

## **Environmental Citizen Participation as a Tool to Local Governance in Andean Territory Of The Arica And Parinacota Region, Chile. The Case of “The Pumas Manganese Mining Project”.**

### **1. An Introduction to the Environmental Impact Assessment System (SEIA) in Chile**

In the last few years the Environmental Institution has been changing in Chile. During 2010, Act 20417 is published, modifying the Law on General Bases of the environment N° 19.300, creating the Ministry of the Environment, the Environment Superintendence and the Environmental Assessment Service (SEA in Spanish). The Environmental Impact Assessment System (SEIA in Spanish) is the main tool established in the Environmental Legislation to predict and prevent impact of activities and projects that could have an important impact on the environment. This tool allows introduction of the environmental dimension in the design and implementation of projects and activities carried out in the country; through it, we can assess and certify that the initiatives, of both public and private sectors, are able to comply with the pertinent environmental requirements.

Depending on the magnitude of the Impacts derived from the activities there are two modalities: the Environmental Impact Study (EIA, in case any of the purposes, characteristics or circumstances described in Article 11 of the Law on General Bases of the Environment comes up) or as an Environmental Assessment Statement.

The experience of the participation process in the “Los Pumas Manganese” project will permit knowing how the first stages of project assessment in the region have developed, allowing identification of the community’s attitude towards the idea of the installation of the project and how social coalitions faced with the conflict have been formed, permitting in this way anticipating advances and limitations in favour of reaching processes of environmental governance in the region.

### **2. Environmental Citizen Participation in the framework of the SEIA**

In terms of Citizen Participation, the law presents innovative modifications: any natural or legal person can participate (previously, only directly affected people could participate); it will be possible to carry out new participation processes if projects have been subject to substantial modifications; the community will be able to submit Claim Resources if their observations have not been adequately considered in the Environmental Qualification Resolution and community participation in Environmental Impact Statements (Costa and Fuentes, 2011) is incorporated.

The SEIA has a Participation and Consultation process, which enables the community to submit observations, concerns or requests in relation to general and specific aspects of the Environmental Impact Assessment. Thus, the PAC (in Spanish) process considers three working steps between the SEA professionals and the community: 1) Presentation of the New Environmental Institution in Chile, emphasizing the environmental rights and duties of the community, and on the participation mechanisms considered in the EIA; 2) Presentation of the Project in assessment, through the publication of the EIA of the project and exhibition of the characteristics and scope of the project by the proponent, at citizens'

assemblies; 3) Thus, the citizens will have the basic tools to generate Citizen Observations, which are incorporated in the evaluation process and will have to be replied by the proponent in project explanation documents, called ADENDAs, and then taken into account when the project is qualified favourably or negatively by the Assessment Committee (consisting of the Regional Ministerial Secretaries, called SEREMIs).

There is a series of guidelines to promote participatory processes, among which are fundamental: the Right to Access Information, equity when it comes to the delivery of this information, permitting all actors to have access and comprehension of it, representation of all the actors involved respecting and valuing diversity, above all in the context of the Region of Arica y Parinacota, that has an important indigenous population, incorporation of the results of the participatory processes in the final decision of approval or rejection of the projects.

The Environmental Citizen Participation in the SEIA applies only to the information and consultation levels, as, according to the Law, the project holders or promoters are entrusted with giving appropriate and relevant information, so the community can obtain tools that permit them to generate well-founded observations and complains in case they have not been duly considered, establishing a bidirectional relationship between both parts.

The existence of the Citizen Participation Process implies a series of advantages, mainly that the citizens will know their rights or obligations in environmental matters, assuming commitments and obligations. Likewise, this process permits incorporation of the knowledge and proposals of the population, improving the quality of the projects, and moreover it promotes dialogue and exchange between the actors involved. Nevertheless greater connections between the observations expressed by the community in the framework of project assessment and the decision making at the end of the process remain pending, as well as the technical specificity of the EIAs, which makes comprehension of them by the citizens difficult (Armisen, 2008) and the non-existence of a citizens vote in the Assessment Commission that approve or rejects the projects.

### **3. Characterisation of the Andean territory in the Region of Arica y Parinacota**

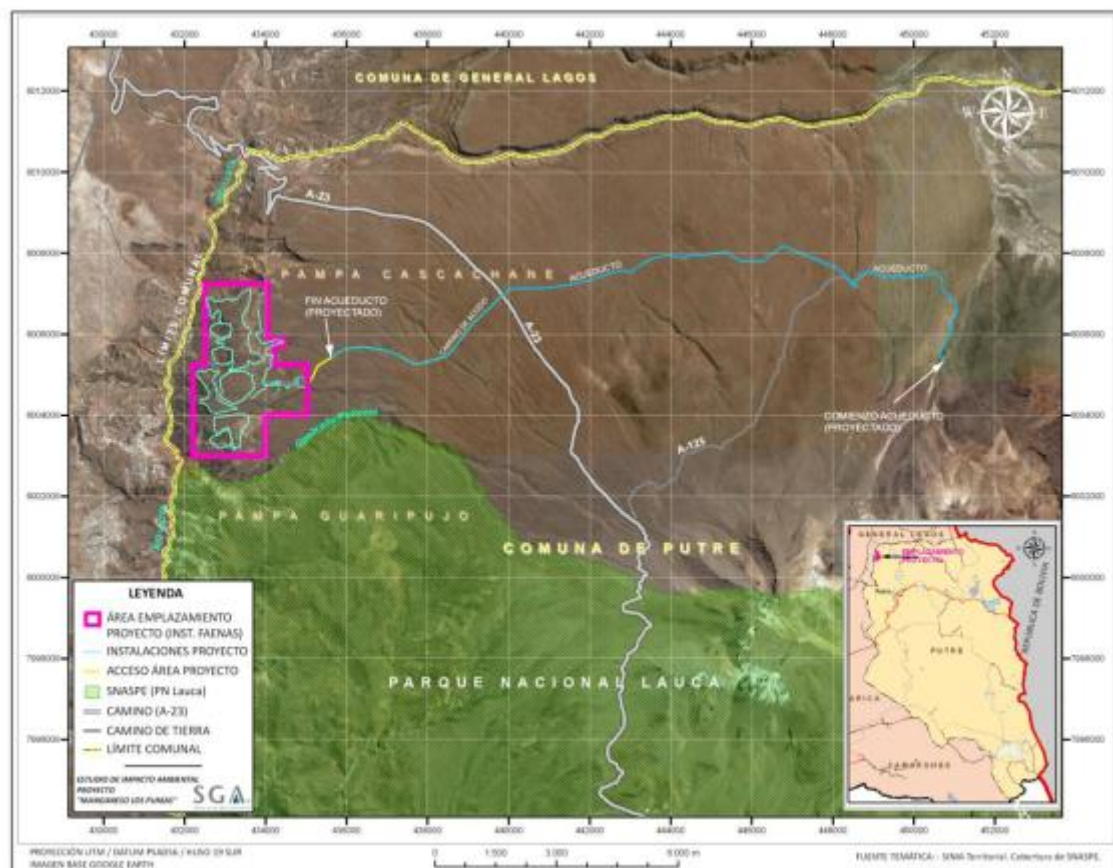
The region presents ecological heterogeneity related to the longitudinal constitution of the relief, showing a coastal strip formed by coastal headland and marine terraces, the Intermediate Depression, the sloping plains linked to sierras and the pre-Cordillera and the Andes Mountain Range and the Altiplano itself. Thus, the ecological strata of the pre-Cordillera and the Altiplano have historically been used by the Aymara people, for farm work and exchange. Here, ancestral and contemporary occupancy have formed a pattern of scattered occupancy in temporary livestock farming hamlets in the Altiplano, and occupancy centred in a village surrounded by farmland, in the pre-Cordillera.

In this environmental context is situated the Area of High Andean Indigenous Development (AID) Arica Parinacota, created in the year 2005, which covers the municipalities of General Lagos and Putre, province of Parinacota, and the higher part of the municipality of Camerones, in the province of Arica, constituting a territory ancestrally

inhabited by the Indigenous Aymara communities, whose historical background goes back to pre-Hispanic times. (UFRO, 2005)

#### 4. Participation process of the Los Pumas Manganese Mining Project

In August 2011, the Mining Company Hemisferio Sur enters the EIA of the Project “Los Pumas Manganese” located at 175 km from Arica, 35 km from the village of Putre and 8 km from the village of Coronel Alcérreca, in the municipality of General Lagos, in the Environmental Impact Assessment System for the fourth time. The total investment is 100 million dollars; it is expected to contract 431 workers during its useful life, which consists in exploitation and profit of a manganese (Mn) deposit, to be sold on international markets. Moreover, it contemplates improvements of Route A-23 (located within Lauca National Park) for transport of manganese concentrate to storage sites in the city of Arica. At present, the assessment process is suspended, given that the holder has applied for additional time to generate a report with answers to the questions and explanations of the public services participating in the assessment and to the citizens’ observations.



Source: SGA Consultores, 2011

The participation process has held 14 participation workshops in the localities of Arica, Putre, Visviri, Tacora and Parinacota, to which more than 62 local social and indigenous organisations were invited, 667 people, came to the workshops. The methodology consisted in presentations and answers the questions from participants.

The main motifs for the citizens' worries are the impacts that have not been considered adequately in the EIA: affectation of the waters of the Lluta river, alteration of the quality of life of the inhabitants of Putre because of the arrival of workers from outside the community, impacts on tourist and livestock activities, absence of data that permit carrying out a correct emission modelling. The inhabitants of the Municipality of General Lagos request extension of compensation measures to said municipality. Likewise, the indigenous communities show reluctance to the development of activities inside the ancestral territories, demanding carrying out of the prior consultation stipulated in Convention No.169 about Indigenous and Tribal Peoples in independence countries (International Labour Organization) that is a legally binding international instrument open to ratification, which deals specifically with the rights of indigenous and tribal peoples. This Convention was ratified by Chile on September of 2009. The principles of consultation and participation in Convention No. 169 relate not only to specific development projects, but also to broader questions of governance, and the participation of indigenous and tribal peoples in public life.

### **5. Moving towards governance in the Region of Arica y Parinacota.**

Distrust in the community, in case of mining projects, lies in the environmental consequences, which until today can be clearly seen, as a result of the extraction of sulphur from the higher sector of the basin of the Lluta River, whose environmental passives have never been treated. Likewise, the demands of the leaders of indigenous organisations to carry out the consultation established in Convention 169, become relevant, when investment projects are carried out on indigenous territory. As an example, during the month of October 2011 representatives of the Aymara People, present legal actions against the Regional Governor and the Regional Director of the SEA arguing that the project does not respect the right to live in an environment free of pollution, established in the Constitution, which puts the stay of the Aymara communities in their ancestral territory at risk. The project would moreover violate their right to be consulted previously, as establishes Convention 169 of the ILO.

This environmental conflict arise boosts participation of the local population (which in general does not stand out for its levels of active participation) using the instruments that offers the environmental institution (a mode of social control by the government) and added to the emerging of leadership (both positive and negative) and the social learning obtained, it has become the way the community expresses and organises itself, strengthening its identity and incidentally its social coalition (Yáñez, Mondrego and Ramírez, 2011). In this way, the processes of Environmental Citizen Participation contemplated in the EIAs could become a tool to achieve greater levels of governance in the region.

A fundamental requirement to initiate governance processes at regional level is recovering of participatory processes of the Aymara people, therefore the community participating in the participation processes (not only leaders and spokesmen) must access reliable environmental information. A way to do this is through the regional SEA team, as many conflicts derive from misrepresentation of information given by the own leaders and technical advisers of organisation.

In this way, it is necessary to combine different participation mechanisms, on one side formal participation through presentation of “citizen observations” of projects, according to Law 19300, and on the other side, informal participation (because of the way of formal participation) through demonstrations, but which not only submit demands to the authority, but also quite the opposite, that they are capable of submitting solution proposals. The combination of both mechanisms would permit constructive information exchange between social actors, public services and project holders. Likewise the CPP spaces would become dialogue spaces of generating networks and strengthening between different social, communal and indigenous actors from the Region, it has been considered the necessity to position the CPP in more isolated indigenous territories, where in general projects such as the aforementioned are located.

## **6. Conclusion.**

In short, the governance process aims at the formation of networks between actors, to lead a society. In this way, environmental management cannot be the responsibility only of the institutions created for this purpose, but is also the responsibility of the different actors, principally the communities located in project influence areas (who will receive its externalities, both positive and negative). Like this, the environmental governance can improve Environmental Impact Assessment systems, at a first stage, through citizen observations backed by the authorities and the citizens as a whole. After having taken this first step, it will be possible to advance in the democratisation of decision making and an empowered community participation insofar that it be certain that citizen observations have effective influence on the improvement of project design and on the adaption of mitigation and compensation in a way that is relevant to the regional reality, incorporating on the way, the rules established in Convention 169, achieving adequate inclusion of native peoples in decision making related to the development of their ancestral territories.

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