

CHILE INDIGENOUS POLICY REPORT SLAMS CELCO AND PASCUA LAMA PROJECTS

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Authors Say Recent Government-Backed Policy Reforms Fall Short

The Chilean government's approval of large-scale business projects — including forestry company CELCO's waste duct to the Pacific Ocean and mining company Barrick Gold's Pascua Lama gold mine in the Andes mountains — now represent the most severe threat to the country's indigenous communities, according to a report filed last week by Chile's Observatory for Indigenous Rights (ODPI).

The finding, authored by co-directors José Aylwin and Nancy Yáñez, was part an ODPI-led probe into Chilean government indigenous policies.

Speaking at a Friday press conference, Aylwin and Yáñez identified native communities' lack of legal representation, absence in both private and government-led initiatives and, above all, lack of territorial rights as the three most serious deficiencies in Chilean indigenous legislation.

ODPI, one of Chile's leading authorities on indigenous rights, said that Chilean laws do not sufficiently incorporate indigenous communities' opinions in government programs which directly involve them. Aylwin said Chilean policies do not respect indigenous communities' political autonomy, arguing that "government policy should recognize and accept that these diverse populations have the right to define their own plans for community development, and that these plans should not be superimposed by other entities."

Still, Aylwin and Yáñez directed their most acerbic criticisms towards what they described as the growing tendency to exploit natural resources found on indigenous lands. They named the mining, energy, and forestry industries as three of the most flagrant violators of indigenous rights, saying that they often usurp indigenous lands against the will of community members.

Speaking alongside Aylwin and Yáñez, members of the Diaguita indigenous community lambasted Barrick Gold for disrupting the local indigenous way of life in order to develop its Pascua Lama mine. That project, which is slated for construction on the border between Chile's Region III and Argentina, received Chilean government backing in 2006, but tax disputes with Argentine officials have prevented construction from beginning.

"Barrick has put up barriers which prevent us from moving freely and also prevent our animals from grazing," said Diaguita member Angelina Espinoza. "This limits our community's development . . . and if we get close to that barrier, they (Barrick employees) threaten us even though the only thing we are doing is defending our rights. We are the legitimate owners of these lands; we have papers from 1903 which corroborate this. But, here in Chile, we neither receive the help nor the (government) response that we need."

"Barrick has contaminated our drinking water, just like all the multinational companies which have begun to operate in the region," she added. "These are companies which have robbed us of our lands. Still, nothing is said about it . . . they have crossed into our ancestral territory."

Yáñez echoed Espinoza's remarks, saying that when native communities organize themselves to defend their lands, companies turn to business-friendly Chilean regulations so that "the leaders of the affected (indigenous) communities end up being persecuted and for making legitimate demands."

She also criticized cellulose manufacturer CELCO for violating the way of life of Mapuche indigenous communities located near the Region XIV town of Mehuín. Violent incidents have occurred in recent weeks between fishermen (including some of Mapuche descent) who oppose CELCO's waste duct line through their community by CELCO, and neighboring fishermen who have accepted a cash payoff for acquiescing to the company's ocean duct proposal. In response to the violence, a lawsuit has been brought against pro-CELCO fishermen (ST, April 9).

Aylwin and Yáñez argued that the government should solve these problems by assuring its indigenous communities are recognized in the country's constitution. Additionally, they said Chilean authorities should adopt the original version of the International Labor Organization's (ILO) Convention 169 on Indigenous Rights, arguing that two of the document points define standards concerning indigenous communities' political participation and land protection.

In early March, Chile's Senate approved a version of the ILO's "Convention 169" on indigenous

rights with a clause allowing the government to “interpret” the declaration’s main points (ST, March 6). The decision has provoked outrage from Chile’s leading indigenous and human rights advocates, who have publicly urged Chilean President Michelle Bachelet to veto the altered document.

The ODPI report comes weeks after President Bachelet unveiled several new measures that will define government indigenous policies for her final two years in office.

As part of the reforms, Bachelet said that the government will create a new under-secretariat for indigenous affairs, which will be controlled by the nation’s planning ministry. Bachelet promised to introduce a proposal to guarantee indigenous community members seats in Chilean political organizations, as well as recognize indigenous control over natural resources that lie within their territories.

She also announced that the government-run National Corporation for Indigenous Development (CONADI) will distribute plots of land to 115 different native groups by 2010 and respond to land requests from 308 other communities (ST, April 3).

Still, Bachelet’s announcement drew heated criticism from Aylwin and Yáñez, who criticized the initiative for not doing enough to return land to indigenous communities.

“Most of the lands which have been transferred to indigenous populations are government lands. Therefore, the government is only doing now what it should have done years ago,” Aylwin said. “The government is not making any additional efforts to turn over lands to their legitimate owners.”

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