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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.

[22 August 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.

"The human rights to safe drinking water and sanitation of indigenous peoples: the situation of Mapuche people"

Associazione Comunitaria Papa Giovanni XXIII (APG23) welcomes the Report of the Special Rapporteur on safe drinking water and sanitation and wants to draw attention to the condition of the Mapuche people and to the human rights violations they are still suffering.

Historically, the Mapuche ("people of the land") lived in an area called, according to Mapuche tradition and cosmology, Wallmapu, which today can be defined as the South-Central part of Chile and Argentina. Since the Chilean occupation of the Mapuche land and its annexation into Chilean national territory (1861–1883), the indigenous communities have been involved in a political and military confrontation with the Chilean State. The so-called "Mapuche conflict" mainly concerns issues related to access to ancestral lands and the exploitation of the territory's natural resources.

Nowadays, the Mapuche, who represent about 12% of the Chilean population, are the largest indigenous group and the most disadvantaged and vulnerable community in Chile.

The connection of the Mapuche with Mother Earth is very strong and great is the respect for nature, from which only what is really necessary is harvested. In fact, according to the Mapuche spirituality, in the natural world every element has a soul, and everything is life.

The history of this people is a history of deep knowledge and unbreakable relationship with their ancestral land, but it is also a narration of abuses and oppressions; military occupations and persecutions taking place over the years, have contributed to making the Mapuche people the most discriminated, marginalised, and poorest community in the country. Many testimonies collected by APG23 volunteers show that discriminatory attitudes against Mapuche are still deeply rooted in Chilean society. Eventually, they result in the denial of indigenous cultural identity legitimised by State authorities and by the Chilean Constitution, which still refuses to recognize the rights of indigenous peoples, asserting the mono-ethnic conception of the State (1).

Accordingly, Mapuche ancestral lands are subject to increasing exploitation by business entities that often operate in irresponsible ways, contaminating the environment 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.

In the Araucania region, the growing need for electricity caused by the multinational forestry and industrialization companies has also led to the creation of several hydroelectric power plants, which have completely disrupted the ecosystems. The construction of new dams only further undermines the possibility of economic and social development of the communities for whom water is not just a commodity, but a generator of life, possessing its own spirit, the Ngen Ko, to which the Mapuche pray when the season imposes long periods of drought. If in winter a lot of water flows from the rivers, the same does not happen in summer and in a context of severe climate changes like the present one. Such conditions expose the Mapuche communities to the risk of being deprived of water, not to mention that the dams will be built so close to the houses that they will flood the sacred places of the communities. The Mapuche communities have no voice and are not consulted or questioned in the existing legislation, which fails to provide sufficient protection to the natural resources of the indigenous territory, and the compensatory policy towards them is not enough.

Particular attention should be paid to the case involving the Mapuche communities living in the territory of Curacautín (region of Araucanía), whose ancestral lands are exposed to

serious risks of contamination by the project to construct a geothermal power plant next to the Tolhuaca volcano (2).

The project consists of the construction of six exploratory wells at a depth of 1,500 to 2,000 metres for a total of 20 months of execution. Moreover, the same project involves plans to realise 35x35 meters drilling platforms, water and mud pools, a piping system that will connect the wells to the storage pools, the installation of the drilling machines and complementary equipment, a camp with a capacity of between 15 and 20 people that will have accommodation services, a restaurant and chemical toilets.

Such activities, despite being preparatory to the construction of the power plants, represent themselves a clear risk to the environment, as well as a serious threat to the human rights of the indigenous peoples of the territory concerned. In fact, as argued in a study by the French institute INERIS, deep geothermal explorations, such as the one at hand, might have serious negative impacts on people and the environment (3). More precisely, the exploitation of geothermal waters and vapours might cause surface contamination, especially due to their chemical composition and the high concentration of minerals, salts, and heavy metals (4).

According to our sources, the local communities had not been previously informed about the project. When they became aware of it, they immediately opposed the SEA's ("Servicio de Evaluación Ambiental") decision to authorise the explorations even without any consultation. In particular, the Mapuche communities highlighted that the area concerned by the project and the Tolhuaca volcano are sacred elements of their spirituality and culture, which are strictly related to natural elements of ancestral lands (5).

The impact on the environment would imply grave violations of fundamental social and cultural rights of the indigenous Mapuche communities living in the affected territory; in particular, the Tolhuaca volcano is a sacred element representing the place where the earth (Mapu) breathes (6).

The foreign interests that aim to grab resources on the Chilean territory are countless and from different entities, but all start from a single principle of exploitation of resources and eradication of small rural communities.

Instead of being protected and preserved, Mapuche's lands as well as natural habitat and resources keep being exploited, jeopardising natural surroundings as well as Mapuche's livelihood. Several Mapuche communities for years have opposed projects that undermine the ecosystem by destroying the environment and biodiversity. Among them, the Lafkenche community of Mehuín has been resisting for more than 20 years the construction of a drainage canal for a company that produces cellulose. The canal would discharge waste into the sea, destroying the entire economy of the community, which is mainly based on the activity of fishermen (Mehuín being a bay), and affecting the biodiversity of the place. The Williche community of Hornopirén is resisting the construction of a hydroelectric plant on the Rio Negro River. The project, although approved in 2010, was not communicated to the local community and the citizens, together with the Mapuche community, organised to oppose its implementation. Moreover, the opposition to the construction of the power plant is related to various human interventions of a commercial nature found in the area; for instance, intensive salmon farms that pollute water sources; the logging of "alerce" trees for commercial purposes, exploited by companies that have grabbed large tracts of land.

In conclusion, the Mapuche people's fundamental individual and collective rights, including the human right to safe drinking water and sanitation, could be seriously endangered by invasive exploration and construction projects in their ancestral land.

APG23 reaffirms that water is a universal common good, fundamental to the health and life of all people and "... access to safe drinkable water is a basic and universal human right, since it is essential to human survival and, as such, is a condition for the exercise of other human rights" (7).

- (1) A/HRC/48/NGO/129
- (2) <https://www.operazionecolomba.it/en/44-chile-mapuche/304-alberto-curamil-and-the-defense-of-volcano-tolhuaca.html>
- (3) INERIS (2017).. En: https://www.ineris.fr/sites/ineris.fr/files/contribution/Documents/DRS-16-157477-00515A-RAP-risques_geothermie-v19c-unique.pdf
- (4) Birkle et. al (2001). Available at https://inis.iaea.org/collection/NCLCollectionStore/_Public/29/032/29032344.pdf?r=1&r=1
- (5) <https://www.alianzatorrorialmapuche.com/2022/01/mapuche-dicen-no-planta-de-geotermia-en.html>
- (6) <https://www.ohchr.org/sites/default/files/documents/issues/toxicwaste/toxics-indigenous-peoples/inputsreceived/2022-07-13/APG23.pdf>
- (7) Pope Francis, Encyclical Letter, *Laudato si*, n. 30.