

Chile

Mapa político



NATIONAL APPROACHES TO ENVIRONMENTAL JUSTICE

THE CASE OF CHILE

How is
environmental
justice
understood in
Chile?

- Main environmental justice problems
 - Disproportionate/unequal environmental burdens: SACRIFICE ZONES
 - Disproportionate/unequal environmental benefits: ACCESS & USE OF WATER AND NATURAL RESOURCES
 - Public participation in environmental decision-making

“SACRIFICE ZONES”

- TOCOPILLA, ANTOFAGASTA
- HUASCO, ATACAMA
- QUINTERO-PUCHUNCAVI, VALPARAISO
- CORONEL, BIO-BIO



ACCESS & USE OF WATER



FISHERIES

INDIGENOUS LANDS



PUBLIC PARTICIPATION IN ENVIRONMENTAL DECISION-MAKING

- Weakness and absence of proper tools for public participation in environmental impact assessment
- Weak or no intervention of civil society (communities) in determining uses of natural resources (problems in governance).



EVOLUTION

- From a concept or idea to a legal principle
- Environmental justice rules and guidelines



CONSTITUTIONAL RESPONSE

- 2022 Proposal of a New Constitution/ Constitutional Convention
- 2023 Proposal/Experts Commission





LEGISLATIVE RESPONSE

- **CLIMATE CHANGE FRAMEWORK LAW 2022**

- **Equity and Climate Justice:** *it is the duty of the State to seek a fair allocation of burdens, costs and benefits, safeguarding the ability of future generations to satisfy their own needs, with a gender approach and special emphasis on sectors, territories, communities and ecosystems vulnerable to climate change. Climate justice seeks the fair treatment of all people, as well as avoiding the discrimination that certain policies and decisions that seek to address climate change may entail*

POLICY RESPONSE

- **JUST TRANSITION?**
 - ***DECARBONIZATION PLAN***
 - ***LITHIUM***
 - ***GREEN HYDROGEN***





SOME EXAMPLES OF EJ RULES & GUIDELINES FOR DISTRIBUTION OF ENVIRONMENTAL BURDENS IN CHILEAN DOMESTIC ENVIRONMENTAL LAW & POLICY

- PROGRAM FOR ENVIRONMENTAL AND SOCIAL RECOVERY (PROGRAMA PARA LA RECUPERACION AMBIENTAL Y SOCIAL, PRAS, 2017)
- STRATEGIC ENVIRONMENTAL ASSESSMENT (2015) FOR LAND USE PLANS
- ENVIRONMENTAL IMPACT ASSESSMENT (CUMULATIVE AND SYNERGISTIC IMPACTS, LEGAL REFORM PROPOSAL 2024)
- ENVIRONMENTAL ENFORCEMENT: PRIORITY FOR INSPECTION IN VULNERABLE TERRITORIES (GUIDELINES); ADDITIONALITY IN COMPLIANCE PLANS (LEGAL REFORM PROPOSAL, 2024)

SOME EXAMPLES OF EJ RULES & GUIDELINES FOR DISTRIBUTION OF ENVIRONMENTAL BENEFITS IN CHILEAN DOMESTIC ENVIRONMENTAL LAW

PREFERENTIAL OR PRIORITY USE OF WATER (HUMAN CONSUMPTION & ECOSYSTEM PRESERVATION, WATER CODE 2022)

AREAS SET ASIDE FOR SPECIAL INDIGENOUS USES OF NATURAL RESOURCES (ECMPO, INDIGENOUS COASTAL MARINE SPACES, 2008)

AREA OF THE SEA SET ASIDE FOR ARTISANAL FISHING (FISHERIES LAW, SINCE 1992)

SOME EXAMPLES
OF EJ RULES FOR
PARTICIPATION IN
ENVIRONMENTAL
DECISION
MAKING IN
CHILEAN
ENVIRONMENTAL
LAW

ESCAZU REGIONAL AGREEMENT ON ACCESS TO
INFORMATION, PUBLIC PARTICIPATION AND
JUSTICE IN ENVIRONMENTAL MATTERS (2022)

ENVIRONMENTAL IMPACT ASSESSMENT SYSTEM
(LEGAL PROPOSAL FOR ANTICIPATORY
PARTICIPATION AND PROJECT ALTERNATIVES,
2024)

INDIGENOUS CONSULTATION (2013)

CONCLUSIONS



ENVIRONMENTAL JUSTICE IN CHILE IS EVOLVING FROM AN IDEA TO A LEGAL STANDARD (DIFFERENT LEGAL PROCESSES IN COURSE)



ENVIRONMENTAL REGULATIONS DO NOT OFTEN INCLUDE RULES THAT CARE FOR THE PROBLEMS OF UNFAIR DISTRIBUTION OF ENVIRONMENTAL BURDENS AND BENEFITS BETWEEN COMMUNITIES AND RELEVANT STAKEHOLDERS; RECOGNITION OF VULNERABLE COMMUNITIES; OR MEANINGFUL INVOLVEMENT MECHANISMS



DEFINITION OF NATURAL RESOURCES USES ARE DETERMINED WITHOUT AN ENVIRONMENTAL GOVERNANCE MODEL WHICH INCLUDES COORDINATION BETWEEN RELEVANT STAKEHOLDERS AND EQUITY IN ALLOCATION

CONCLUSIONS



STILL, THERE ARE SOME EXAMPLES OF ENVIRONMENTAL JUSTICE RULES AND GUIDELINES THAT CAN BE IDENTIFIED IN CHILEAN ENVIRONMENTAL LAW AND POLICY, THAT CONSIDER ITS DIFFERENT DIMENSIONS



THEREFORE ENVIRONMENTAL LAW IN CHILE IS IN THE PROCESS OF ESTABLISHING AN OBLIGATION TO INCLUDE CERTAIN RULES THAT CONSIDER ENVIRONMENTAL JUSTICE ELEMENTS AND APPLY TO THE ENVIRONMENT AND NATURAL RESOURCES