



Secretary to the Aarhus Convention Compliance Committee
United Nations Economic Commission for Europe
Environment Division
Palais des Nations
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10.10.2022

Procedure: **ACCC/C/2021/186 (Portugal)**

Subject: Reference in United Nations Special Rapporteur on human rights and the environment's Statement at the conclusion of country visit to Portugal, September 27, 2022

Dear Secretariat,

We are pleased to inform you that Mr. David R. Boyd, United Nations Special Rapporteur on human rights and the environment, undertook a nine-day mission to Portugal, which took place from 19 to 27 September. Following his visit, the SR issued a Statement which is available at the Office of the High Commissioner for Human Rights¹ and also enclosed with this email.

We wish to call the attention of the ACCC on the following paragraphs:

“Savannah Resources, incorporated in 2010 with headquarters in London (UK), is seeking approval to develop an open-pit lithium mine on a concession of 542 hectares with plans to expand to 593 hectares, the majority of which is community-owned land. The huge project would produce 1.5 million tonnes of rock containing lithium annually as well as 6.85 million tonnes of waste material.”ⁱ

The area of Barroso is designated by the Food and Agriculture Organization of the United Nations as a Globally Important Agricultural Heritage System, a designation reserved for world leading examples of systems led by local communities that support cultural heritage, agricultural biodiversity and ecosystem resilience.ⁱⁱ It is the only region in Portugal to enjoy this designation and one of only seven in Europe. Barroso sustainably integrates farming, livestock raising, forestry and nature conservation. The region is famous for its unique breeds of cattle, sheep, and goats, renowned cheese, and delicious honey.

¹ <https://www.ohchr.org/sites/default/files/documents/issues/fassociation/2022-09-26/20220927-stm-sr-environment-en.docx>

I met with municipal and regional officials, farmers, lifelong residents, children and recent arrivals. Every single person with whom I spoke expressed clear opposition to the project, related to concerns about loss of forests, water pollution, water shortages, potential disasters, and the loss of traditional livelihoods. Residents also raised concerns about lack of access to timely and accurate information, inadequate public consultation and the use of intimidation tactics to silence opposition to the project. Local officials clarified that they do not oppose mining per se, and would support a project if it promised to be good for their constituents. There is a case against Portugal underway at the Aarhus Compliance Committee, related to the alleged failure to respect the right of access to environmental information about the proposed mine.ⁱⁱⁱ

In my most recent report to the United Nations Human Rights Council, I documented the growing global problem of sacrifice zones, defined as areas of intense pollution or environmental degradation where profits and private interests are placed ahead of human health, human rights and the environment.^{iv} Sacrifice zones are completely incompatible with the human right to a healthy and ecologically balanced environment (Art. 66 of Portugal's Constitution) or to a clean, healthy and sustainable environment (UN General Assembly resolution 76/300).

Proponents of the proposed mine have attempted to justify the project by arguing that European lithium is needed for Europe's green energy transition.^v While that may be the case, large resource extraction projects that may violate human rights in the name of the green transition are antithetical to sustainable development, as a number of national and regional courts and commissions have recently concluded.^{vi} Open pit metal mining is illegal in some leading green nations, such as Costa Rica, because of environmental and human rights impacts.

Portugal deserves credit for leading the world in recognizing the right to a healthy environment, ending the use of coal, rapidly accelerating renewable energy production and rejecting offshore oil and gas development near the Algarve. It would be difficult to reconcile this track record of leadership with approval of a massive open-pit mine in a community that is a globally recognized example of sustainable development."

Yours sincerely,

Xoán Evans Pin, Director
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ⁱ Savannah Resources, plc, Environmental Impact Study: Expansion of the Barroso Mine (Non-technical Summary), <https://www.savannahresources.com/media/crvda0eo/ntr-of-mdb-april-2021.pdf>

ⁱⁱ <https://www.fao.org/giahs/giahsaroundtheworld/designated-sites/europe-and-central-asia/barroso-agro-slyvo-pastoral-system/detailed-information/en/>

ⁱⁱⁱ ACCC/C/2021/186 Portugal. See https://unece.org/env/pp/cc/accc.c.2021.186_portugal

^{iv} A/HRC/49/53, Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment. The right to a clean, healthy, and sustainable environment: non-toxic environment. 12 January 2022.

^v <https://www.savannahresources.com/>

^{vi} A/HRC/49/53, op. cit., paras. 67-77.