

# Catchment Management and Mining Impacts in Arid and Semi-Arid South America

Project Brief 14



## Legal Aspects and Policy Options in Sustainable Management of Arid and Semi-Arid Catchments with Mining Activities in Chile

### Introduction

The CAMINAR Project is an initiative co-funded by the European Commission within the 6<sup>th</sup> Framework Programme. Its general objective is to contribute to the establishment of policy options, management strategies and technologies for the sustainable management of ecosystems in river-basins of arid and semi-arid South America which are subject to impacts from mining.



Mining is an activity of great relevance in Chile, representing a major proportion of its exports. However, the main part of the mining activity in Chile is carried out in the arid to semi-arid north and central part of the country. Thus, problems have emerged related to the distribution and use of water resources.

### Legal and Policy Issues

With regards to the issues of interest for the CAMINAR project, there are several overlapping regulations and laws on the use of water resources, the development of mining activities, and environmental protection. Besides, the centralization of the country around the capital obstructs the political, administrative and financial management of the Regions.

Moreover, there are initiatives of great importance still under parliamentary discussion, such as the Glacier Law and the Mining Closure Plan Law. Also, the currently existing Environmental Law is under review and will probably be modified.



The Tapado glacier, Coquimbo region  
Photo by Antoine Rabate, CEAZA

Although there is a wide diversity in regulations related to mining, environment, and water resources in Chile, it is also true that there are still some deficiencies in the legal system that must be corrected. On the other hand, it is important to highlight that Chile is the South American country that has signed most free trade agreements. Indeed, Chile already has Trade Agreements with more than 37 countries and country unions, including USA, Canada, European Union, China, Central America, and Mexico. This situation allows us to foresee an increasing pressure for the implementation and use of clean and environmentally friendly practices in the productive processes, as well as a higher concern on and control of environmental pollution. Mining activities, often carried out with foreign capital and investments (most of them from countries with which Chile has signed these agreements), are not exempt from these issues and pressures.



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#### Regional Water Round Table

At a local level (Coquimbo Region), the Water Round Table (Mesa del Agua) arises as an activity of the Regional DGA (Chilean Water Authority) as a consequence of the concerns expressed by local stakeholders about water resources availability and management. Thus, a collaborative work has been carried out to explore solutions to the conflicts amongst all the users.

Despite of the Mesa del Agua being an activity independent of CAMINAR, it has been coordinated in its first stage by CAZALAC, and subjects of great importance and pertinence to the project have been included into the discussion.



Up to date, two meetings of the Mesa del Agua have been carried out. The first one was aimed at exploring the expectations of the stakeholders about the Mesa. They stated as first priority that the Mesa should be able to generate policies and strategies at the regional level for water resources management, allowing the participation of all sectors. Also, it was defined as a key aspect that state policies regarding water resources should be promoted taking into account the particular characteristics of each macro-zone of the country.

Also, it has been highlighted that the Mesa should be an opportunity to promote education, capacity building and outreach on the responsible use of water. Additional aspects mentioned include increasing stakeholder involvement in the process of water management and its control, as well as talking about the possibility of nationalizing the water. All these aspects are taken as possibilities.

Another issue is related to the possibility of transforming the Mesa del Agua into an opportunity to avoid conflicts, or to solve them in their early stages of development. An additional aspect is related to the collection and publication of information about water resources at a regional level. Finally, it was mentioned that the Mesa should be linked to other participative initiatives.



In the second meeting, oriented at the identification of actions required to maintain the interest and participation of stakeholders and to secure a permanent implementation of this opportunity, the following specific issues were identified as areas of interest: water balances; organization of the Mesa del Agua; hydrological risk management of drought and floods events; establishment of groundwater users associations; transparency, information and capacity building; working strategy.

#### More information:

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