



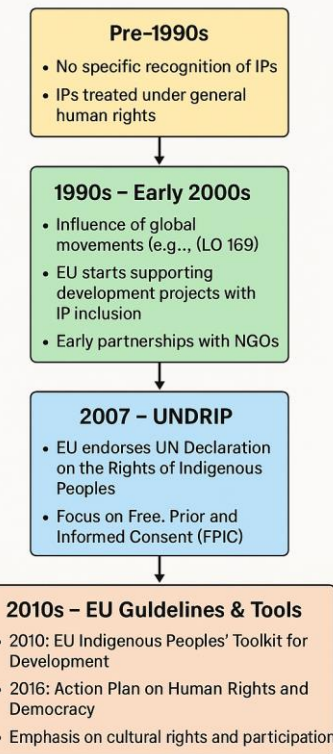
The EU Critical Raw Materials Act: Ambitions, Concerns and Relation to Indigenous Peoples Rights

Eleni Kavvatha CReSPo
Centre UCLouvain-
Bruxelles

THE EVOLUTION OF THE EU POLICY IN RELATION TO Indigenous Peoples

- May 27th, 1998, with the “Communication from the European Commission to the European Council on a partnership for integration: a strategy for integrating the environment into EU policies”.
- 11 June 2002, the European Commission submitted a report to the European Council on the review of progress of working with Indigenous People (EUR-Lex, 2002). This led to the adoption of a Council Conclusion inviting the European Union to implement the 1998 Council Resolution commitments
- 2008 The “EU Guidelines on Human Rights Defenders” - to enhance EU action related to human rights defenders, by providing practical suggestions.
- 2016 The “EU Annual Report on Human Rights and Democracy in the World” increased EU concern with extensive reference on Indigenous Peoples’ matters.
- 2016 Integrated European Union policy for the Arctic - to develop an integrated policy and a more coherent framework for EU action on Arctic matters
- 2018 “The new European Consensus on Development”, a comprehensive common framework for European development Cooperation, for the integration of the three dimensions of sustainable development.
- The 2018 resolution on “violation of the rights of Indigenous Peoples in the world, including land grabbing
- The 2021 resolutions cover issues of importance for the Indigenous peoples, regarding corporate accountability, the effects of climate change on human rights and the role of environmental defenders in this regard, the state of human rights in the world in 2020, Arctic protection, and the impacts of climate change on vulnerable populations in developing countries. The resolutions included a focus on specific impacts on women and girls
- 2021, the EU’s Arctic Policy was updated with the publication of the Joint Communication on “A Stronger EU engagement for a peaceful and prosperous Arctic”

THE EVOLUTION OF THE EU LEGISLATIONS IN RELATION TO INDIGENOUS PEOPLES



2021 - STRONGER ENGAGEMENT FOR A STRONGER ARCTIC

- October 2021, EU's Arctic Policy updated - Joint Communication
- E U responding to changes – Coronavirus, US change of Government, China, Russia
- E U willingness to get more engaged in the Arctic – from the 2016 wording of “should” to 2021 wording of “will”, - gender equality – inclusivity-just transition.
- Clear commitment on carbon footprint – oil, coal and gas should stay in the ground.
- Sami Council response: since 2019 – E U department – concern the the EU supports extractive industries (minerals) mostly in Sami land.



THE SÁMI PEOPLE: EUROPE'S RECOGNIZED INDIGENOUS POPULATION

- Indigenous people of the northern regions of Norway, Sweden, Finland, and Russia's Kola Peninsula
- Estimated population: ~80,000
- Traditionally known for reindeer herding, fishing, and handicrafts (duodji)

Rights & Recognition:

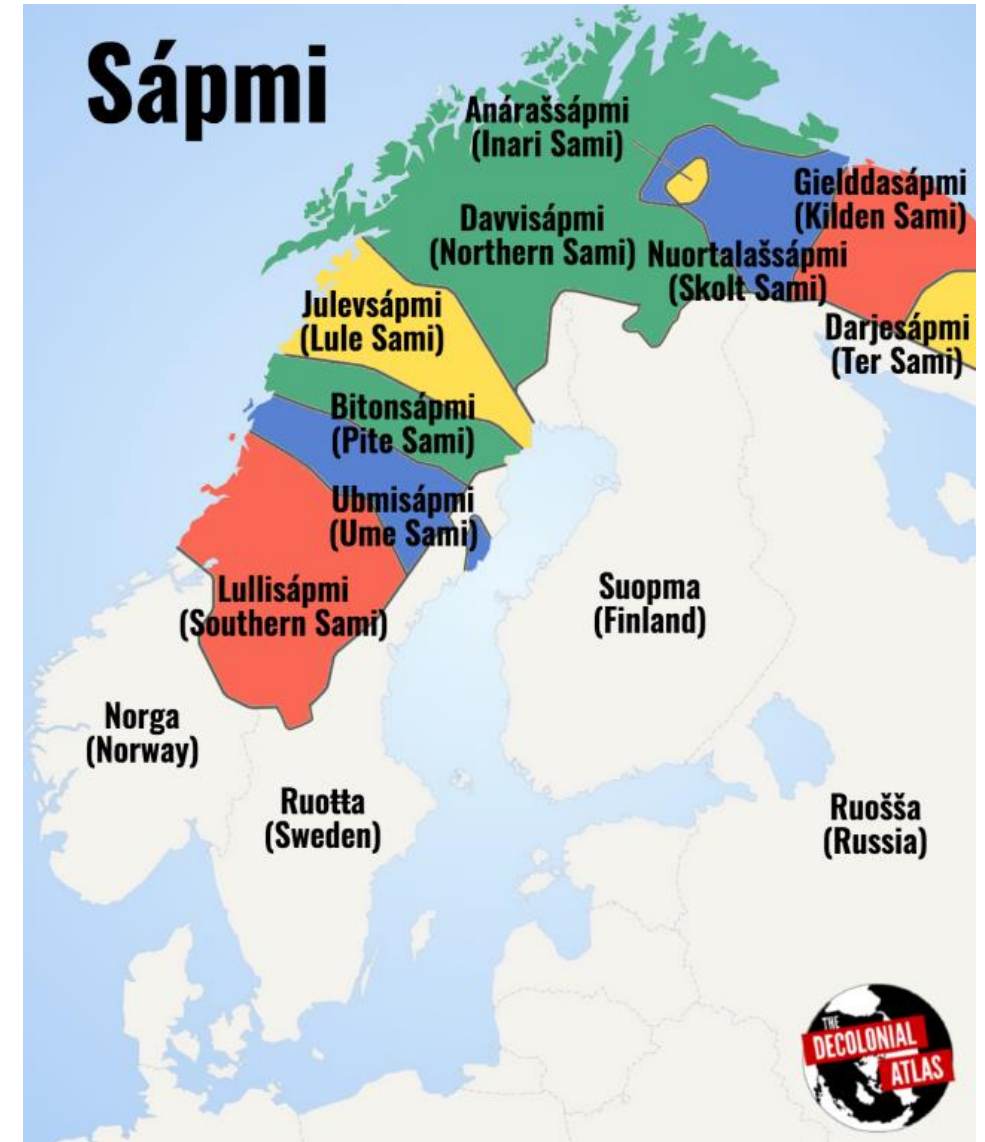
- Recognized as Indigenous Peoples under international law
- Norway ratified ILO Convention 169 (1989) – only Nordic country to do so
- Sámi Parliaments exist in Norway, Sweden, and Finland as representative bodies

Key Challenges:

- Land rights and access to traditional territories
- Impact of mining, logging, and wind power development
- Cultural preservation and language revitalization

EU Involvement:

- The EU recognizes the Sámi as Indigenous and supports cultural and environmental initiatives
- Projects funded via the EU Arctic Policy and Nordic cooperation programs



SÁMI GOVERNANCE & EU POLICY CONNECTIONS

Sámi Parliaments:

- Established in **Norway (1989)**, **Sweden (1993)**, and **Finland (1996)**
- Function as representative bodies for Sámi people
- Empowered to influence policies on culture, language, education, and heritage
- Not sovereign but key in consultations on land use and rights

Cross-Border Cooperation:

- **Sámi Council** (A collaborative forum - Works to strengthen pan-Sámi identity and lobby at international levels)

EU Engagement:

- Sámi represented in **EU Arctic Policy dialogues**
- Access to **EU funding** for cultural, environmental, and language projects
- Active in platforms like the **Arctic Council**, where the EU has observer status

Policy Influence:

- EU increasingly integrates Indigenous voices into:
 - **Green Deal** strategies (climate impacts on Sámi lands)
 - **Biodiversity** and traditional knowledge protection
 - **Digital inclusion and minority rights**

Ongoing Priorities:

- Secure stronger consultation mechanisms in EU legislation
- Protect Sámi cultural and land rights in EU-funded projects



SÁMIRÁÐÐI
SAAMELAISNEUVOSTO
SAMERÅDET
COŃO3 CAAMOB
SAAMI COUNCIL



THE SÁMI INTERESTS INTERSECT—AND SOMETIMES COLLIDE—WITH EU POLICIES

Domains of Collision: Sámi People vs. EU Policies

Land Use & Resource Extraction

Issue: Rely on traditional lands for reindeer herding, fishing, and hunting

Collision: EU-supported infrastructure mining, forestry, and wind farm projects encroach on

Climate Change & Environmental Policy

Issue: Arctic warming, eucn affecting grazing lands

Collision: EU often consulting nation-states — not Sami representatives directly

Consultation & Representation

Issue: Free Prior and Informed Consent historically supportoort language preservation

Collision: These deals prioritize economic growth over Indigenous rights

Trade and Economic Policy

Issue: Sami territory spans across Norway, Sweden, Finland and Russia

Collision: National and EU border regulations sometimes restrict crosss-border herding and cultural exchange

Cultural & Linguistic Rights

- Issue:** Sámi languages and culture have historically been suppressed.
- Collision:** EU policies on education and digital access may not fully support **minority language preservation**.
- Progress:** Some EU funding supports cultural revitalization, but more systemic support is needed.

Border & Mobility Issues

- Issue:** Sámi territory spans across **Norway, Sweden, Finland, and Russia**.
- Collision:** National and EU border regulations sometimes restrict **cross-border herding and cultural exchange**.

Examples:

- Mining permits granted in northern Sweden and Finland without proper Sámi consultation have sparked protests.
- While the EU's **Green Deal** promotes clean energy, **wind farms** often get built on Sámi land without consent..
- Sámi Parliaments are sometimes sidelined in decision-making processes.

MINING CONFLICT: SAKATTI MINING PROJECT IN VIANKIAAPA, FINNISH LAPLAND

Location: Viankiaapa, near Sodankylä, Finnish Lapland

Project: Sakatti Mining Oy's mineral exploration activities

Environmental Concerns: Viankiaapa is a protected swamp area with rich biodiversity. Activists and environmentalists have opposed test drilling, fearing it could lead to ecological damage.

Sámi Rights: The area is used for reindeer herding by the Sámi people. There are concerns that mining activities could disrupt traditional practices and violate Indigenous rights.

Current Status: In December 2023, activists blocked test-drilling operations to protest against the potential environmental and cultural impacts of the mining project.



The activists came unannounced to the drilling site north of Sodankylä in the early morning of December 12. Photo: Extinction Rebellion Finland

CRITICAL RAW MATERIALS ACT

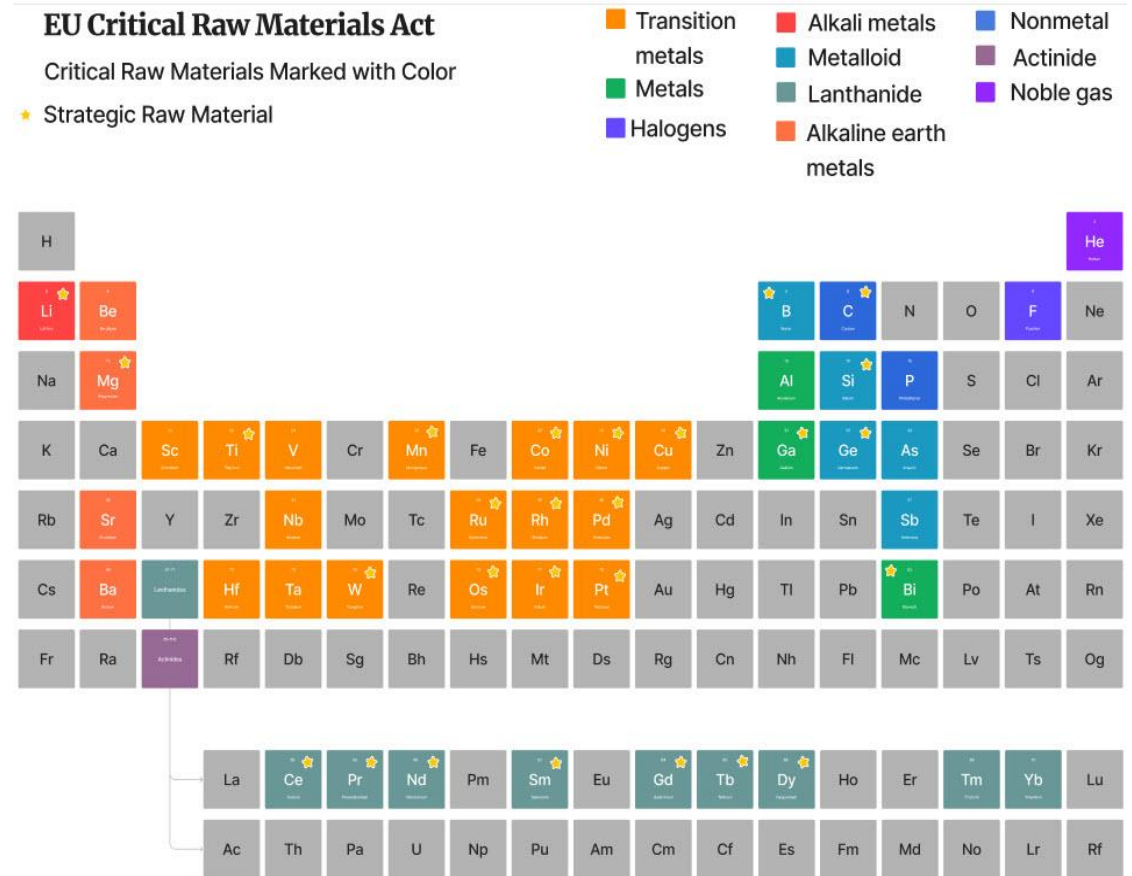
Why?

- It aims to reduce the European Union's (EU) reliance on China for critical minerals, essential for green technologies like solar panels, windmills, and electric car batteries.

- The EU currently depends on China for 99% of rare earth metals. The regulation sets the framework for ensuring a secure and sustainable supply of these raw materials, diversifying imports, and increasing processing capacity along the value chain

What are critical raw materials?

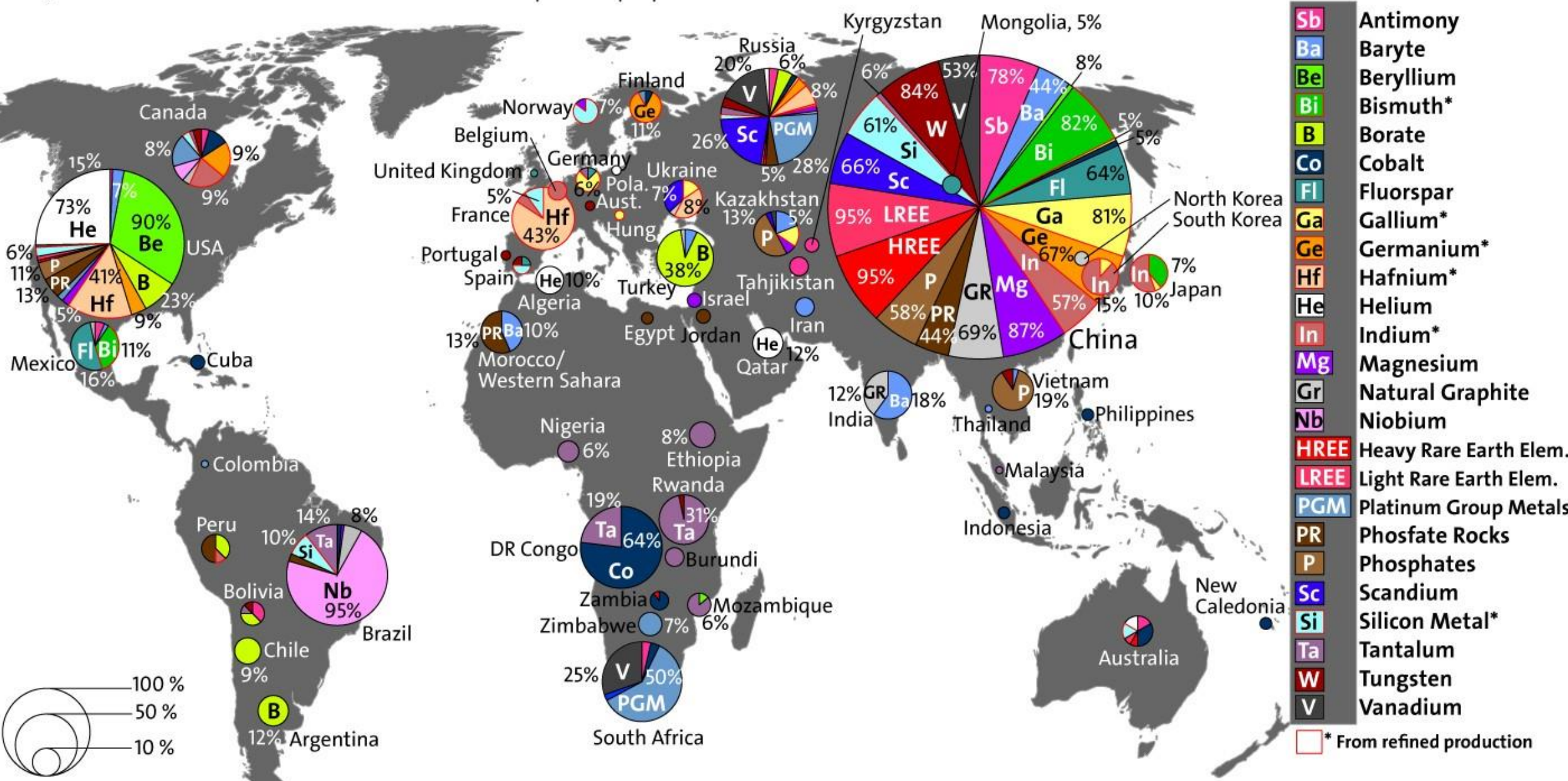
- Critical raw materials (CRMs) are raw materials of high economic importance for the EU, with a high risk of supply disruption due to their concentration of sources and lack of good, affordable substitutes.
- The CRM Act identifies a list of 30 critical raw materials, including lithium, cobalt, nickel, rare earths, and magnesium.



Global Supply of EU Critical Minerals and Metals

The pie charts show the percent distribution of the production of critical metals and minerals. In total, it is 100% for each raw material. The area of the pies are proportional. SGU 2017.

Sources: USGS,
European Commission,
SGU



EU CRITICAL RAW MATERIALS ACT

European Critical Raw Materials Act

2030 benchmarks for strategic raw materials:



EU EXTRACTION

At least **10%** of the EU's annual consumption for extraction



EU PROCESSING

At least **40%** of the EU's annual consumption for processing



EU RECYCLING

At least **15%** of the EU's annual consumption for recycling



EXTERNAL SOURCES

Not more than **65%** of the EU's annual consumption of **each strategic raw material at any relevant stage of processing** from a single third country



The Act will reduce the administrative burden and simplify permitting procedures for critical raw materials projects in the EU.

Selected Strategic Projects will benefit from support for access to finance and shorter permitting timeframes (24 months for extraction permits and 12 months for processing and recycling permits).

Overview of the EU Critical Raw Materials Act

- **What is the EU Critical Raw Materials Act (CRMA)?**
 - Proposed by the European Commission in 2023.
 - Aims to secure a stable, sustainable supply of CRMs essential for Europe's green transition and digital technologies.
 - Focuses on reducing reliance on non-EU countries and increasing domestic production.
- **Key Goals:**
 - Diversify supply chains.
 - Promote the circular economy.
 - Reduce geopolitical dependency (especially on China and other non-EU countries).

Key Objectives of the CRMA

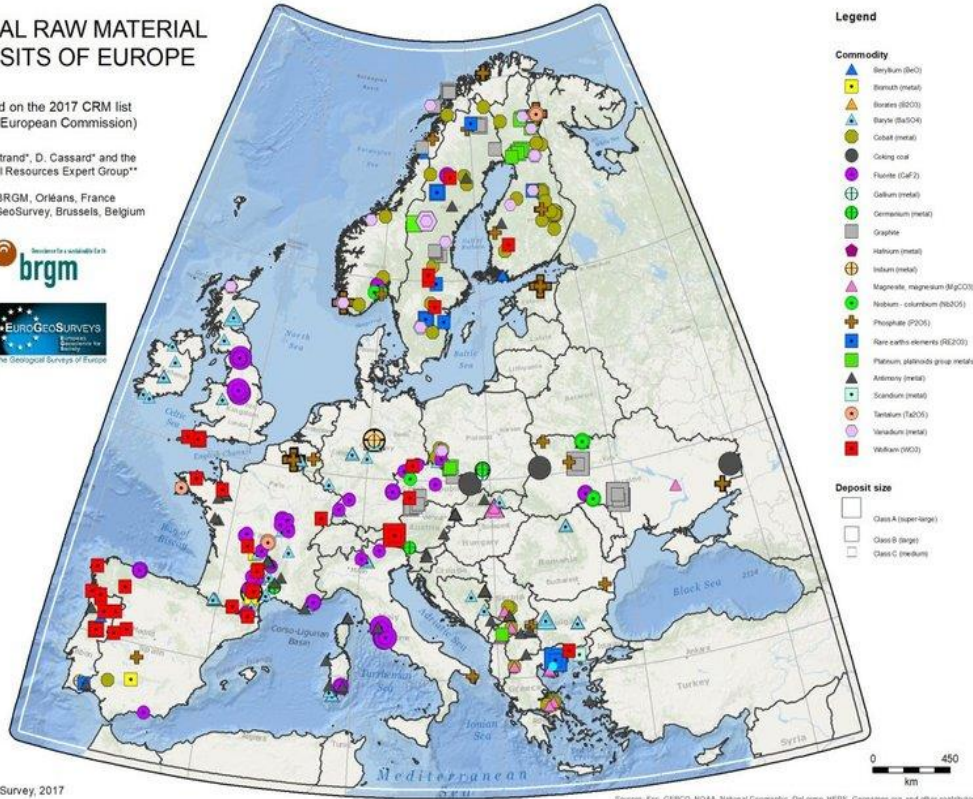
CRITICAL RAW MATERIAL DEPOSITS OF EUROPE

(based on the 2017 CRM list of the European Commission)

G. Bertrand*, D. Cassard* and the Mineral Resources Expert Group**

* BRGM, Orléans, France

** EuroGeoSurvey, Brussels, Belgium



Diversify and Secure

Diversify and Secure Supply Chains:

- Focus on reducing reliance on geopolitical hotspots for critical materials.

Increase

Increase Domestic Production:

- Promote European extraction, recycling, and processing of raw materials.
- Encourage sustainable and ethical mining practices within Europe.

Ensure

Ensure Sustainability:

- Support sustainable sourcing and recycling to minimize environmental damage.
- Promote the use of secondary raw materials through recycling and reuse.

Promote

Promote the Circular Economy:

- Strengthen Europe's recycling and waste management industries to minimize the need for virgin raw materials.

Reduce

Reduce Dependence on Non-EU Countries:

- China currently controls a significant share of the global supply of critical raw materials.

WHY IS THE ACT IMPORTANT?

Geopolitical Importance: The global competition for critical raw materials is intense. Countries like China and Russia are dominant players in the global supply chain, which poses risks to the EU in terms of **geopolitical leverage**. The Act aims to **reduce dependency** on these countries.



Climate Transition: The EU is aiming for **carbon neutrality** by 2050, and key to this is the widespread adoption of **electric vehicles, solar panels, and wind turbines**, which all require CRMs. Ensuring a secure supply of these materials is crucial for meeting climate goals.



Economic Impact: The global demand for critical raw materials is projected to **rise sharply** in the coming decades. Ensuring that the EU has access to these materials will support European industries and maintain **economic competitiveness**.

EU CRITICAL RAW MATERIALS ACT AND THE ARCTIC



Drawbacks of the CRMA

• Environmental Concerns:

- Increased demand for raw materials may lead to intensified mining operations, which could damage local ecosystems and biodiversity.
- Potential water, soil, and air pollution due to unregulated mining practices.

• Social Issues:

- Possible displacement of communities, particularly in rural or indigenous areas, due to the expansion of mining operations.
- Labor rights concerns in newly created mining sectors.

• High Costs:

- Significant investments are required in infrastructure, technology, and sustainable practices, which could increase raw material prices.

THE SAMI PERSPECTIVE

“As the Indigenous people in Europe, we deny all attempts of exploitation on our lands, waters and seas without our consent and safeguarding our culture, livelihoods and lifestyle. [...] We do remind that fulfilling with verdicts treaties, or other constructive arrangements, and the relationship based upon consultation and cooperation, are the basis for a trustworthy and lasting partnership between the Nordic States and the Sámi parliaments”

Critical Raw Materials Act: Sweden and Finland violate EU agreements and obligations towards the Sami people

“Now the European Critical Raw Materials Act (CRMA) has been adopted by the EU. The act means a fast track for land exploitations and more mines. The law will lead to increased exploitation in Sápmi where the consequences of the CRMA and the designation of so-called strategic projects will have devastating consequences for the Sami people – for reindeer husbandry and all other traditional Sami livelihoods and Sami culture all over Sápmi.”



AMENDMENTS AFTER THE SAMI PARLIAMENTS INTERVENTION

- In September 2023, the European Parliament decided on some welcome amendments to the Commission's draft that aim to provide stronger social and environmental safeguards, complementing international standards such as due diligence norms under business and human rights law.
- Of interest to Indigenous Peoples is the proposed addition, in Annex 3 and referring to article 5.1, of a reference to the United Nations Declaration on the Rights of Indigenous Peoples and, especially, the right to give or withhold free, prior and informed consent (FPIC).
- Mining projects in Indigenous areas that wish to qualify as “strategic”, and thus merit fast-tracking and financial support from the EU, would have to demonstrate that consent has been obtained.
- While this FPIC amendment is both welcome and necessary, it is also insufficient. In its present form the act – counter to stated policy objectives – is bound to fail in addressing already extensive mining impacts on Sámi lands and culture.

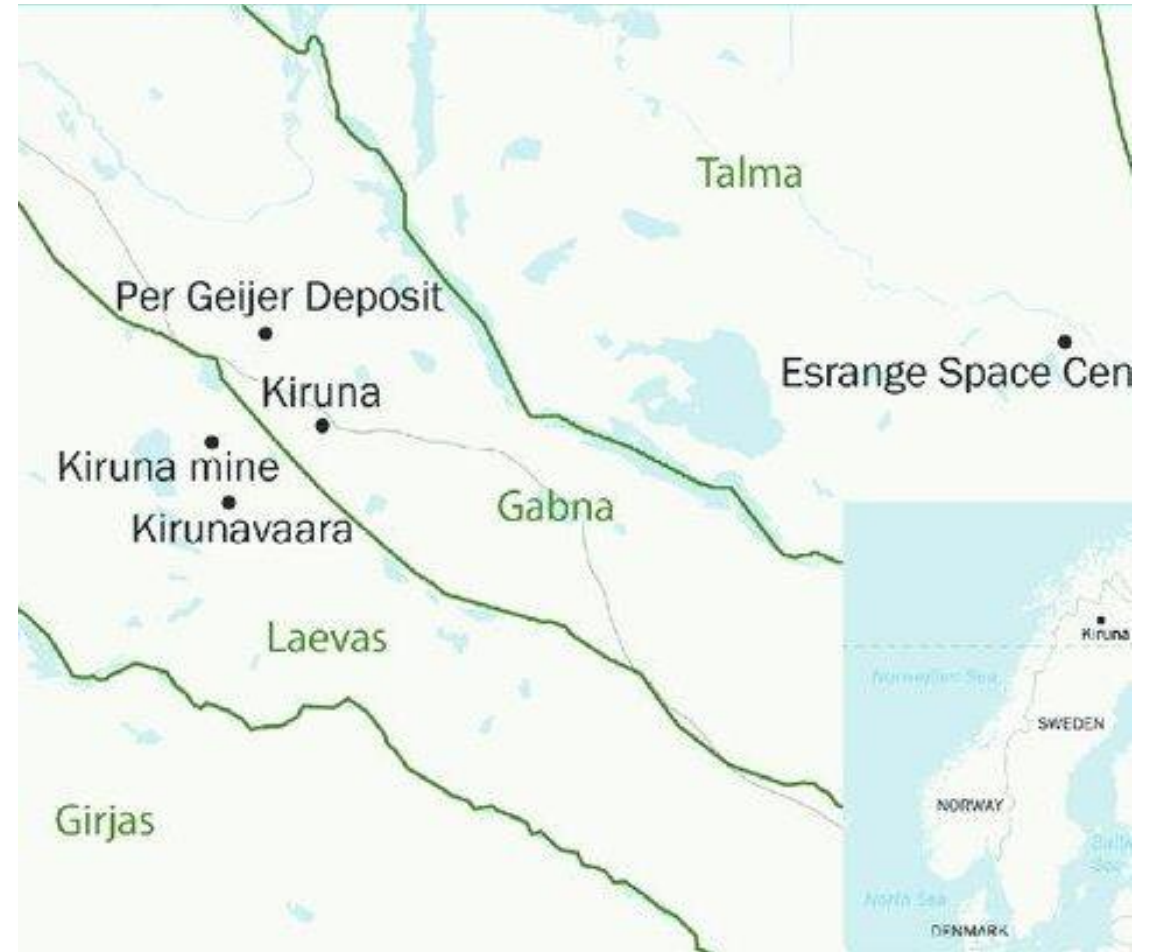


KIRUNA MINING VS REINDEER HERDING - HOW THE SAMI COMMUNITY IS PAYING THE PRICE OF THE GREEN TRANSITION. <https://youtu.be/ic1IJrh16GM?si=D8YKtn6yxjocvYDu>



RARE EARTH MINERALS DISCOVERY IN KIRUNA

- The discovery of rare earth minerals has been described as crucial to enable the green transition - but not everyone agrees.
- In January 2023, Swedish state-owned mining company LKAB discovered more than 1 million tonnes of rare earth minerals in Kiruna.
- These rare earth minerals are key components in everything from electric vehicle batteries to mobile phones to wind turbines. And the discovery of this deposit - just 30 kilometres from the Arctic circle - prompted a slew of celebratory headlines.
- Many see the newly found resources as a way of ending Europe's reliance on Russia and China for the rare earth minerals needed to fuel the green transition.
- Local Sámi communities are already affected by an existing Kiruna iron ore mine - and fear the new deposit discovery will threaten their traditional migration routes.
- Kiruna Municipality encompasses seven samebyar or Sámi communities: Könkämä, Saarivuoma, Lainiovuoma, Vittangi, Laevas, Gabna and Talma. A sameby is a geographical area where reindeer herding is carried out but also a kind of economic, administrative unit.



Map of the Kiruna region, including five Sami villages, portraying overlapping interests and stakeholders

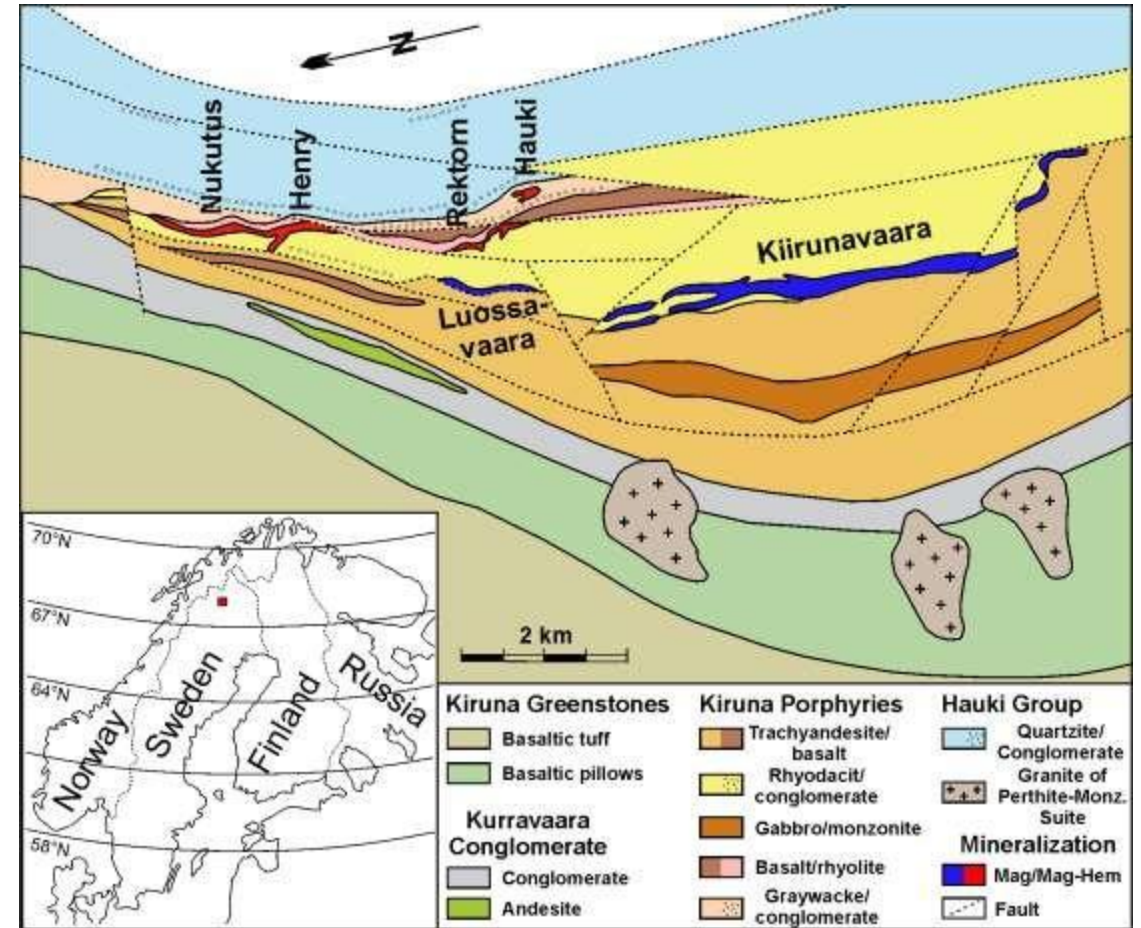
Source: Adapted by SIPRI from Sunesson, A., 'Karta över Sveriges samebyar' [Map of Sweden's Sami villages], Sametinget, 12 Apr. 2018.

TWO WORLDS...

"...The deposit is located in an area where the Sami village Gabna have an important migration route for their reindeers. We've had close dialogue the last years with Gabna as LKAB has been exploring the deposit both from the air and with extensive drilling from the ground. The goal for us has been to minimize the impact on the reindeer herding. We understand that Gabna now is concerned about the news of the size of the REE deposit.

However, since we have not decided on the mining method, it's not clear how big the impact might be. Also, an analysis of the impact, containing possible mitigation and compensation activities, is to be done.

This kind of analysis previously - in other projects - has been done by the Sami villages in the area affected with support from LKAB. We wish and hope that this is how it will be done concerning Per Geijer too."



Sketch map of the geology of the Kiruna area. Per Geijer deposits are marked in red. Geographical map shows the location of the Per Geijer deposits (modified after Sveriges Geologiska Undersökning, 1967).

TWO PERSPECTIVES.

- The mine and the town have left the Gabna Sameby with just a small strip of land, a few kilometres wide, for their reindeer herd to migrate through.
- Infrastructure for the industry cuts across their historic routes, with railways and roads crisscrossing the land.
- A 2023 statement by the Saami Council criticizes the decision to mine the deposit for its anticipated impact on reindeer herding in Gabna and Laevas, arguing that: 'The Saami lands are being disproportionately affected . . . [and] used to justify and greenwash the unsustainable consumption habits of the Western world.'
- It accuses LKAB of not informing the Gabna village in advance of the public announcement.



EU-Sámi Rights & Policy Gaps

Sámi Rights in EU Context:

- Despite the EU's rhetoric on **indigenous rights**, no internal instruments were implemented to address Sámi rights.
- Rights fall under **Member-State jurisdiction**, causing discrepancies between external EU policy and internal reality.

Sámi Council's Advocacy:

- Establishment of the **EU Unit** to bridge the gap between the EU and Sámi communities.
- Recent **EU Arctic Policy** documents recognize Sámi as key actors, but implementation remains limited.

WHERE DO WE GO FROM HERE? A PROPOSITION FROM THE ONES MOSTLY CONCERNED.

- **Incorporate an oversight mechanism at EU level**, mandating the Commission to receive grievances and ensure that safeguards are properly implemented, such as on FPIC. The draft act already notes an ambition to support third countries in reinforcing good governance – this should also be the case within the EU.

- **Add a provision in Annex 4**, clarifying that recognized certification schemes must include in their standards a firm adherence to the right of Indigenous Peoples to give or withhold FPIC, and that the certification standards themselves have obtained the free prior and informed consent of the representative bodies of the Indigenous Peoples where the scheme is intended to be used.

- **Integrate provisions on the creation of a funding mechanism for affected rights-holders.** One model could comprise of mining companies paying into a fund governed by the Commission. Here, affected social groups, such as the Sámi, should be eligible to apply for funds to cover their engagement in processes that – taken together – would be exhausting and last for long periods of time.

IMPROVING DATA COLLECTION AND DISSEMINATION RELATED TO WELLBEING AND LIVELIHOODS

The need for statistics on minority and ethnic groups is evident even within EU borders – in Sweden for example, information could be collected through Sweden's survey on living conditions which examines a range of variables over time and which would facilitate comparative analysis between groups. However, absent legislative change, alternative strategies are needed.

Resources are needed to determine what is currently captured and known and by whom and to analyze how data from these sources could potentially be compiled in a comparable manner to develop a more robust picture of Sámi conditions

Increase research funding for Sámi data collection to create a harmonized state. Given the lack of official statistics on the Sámi in several regions, there is a particular need for research grants directed to fill this gap.

Develop ethical guidelines for EU research on the Sámi. Sámi research ethics guidelines should be developed and should be structured to facilitate comparative research across the four countries encompassing Sápmi.

CONCLUSION



The **EU Critical Raw Materials Act** is a critical initiative to ensure the EU's sustainable supply of materials needed for the green and digital transition.

However, the **implications for indigenous peoples** in the European Arctic must be carefully considered, balancing economic and environmental goals with respect for indigenous rights and cultures.

Effective mitigation strategies and a strong commitment to sustainability are key to achieving the goals of the CRMA without harming vulnerable communities.

ROLE-PLAYING GAME OVERVIEW:

The EU Critical Raw Materials Act (CRMA) aims to secure the EU's supply of critical raw materials necessary for the green transition (e.g., lithium, cobalt, and rare earth elements). The European Arctic, home to indigenous groups such as the Sámi people, is rich in these resources, which has drawn attention from the EU, mining companies, environmental groups, and indigenous communities. The Sámi people rely on their land for traditional practices such as reindeer herding, and they are concerned about the environmental and social impacts of mining operations.

In this RPG, each group will represent one of the key stakeholders, and they will engage in discussions and negotiations to address the potential impact of the CRMA on the Arctic region.

- **Sámi People** will argue for the protection of their rights, land, and culture, advocating for consultations, sustainable practices, and compensation.
- **EU Government** will present the need for the CRMA, explaining the benefits of securing critical raw materials for Europe's future, and propose policies that minimize environmental impacts.
- **Mining Companies** will argue the importance of securing access to resources for Europe's green economy and propose solutions for reducing environmental impacts while maximizing efficiency and profits.

DEBRIEF AND REFLECTION

Reflect on the role-playing experience. What were the challenges in balancing economic, environmental, and social interests? How did each group try to protect their objectives? What compromises or solutions were suggested?



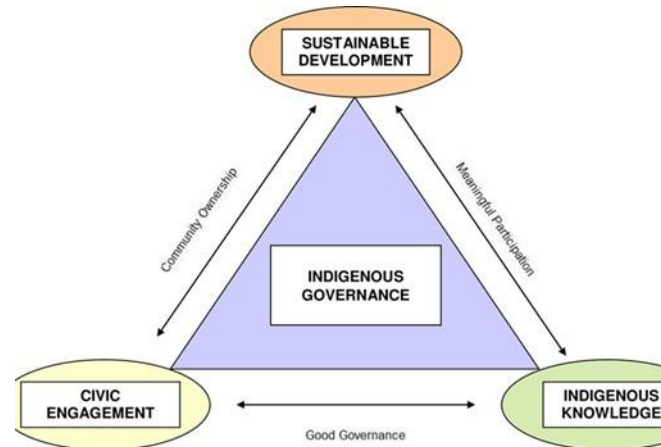
Discussion Questions:

How can the EU ensure that **indigenous rights** are respected while securing critical raw materials?

What role can **sustainable practices** play in mitigating the environmental and social impacts of mining operations in the Arctic?

Can a **fair balance** be struck between securing critical raw materials and protecting indigenous communities' way of life?

RESILIENCE - LOOKING FOR THE MISSING COMMUNICATION LINK



Thank you for your attention!

Eleni Kavvatha
Research Officer
CRespo Centre of Research in Political Science
Universite UCLouvain
eleni.kavvatha@uclouvain.be
<https://www.crespo.be/kavvatha-eleni/>

