

THE CASE OF RARE EARTH ELEMENTS



Activists Group: You are the Spokesperson for an Indigenous Rights Organization in Brazil

Your Background and Biography

You grew up in a village along the Rio Negro, a tributary of the Amazon River. Although your village seems remote to people who live in a big city such as São Paulo, the river connects your town to the rest of Brazil and the wider world. When you were a child, most of your family's needs were met by fishing, farming, and gathering the fruits of the forest. But cash was necessary to buy such things as medicine and the computer your father purchased to help you and your sister learn.

Getting cash is what landed your father in trouble. He had come across some unusual rocks right at the mouth of a cave on his land. A geologist he knew analyzed them and found an unusually high concentration of rare earth elements. So your father took a small boatful of the rocks down the river to the city of São Gabriel da Cachoeira. Next thing he knew, the federal police had thrown him in jail for mining without a permit.

Now you live in São Gabriel and serve as a spokesperson for a federation of organizations representing more than 20 different groups of indigenous people around the Rio Negro. Your organization was founded in the late 1980s, when Brazil was becoming a democracy again after the downfall of a military dictatorship. The primary mission was to help indigenous people regain control over their original lands, which were threatened by illegal mining and deforestation. In addition, companies were exploiting indigenous people through "work contracts" not so different from slavery.

The Constitution of 1988 offered indigenous people some legal protections and set aside protected land. It gave your people the right to move across these lands, grow crops, and gather food—what are called "horizontal rights." But the Constitution did not give indigenous people real ownership because it said the government owned all minerals more than 40 centimeters (15 inches) below the surface—the "vertical rights." Legal mining requires getting a set of complicated permits that in practice can only be obtained by large firms not owned by indigenous people. So your organization spent much of the 2010s trying to make it legal for indigenous people to pursue small-scale mining on their own lands.

Brazilian politics has lately taken a turn that seems to be eroding the country's Constitution and indigenous rights. The government is reopening the Amazon to exploitation by big mining companies and powerful ranchers. You have heard of



environmental activists and indigenous rights leaders being “disappeared” (murdered), while rainforest is burned to clear the way for development.

In the negotiation you want the Sustainability Seal to include provisions that mining be done in ways that benefit everyone who is affected. You do not support the requirement that local laws be obeyed because Brazilian law is unfair to your people. Communities involved in mining rare earth ores must also benefit, even if they are located far from the refining plants where rare earth ore is processed.

Your Mission

Your goal at this hearing is to convince the Stewardship Council to include the Activists Group’s recommendations in its final Sustainability Seal guiding values. To make this argument effectively, you must do the following:

- Complete the assigned readings listed at the bottom of this page.
- Work closely with the other members of your group to develop clear answers to the Stewardship Council’s questions.
- Use as much specific information as possible to develop strong arguments for your position that protecting the environment and promoting human well-being (physical and economical) are critical to establishing a sustainable, ethical rare earth elements industry.
- Read as much as you can about your position and the positions of the other groups.
- Complete written reflections on your character, interest group, and readings as assigned.

Your Victory Objectives

- **You will receive 10 points** if the Stewards select your group’s proposal as the final Sustainability Seal guiding values.
- The Stewards will rank the interest groups by how well their goals are represented in the final Sustainability Seal guiding values. **You will receive between 1 and 4 points** based on how the Activists Group is ranked and how well the Sustainability Seal guiding values reflect your goals.

SOURCES

Group Sources

- Activists Case Study: [“Protecting Health and the Environment in an Age of Global Trade”](#)



- Ives, Mike. [“Boom in Mining Rare Earths Poses Mounting Toxic Risks.”](#) *Yale Environment 360*, January 28, 2013.

Individual Sources

- Branford, Sue, and Maurício Torres. [“Brazil to Open Indigenous Reserves to Mining without Indigenous Consent.”](#) *Mongabay*, March 14, 2019.
- Climate Alliance Austria and Federation of the Rio Negro Indigenous Organizations (FOIRN). [“Gold Rush in Amazonia—Indigenous Success in Rio Negro.”](#) In *Championing Climate Justice: The Future We Want*, pp. 20–21, September 2017.
- Klinger, Julie. [“Latin America’s New Mining Frontiers.”](#) *Diálogo Chino*, February 8, 2018.
- Klinger, Julie Michelle. [*Rare Earth Frontiers: From Terrestrial Subsoils to Lunar Landscapes.*](#) Ithaca, NY: Cornell University Press, 2017. (Read the story of Mr. Santos on pp. 176–177 and the paragraph on the group FOIRN on pp. 178–179.)

