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CLAVIS STRATEGIC INSIGHT

Critical Minerals in Argentina: Prior Consultation and Subnational Risk

PERIOD	February 2026
ISSUE	SI-ARG-PS-2026-001
DATE	01 February 2026
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CLASSIFICATION	DIFUSIÓN PÚBLICA / PUBLIC RELEASE

1. Key Takeaways

- 01 The RIGI (Régimen de Incentivo para Grandes Inversiones) provides federal-level investment protections, but they operate exclusively at the national level — leaving the subnational conflict environment entirely intact.
- 02 Argentina’s mining sector spans lithium, copper, gold and silver, uranium, iron, potash, and other mineral activities — each with distinct provincial actors, regulatory frameworks, and conflict histories that the RIGI does not standardize.
- 03 Prior consultation under ILO Convention 169¹ applies to projects affecting indigenous communities or territories across Argentina’s lithium triangle — it is a baseline operational condition, not an exceptional risk.
- 04 Engaging stakeholders at the permitting stage, rather than at project design, can generate an estimated USD 8–25 million in additional capital carry for a project in the USD 200–500 million range, before accounting for revenue foregone. The underlying driver is time: delays of 18 to 36 months are a recurring pattern in projects where stakeholder engagement begins too late.²
- 05 The RIGI’s silence on prior consultation requirements creates a structural legal exposure: federal approvals do not immunize projects from post-approval injunctions initiated at the provincial or judicial level.

2. The Investment Context: RIGI and Argentina’s Mining Sectors

Enacted in 2024, Argentina’s Régimen de Incentivo para Grandes Inversiones (RIGI)³ is the most significant federal investment framework in a generation. For projects above USD 200 million, it provides a 30-year regulatory stability guarantee, tax, customs, and foreign-exchange incentives, and protection against future regulatory changes within the scope of the regime. For mining investors, the RIGI reduces a layer of federal uncertainty that historically deterred capital commitments.

What the RIGI does not address is the subnational conflict environment. Mining projects in Argentina require approvals from provincial governments, environmental permits from provincial agencies, and — in many cases — formal consultation with indigenous communities under binding international law. None of these requirements are modified by RIGI registration. The result is a structural gap: investors with full federal clearance can still face injunctions, license suspensions, and operational halts driven by actors the RIGI does not touch.

¹ ILO Convention 169 on Indigenous and Tribal Peoples was adopted into Argentine domestic law under Law 24.071 (1992) and has been in force in Argentina since 3 July 2001. The Convention establishes the right to free, prior, and informed consultation before measures affecting indigenous peoples. See United Nations Treaty Collection, “Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries”, <https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800c0136&clang=en>.

² The USD 8–25 million capital carry estimate is an indicative internal scenario based on projects in the USD 200–500 million range and assumed delay periods of 18 to 36 months. ICMM guidance on indigenous peoples and mining emphasizes early, meaningful engagement and due diligence across the project lifecycle. See ICMM, “Position Statement: Indigenous Peoples and Mining”, <https://www.icmm.com/en-gb/our-principles/position-statements/indigenous-peoples>.

³ Enacted as Ley 27.742 (Ley de Bases y Puntos de Partida para la Libertad de los Argentinos), promulgated July 2024. See summary of RIGI features, https://chamb.cancilleria.gob.ar/userfiles/2018/2024-07-11_dnpri_sintesis_rigi_en_final.pdf.

The current national administration has positioned the RIGI as its flagship instrument to attract large-scale investment and has publicly signaled support for mining development. However, this federal posture does not translate into operational leverage over subnational actors. Provincial governments retain constitutional jurisdiction over their natural resources under Article 124 of the Argentine Constitution, and indigenous community rights are protected by international obligations that the national executive cannot waive unilaterally. Investors should not interpret alignment with the Milei administration at the federal level as a proxy for subnational clearance.

Argentina’s mining sectors and their primary operating provinces are summarized below. The following table is a strategic simplification of the main operating provinces by sector, not an exhaustive map of Argentine mining activity. Each sector presents a distinct stakeholder profile and conflict exposure.

Sector	Primary Provinces
Lithium	Jujuy, Salta, Catamarca
Copper	San Juan
Gold & Silver	San Juan, Santa Cruz
Uranium	Mendoza, Chubut
Iron	Río Negro
Potash	Mendoza

RIGI applies across all these sectors. However, the conflict exposure varies significantly by sector and province. Lithium projects in the northwest carry the highest combination of indigenous consultation obligations and civil-society network density. Copper and gold projects in San Juan operate under different provincial dynamics with a longer established precedent of large-scale foreign investment.

2.1 Provincial Risk Differentiation

Risk exposure is not uniform across provinces. The following table describes the distinct operational environment in each major mining jurisdiction.

Province	Conflict Profile	Operational Consideration
Jujuy	Highest conflict density in the country for lithium projects	The 2023 provincial constitutional reform triggered direct confrontations with indigenous communities and generated formal submissions and advocacy before the UN Human Rights Council. Prior consultation must be treated as a prerequisite to any other permitting step, not a parallel track.
Salta	Active consultation disputes; heterogeneous regulatory framework across departments	Multiple concurrent actors with divergent agendas. Engagement sequencing is critical. Do not assume provincial government alignment translates into community acceptance.

Catamarca	More institutionalized history of dialogue with communities; copper and gold projects have established precedents	Lower conflict density does not mean zero risk. ILO 169 applies uniformly; due diligence requirements are identical regardless of provincial track record.
San Juan	Distinct from lithium triangle; copper and gold sector with established foreign investment precedent	Longest track record of successful large-scale foreign investment in Argentine mining. Consultation dynamics differ from the northwest but are not absent; project-specific assessment is required.

3. The Multi-Actor Conflict Environment

The RIGI resolves the federal approval track. It does not modify the leverage of any of the following actors, each of which can delay, block, or reputationally damage a project independently of federal authorization.

The conflict environment is not theoretical. In September 2024, indigenous communities in Jujuy generated formal submissions and advocacy before the UN Human Rights Council, alleging that provincial constitutional reforms and lithium project approvals violated the principle of free, prior, and informed consent⁴. Argentina’s Supreme Court has requested formal reports from the provinces of Salta and Jujuy, as well as the National State, in litigation concerning mining authorizations and consultation processes in the Salinas Grandes and Laguna de Guayatayoc basin⁵. In the same year, the World Bank suspended environmental and hydrological assessment work linked to Salinas Grandes and Laguna de Guayatayoc due to the absence of consultation and meaningful involvement of affected indigenous communities.⁶

Actor	Influence Level	Primary Leverage	Typical Activation Channel
National Government	High. Grants or revokes RIGI registration; sets the federal regulatory floor.	RIGI approval; federal regulatory framework	Executive decrees; federal agency decisions
National Congress	Medium. Can legislate sector-wide restrictions but requires coalition and time.	Legislative ratification for strategic projects	Opposition coalitions; congressional hearings

⁴ Indigenous representatives and allied organizations presented formal submissions and advocacy before the UN Human Rights Council in September 2024, alleging violations of free, prior, and informed consent in connection with the 2023 provincial constitutional reform and lithium project authorizations. See Indian Law Resource Center, “57th UN Human Rights Council Session: Violations of Indigenous Rights in Argentina and Brazil”, <https://indianlaw.org/news/57th-un-human-rights-council-session-violations-indigenous-rights-argentina-and-brazil>.

⁵ Argentina’s Supreme Court (CSJN) requested formal reports from the provinces of Salta and Jujuy, as well as the National State, in litigation concerning mining authorizations and consultation processes in the Salinas Grandes and Laguna de Guayatayoc basin. See FARN, “Supreme Court Steps In: A Landmark Case for Environmental and Indigenous Rights in Argentina”, <https://farn.org.ar/en/supreme-court-landmark-case-environmental-indigenous-rights-argentina/>.

⁶ The World Bank suspended environmental and hydrological assessment work linked to Salinas Grandes and Laguna de Guayatayoc in 2025, following concerns over the absence of consultation and meaningful involvement of affected indigenous communities. See Mongabay, “In Argentina, lithium exploration proceeds amid community disputes”, <https://news.mongabay.com/2025/09/in-argentina-lithium-exploration-proceeds-amid-community-disputes/>.

Provincial Governments	High. Control environmental permits and mining codes — the most common operational bottleneck.	Environmental permits; mining codes; royalty rates	Regulatory delay; licensing conditions; political veto
Provincial Legislatures	Medium. Can enact moratoriums; activation requires political momentum.	Legislative amendments; public hearings	Anti-mining bills; blocking resolutions
Municipalities	High. Can trigger binding referendums on mining activity at the local level.	Local land-use permits; social legitimacy	Referendums; local ordinances; community protests
Labor Unions	Medium. Can halt construction and operations; no permitting veto.	Project operations and workforce continuity	Strikes; work stoppages; media coverage
Indigenous Communities	High. Can obtain injunctions suspending operations; ILO 169 creates a hard legal obligation.	ILO 169 consultation obligation; territorial rights	Injunctions; roadblocks; judicial actions
Environmental NGOs	Medium. Cannot block directly but routinely activate judicial and provincial actors.	Public opinion; judicial challenges	Media campaigns; court filings; international pressure
External Investors & Lenders	Low. Shape financing conditions and ESG standards; no formal veto.	Financing conditions; precedent-setting	Market signaling; investor coalitions
Media & Political Actors	Low. Accelerate crises already in motion; cannot trigger formal action independently.	Public framing of project impact	Investigative coverage; political statements

These actors rarely operate in isolation. A regulatory incident can simultaneously activate indigenous communities and environmental NGOs; a labor dispute can become a congressional hearing; an environmental complaint can trigger provincial legislative action. The most damaging crises are multi-actor events, precisely because most corporate response structures are designed for single-vector incidents.

3.1 Judicial Mechanism: “Medidas Cautelares”

“Medidas Cautelares” are a primary enforcement vector for indigenous communities and environmental actors. The operational risk for investors lies in the specific procedural architecture of the Argentine judicial system — which differs materially from common law injunction standards.

In practice, the most damaging injunctions in the Argentine mining sector have originated in provincial courts of first instance in the relevant province, not federal courts. The applicable standard for granting a “cautelar” is low by international comparison: the petitioner must demonstrate plausible legal basis and risk of irreversible harm if not granted. In environmental cases involving indigenous territorial claims, courts have interpreted these thresholds broadly. In practice precautionary injunctions in complex mining cases can remain in effect for

12 to 36 months through successive procedural stages. Depending on the procedural route, appeals may not automatically suspend the injunction unless a competent court expressly grants suspensive effect. Investors should budget for the possibility that an injunction, once granted, will remain operative through the full appellate cycle unless affirmatively lifted.

4. Operational Framework for Investors

The following framework applies to the pre-entry and early-entry phases. Its premise is that the political landscape of a project is largely determined before permitting begins — not during it.

Stage 1: Pre-feasibility stakeholder mapping

Stakeholder mapping is not a communications exercise. It is an intelligence function that determines which actors must be engaged, in what sequence, and through which channels — before any public announcement.

Map Identify all primary and secondary actors across the three levels: national, provincial, and municipal. Include both formal institutions and informal power networks.

Profile Document each actor's stated position, historical behavior toward similar projects, internal factions, and relationship to other actors in the map.

Screen Assess territorial overlap with indigenous communities under ILO 169 before any other step. If overlap exists, the consultation pathway must be designed into the project timeline, not added later.

Stage 2: Project design engagement sequencing

The sequence of engagement matters as much as the engagement itself. Approaching actors in the wrong order can activate opposition before relationships are built.

Provincial governments first Engage provincial governments before filing federal applications. Political alignment at the provincial level is a prerequisite, not a parallel track.

Indigenous consultation early If territorial overlap exists, initiate the consultation process during project design, not at the permitting stage. This is the single greatest source of avoidable delay.

Labor engagement before hiring Establish direct relationships with relevant union leadership before recruitment begins. Agreed frameworks prevent reactive conflicts once operations are under way.

Municipal alignment Engage municipalities before provincial announcements where possible. Local governments can become either active supporters or veto players depending on how they are approached.

Stage 3: Entry signals to monitor

The following indicators signal that the conflict environment is shifting and that engagement strategy may need to be adjusted. Each is illustrated with a documented Argentine precedent.

Legislative activity Amendments to provincial mining codes or environmental regulations can alter permitting requirements retroactively and signal political sentiment toward the sector. Precedent: Jujuy's 2023 constitutional reform introduced new environmental and indigenous rights provisions that directly affected the permitting baseline for lithium projects already in advanced development stages.

Community assemblies Indigenous community assembly decisions and public statements on project territory are leading indicators of consultation dynamics. Precedent: The Salinas Grandes and Laguna de Guayatayoc assembly issued successive resolutions against lithium extraction between 2020 and 2024, each escalating in scope. As of early 2026, this conflict has advanced well beyond the signal stage: formal

complaints before international human rights bodies have been filed, the World Bank suspended a key feasibility study in 2025 citing the absence of adequate consultation, and the Supreme Court has requested formal reports from the provinces of Salta and Jujuy. Investors entering the basin today are operating in an environment of active, multi-forum litigation — not early warning.

NGO presence Environmental NGO entry into the project area — especially organizations with prior litigation experience — typically precedes judicial action. Precedent: FARN (Fundación Ambiente y Recursos Naturales) documented active engagement in the Jujuy lithium triangle beginning in 2021; formal legal actions against specific projects followed within 18 to 24 months of that initial engagement.

Operators in the same basin Public statements and operational decisions by companies with projects in the same basin or province set expectations and precedents that directly affect your position. Precedent: The Cauchari-Olaroz project (Jujuy) established consultation and benefit-sharing protocols that subsequent entrants to the same basin were implicitly expected to match or exceed, regardless of independent legal requirements.

The most common entry failure in Argentine mining is not a legal error or a technical oversight — it is the absence of a stakeholder map at the project design stage. By the time permitting begins, the political landscape of the project is already determined.

Do you already have a stakeholder map for your mining project in Argentina? Request an initial assessment.

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Methodological note

This Strategic Insight is based on publicly available information as of the first quarter of 2026, Argentine legal and regulatory sources, international standards on indigenous consultation, specialized sector monitoring, and open-source reporting on mining-related conflicts. Its objective is not to provide legal advice or an exhaustive map of all mining projects, but to identify strategic implications for investors evaluating entry or exposure in Argentina's critical minerals sector. This document does not constitute legal advice.

About Clavis Hemisphaerii Strategic Advisory

Clavis Hemisphaerii Strategic Advisory is a boutique strategic intelligence firm specializing in political risk, stakeholder mapping, and strategic communications for investors and companies operating in Argentina and the Southern Cone. The firm combines OSINT-based intelligence, institutional knowledge of power dynamics, and direct experience in high-exposure sectors to produce decision-oriented analysis.

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