

## KNOWING THE IMPACTS ON THE INDIGENOUS PEOPLE

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### Abstract

*The indigenous people have turned into a relevant actor for the environmental evaluation in Chile after the entry in force of the new environmental Chilean law in the year 2010, however, the environmental evaluation is still very complex due to the fact that the indigenous people develop their traditional activities in the called "indigenous territory" that is a place that does not present a clear geographical limit and definition. The present investigation tries to deliver a solution route to this problem through a practical example where criteria are delivered to define in an independent and impartial way the real affectation of an investment project concerning the "Indigenous Territory" of the indigenous people. This investigation is especially relevant when the environmental Chilean legislation proposes that the state organism that must administer the environmental evaluation in Chile named "Environmental Assessment Service" can deliver juridical and technical precedents that the developer of a project must consider in order to evaluate the affectation concerning the indigenous people.*

**Key words:** indigenous people, mining project, impact assessment

### 1. Introduction

The environmental assessment on private property is relatively simple because it has clearly defined limits on which property rights to be affected were acquired by a third party must be mitigated, repaired and/or compensated according to the established in the environmental Chilean legislation. On the other hand, though the environmental assessment of the private indigenous property or "*Indigenous Land*" presents a suitable procedure defined by the new environmental Chilean legislation through the process called The Indigenous Consultation, in order to protect the rights of the original people through the incorporation of the criteria established in the Agreement 169 by the International Labor Organization.

A different case are the impacts in the "*Indigenous Territory*", a place that does not possess rights of property formally established, neither that it have a clearly delimited area but these in the past, present or in the future define the right to use this territory. The indigenous people define their "*Indigenous Territory*" with the different traditional activities such as the feeding of animals and the shepherding towards sectors with greater geographical height. The problem is when the developer of an investment project locates the project in some place and declares that it is not in the "*Indigenous Territory*" because he has never seen the indigenous people using this area, but on the other hand some members of the indigenous people disagree with the developer because they declare that in the past, present and in the future this area is used for cultural activities, therefore, an impact exists because their territory would be interfered.

In such cases the question in this investigation is: Is it possible to determine independently if an investment project affect an indigenous community that says use this territory even though it has not displayed an occupation in the territory?

To determine the effect that a project has on people and especially on indigenous communities is necessary to assess the activities that could be affected by the project through indicators. Bell and Morse (2001) distinguished three categories of indicators in this assessment:

- i) According to the form of measurement, can be **Quantitative or Numerical**, for example, the number of trips made to an area, and more **Qualitative or Subjective** based in the feeling of the people, for example, when the indigenous community reported to have changed their pastures;
- ii) According to the way of evaluation, can be **Explicit** if a clearly articulated and replicable definition, for example, when the vehicle number is measured in a pathway using a time unit, and **Implied** when the methodology is not clearly defined and is replaced by personal intuition, for example, when the indigenous people recognize that worsened air quality due to traffic by a mining road;
- iii) According to who defines the indicator, which can be **External**, experts who are not from the indigenous community define the indicator, or **Internal**, experts who are from the indigenous community define the indicator.

Bell and Morse (2001) inform that Quantitative - Explicit - External indicators (QNEE) have been widely developed mainly for its replication, however, they have not been used as a primary tool in policy and decision making. On the other hand, the Qualitative - Implicit - Internal indicators (QLII) are not well known, they are widely used in decision making.

## 2. Development of the methodology in a case study

The case study is a mining project presented to environmental assessment in the Environmental Assessment Service of the Atacama Region in 2011. The investment project is in the “*Maricunga*” basin located in the Atacama Region in Chile, geographically it is located 4,000 meters above sea level, and it is almost uninhabited.

**Fig 1. Area where the research was conducted**



Environmental Assessment Service (2012) based ON Google Earth.

In the Figure above the “Green” area shows the “Indigenous Land” that the Chilean Government gave to the indigenous people named “Collas” 1650 hectares. But, in the “Blue” area, we can see the “Indigenous Territory” according to the information from the “Collas” of this area. The problem is, when the developer of an investment project locates it in this area, and declares that it is not in “Indigenous Territory”, because he has never seen indigenous people in this area.

**Fig 2. Area where the research was conducted**



Environmental Assessment Service (2012) based in Google Earth.

The developer informed that the infrastructure of a mining project (like pits, heap leaching, dome, mining road, etc.) is near to the gully named “*Quebrada Villalobos*” and this infrastructure will not generate an impact to the indigenous people because the gully “*Quebrada Villalobos*” is not being used by indigenous people.

The Environmental Assessment Service employees and the developer inspected the areas where the infrastructure would be installed in August 2012. In this inspection the employees observed that this area has hills, and the only passage way from the West is the “*Quebrada Villalobos*” gully.

On the other hand, some members of the indigenous community disagree with the developer.

The Environmental Assessment Service employees made an inspection with the indigenous people of this area, to see the sectors that use them, in September 2012. In the inspection, the indigenous people demonstrated having a wide knowledge of the territory.

In the inspection the indigenous people informed that in the past; in the present and in the future the “*Quebrada Villalobos*” is used for cultural activities such as the feeding of animals and the shepherding towards sectors with greater geographical height (in this sector), therefore, an infrastructure in this area disrupts their free transit.

In the inspection, the indigenous people showed us the gully “*Quebrada Villalobos*”, ceremonial sites and “*pircas*” (the shelters of stone for the shepherding).

The indigenous people informed that for their shepherding activities; they need to use alternative gullies in order to reach the gully “*Quebrada Villalobos*” and finally the high mountains, for example, the gully named “*Quebrada Pastillos*”.

The interviews and inspections made by the Environmental Assessment Service employees with the developer of a mining project and the indigenous people, allowed to construct Qualitative - Implicit - Internal indicators to show the use of the indigenous territory. Such indicators would be most useful for those who must make decisions as noted by Bell and Morse (2001).

Finally, to know the real impact to the indigenous people, the Environmental Assessment Service employees made an individual inspection in this area, without the developer and the indigenous people.

The most important finding of this individual inspection was when they visited the “*Quebrada Pastillos*” gully for the first time.

This area has “*pircas*” shelters inside which the employees found elements that demonstrate the recent local use (like old shoes, plastic bottles, cans, etc.) Also they found camelid bones; therefore, these sectors could be used for hunting camelids named “*guanacos*” (*Lama guanicoe*). It was an ancient activity for the indigenous people in this area. Furthermore, the employees found other elements like a bottle in the “*pirca*” shelter at the “*Quebrada Villalobos*” gully.

**Photo 1:** “*Pirca*” shelter in “*Quebrada Pastillos*”



Environmental Assessment Service  
(2012)

**Photo 2:** Shoes and bone of camelid in “*Quebrada Pastillos*”



Environmental Assessment Service  
(2012)

**Photo 3:** Bottle in “*Quebrada Pastillos*”



Environmental Assessment Service  
(2012)

The employees observed that the route between the gullies inspected “*Quebrada Pastillos*” and “*Quebrada Villalobos*” was a 13 kilometers route and almost in a flat valley, therefore, it is simple to move between both gullies with animals.

All this information proves that the sector of the “*Quebrada Pastillos*” and “*Quebrada Villalobos*” being used presently by indigenous people for their traditional activities like, the shepherding of animals; therefore, an infrastructure in this area effectively disrupts their free transit.

### 3. Conclusion

- a. Formal or informal meetings and outings, with the actors involved in the environmental evaluation are very useful in making decisions in the impact assessment as noted Bell and Morse (2001).
- b. The inspections are not exclusive elements in the environmental evaluation that involves the indigenous people, because there are elements that cannot be verified in the inspections, for example:
  - i) A ceremonial site that seems not to be used in a long time; or
  - ii) The value of the territory for the indigenous people associated with their spiritual vision of the world named "*cosmovision*".
- c. It is very important that the developer considers very early knowledge about the indigenous people and the way it uses the territory.
- d. This procedure was created in order to identify the impacts early on the indigenous people, and to comply with the requirements of the new environmental legislation.
- e. Similar problems emerged in the area of the case study, but with other indigenous communities and investment projects. In all these cases the Environmental Assessment Service proceeded in a similar way, as explained before, and in some cases these problems had successful results through formal agreements between actors.

The formal agreements between the regional director of the Environmental Assessment Service in the Atacama Region with the leaders of three "*Collas*" communities (Pai-Ote, Diego de Almagro and Geoxcultuxial) have been performed in the "*Maricunga*" basin in 2013. Those examples demonstrate how the "*Indigenous Consultation*" emerged in the Atacama Region. A formal procedure created to comply with the 169 Agreement by the International Labor Organization (ILO).

### 4. References

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