the Project. Specifically, several tribes identified sacred and massacre sites summarized in the Ethnographic Assessment, but none of the tribes who spoke to BLM's consultant who prepared the Ethnographic Assessment identified the Thacker Pass area as either sacred or a massacre site."

• "Burns Paiute Tribe apparently did not respond to any letters requesting consultation on the Ethnographic Assessment, but Charisse Snapp, identified in the Ethnographic Assessment as the tribe's Cultural Resource Representative, is recorded as having said on a telephone call on July 28, 2005, that Burns Paiute Tribe, 'would defer consultation to the tribes that had reservations closer to the study area.'"

• "The Court agrees with Federal Defendants that they 'took the requisite hard look at the potential impacts to cultural resources from the Thacker Pass Project. More specifically, BLM reviewed 38 cultural resource inventories conducted over 49 years that investigated the Project area (both mining and exploration), along with the area of indirect effects. These inventories included a 2018 survey that inventoried 12,963 acres for the Project."

• "Between 2010 and 2017, BLM consulted with tribes (including, in one instance, the Reno Sparks Indian Colony) on four projects implicating the Project area, but BLM did not learn from any of those consultations either that Tribal Plaintiffs had a special interest in the Thacker Pass area, or that the Thacker Pass area was religiously or culturally significant to them."

While formal consultation is a government-to-government process, LAC has had, and continues to have, active engagement with the surrounding communities.

A core tenet of LAC's Human Rights Policy is to "ensure the impact is positive and long lasting, improving livelihoods during and after our operations." This includes a commitment to "hiring locally where possible and providing training to local communities ." This commitment has been central to our project planning, which has spanned over a decade, and our commitment to Indigenous peoples' human rights has been primarily focused on the Fort McDermitt Paiute and Shoshone Tribe (FMT). Our predecessor, Western Lithium, began engaging with FMT in 2007 as FMT is the closest Native American Tribe to the Project (a 50-mile drive from the Project).

Since 2007, Western Lithium and Lithium Americas have closely engaged with FMT to understand the Tribe's culture, history and community needs both with respect to the Project and beyond. This active dialogue has allowed LAC to be transparent about the Project details and how the Project may impact the Tribe. LAC has regularly reviewed plans with tribal members, offered numerous tours, and emphasized employment opportunities and other ways the Project could benefit Fort McDermitt. Over the past several years, many tribal members

Response from Lithium Americas 6 of 9

have expressed interest in employment at the Project and participated in job training coordinated or provided by LAC. They have emphasized that the Thacker Pass Project allows members to stay home or return home and receive family-supporting employment.

Highlights from our engagement with FMT include the following:

- In 2018, LAC signed an Engagement Agreement with the Fort McDermitt Tribe to formalize ongoing discussions about the Thacker Pass Project and other matters of mutual interest.
- LAC hired a Community Relations Director in 2019 who is based in nearby Winnemucca, is a member of the nearby Te-Moak Band of Western Shoshone, and who enjoys a productive relationship with tribal members and frequently visits the community to listen, learn, and provide support.
- Following more than 20 meetings between LAC and FMT tribal representatives beginning in 2020, both parties agreed to a **Community Benefits Agreement (CBA)**, which was adopted on October 20, 2022 and updated on December 5, 2025. The CBA provides for infrastructure improvements at Fort McDermitt, additional job training and employment opportunities for tribal members, and support for cultural education and preservation.
- In 2020, LAC partnered with Great Basin College to provide "BuildNV Core Construction Training" to tribal members and local community members.
- In 2021 and 2022, Lithium Americas provided tribal members and local community members job readiness training titled “Heavy Equipment Operator Training”.
- Lithium Americas hosted cultural monitor training at Fort McDermitt, resulting in eleven (11) Fort McDermitt tribal members gaining employment as cultural monitors/technicians in 2022 to work alongside Far Western Anthropological Research Services as they conducted cultural field surveys at Thacker Pass.
- In 2023, LAC partnered with [redacted] to provide temporary and full-time employment opportunities to members of the Fort McDermitt Paiute - Shoshone Tribe, Duck Valley Shoshone - Paiute Tribe and the Navajo Tribe in Arizona.
- In January 2026, LAC provided process operator training to 16 FMT members. The training was conducted by Great Basin College.

The support for our Project among the Fort McDermitt Tribe is real – codified in our Community Benefits Agreement and borne out in the regular, meaningful partnership that we continue to engage in with both tribal leaders and members of the community. In March, 2024, Larina Bell, the then acting Chairwoman of the Fort McDermitt Paiute Shoshone Tribe, commented on the announcement of the Department of Energy loan that will help finance construction of the Project. She said, “Thacker Pass will provide important economic and employment

opportunities for members of our Tribe." She cited a letter from her predecessor written in October 2022, stating, "Through our meetings with Lithium Americas, we have recognized their goal of securing a domestic supply of the lithium mineral… Lithium Americas has acknowledged the Tribe's interests and agreed to go forward with its Project with the understanding that the removal of this material must include stewardship and mitigation of potential impacts to natural resources."

LAC has deep respect for FMT's history and cultural heritage, and we are determined to provide them with opportunities created by our Thacker Pass Project.

3. For consultations conducted to date:

A. Was it clearly communicated to Indigenous Peoples that withholding consent and not proceeding with the project was an option?

Formal consultation is a government-to-government engagement. In the case of the Thacker Pass Project, consultation was conducted predominantly by the Bureau of Land Management (BLM) and the area tribes.

Please see the comments on FPIC above.

B. Were all affected Indigenous Peoples engaged directly, or a representative group? If a representative group, please explain how members were selected and how this aligns with traditional Indigenous governance structures.

LAC actively engages with the Fort McDermitt council, chairperson, administration and members.

C. Was all relevant project documentation provided to potentially impacted communities in advance?

LAC has actively engaged with all surrounding communities since 2015 (and dating back to 2007 by our predecessor company, Western Lithium) and provided regular updates on design, permitting, financing, logistics and other relevant topics.

4. Does Lithium Americas conduct ongoing due diligence to identify and address potential human rights and environmental risks linked to Thacker Pass? If yes, please provide details, including how the company shares information about its operations and potential impacts to Indigenous communities. If not, why?

LAC regularly reviews potential impacts to the surrounding communities and works hard to address any issues. Some of the measures LAC has taken include the commitment to build a new K-8 public school in the town of Orovada, the improvements and assistance called for in

Response from Lithium Americas 8 of 9

the Community Benefits Agreement with the Fort McDermitt Tribe, upgrades to local roads, the construction of the Workforce Hub in the town of Winnemucca, and the commitment to build 19-miles of fencing along SR 293 to provide additional safety for local drivers. .

5. **Does Lithium Americas have grievance mechanisms available to communities affected by Thacker Pass? If yes, please provide details, including how these mechanisms are communicated to communities and how complaints are handled and responded to. If not, why?**

LAC has a Whistleblower Policy that is available on our website as well as an internal grievance policy. LAC's website provides opportunities for grievances to be filed and for those wishing to stay anonymous to file whistleblower comments.

Response from Lithium Americas 9 of 9

[redacted]

Amnesty International, International Secretariat
1 Easton Street, London, WC1X 0DW, United Kingdom

Subject: Upcoming Amnesty International Publication

Dear [redacted]

On behalf of General Motors Company ("GM"), thank you for the opportunity to review and comment on the upcoming publication from Amnesty International ("Amnesty") regarding the Thacker Pass project. We appreciate Amnesty's important mission and the work the organization does globally. We also acknowledge the importance of the observations and issues raised in Amnesty's January 27, 2026 letter. Thank you for sharing these observations and for the opportunity to respond.

GM is committed to complying with the laws and regulations that apply to our business worldwide. We have been public and steadfast in our commitment to respecting human rights throughout our operations and our supply chain, including by promoting responsible and sustainable mining practices in our EV supply chain. Our collaborative approach to human rights aims to foster positive relationships with local communities, taking into consideration their interests and concerns. By prioritizing ethical sourcing practices, we are committed to securing materials that not only meet our production needs as we move toward our vision for a world with zero emissions but also align with our values of environmental stewardship and social responsibility.

Our approach to human rights aligns with relevant international principles, such as the UN Guiding Principles on Business and Human Rights, the ILO Core Conventions, and the UN Declaration on the Rights of Indigenous Peoples, and is embodied in our companywide Code of Conduct, Winning With Integrity. Our Human Rights Policy and other key policies reinforce our commitment to ethical business practices. And we incorporate these principles into our supplier relationships through our Supplier Code of Conduct and our general terms and conditions. Our Human Rights Policy in particular, outlines our dedication to respecting internationally recognized human rights, while our Supplier Code of Conduct establishes expectations for our suppliers to adhere to these principles throughout their operations and supply chains. In short, we strive to do business with companies that share our values, and we build these expectations into our due diligence processes and our agreements.

Response from General Motors 1 of 2

Specifically with respect to the Thacker Pass project and the joint venture between GM and Lithium Americas ("LAC"), we took the community's concerns and the history of engagement with relevant stakeholders into consideration as part of our due diligence when forming the JV, and we worked with LAC to incorporate these considerations into our agreements. This includes establishing a governance structure at the JV level to oversee issues related to human rights, stakeholder engagement, and alignment with international principles such as the UN Guiding Principles on Business and Human Rights and the UN Declaration on the Rights of Indigenous Peoples.

Consistent with our policies, as outlined above, GM is committed to responsible business practices throughout our supply chain, including with respect to the Thacker Pass project, and to principles of responsible development, environmental sustainability, Indigenous partnership, and transparent governance. We aim to ensure that lithium sourcing is sustainable and meets the ethical standards required to support local communities and our operational goals.

Again, we are grateful for the opportunity to address these issues and look forward to continued dialogue with AI and other stakeholders as the project progresses.

Thank You

Response from General Motors 2 of 2

Panasonic

Panasonic Holdings Corporation
[redacted]

[redacted]
Amnesty International, International Secretariat

March 11, 2026

RE: Response to REQUEST FOR INFORMATION AND RIGHT OF REPLY TO UPCOMING AMNESTY INTERNATIONAL PUBLICATION

Dear [redacted]

Thank you for reaching out to Panasonic Group and for the opportunity to respond. I am writing on behalf of Panasonic Holdings Corporation, the holding company of the Panasonic Group, which comprises seven operating companies and their affiliates.

Panasonic Holdings Corporation has invested in Prime Planet Energy & Solutions, Inc, however, we are not involved in its day-to-day management activities. For that reason, we are unable to provide a specific response to your inquiry.

In accordance with the Panasonic Group Human Rights and Labour Policy, we strive to respect the internationally recognized human rights of all people related to our group's business activities, products and services, and transactions. We are implementing human rights due diligence to identify, prevent, mitigate, and address negative human rights impacts in accordance with the United Nations Guiding Principles on Business and Human Rights. Please refer to the following link for details: Human Rights - Social - Sustainability - Panasonic Holdings.

We will continue these efforts and pursue ongoing improvement through engagement with stakeholders and input from experts.

Sincerely yours,

[redacted]

[redacted]
Panasonic Holdings Corporation

Response from Panasonic

RE: Right of reply ahead of upcoming Amnesty International publication

From [redacted]
Date Wed 11/03/2026 19:30
To [redacted]
Cc [redacted]

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••• CONFIDENTIAL 秘

[redacted]

Thanks for reaching out. It was nice to meet [redacted] in November and you via email.

Toyota's core value of respect for people permeates all we do, including a deep regard for human rights in how we conduct business and source raw materials as a global enterprise. We expect our business partners and suppliers to do the same. After a review of their sourcing activities, PPES confirmed to Toyota that they have not received lithium from this site in Nevada. Our own due diligence confirmed that Toyota has not received lithium from this site.

Thank you for the opportunity to confirm the facts.

[redacted]

[redacted]
TOYOTA | Purchasing Supplier Development
[redacted]

Response from Toyota

AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.

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