

Defending the Sea

Indigenous people in the Chilean coastal community of Mehuin are fighting against corruption, private property and corporate interests

Mehuin, a coastal fishing port and resort town in southern Chile, is located at the mouth of Lingue river in the the province of Valdivia of the Los Rios Region. The territory is shared between Chilean inhabitants and the Mapuche Lafkenche community. Local people partly live off fisheries activities of extraction and cultivation of

one side, we have the interpretation of big business and one segment of the artisanal fishermen who claim historic property rights over the exploitation of marine resources. On the other are the claims of the Mapuche Lafkenche to customary rights to the ownership, use and cohabitation with marine resources—that is, over everything that comprises the coastal marine territory. These two positions are based on arguments found in national laws such as the Fishery Law, as used by the artisanal fishermen and big business, and the Lafkenche Law, as interpreted by the Mapuche Lafkenche communities.

However, although the presence of artisanal fishermen may be historic, they were not the first users of the sea from a resource management perspective. The accounts sent to the authorities, which relate to the process of submitting requests from the indigenous communities for coastal marine areas, within the framework of the Lafkenche Law, show that the communities have been using the resources and coastal marine areas for hundreds of years. These indigenous coastal communities have made rational use of resources rooted in the relationship between coastal communities and nature, as well as links with other indigenous communities from the interior.

Historic users

Hence it's not right to say that the artisanal fishermen are the first of historic users of the sea. I am a fisherman, but I must tell the truth, I can't hide it: the communities, the indigenous people were the first, then came artisanal fishermen.

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molluscs, and harvesting seaweed. Subsistence agriculture, barter with other indigenous territories and communities, and tourism are the other main livelihood activities carried out by most of the Mapuche Lafkenche people.

A rich marine diversity thrives in the area as a result of the nutrients available in the large estuary of the Lingue river, whose huge tidal fluctuations ensure productivity. The area's resources are not only exploited by artisanal fishers and the Lafkenche communities, but also by the fleet of artisanal purse-seiners of the los Rios region and the vessels of the large industrial fishing fleet that violate the fishing zones, and take valuable pelagic and demersal resources.

In recent years, the community of Mehuin have had to deal with differing interpretations of how property rights apply both to resources and to marine areas. On

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The Lafkenche Law 20.249 has included aspects of rights that apply to the coastal zone, the resources, and exchange between coastal and land-locked communities. The Law considers the establishment of the coastal space for indigenous communities who must also demonstrate that they have had use of the resources. They must first establish that fact, following which comes the next stage of the management plan. They must establish that not only are they the title holders, but also users who can access this space. The users may not only be the indigenous communities, but also the artisanal fishermen and others, such as communities from the interior, who come only at certain times to the coast to gather shellfish, seaweed or to fish from the shore.

The Law says that coastal marine spaces can be established in areas where no demarcated spaces have been established legally previously. In order to establish a coastal marine space for indigenous communities, they must send in a request with a geographical plan (“geo plan”) certified by the competent authorities (Subpesca), who will review whether there is any other legal claimant to the area concerned.

Following this, the authority sends a proposal for the coastal space, which must be outside any other space that is already legally established, such as management areas or aquaculture or beach concessions that have already been legally established. Various highly unreasonable interpretations have arisen, for example, that the law deprives an artisanal fishing sector of the right to work. Such a view is divorced from the reality of the law, whose spirit is strictly for the protection of natural resources.

In the Los Rios Region various threats have arisen from the different interests at play. First of all, artisanal fishing was so entrenched that the Lafkenche Law could not be applied, given that areas existed where the semi-industrial fleet catching sardines and anchoveta was operating. Besides,

the Valdivia river is a vast area for salmon farming, where around 19 salmon concessions have been approved.

In the Mehuin zone there is another source of damage—a 35-km discharge pipe for industrial wastes from a cellulose plant. The Celulosa Aracuco Company (CELCO), which is part of the Angelini business group with investments in forestry, energy, mining and fisheries, does not wish to use the sea for tourism, but simply as a dumpsite for its wastes.

All this makes it difficult to establish a coastal marine space for the indigenous people of the Los Rios Region. The policy of the government is geared towards benefitting companies and large conglomerates. The organs of the State—the Marine Subsecretariat and the Fisheries Subsecretariat—are restricting the applicability of the Lafkenche Law. They have left out of purview of the Law, rivers and lakes navigable by vessels of over 100 gross registered tonnage (GRT), including in the Lingue river. This contravenes the provisions of the Law, which stipulates coastal marine spaces as assets and maritime concessions for indigenous communities. The Lafkenche Law can be interpreted to mean that coastal marine spaces for indigenous communities will be determined by

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Fishing boats in Queule creek, Chile. Local people partly live off fisheries activities of extraction and cultivation of molluscs, and harvesting seaweed

the area necessary to ensure the exercise of the customary use rights of indigenous people.

It is also possible to interpret the Law to change the meaning of customary rights and move towards private property rights. This is happening in the form of transforming these spaces into concessions or areas that can be mortgaged. There are examples of this taking place in salmon farming, where the law has been changed to allow for the owners of these aquatic concessions, which are national assets for public use, to be able to mortgage them as guarantees against credit from the banks. This can be made to happen under this Law or under the Fisheries Law.

One segment of the artisanal fishery has sided with such destructive corporate behaviour, which seeks to modify the legal framework in place. The links between a fisheries association in Mehuin, the Ferepa Federation of BioBio, with CELCO, are designed to transform the maritime

zones into chemical waste dumps, in exchange for vast sums of money.

However, the leaders of the Sea Defense Front in Mehuin were very alert and knowledgeable about the law. They could check one of the syndicates that was operating in cahoots with CELCO, and succeeded in keeping the management area open.

Banks are also pushing for marine areas and fishery resources to be transformed into cash-generating, transferable assets. Once transferability comes into force, user rights to areas and resources will be undermined.

Government functionaries in the Araucania Region have proposed that the coastal strip be established as an "AAA" (Area Apt for Aquaculture), which aims to privatize the sea in the shape of concessions, which are transferable and can be mortgaged. Meanwhile, the genuine artisanal fishermen and the Mapuch Lafkenche communities have remained vigilant to ensure that the management areas continue to be used for the purpose for which they were established.

In the 1990s CELCO began to obtain the various permits for construction of the waste duct. The Navy turned a blind eye to this development, and refused to give us answers to queries on the studies being made, the vessels used, their crew and professional expertise. Despite our questions, the Environmental Impact Assessment was taken forward on the basis of false data. Worst of all, our community was brutally split by a company, in connivance with the government and through threats of violence, which turned our own comrades against us.

Human rights

We have brought all of this to the notice of the InterAmerican Commission for Human Rights, pointing out that the passage of the waste duct, especially in and around Puringue, takes it through the middle of a Mapuche cemetery and through a place where Nguillatunes, the main ceremony of the Mapuche people, is celebrated. This is a clear transgression of the cultural and

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Boris Hualme Milano, spokesperson for the Marine Defence Committee. Artisanal fishermen of Mapuch Lafkenche remain vigilant to protect their rights



Mapuche ceremony on Mehuin beach. Indigenous communities have been using the resources and coastal marine areas for hundreds of years

human rights of indigenous communities as enshrined in the International Labour Organization (ILO) Convention 169, which dates to 1989 and deals specifically with the human rights of indigenous peoples.

What is more, these communities and all those who defended the coastal maritime territory were never consulted about the CELCO project as is obligatory under articles 6 and 7 of the ILO Convention 169. Once we had exhausted all the possibilities of appealing to the Chilean State, we had no option but to approach the InterAmerican Commission for Human Rights.

Despite over 15 years of vociferous opposition to the damaging project, and the appeal to the InterAmerican Commission on Human Rights, CELCO continues in its bid to install the waste duct, by also co-opting the artisanal fishermen of Mehuin. The company is also applying pressure on the organs of the State not to implement the Lafkenche Law that guarantees coastal marine areas for the indigenous people.

Yet, despite everything, the defence of the sea must be viewed from the perspective of those indigenous communities who live by

the sea. Even as corporate interests seek to undermine the law, we, as indigenous communities, continue to push forward, defending the sea. ♣

For more



www.noalducto.com/

No al ducto de Celco en Mehuin

www.mehuín-celco.blogspot.com/

Mehuín en Pie de Guerre

en.wikipedia.org/wiki/Celulosa_Arauco_y_Constituci%C3%B3n

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centrodedocumentacion.wordpress.com/2010/04/08/mehuín-y-la-aprobación-del-ducto-de-celco/

Mehuín Community and CELCO

www.ipsnews.net/news.asp?idnews=55509

Fishing Villages Turn to Int'l Justice in Fight against Waste Duct