

A Mapping of Critical Minerals Negotiations: Trends, Risks, and Opportunities

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Introduction

Global demand for critical minerals is accelerating with the energy transition, electrification, automation, digitalization, and urbanization. In response, governments are increasingly and rapidly negotiating a new wave of bilateral and plurilateral agreements aimed at securing supply chains, catalyzing investment, and seizing the moment of increased demand to promote local value addition.

To better understand the negotiations landscape, from May to September 2025, CCSI mapped ongoing intergovernmental negotiations¹ with a significant critical minerals component, spanning free trade agreements (FTAs), partnership frameworks, and memoranda of understanding (MOUs). The analysis draws on public government and institutional materials, media and research databases, official reports and statements, stakeholder interviews,² and insights from CCSI and partners. Its objective is to identify trends, risks, and opportunities.³

The negotiation landscape is evolving, fragmented, and opaque: talks are dispersed across venues, often confidential or only partially disclosed, and riddled with ambiguous or inconsistent terminology. The stakes are high, with implications on environmental, climate, and social protections, community rights, opportunities for sustainable development, industrial policy choices, and just transition pathways. Power dynamics are also decisive, as geopolitical competition shapes terms, host states push for value addition, deals are bundled with financing for extraction or infrastructure, and civil society and parliamentary oversight are frequently limited.

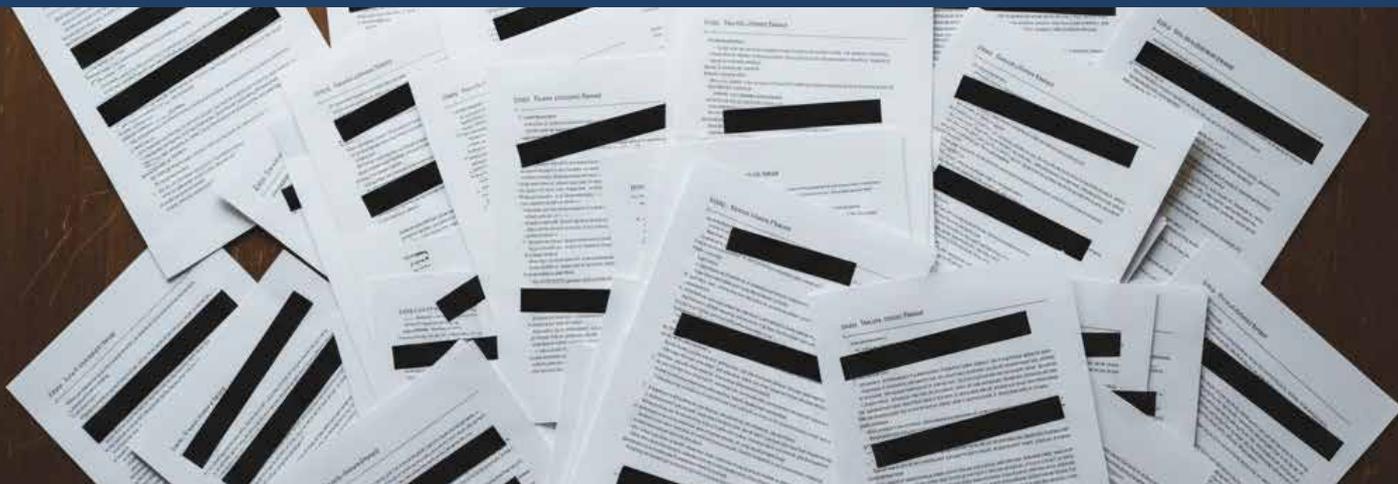
This brief distills seven cross-cutting findings, elaborating on the identified trends, and advances recommendations for governments and regional organizations of developing and emerging economies to strengthen transparency, standards, and accountability in critical minerals negotiations. The final section presents additional recommendations for international organizations, development partners, and civil society to advance sustainable outcomes.

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- 1 Priority geographies include key resource-rich countries (e.g., Argentina, Australia, Botswana, Chile, Democratic Republic of the Congo [DRC], Indonesia, Morocco, Namibia, Nigeria, South Africa, Tanzania, Zambia), major demand-side economies (e.g., China, European Union [EU], Japan, Korea, United States), and regional blocs (e.g., African Continental Free Trade Area [AfCFTA], Association of Southeast Asian Nations [ASEAN], Gulf Cooperation Council [GCC], Southern Common Market [MERCOSUR]).
- 2 The authors gratefully acknowledge Arief Rosadi, Institute for Essential Services Reform (IESR); Ardhi Wardhana, Centre for Strategic and International Studies (CSIS) Indonesia; Charles Afeku, African Legal Support Facility (ALSF); Cláudia Azevedo, Lead, Sustainable Trade Policy (EU), Tulip Consulting; Colette van der Ven; Isaac Mwaipopo, Center for Trade Policy and Development (CTPD) Zambia; Jerry Ahadjie, a Mining Specialist; Joël Sanon, ALSF; Lucy Panduka Musonda, Legal Researcher, CTPD; Martha Jesica Solomasi Mendrofa, IESR; Mohamed Stevens, ALSF; Poorva Karkare, Senior Policy Analyst, African Economic Integration, ECDPM; Raymond Mutale, Transparency International Zambia (TIZ); Sunayana Sasmal, Research Fellow in International Trade Law, UK Trade Policy Observatory, University of Sussex; Tamika Halwiindi, TIZ; and Prof. Theunis J. Otto, University of Pretoria.
- 3 Complementing analyses of concluded agreements, including by IISD (2025), Cotula and Sasmal (2025), Sasmal (2024), IEA (2024), and ICMM (2023).

1. Limited Transparency



Lack of transparency is a defining feature of ongoing critical minerals negotiations. Texts of most agreements—and often the very fact that negotiations are underway—are kept confidential until they conclude or come to light in a joint statement or press release. While there are some exceptions, such as the EU’s practice of [publishing high-level negotiation mandates and drafts](#) for certain agreements, details of most other negotiations remain vague or entirely undisclosed, as in the case of discussions between the [United States and DRC](#).

This opacity stems from **geopolitical sensitivities** around minerals being viewed as strategic assets for clean energy, defense, and high-tech industries (see Section 3), **competitive pressures between actors in mineral-importing states for access to mineral resources** driving the use of agile, non-binding instruments like MOUs that bypass oversight (see Section 5), and **commercial or parastatal negotiations** shielded by confidentiality, despite the expectation of [contract transparency as the norm in the extractives sector](#). **Asymmetries in disclosure practices** between partners and the use of private consulting firms not subject to transparency requirements introduce further deficits in accountability.

Limited transparency has implications for civil society oversight and government accountability, as discussed in Section 2.

Recommendations

- **Make** transparency the default by disclosing negotiating mandates and draft texts.
- **Adopt** a tiered [disclosure framework](#) (i.e., publishing non-sensitive summaries, timelines, or negotiation objectives) that can improve accountability without jeopardizing national interests.
- **Publish** standardized summary disclosures for MOUs and other non-binding instruments (e.g., publish cooperation areas, governance structure, and implementation milestones), while safeguarding national interests and commercial sensitivities.
- **Extend** public reporting and consultation obligations to state-owned enterprises (SOEs), sovereign funds, and other state-led negotiating entities.
- **Clarify** [thresholds distinguishing legitimate commercial secrecy from public-interest information](#) and require related [disclosures once agreements reach implementation](#).
- **Promote** mutual transparency protocols and capacity-building support for partner governments to align disclosure practices.

2. Limited Oversight by Civil Society and Parliaments



Ongoing critical minerals negotiations are typically insulated from meaningful civil society or parliamentary oversight.

The lack of information about negotiations, discussed in Section 1, prevents early input from key stakeholders—such as community and labor groups, academics, and environmental advocates—undermining proactive environmental, social, and economic risk identification. Often, it also confines accountability to the post-hoc stage after decisions are finalized, where scrutiny comes too late to influence outcomes.

Negotiations tend to be led by selected officials within the executive branch, with limited intra-governmental coordination and avenues for civil society participation or parliamentary oversight. In certain mineral-rich countries, decision-making has largely been dominated by trade, industry, and energy ministries, with no indication of consultations with other ministries, parliamentary hearings, or structured opportunities for public debate.

While oversight frameworks exist on paper in many jurisdictions, they are rarely exercised when it matters. For example, civil society actors in one African jurisdiction described being involved in early strategy discussions but sidelined once deals are being finalized. In another, a similar dynamic was relayed, where parliamentary and legal oversight frameworks exist but only come into play in later stages, leaving them absent when negotiations are shaping in real time.

This insulation means stakeholders often lack the capacity to scrutinize complex terms. The delayed or absent civil society involvement and parliamentary oversight weaken accountability and alignment with legislative frameworks on downstream industrial policy and domestic beneficiation.

Recommendations

- **Engage** parliaments and civil society in negotiations in a meaningful and timely manner.
- **Require** early notification to parliamentary committees or audit offices once negotiations have commenced.
- **Institutionalize** public-comment windows, stakeholder roundtables, or both, before draft agreements are finalized.
- **Support** standing multi-stakeholder platforms, such as the [EU-U.S. Critical Minerals Agreement \(CMA\) model](#), to guarantee ongoing feedback throughout negotiation and implementation.

3. Key Driver for Importing States: Geopolitical Competition to Secure Supply



For major mineral-importing countries, critical minerals diplomacy is increasingly shaped by **geopolitical competition**.

Traditional players have familiar priorities. For example, [U.S. proposals to the DRC](#)—framed publicly as being “open to exploring critical minerals partnerships”—are widely interpreted as efforts to counter China’s dominance in Congolese cobalt and copper production. At the same time, tariff concessions underpin [South Africa’s engagement with Washington](#), illustrating how trade policy serves as a tool to secure mineral access.

Non-traditional players and alignments emerge. Saudi Arabia—traditionally an oil-producing State—has emerged as a new competitor, actively seeking to secure resources from producer countries such as South Africa and Zambia. Cooperation between developing and emerging economies is also gaining momentum, as India has pursued [agreements with resource-rich states](#) (e.g., Brazil, Namibia, Zambia).

Negotiation dynamics also vary by mineral type and concentration. For instance, the fact that Indonesia possesses roughly half of the global reserve and production of nickel shapes the negotiation dynamics in ways that are likely different in the case of critical minerals that are less concentrated geographically.

Competition overshadows development goals. For example, skills transfer provisions are often used as a bargaining chip, but fade as commercial aspects take priority. Even when such provisions are included in final agreements, they often remain aspirational (see Section 7), spotlighting how competition can drive form over substance.

Recommendations

- **Strengthen** regional coordination and information sharing among producer states to avoid duplicative or conflicting agreements that dilute bargaining power.
- **Support** negotiation frameworks that tie mineral supply access to measurable development goals (e.g., local value addition, workforce development, environmental and social standards, technology transfer).
- **Adopt** negotiation models conducive to long-term partnerships rather than short-term access to minerals.

4. Key Driver for Exporting States: Value Addition and Local Development



Mineral-rich country governments repeatedly demand **beneficiation, processing, skills transfer, and broader local development** in critical minerals negotiations.

Tension exists between conflicting agendas. Exporting states seek to move up the value chain toward producing finished goods, yet importing countries often limit cooperation only to intermediate processing (e.g., refining ore into higher-grade concentrates). Industrial policy in importing countries exacerbates the tension. For example, the EU’s ambitious goal under the Critical Raw Materials Act (CRMA)—ensuring the EU’s internal processing capacity can meet at least **40% of the EU’s annual consumption of strategic raw materials**—discourages the development of processing capacity in partner countries.

Officials push for beneficiation rather than the export of raw materials. Stakeholders pointed to local procurement, employment, and beneficiation as key government priorities. Attempts to embed beneficiation provisions demonstrate, at a minimum, an awareness of geopolitical leverage and a strategic attempt to use it for industrial gain.

Negotiations often result only in aspirational language. Interviewed stakeholders are wary of beneficiation provisions being debated in negotiations but not included or enforced in final contracts. While there are examples of provisions translating skills-transfer goals into binding human-capital targets, other negotiations, especially in Southern Africa, lead to vague commitments.

Recommendations

- **Strengthen** technical and financial capacity for industrial policy design and implementation focused on infrastructure, permitting, and any additional processes needed to operationalize beneficiation goals.
- **Promote** reciprocity in partnerships through co-investment in midstream projects or preferential market access to effectively align both sides of the supply chain.
- **Encourage** legally binding clauses or implementation milestones that are supported by reporting disclosures focused on compliance and impact.

5. Reliance on Non-Binding Agreements such as MOUs



Non-binding instruments such as MOUs dominate the global landscape of critical minerals diplomacy. In an increasingly competitive environment, governments resort to MOUs for being speedy to negotiate and politically expedient, allowing rapid signaling of cooperation, creating entry points for dialogue, and paving the way for future deals, while avoiding lengthy consultation or ratification processes or other formalities associated with binding instruments.

However, **this flexibility comes at the cost of legal certainty, accountability, and enforceability.** Given MOUs' non-binding nature and often vague language, the commitments related to financial support, technical assistance, or social and environmental standards, where they exist, function as political aspirations rather than enforceable obligations (see Section 7).

In addition, considering the landscape of preexisting binding instruments—such as trade and investment agreements—newly negotiated non-binding ones may produce **overlapping, duplicative, conflicting, or ambiguous frameworks.** These factors can lead to challenges in the effectiveness of negotiations involving critical minerals and the implementation of deals.

Interviewees noted that MOUs rarely contain safeguard provisions on transparency, community consultation, or benefit sharing. Stakeholders expressed that agreements are often symbolic and set the scene for practical negotiations on a project-by-project basis. Evidencing how gaps left by negotiations need to be filled at a later stage, some provided examples of investors seeking practical details about power security, water sourcing, and labor regulations, which are typically addressed in project-specific agreements. Many MOUs across Africa are perceived to lack enforcement pathways, undermining their credibility.

Recommendations

- **Adopt** MOU-to-implementation frameworks with guidelines and milestone commitments to ensure that negotiations of non-binding instruments evolve into binding agreements with enforceable provisions and safeguards.
- **Establish** open registries of bilateral, regional, and plurilateral agreements—including treaties, contracts, and MOUs—to help map and coordinate existing and new non-binding and binding instruments and avoid conflicting or duplicative frameworks.

6. Bundling with Financing for Extraction or Infrastructure



Critical minerals deals are frequently **bundled with concessional finance for mineral extraction itself or related major infrastructure projects** (energy, railways, ports, etc.).

The [U.S. Export-Import Bank \(EXIM\)](#) is also operating in the critical minerals space, leveraging its mandate to promote U.S. exports and advance national security. Its [letter of interest](#) for USD 150 million in concessional finance to redevelop NexMetals' Selebi and Selkirk nickel-copper-cobalt-PGM mines in Botswana reflects this dual role, targeting sectors where China exerts strategic influence. For mineral-rich governments, such financing embeds resource projects within the broader U.S.–China strategic competition, adding both opportunities and geopolitical complexity.

The [EU's Global Gateway](#) uses grants, concessional loans, and guarantees to de-risk projects, aiming to mobilize public and private investments valued at up to USD 349 billion between 2021 and 2027 globally. It serves as an important engine of the EU's external minerals strategy. The EU supports the [Lobito Corridor](#), a railway connecting the mineral-rich DRC–Zambia copperbelt to Angola's Lobito port. By co-financing this corridor alongside the United States, the EU is tying infrastructure development to the facilitation of Africa's mineral exports.

Bilateral financing packages can **speed up the delivery of extractive and infrastructure projects** and **attract investment**, but they also risk locking mineral-rich governments into **long-lasting debt arrangements and economic commitments** and reinforcing **negotiation asymmetries**.

Stakeholders characterized **bundling as a double-edged sword** in the critical minerals space. They mentioned the Lobito Corridor and the Chinese-financed upgrades to the Tanzania–Zambia railway as prime examples where mineral access is tied to transport corridors, creating both connectivity gains and dependency risks. Stakeholders cautioned that bundling adds complexity to negotiations, weakens host countries' bargaining power, and embeds long-term fiscal risks.

Recommendations

- **Mandate** public disclosure of financing provisions (e.g., collateral, repayment schedules, resource-offtake clauses) to improve fiscal transparency and accountability.
- **Require** independent project risk assessments, focused on financing and readiness, before concluding infrastructure-linked critical minerals deals.
- **Strengthen** policy, legal, regulatory, and fiscal frameworks governing the [shared use of mining-related infrastructure](#).

7. Environmental, Climate, Social, and Human Rights Standards: Rhetoric vs. Reality



Environmental, climate, social, and human rights standards are often referenced in negotiations, yet rarely translate into enforceable obligations. These standards are often referenced or brought into negotiations, whether by mineral-rich countries to signal responsible resource governance or by mineral-importing countries to bolster legitimacy and public acceptance of mineral deals. Interviewed stakeholders noted that certain governments indicate that health, safety, and environmental standards are non-negotiable. However, they also report that provisions on these standards are rarely included in final critical minerals agreements, and when they are included, they are often purely rhetorical or poorly enforced.

Even where standards may be included, there remains a persistent gap between rhetoric and implementation. For example, stakeholders have described the EU–Zambia roadmap’s language on environmental and social standards as symbolic, included largely as a political gesture without real enforcement structures in place. Similarly, clauses in the EU’s partnerships with [Rwanda](#) and [Serbia](#) have been criticized as performative, overshadowed by the EU’s urgency to secure raw material supply despite serious environmental and human rights concerns on the ground.

Interviewed stakeholders tracking negotiations perceive a need to reframe critical minerals governance. They stressed that critical minerals governance should be embodied as a catalyst for justice, sustainability, and shared prosperity, and not merely as a channel for resource extraction.

Recommendations

- **Integrate** legally binding and enforceable environmental, climate, social, and human rights commitments and conditionalities into critical minerals agreements and financing frameworks.
- **Safeguard** policy space to advance environment, climate, and human rights objectives, and **enhance** sustainable development co-benefits by building on international best practices on [stabilization clauses](#); [dispute settlement](#); [free, prior and informed consent \(FPIC\)](#); [community benefit agreements](#); [shared use of mining-related infrastructure](#); and broader environmental, [climate](#), social, and [human rights](#) standards.
- **Strengthen** legal and technical negotiating capacity within relevant ministries and agencies.

Conclusion and Recommendations



Critical minerals diplomacy can shape whether and how global energy and digital transitions deliver value addition, jobs, and fiscal benefits to mineral-rich countries, while upholding environmental, climate, social, and human rights standards. Poorly designed, opaque, and geopolitically driven deals risk entrenching power and development asymmetries, eroding policy space, and ultimately harming mineral-rich governments and investment-affected communities.

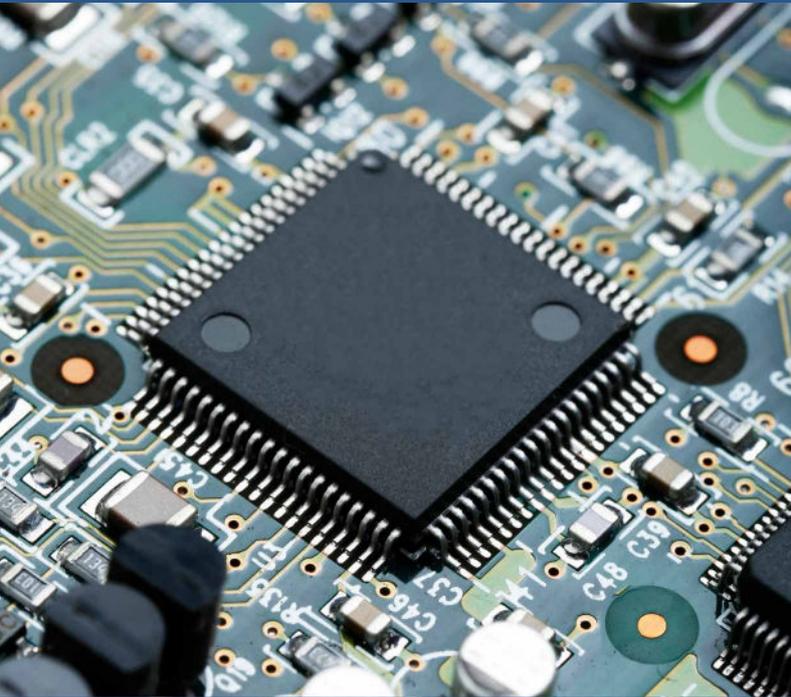
In addition to the recommendations for developing country governments and regional organizations presented in the sections above, other global stakeholders can contribute to strengthening transparency, capacity, and accountability in critical minerals negotiations.

International organizations (including international financial institutions), development partners, and philanthropic organizations can:

- **Increase** transparency by maintaining public databases with information on critical minerals negotiations.
- **Strengthen** technical and legal negotiation capacity and parliamentary oversight by supporting advisory services and capacity-building programs in critical minerals negotiations and governance for civil servants and parliamentarians in developing and emerging economies.
- **Support** the development and enforcement of international best practices in critical minerals governance through research, capacity building, and regional coalitions.
- **Further** develop and enforce environmental, climate, social, and human rights standards in financing frameworks for critical minerals projects.

Civil society, including academia, can:

- **Seek and publicize** information through engagement with governments, parliaments, parastatal entities, financial institutions, and mining companies.
- **Form** national, regional, and international coalitions, connecting mining-affected communities and environmental, labor, and consumer advocates.
- **Build** or access legal and technical expertise in negotiation support to review drafts and participate in consultations.
- **Establish** community-led mechanisms to track delivery on sustainable development and human rights obligations, as well as beneficiation, local content, technology and skills transfer, and other co-benefits.



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