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FEATURED Q&A

Will Chile's New Constitution Assert Indigenous Rights?



Chile's Indigenous groups have pushed for greater rights in the country's new constitution. // File Photo: International Work Group for Indigenous Affairs.

Q Chilean lawmakers in December approved a measure to reserve for Indigenous groups 17 of the 155 seats on the body that will rewrite the country's constitution. How significant is the legislation in terms of Indigenous representation in Chile's political system? What are the most important issues pertinent to Indigenous peoples that are likely to be prioritized in the constitutional redrafting process? What are some potential points of contention that could come up when discussing such topics, and what compromises may have to be reached?

A Verónica Figueroa Huencho, associate professor at the Institute of Public Affairs at the University of Chile: "Chile has a republican tradition based on the existence of a nation-state model that has served to exclude Indigenous peoples, ignoring our character as nations pre-existing to the state and denying our representation in public spaces and power spheres. In fact, the struggle to achieve our participation in the current constituent process found us in a very precarious institutional situation, especially in terms of recognition of rights, because although the Chilean government ratified the United Nations Declaration of Indigenous Peoples (2007) and the ILO Convention 169 (2008), institutional and legal adjustments have not been generated to favor our adequate political representation. That is why as Indigenous peoples we understand the historical importance of putting in the constitutional debate the demands and proposals we have defended for years. Among the issues to be prioritized are the explicit recognition

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TODAY'S NEWS

POLITICAL

Nicaragua Essentially Bans Opposition From Election

Nicaragua's Congress, which is controlled by allies of President Daniel Ortega, gave the longtime president the power to unilaterally designate citizens "terrorists" and ban them from running in elections.

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ECONOMIC

Strike Halts Some Argentine Farm Exports

A strike by grains inspectors and oilseed workers has prevented the loading of agricultural goods onto more than 100 cargo ships in Argentina.

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POLITICAL

Rio de Janeiro Mayor Arrested on Graft Charges

Marcelo Crivella, the outgoing mayor of Rio de Janeiro, was arrested in connection with an alleged bribery case. He denies wrongdoing.

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Crivella // File Photo: City of Rio de Janeiro.

POLITICAL NEWS

Nicaragua Essentially Bans Opposition From 2021 Election

Nicaragua's Congress, which is dominated by the party of longtime President Daniel Ortega, on Monday approved a law that essentially bans opposition candidates from running in the country's 2021 presidential election, the Associated Press reported. The law gives Ortega's government the authority to unilaterally declare Nicaraguan citizens "terrorists," label them "traitors to the homeland" and ban them from running in elections. Ortega has already used those terms to refer to virtually all of his opponents. Among those Ortega has so labeled are people who participated in anti-government protests that erupted in 2018 and left at least 328 people dead, EFE reported, citing the Organization of American States' Inter-American Commission on Human Rights. Hundreds of people were arrested during the protests. Nicaragua's penal code also establishes prison terms of as long as 15 years for "terrorism" and "treason," EFE reported. The measure that lawmakers passed prohibits any candidates "who lead or finance a coup ... encourage foreign interference, ask for military intervention ... pro-

pose or plan economic blockades, applaud and champion the imposition of sanctions against Nicaragua or its citizens," the AP reported. Juan Sebastián Chamorro, the leader of the Alianza Cívica opposition coalition, said Ortega should be the first one to be banned from running under the new law, the AP reported. "The one who they should apply this law to is Daniel Ortega, for all the human rights violations he has committed and the damage he has done," Chamorro said in postings on social media. Nicaragua's presidential election is scheduled for Nov. 7, 2021. Ortega has already exceeded the country's term limits for president, but he is nevertheless expected to run again. Also on Monday, the U.S. government sanctioned three Nicaraguan officials over their support of Ortega's government. The U.S. Treasury's Office of Foreign Assets Control said the sanctioned individuals were Nicaraguan Supreme Court of Justice Vice President Marvin Ramiro Aguilar García, National Assembly Deputy Wálmaro Antonio Gutiérrez Mercado and Fidel De Jesús Domínguez Álvarez, a chief of the Nicaraguan National Police in León. "President Ortega and his regime prioritize personal gain and power over Nicaraguans' calls for reform," said Treasury Secretary Steven Mnuchin. "This administration remains committed to targeting the Ortega regime by seeking out and exposing those who continue to suppress the democratic will of the Nicaraguan people." The sanctions

NEWS BRIEFS

Colombia's Vaccination Campaign Won't Include Undocumented Migrants

Undocumented Venezuelan migrants in Colombia will not be part of the country's mass vaccination plan against the novel coronavirus, President Iván Duque told local radio station Blu Radio on Monday. The exclusion is necessary to avoid "a call to stampede, where everyone crosses the border to be vaccinated," Duque said, Agence France-Presse reported. Duque recently announced Colombia had secured 40 million doses of vaccines against Covid-19. There are an estimated 1.7 million Venezuelans living in Colombia, of which around 55 percent are undocumented.

At Least 47 Killed in Costa Rica After Drinking Adulterated Alcohol

At least 47 people have died over the past two months in Costa Rica after consuming alcoholic beverages adulterated with methanol, the Health Ministry said, the Tico Times reported Monday. Since October, the ministry has recorded 89 cases of suspected methanol poisoning, of which 47 resulted in death. The Judicial Investigation Police has seized more than 16,000 suspicious products and inspected 706 establishments in San José and nearby cities in connection with the incidents.

ExxonMobil Reaches Production Target in Guyana's Stabroek Block

ExxonMobil has reached its production objective of 120,000 barrels per day (bpd) at its Liza 1 well on Guyana's deepwater Stabroek block, following delays due to technical issues earlier this year, Argus Media reported Monday. The company reached the output target a year after production started. Exxon now plans to expand Guyana's offshore flows to 750,000 bpd by 2026, according to the report.

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of a plurinational and intercultural state, the recognition of our character as pre-existing nations, the commitment to promote our rights to self-determination and autonomy and the recognition of linguistic and cultural rights, among others. Likewise, advances in recognizing the Earth as a subject of rights is an important subject. The installation of these demands will not be easy, because in Chile there is still much ignorance about Indigenous peoples. However, we hope to have the support of a constitutional convention made up of members from social, feminist and independent movements who empathize with our demands. The two-thirds

quorum defined to reach agreements will not be easy, but Chileans have promoted this constitutional reform and have supported us in obtaining reserved seats."



Salvador Millaleo, advisor at Chile's National Institute of Human Rights: "Until now,

Indigenous peoples have been persistently excluded from the political system, in which they have no representation as a people, at any of its levels. Now we have a great opportunity for change due to the incorporation of seats reserved for Indigenous peoples (17 out of 155) in the constitutional

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block property and interests in property that the individuals have in the United States.

Mayor of Rio de Janeiro Arrested on Graft Charges

Rio de Janeiro state police today arrested outgoing Mayor Marcelo Crivella in connection with an alleged bribery case in which he is accused of heading a criminal group, Folha de S.Paulo reported. The state's public ministry is investigating Crivella and 25 others in the case, including on charges of money laundering, as well as active and passive corruption, the newspaper reported. Among others arrested was businessman Rafael Alves, who allegedly promised government contracts in exchange for payments, according to police and prosecutors, the Associated Press reported. Alves has never held public office, but his brother was the head of the city's tourism office and reportedly frequently met with Crivella. Alves is accused of being the person who decided which companies would be awarded contracts as part of the kickbacks scheme. Crivella, an evangelical pastor seen as close to Brazilian President Jair Bolsonaro, is scheduled to leave office as Rio's mayor on Jan. 1 after losing a re-election bid to his predecessor, Eduardo Paes, the AP reported. Jorge Felipe, the president of Rio's city council, will take office while Crivella is jailed. Crivella has denied wrongdoing and said his arrest came because of his willingness to fight corporate interests. "I am the mayor who most fought corruption," he said as he walked into police headquarters in Rio de Janeiro.

ECONOMIC NEWS

Strike Prevents Ships From Loading Farm Goods in Argentina

A strike by grains inspectors and oilseed workers in Argentina is preventing the loading of agricultural goods onto more than 100 cargo

THE DIALOGUE CONTINUES

Has AMLO Picked the Best Person for Economy Minister?

Q Mexican President Andrés Manuel López Obrador this month named his former campaign manager, Tatiana Clouthier, as his new economy minister. The appointment was seen as an effort to help López Obrador's government repair its strained relations with Mexico's business community. How much will Clouthier be able to help López Obrador mend ties with business groups, and what should she do to achieve that? What will the coming year bring in terms of government policies that could affect the private sector and business climate? Which industries are the Mexican government's policies helping, and which sectors are struggling under López Obrador's administration?

A Luis de la Calle, managing director of de la Calle, Madrazo, Mancera SC and former under-secretary for international trade negotiations in Mexico's Economy Ministry: "Tatiana Clouthier arrives as head of Mexico's Economy Ministry at a very challenging time. First, her main task will be to regain investors' lost trust. Mexico has experienced negative gross capital formation numbers every month since November 2018; this is the longest streak of falling real investment in decades. This lack of trust springs mostly from misgivings about domestic public policy. Financial markets (the peso and the stock exchange) do not reflect the negativity, due to the record lax monetary policy from the U.S. Federal Reserve. This ample liquidity masks economic policy mistakes

that, under different circumstances, would have resulted in sharp devaluations of the Mexican peso. Second, Clouthier's main audience will be Andrés Manuel López Obrador. She is probably the only person that could convince him that if Mexico positions itself as attractive for investment (this requires logistics, including border crossings, airports, ports, rail, energy, technology and the rule of law), it would help diversify Chinese risk, and it would lead to unprecedented investment flows. This is a tough task, but Clouthier has the access and the will to potentially make it happen. Third, she needs to work toward a smooth implementation of the USMCA, including avoiding unnecessary trade frictions. This is crucial, both to lock in the economic direction of the country and to ensure a more rapid recovery after Covid-19. Finally, she must become the bridge between the incoming Biden administration and López Obrador in topics that can be seen as shared benefits for both countries: economic integration, jointly taking on economic challenges from China, drafting an economic development plan for northern Central America and rebuilding multilateral economic bodies. Keys for her success are a vision for North America and Mexico's participation in it, as well as a strong team. Mexico has a formidable cadre of trade experts whom she should use and trust."

EDITOR'S NOTE: The comment above is a continuation of the Q&A published in the Dec. 18 issue of the Advisor.

ships in the South American country, Reuters reported Monday. The strike, which has lasted nearly two weeks, came as contract talks between workers and export companies broke down over disputes about compensation. "The

strike continues without any expectation that negotiations will restart over the short term," Gustavo Idígoras, the head of the CIARA-CEC export companies chamber, told the wire service.

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convention, where all the people of the country will be represented. This opens great possibilities for Chile to address its debts with Indigenous peoples. For Indigenous peoples, the guarantee of internal self-determination is a priority, establishing a mechanism to install Indigenous territorial self-governments, according to their needs. Indigenous representatives must also be guaranteed in parliament, in regional governments and in municipalities. Other Indigenous claims will be to enshrine the right to Indigenous consultation and customary law in the constitution. It is also necessary to guarantee the rights to ancestral lands and access to natural resources in Indigenous territories, as well as rights to one's own language, and other cultural rights. Without a doubt, one of the most complicated issues will be the recognition of Indigenous territories and the rights of communities to their lands, due to the economic interests involved in them. It will also be complex to strengthen the right to a healthy environment; Indigenous peoples will seek to strengthen it to ensure the duties of the state to care for natural balances. I believe that it is on this last issue where greater commitments can be reached, because of the environmental crisis."

A **Sergio Bitar, nonresident senior fellow at the Inter-American Dialogue and former Chilean senator and minister of mining, education and public works:** "In 2020, for the first time in Chile's history, citizens approved by means of a plebiscite an initiative to draft a new constitution and replace the current one, which was imposed during the dictatorship. It will do so by electing a constituent assembly in April, made up of equal numbers of men and women. In addition, it will include 17 representatives

of 10 Indigenous ethnic groups. The 2019 social protests will greatly influence the assembly's work, as will the experiences of the pandemic, which has exacerbated social inequalities. Since Chile's return to democracy in 1990, the rights of Indigenous peoples have progressed in institutional matters as well as in land, water, technical support, ed-

“The degree of autonomy will be the touchstone.”

– Sergio Bitar

ucation and language during the Aylwin, Frei, Lagos and Bachelet governments. Unfortunately, reforms aimed at establishing the constitutional recognition of these peoples, promoted during these governments, were rejected by conservative parties (two-thirds of votes in Congress were required for the reforms to pass). Consequently, two pending issues still dominate the debate: constitutional recognition and land ownership in the Araucanía region, where the majority of the Mapuche ethnic group lives. What will be the main dispute? It will be the concept of the 'plurinational state,' because it may involve different forms of territorial autonomy, customary law, reserved seats in parliament, new institutions, participation and consultations, and the use of natural resources. The degree of autonomy will be the touchstone. We hope that the results will be positive, and that agreements will be reached to reinforce nondiscrimination and enhance the dignity of native peoples."

The Advisor welcomes comments on its Q&A section. Readers can write editor Gene Kuleta at gkuleta@thedialogue.org.

LATIN AMERICA ADVISOR

is published every business day by the Inter-American Dialogue, Copyright © 2020

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Latin America Advisor is published every business day, except for major U.S. holidays, by the Inter-American Dialogue at 1155 15th Street NW, Suite 800 Washington, DC 20005

www.thedialogue.org

ISSN 2163-7962

Subscription inquiries are welcomed at ebrand@thedialogue.org

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