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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Associazione Comunita Papa Giovanni XXIII, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 February 2024]

* Issued as received, in the language of submission only.



Mapuche People and their Right to Live in a Clean, Healthy and Sustainable Environment

Associazione Comunitaria Papa Giovanni XXIII (APG23) appreciates the report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment on the country visit to Chile. Among the many challenges identified by the Special Rapporteur, those regarding indigenous peoples and their lands have a crucial relevance.

In this regard, we want to draw attention to the Mapuche people, the largest indigenous group in Chile, who over and over are affected by the increasing exploitation of their lands and natural resources conducted by business entities.

The Mapuche worldview is characterised by an unbreakable relationship with Mother Earth and nature, from which only what is necessary is harvested. In fact, according to Mapuche spirituality, in the natural world, every element has a soul, and everything is life. Such worldview makes indigenous people exceptionally vulnerable to environmental harm and exploitation.

Several testimonies collected on the ground show how business corporations have often operated in irresponsible ways, exploiting and contaminating the territory's natural resources and exposing local communities to hazardous substances.

Regrettably, undiligent corporate behaviour and practices are fostered by serious shortcomings in the Chilean legal and administrative frameworks aimed at protecting the environment and the rights of indigenous people, as well as by the lack of national enforcement of international environmental and human rights obligations.

Over the years, several industrial and business activities have increased productivity and richness, undermining ecosystem and biodiversity and leading to environmental degradation.

Forestry industries and extensive plantings, salmon aquacultures and industries, as well as the growing production of energy through the construction of hydroelectric power plants and wind farms, have negatively affected Mapuche's lands.

The plantations of exotic plants introduced to counter erosion and desertification resulting from intensive agriculture, have been transformed from an ecosystem regeneration system to an industry and export resource. Many indigenous ancestral lands have been used to plant non-native species, which grow faster, such as pine and eucalyptus; the uncontrolled exploitation of natural resources and the long-lasting forest extractivism have led to concrete consequences, such as soil deterioration, dryness and forest fires, harming local communities and destroying the surrounding environment.

Pines and eucalyptuses are planted in ordered rows by automated machines, they grow rapidly fed by chemical products and pesticides, and they consume great quantities of water, just to be cut and transported for kilometres. The last step prevents the soil from absorbing the nutrients deriving from the trunk's decomposition that is degraded, and impoverished, it acidifies, and aquifers progressively dry out, with radical effects that impact entire ecosystems and communities.

For instance, the Nahuelbuta region is one of the areas where historically the wood industry has had more success, whereas it is also one of the poorest regions of the country, where forestal fires are more frequent and unstoppable, where the national emergency for dryness has deprived entire municipalities of drinkable water and where the conflict with Mapuche communities and the militarisation against them are periodically reconfirmed.

The forest industry gains more and more, but the wealth is not reflected in the region and Mapuche communities. Their right to a safe, clean, healthy, and sustainable environment, the right to self-determination and to freely pursue their economic, social and cultural development are not guaranteed.

Similarly, the salmon industry is among the most relevant businesses in Chile, but its supply chain also has one of the most dramatic and negative impacts on the environment.

In this regard, we want to bring attention to the adverse impacts the salmon feed production has in Pargua, southern Chile, in the province of P.to Montt. Mapuche communities living in these lands have been suffering from several violations, especially in terms of disruption of lands, territories and resources. Indeed, the plants have affected and damaged the local ecosystem and the surrounding environment, through the continuous release of gases, vapours and oily liquids into the rivers, in the woods and in the sea. In addition, the deforestation of the land led to rivers drying up and, therefore, to a decrease in the amount of water available.

According to the testimonies collected, the environmental impact of such industry has been significant and has changed the physiognomy of rivers. The Allipén River whose water was once used in the daily life of the community, and where people used to learn to swim, is now contaminated and dried up. Moreover, Mapuche communities have denounced the lack of transparency and clarity from companies and local authorities during the assessment of the project's impact.

Mapuche protests are often unheard, but their struggle to protect lands and their natural resources and elements continues.

For almost 15 years the Mapuche communities have been fighting against the construction of two hydroelectric plants on the Pilmaiquen River, which flows on the border between the Los Ríos - Los Lagos regions, Osorno and Los Lagos.

The construction of the Osorno power plant would affect and probably flood sacred land in which an ancient Mapuche ceremonial site is located, called Ngen Mapu Kintuante. In January 2020, the Santiago Environmental Court upheld the complaint filed by the Mapuche local communities against such a project. Until now, despite the company's declaration to revise the project, the Ngen Kintuante dwelling has still not been returned to the communities.

Similarly, the Los Lagos power plant is being built on lands where pre-Columbian Mapuche archaeological remains as well as an ancient indigenous cemetery. Such power plant project will also have an impact on the biodiversity of the place, native species, the possibility of collecting medicinal plants, practising fishing, and in general it will restrict access to the Pilmaiquen River for Mapuche communities in the area.

While a judicial decision is awaited, the construction of the power plant is currently underway and it has been reported the high number of police contingents deployed to defend the company's construction site, as well as the frequent identity checks carried out on people. In addition, according to testimonies, a decrease in the river's water flow has been noted; this should mean that the hydroelectric plant is carrying out water filling and emptying operations.

It is imperative to underline how the impact on the environment due to the construction of the hydroelectric power plants would imply grave violations of fundamental social and cultural rights of the Indigenous Mapuche communities along with severe environmental degradation of such territories. In the same way, the project of construction of the San Andrés wind farm (Araucanía region) could lead to a massive environmental impact once realised. The company, without any consultation with Mapuche local communities, received approval to install 15 wind turbines of 235 meters each, in an ancestral territory inhabited by more than 30 Mapuche and non-Mapuche communities. Such project will cause perforation and desiccation of underground aquifers and have a destructive impact on both the natural landscape and birdlife.

Furthermore, the implementation of the project will lead to the confiscation of the ancestral lands, breaching the social and cultural rights of the Mapuche people. It is crucial to undermine that the questioned territories have been already inhabited by Mapuche communities who are conducting the long process of restitution of such lands.

“It is our duty to defend our land, and the defence starts from not allowing them to set up projects that only seek to maximise investors' profits, and produce more energy that benefits large multinationals, while we continue to pay increasingly expensive energy bills. We want our children and those who come after us to be able to move freely in such land, we do not want the wind farm”. (Mapuche activist).

The voice of the Mapuche community has to be listened to. The Chilean State has the legal obligation to respect the indigenous worldviews, to protect their identity and to preserve the environment. It is imperative to draw a new paradigm in which development, instead of being linked with the exploitation of resources and human rights violations, be aimed at “the constant improvement of the well-being of the entire population and all individuals”, as the UN Declaration on the Right to Development affirms in its preamble. In this regard, the Guiding Principle of Business and Human Rights provides a set of benchmarks to foster respect for human rights both by State and corporations.

Finally, Associazione Comunita Papa Giovanni XXIII (APG23) urges the Chilean Government:

- to ensure that the rights of indigenous people are always respected;
- to realise the full participation of Mapuche people in the decision-making process, guaranteeing free, prior and informed consent, according to the international legal framework.
