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Emily Kawahigashi

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# *Mega-Development Projects in Chile and Nicaragua: Social Costs and the Future of Indigenous and Human Rights*

Emily Kawahigashi, International Studies

Faculty Mentor: Serena Cosgrove, PhD

Faculty Content Editor: Nova Robinson, PhD

Student Editor: Jane Kidder

## Introduction

In Latin America, a postcolonial reality of ethnic and cultural exclusion is often exacerbated due to neoliberal policies, which focus on individual market growth and promote export-oriented economies. These policies often benefit only a select few while oppressing historically marginalized communities (Stocks 89-90; Stavenhagen 17-19). Latin American countries, disadvantaged due to their colonial history, often attempt to gain quick entry into the neoliberal global economy by pursuing mega-development projects.

These projects, such as dams, bridges, and canals, may boost economic growth and attract foreign investors; however, they also exhaust natural resources, permanently damage the local environment, and reduce biodiversity (Oliomogbe and Smith 617-618; Ishizawa 58-59). As a result of dominant neoliberal ideologies in Eurocentric and postcolonial states, governments tend to view resource-rich indigenous land as untapped potential for developmental goals, which often leads to appropriation of indigenous land. Indigenous peoples must then defend themselves against government and corporate-led development strategies that do not accommodate their values, lifestyles, and identities (Stavenhagen 18-19). The usual result is unjust exploitation and marginalization of indigenous peoples.

To examine these processes in depth, this paper analyzes the construction of Chile's Ralco Dam and the planned Nicaraguan Interoceanic Canal. The actions that led to each of these mega-development projects violated national and international law, resulting in the infringement of indigenous rights. Applying a postcolonial framework, I argue that these mega-development projects erode traditional and spiritual indigenous lifestyles and incorporate indigenous peoples into a state they do not identify with. I will then propose a bottom-up empowerment strategy based on the wealth of indigenous culture and knowledge to combat future marginalization of indigenous communities. This strategy will be supported by the top-down role of international multilateral institutions and civil society organizations.

## Conceptual Framework

*Postcolonialism*: Existing inequalities and conflicts in Latin America can only be understood through a postcolonial framework that takes into account the region's history and current political, social, and cultural climate. Colonial legacies have shaped how postcolonial policies center on the exploitation of natural resources, and these legacies are perpetuated by neoliberal strategies of export promotion (Cosgrove, "Who Will" 6). The colonial history and "historical, economic, and political forces that shape a given society" have constructed a reality for indigenous peoples that denies their human and collective rights (Cosgrove, "Who Will" 8).

In Latin America during the 1970s and 1980s, neoliberal and macroeconomic policies generally accompanied the transitions from repressive authoritarian rule to democratic regimes (Richards 9). "[Neoliberal] reforms entailed establishing an export-based economic strategy, opening the economy to international investment, eliminating trade barriers, privatizing state industries, devaluing the currency, and replacing universal social services with programs targeting particularly needy sectors" (Richards 9). Typically, these reforms strove to enhance the market and individualism within a narrow concept of development. States such as Nicaragua and Chile were caught inside this "standard box of development solutions" (Richards 79).

Foreign direct investment (FDI), defined as the "private capital flows in the form of multinational firms purchasing or opening...new subsidiaries outside the home economy," began to stream into Latin America to finance neoliberal developmental projects (Montero 55). There is evidence that "countries with poor human rights records tend to collect more FDI" (Montero 55). This collection results from the stability that a strong government can provide to foreign investors, which is sometimes accomplished through oppression or corruption. The influx of foreign money was generally directed towards financing public and private sector projects, which were then tailored to fit Eurocentric economic regulations, requirements, and priorities. As export-based economies in Latin America have generally focused on the exploitation of raw materials, indigenous territory has become especially valuable to foreign and state interests.

Chile and Nicaragua both operate within this postcolonial framework as both states have been subject to colonization, exploitation, imperial intervention, and economic manipulation. The colonial history of direct exploitation, and its resulting postcolonial economic dependency, limits Chile and Nicaragua to achieve "contemporary development" only by accepting neoliberal development policies. To implement such policies, the states adopt colonial priorities by

capitalizing on indigenous communities in order to reap the resources necessary for economic growth. Despite stark contrasts between Chile and Nicaragua's political structures, international relations, national incomes, and timing for launching their respective mega-development projects, colonial legacies have exhibited similar effects in both countries.

*Mega-Development Projects:* Foreign-funded mega-development projects are often marketed by Eurocentric states to periphery states as methods of entering the global economy by strengthening internal infrastructure and fostering international relationships with elite and affluent global actors. By definition, mega-development projects take more than a decade to construct, cost more than a million dollars, and utilize immense resources (Oliomogbe and Smith 618). Mega-development projects must adhere to national and international laws, which require nonaffiliated third parties to appraise and address potential risks of the project (Kumaraswamy 54-55).

However, mega-development projects are often seen as controversial and are understood to be "realistically non-viable," meaning that these projects are marketed as feasible but may not come to fruition without significant environmental, economic, and social costs. Additionally, due to their political nature, these projects may not serve the "best interest of the public" (Oliomogbe and Smith 618-619). Too often these infrastructure projects are not properly assessed and overseen, resulting in the violation of human and environmental laws and rights. This violation leads to the hyper-marginalization of already marginalized communities and the degradation of the environment within the host state (Ishizawa 59-60). Therefore, the rise in foreign-funded mega-development projects has a direct correlation to the economically-dependent positions of postcolonial countries.

## **Historical and Cultural Context**

*Indigenous Peoples and their Rights:* Indigenous peoples in Latin America have a history of resistance to the exclusion they have faced, beginning with colonial rule and continuing with postcolonial practices. Indigenous rights movements have generally been "rooted in the struggle for identity, representation, and cultural reproductions, as well as control over resources" (Larson 228). Until recently, indigenous demands have been ignored or branded as obstacles to "contemporary development," but international advancements for indigenous rights, headed by indigenous voices in the United Nations and other international legal entities, have sparked conversations and studies on indigenous rights (Stocks 89-91). These studies culminated in the United Nations' adoption of the Declaration on the Rights of Indigenous Peoples in 2007. The United Nations identifies indigenous peoples as having "historical continuity

with pre-colonial...societies," maintaining a "strong link to territories and surrounding natural resources," having "distinct social, economic, or political systems... [and] distinct language, culture, and beliefs," "form[ing] non-dominant groups of society," and "resolv[ing] to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities" ("Who are Indigenous Peoples?").

However, indigenous rights are not consistently upheld as "it takes more than paragraphs in a document to change 500 years of colonial and postcolonial practice" (Stocks 86). Despite the binding ratification of the Convention 169 of the International Labour Organization, which states that indigenous peoples have the right to be consulted prior to any developmental plans related to their land, the pursuit of neoliberal development routinely leads to the appropriation of indigenous land in violation of the Convention.

*History of Chile and the Mapuche:* Chile's development goals have excluded the indigenous Mapuche populations (Carruthers and Rodriguez 2-5). Comprising 10% of Chile's population, the Mapuche are the third largest indigenous group in South America, numbering 1.2 million people (Nesti, "The Mapuche" 2). The Mapuche were historically a nomadic people who migrated in accordance with the seasons and the availability of resources; thus, many aspects of their culture are based on their relationship with native forests, forest spirits, and communal land rights (Cosgrove, "Who Will" 7-8). Their ecological knowledge is therefore vast but largely misunderstood outside of their communities (Herrmann 392-394).

Indeed, the Mapuche have faced various forms of racial, political, and economic discrimination since the formation of the Republic of Chile. Around 79% of the Mapuche population has been forced to leave the countryside and abandon their traditional lifestyles for economic opportunity in the cities (Cosgrove, "Leadership" 118). These migrations to urban centers have decreased the number of Mapuche maintaining traditional ways of life. Postcolonial racial tensions and economic policies commonly result in the assimilation of Mapuche, leaving the few Mapuche who do fight for indigenous rights buried in poverty.

The fact that the Mapuche were conquered by the Chilean nation rather than the Spanish Empire has shaped the Mapuche view of the Chilean state as a colonial power and subjugator of their people. In the early twentieth century, Chilean governments distributed stolen Mapuche land to forestry and agricultural enterprises that pushed the Mapuche into less than 5% of their original land. The presidencies of Eduardo Frei and Salvador Allende from 1964 to 1973 restored 172,000 acres of Mapuche land, but the military coup and subsequent regime of General Pinochet halted this restoration.

In 1979, Pinochet enacted decree 2.568, which opened Mapuche lands to privatization through subsidies, tax breaks, and land concessions in order

to break up traditional communities and attract investments in Chile's timber industry. The regime tried to force Mapuche to identify as Chileans and assimilate into Chilean culture. One effort in assimilation was the limiting of indigenous landowners to no more than fifteen acres, which effectively dismantled their traditional nomadic lifestyles (Carruthers and Rodriguez 5). This discrimination and retraction of Mapuche rights continued until 1993, when the return of democracy allowed the Aylwin administration to sign the Indigenous Law, which gave the Mapuche the minimal right of legal recognition as an indigenous group (Nesti, "The Mapuche" 13).

The Chilean Indigenous Law of 1993 also created an indigenous fund for land redistribution and economic development. These funds were accompanied by the establishment of the National Indigenous Development Corporation (CONADI), a legal entity responsible for enforcing the Indigenous Law and supporting indigenous development. The corporation board is made up of 17 members, eight of which are elected by indigenous communities (Tomaselli 158). The creation of CONADI appeared to be a politically responsible move by the Aylwin administration, but it forced the Mapuche to adapt to a modern democratic political system that did not align with their spiritual leadership and traditional community hierarchical systems (Nesti, "Indigenous Peoples" 119). Additionally, CONADI has been forced to concede many cases related to land, water, and political participation rights "if they adversely affect state priorities and macro-economic plans" (Cosgrove, "Leadership" 119). These unsuitable approaches to settling agreements with the Mapuche persisted and climaxed with the controversial construction of the Hydroelectric Ralco Dam.

*History of Nicaragua and the Rama:* The state of Nicaragua was established in 1838 following over 300 years of colonization by the Spanish and British (Sánchez 10-11). However, the territory along the Atlantic Coast was not conquered during the fifteenth century Spanish invasions and remained fairly autonomous under British protectorate rule until 1893 when the Nicaraguan president José Santos Zelaya annexed the Atlantic Coast under the central Nicaraguan government (Rivera). During this time, the Nicaraguan government first allowed transnational corporations, backed by United States funding, to exploit the Atlantic Coast's natural resources (Rivera). In 1979, the Sandinista government took power with a socialist vision of uniting all of Nicaragua through assimilatory, nationalistic policies. This vision of ethnic unity caused an indigenous counterrevolution, a separate counterrevolution from the United States-backed, anti-socialist Contra militant groups. The combination of the two counterrevolutions against the Sandinista government eventually ended in negotiations for ceasefire with government recognition of ethnic diversity in indigenous and Afro-descendant communities as one of the outcomes (Sánchez 11-12).

The end of the counterrevolution and subsequent negotiations paved the way for Nicaragua's 1987 Constitution, which included the Autonomy Law responsible for granting the Northern and Southern Caribbean regions the right to self-administration and natural resources (Stocks 88; Sánchez 11-12; Larson 230-232). Currently, the North Caribbean Coast Autonomous Region (RACCN) and South Caribbean Coast Autonomous Region (RACCS) remain virtually independent of the central government with little to no basic infrastructure connecting the Western and Eastern Nicaraguan coasts. The two autonomous regions make up more than 50% of Nicaragua; however, only ten percent of the population lives in these regions (Sánchez 10).

These autonomous regions are also home to the majority of Nicaragua's indigenous and Afro-descendant populations (Larson 230). Numbering only a few hundred, the Rama people are one of the recognized and protected indigenous groups on the Atlantic Coast who have a communal land title to 4,843 square kilometers (Ortiz 48; Liedel). The east and west coasts of the country communicate so rarely that the Rama, as well as other indigenous and Afro-descendant groups, still refer to those who live on the East Coast as "the Spaniards" (Johnson). The Rama are considered the "Guardians of the Forest" and remain strongly connected with the rainforest and their sacred sites (Paija). The Rama maintain their livelihoods through traditional means of subsistence and transportation (Liedel; Paija). Because of their historical exposure to different languages, the Rama are able to communicate in Spanish, English, and some of their native language<sup>1</sup> (Paija). Unfortunately, due to their isolation and small population, there is little research has been conducted on the Rama way of life.

## **Risks of Mega-Development**

Free, prior, and informed consultation is required by law for all actions involving indigenous territory in both Chile and Nicaragua; however, both states have chosen to abuse state power to pursue foreign-funded projects dependent on the relocation and assimilation of indigenous communities and the exploitation of natural resources. Both the Ralco Hydroelectric Dam and the Nicaraguan Interoceanic Canal demonstrate that rule of law is often disregarded "when the interests of powerful domestic elites and transnational corporations collude to achieve a particular development objective" (Orellana 10). Both mega-development projects were approved due to the prioritization of state and foreign economic and political interests. As a result of the prioritization, the presidential administrations of both Chile and Nicaragua employed their control over state elites to circumvent national laws protecting indigenous rights. This political technique is a recent manifestation of a



long-term postcolonial practice: government-led internal colonization of the Pehuenche in Chile and the Rama in Nicaragua. In this sense, postcolonialism refers to the climate that encouraged the Chilean and Nicaraguan government to adhere to Eurocentric methods of development.

*Chile and The Ralco Dam:* In 1994, Empresa Nacional de Electricidad (ENDESA), a multinational electricity company announced a six-dam project along the BíoBío River (Lindsey 75). Four of these dams were to be located along the upper BíoBío on indigenous land claimed and owned by the Pehuenche, a subgroup of the Mapuche (Aylwin 5). The Pangué Dam, the first of the six-dam project, began construction in 1990 and was completed in 1994. Pangué is said to have flooded 1,200 acres, which forced the relocation of at least 100 Pehuenche. Because the approval for the dam was granted prior to the ratification of the 1993 Indigenous Law, the Pehuenche had no say in the construction of the dam, and little research exists about how its construction impacted the environment and surrounding local communities. Additionally, Pangué also preceded the passing of the Environmental Law in 1993, which would have required the creation of an Environmental Impact Assessment as well as approval from the National Commission on Environment prior to construction (Lindsey 76).

The Pangué dam was meant to function as part of a two-dam hydropeaking system and could only become fully effective following the construction of its sister dam, Ralco (Aylwin 6). The Ralco dam would retain water in a large reservoir and release water into Pangué's lower reservoir depending on electricity demands, creating an artificial flow fluctuation, whereas Pangué would release water at a consistent rate (Person 15-18). The linkage between the Pangué and Ralco dams was kept from the Chilean public and stakeholders until after the construction of Pangué (Lindsey 76). The Ralco Dam is situated 27 kilometers north of the Pangué Dam and had an investment of \$500 million with the capacity to generate 570 megawatts of power. Additionally, the dam flooded an area of 8,650 acres, seven times the size of Pangué (Aylwin 6). The two sister dams produce some 12% of Chile's national electricity. The Ralco dam was built in the span of seven years from 1996 to 2003 (Lindsey 77-78).

The passing of the Indigenous Law and the Environmental Law in 1993 meant that the process of approval for the Ralco Dam had to adhere to new social and environmental standards. Though both laws passed, the central government rendered them ineffective. The Indigenous Law mandated that indigenous lands could not be sold to non-indigenous owners without the approval of CONADI who refused to allow the sale of indigenous Pehuenche lands to ENDESA. As a result of this stance, two Mapuche CONADI directors were fired by the Chilean president, and a non-indigenous director was appointed, and subsequently approved the sale (Lindsey 79).

The 1993 Environmental Law required that ENDESA submit an Environmental Impact Assessment (EIA), which would then be approved by an independent source. Even though EIAs did not become legally mandatory until 1997, ENDESA did agree to carry out an environmental assessment, which was then rejected by more than 20 public agencies that analyzed the proposal's compliance with the law. The 20 rejections of the environmental assessment were overruled by President Frei's administration, and the mega-development project was cleared for construction (Aylwin 8-9).

The Pehuenche were not notified of the plan to construct a second dam until the concession for the mega-development project and the sale of Pehuenche land had been approved. ENDESA, now free to bargain for Pehuenche land, created the Pehuen Foundation as a bargaining chip. The Pehuen Foundation aimed to work with Pehuenche communities to develop social and economic programs that focused on tourism, artisan goods, and community infrastructure. Additionally, ENDESA conducted individual consultations that offered families new land, houses, employment, monetary compensation, and alcohol (Aylwin 9). Many of the Pehuenche state that they were promised compensation verbally, a culturally trusted method of communication. However, these verbal promises were not reflected in the contracts they signed, which went unnoticed by many Pehuenche who did not know how to read (Radwin). The manipulation of information resulted in the majority of Pehuenche families signing away their land. Of the 675 residents that had to be relocated, 500 were Pehuenche, and seven families refused all negotiations with ENDESA. In April of 2002, however, President Lagos approved the Commission of Good Men, which assigned a value to the remaining Pehuenche land and gave ENDESA the right to forcefully buy the land from the seven families (Lindsey 77-78). Shortly after in 2003, the dam became operational.

*The Nicaraguan Interoceanic Canal:* In June of 2013, President Ortega signed Law 840, the Special Law for the Development of Infrastructure and Nicaraguan Transport in relation to the Canal, Free Trade Zones, and Associated Infrastructure. Law 840 gave Hong Kong Nicaraguan Development (HKND), a Chinese infrastructure development firm, the rights to finance, construct, and operate an interoceanic canal for 50 years with an additional renewable 50 years. The law allowed HKND to appropriate any land needed for the canal, even if the land was not on the canal route, giving HKND the right to appropriate indigenous and environmentally protected land (Acosta, "El Impacto" 1-2).

The Nicaraguan Canal is projected to cost \$40 billion and will be the largest earth-moving mega-development project to date (Condit 1). Stretching 278 kilometers long, the canal will be three times the length of the Panama

Canal. The proposed depth and width of the canal would make the locks 10 meters deeper and 28 meters wider than the expansions being made in Panama (Conti 70). Furthermore, the waterway through Lake Nicaragua needs to have a depth of 27.6 meters, but since Lake Nicaragua only has a depth of 15 meters, excessive dredging will be required in order to accommodate larger ships (Conti 70).

Almost the entire Atlantic coast of Nicaragua is comprised of legally recognized and protected indigenous territory. In 1987, Nicaragua recognized the Constitutional Articles 5, 89, and 180, which recognized indigenous communities and guaranteed these communities the right to develop in ways that maintain their culture, language, and any form of communal land ownership. Law 28, the Statute of Autonomous Regions of the Atlantic Coast of Nicaragua, recognized regional autonomy, and Law 445, Law of Communal Ownership of Indigenous Peoples and Ethnic Communities of the Autonomous Regions of the Atlantic Coast of Nicaragua and of the Rivers Boca, Coto, Indio, and Maíz, gave indigenous and ethnic communities the right to legal representation and participation (Acosta, “El Impacto” 6-7). Additionally, these indigenous lands could not be legally sold or seized under the concept of “pueblos originarios,” or original communities recognized by the government in 2014 (Acosta, “El Impacto” 7). Though these laws supposedly protect the rights of indigenous communities, the Nicaraguan government signed the concession to HKND prior to consulting with environmental and indigenous groups. Law 840 states that even the consent of previous laws such as Law 28 and 445 “no serán requeridos para El Proyecto o Sub-proyecto,” which translates to “are not required for the canal project or its sub-projects,” thus rendering the laws inert (Acosta, “El Impacto” 9).

International standards from the United Nations Declaration on Indigenous Rights, Convention 169, and the American Convention on Human Rights, all of which have been signed and ratified by Nicaragua, mandate that development projects that impact indigenous lands must have free, prior, and informed consultations before any concession is made (Acosta, “El Impacto” 9-11). However, public consultations were only made after the passing of the law in mid-2014 after the desired route for the canal had been established (“Public Consultations Overview” 1-2). HKND and the Nicaraguan government argued that accurate consultations could not be made until the route was decided (Acosta, “El Impacto” 10-11). Public consultations only occurred in six public centers: San Miguelito, New Guinea, Bluefields, Polo de Desarrollo, Rivas, Isla de Ometepe and Managua, and did not target the local populations that lived along the canal route.

The consultations about the canal began on July 21, 2014 and lasted for nine days (“Public Consultations Overview” iv). The Public Consultations Overview, released

by HKND, states that stakeholders attending the consultations felt there was a lack of detailed information especially in relation to construction procedures. One attendee from Managua suggested that consultations should “expose the negative impacts of the Project, not only the favorable points” (“Public Consultations Overview” 20). Additionally, there were complaints that “[attendee] questions were not answered clearly, and that the event should have taken place much earlier, not when the concession had already been granted” (“Public Consultations Overview” 16).

With 52% of the canal route encroaching on indigenous territory, many indigenous communities have taken legal action (“International Human Rights Clinic joins fight”). More than 30 concerned groups, ranging from indigenous communities to environmental groups, filed complaints immediately after the law was passed to the Supreme Court of Nicaragua (Meyer 3). However, the Supreme Court dismissed all the challenges on the basis that Law 840 was passed “with a wide majority and because the major development project took precedence” (Liedel). In June, 2014, Dr. María Luisa Acosta, an indigenous human rights lawyer for the Rama, filed a complaint to the Inter-American Commission on Human Rights (IACHR) who then issued a request to the Nicaraguan government for proof of adequate consultations with local and indigenous communities (Liedel). The date by which the Nicaraguan government must respond has remained confidential.

The canal route exits into the Atlantic Ocean, bisecting the Rama territory. The traditional Rama village of Bangkokukuk Tai, home to the last fifteen native Rama speakers, will be destroyed for the construction of a deep-water port (Acosta, “Análisis” 7-8). The construction and operation of the canal will have widespread and unknown impacts on the rest of the territory. With fewer than 1,500 Rama remaining, these potential impacts could completely shatter their way of life. The canal would cut off northern and southern Rama communities, who, with their traditional wooden canoes and motorboats, would be unable to cross the port, severing communal ties (Baldi 38). Despite HKND and government claims to break ground in late 2016, no information has been revealed about compensation and relocation plans for the Rama or for other indigenous, Afro-descendent, and Nicaraguan communities that will be affected by the canal.

*Impact on Indigenous Peoples:* Though Latin America is home to approximately 40 million indigenous peoples who belong to almost 600 indigenous groups, the region has a history of indifference to, and oppression of, indigenous needs where states “deliberately discouraged the formation of ethnic consciousness...as a part of the nation-building process”; additionally, exclusionary practices and discriminatory social discourses have deterred indigenous peoples from identifying as indigenous (“Indigenous Peoples in Latin America”; Madrid 33). These mega-development projects pose a greater threat to indigenous communities due to a collective history of colonialism that indigenous communities share as they are repeatedly made invisible and oppressed by postcolonial practices.

“La tierra no le pertenece a una persona, sino que las personas, como conjunto, pertenecen a la tierra, que los acoge y alimenta” (“Ralco le cambio la vida de los Pehuenches”). This translates to “the earth does not belong to one person, but the people as a whole belong to the land that it hosts and feeds.” The land taken from the Pehuenche and the land that could be taken from the Rama signifies more than just property. Indigenous peoples’ identity and spirituality hinges on their relationship with the land and resources; if removed from their land, indigenous peoples lose the foundation of everything that makes them who they are. In the case of both the Ralco Dam and the Interoceanic Canal, the impacts on the indigenous communities cannot be assessed without a comprehensive understanding of the environmental impacts on indigenous land (Antkowiak). Because the environmental impact assessments for both projects were deemed inadequate, either by review agencies or by national and foreign environmentalists, the impacts on the land and, by extension, on indigenous culture are impossible to measure.

In preparation for the construction of the Ralco Hydroelectric Dam, the Pehuenche were given the choice of relocating to three different communities by ENDESA: El Barco, El Huachi, and Santa Laura (“Ralco le cambio la vida de los Pehuenches”). El Barco is situated 1,000 meters above sea level and is covered with snow for the majority of the year; El Huachi has no traditional forests and therefore impedes indigenous traditional lifestyles; the last location, Santa Laura, is located 85 kilometers away from the other communities and would further distance the Pehuenche families from each other (Nesti, “Indigenous Peoples” 128-133). The Pehuenche were eventually relocated to El Barco as a part of ENDESA’s relocation plan, which “included a new house with electricity for each family on land appraised for more than the property they had lost, farm animals and a corral to hold them, as well as a small, open-top hut for keeping a continuous fire” (Radwin).

More than a decade later, many Pehuenche are still waiting for ENDESA to compensate them for the loss of their land. Promises of free electricity, new community infrastructure, and continued assistance on behalf of ENDESA have not been fulfilled. Furthermore, the houses where the Pehuenche were relocated are equipped with modern, Western amenities such as electricity and running water, forcing indigenous families to abandon their traditional lifestyles (Radwin). The community is witnessing a decrease in cultural practices due to the difficulty of pursuing traditional ways of life. Even if the Pehuenche wished to travel down to the Ralco reservoir, ENDESA and the Chilean government have made the area surrounding the dam and reservoirs private, denying indigenous communities access to the land (Aylwin 12). The Rama face a predicament similar to the Pehuenche. While no concrete information has been released about relocation or compensation policies, the Rama can expect to be subject to similar conditions of land dispossession and poor compensation.

## Policy Recommendations

*International Multilateral Institutions and International Civil Society Organizations*: “Who’s going to do it? We have no money.” These are the words of Dr. María Luisa Acosta, a renowned Nicaraguan attorney who represents the Rama and other indigenous groups in the fight against the Nicaraguan Interoceanic Canal. This was Acosta’s response when I asked her if she believed that local resistance could stop the construction of the canal. Despite significant dissent in the country to the construction of the canal, the protesters are unable to influence Ortega’s government, and Acosta’s response highlights the gap between indigenous peoples and the state government that international multilateral institutions and civil society could fill.

This gap represents the top-down strategy for indigenous empowerment, a strategy which calls on influential international actors and entities to open the way for indigenous empowerment. While the push for indigenous rights must originate from the bottom, powerful international bodies should support advances and ally with indigenous movements. “In the future, governments will be more accountable [for circumventing law] and can be exposed for corruption” (Antkowiak and Carozza). Responsibility for defending human, indigenous, and environmental rights can now fall to “international human rights bodies, multilateral institutions...and even non-governmental organizations” (Bryan 222) “as indigenous rights and agendas...are now incorporated within development policies and projects of the World Bank, the Inter-American Development Bank, the European Union, and numbers of bilateral aid agencies” (Andolina 2). In Chile, domestic and international attention on the Ralco Dam brought about political and social tension and pressure, and a friendly settlement courtesy of the Inter-American Commission on Human Rights mandated that the Chilean government adopt policies and promises to protect indigenous peoples and their resources.

In Nicaragua, the canal project has been temporarily detained, in part by the loss of funding, but also due to the protests occurring along the proposed canal route and in the international arena. This dissent has triggered a reaction in the international community, significant enough that the Inter-American Commission and Court have begun to hold seminars about potential environmental and human rights violations. In the future, international pressure can help to ensure that future projects do not go unregulated. These forms of international pressure are known as the chief techniques and resources of international civil society organizations and multilateral institutions. In this unique space, multilateral international institutions and international civil society organizations provide top-down support to secure indigenous rights while monitoring government actions and ensuring that national and international laws are not broken.

The rise of indigenous civil society organizations has been coupled with an increased collaboration with international legal institutions. In 2001, for example, the Inter-American Court of Human Rights (IACHR) ruled in favor for the case of *Awas Tinghi Mayagna*, an indigenous group in Nicaragua. This landmark decision internationally recognized the cultural and historical ties indigenous communities have to their land as “a material and spiritual element which they must fully enjoy, even to preserve their cultural legacy and transmit it to future generations” (Hooker 304).

These international institutions and organizations have given indigenous movements access to “material resources and media access of international networks” (Fischer 3). This avenue has provided the indigenous movements with a source of international media attention in support of their fight for justice and recognition in international human rights courts. In February 2016, another indigenous community won a human rights case through the IACHR. Bauxite mining, undertaken by foreign corporations with state permission, had invaded the *Kaliña* and *Lokono* indigenous communities’ territory in Suriname.

The IACHR ruled that the state of Suriname must “delimit, demarcate, and title” the indigenous land on the basis of an American Convention of Human Rights violation (“Indigenous Peoples in Latin America”). In recent years, renowned and respected legal institutions such as IACHR have evolved their jurisprudence to include indigenous rights, which has set a precedent for how state governments must interact with indigenous communities. However, multilateral institutions and civil society organizations of Eurocentric origin must be aware of their approach to assisting indigenous communities as they risk being “influenced by the culture and political climate in which they [are based]” and unknowingly perpetuating postcolonial attitudes (Cosgrove, “Leadership” 128). In order to justly approach the multifaceted dilemma indigenous peoples face, these multilateral institutions and civil society organizations must reflect on their own positionality, not only on their origins in metropole states, but also on their own position of power as international representatives of indigenous movements.

These international actors endanger indigenous peoples if they authenticate the exclusion and marginalization of indigenous peoples in their actions and court rulings, effectively dismantling the intent of the top-down strategy. Additionally, international organizations that claim to represent indigenous interests abroad may misinterpret the indigenous struggle. For example, Western-educated individuals tend to share the belief that indigenous communities wish to remain in stasis and are not interested in development. It isn’t “backwardness,” however, that makes many tribal peoples reject mega-development projects and other Eurocentric notions of developmental progress, but

rather a collective historical fear of forced dependency on powerful elites and continued marginalization (Corry). Such misinterpretations demonstrate that international organizations operating across periphery and metropole borders must remain aware of how they present both themselves and the exploited peoples they represent and empower. When international institutions and civil societies consciously avoid postcolonial bias, they can be crucial allies in the struggle for indigenous recognition and rights in the international arena.

## **Conclusion: Bottom-Up and Top-Down: Pathways to Indigenous Empowerment and the Rule of Law**

As demonstrated in Chile, the loss of their land forces indigenous communities to surrender their traditional ways of life. The ENDESA Relocation Plan for the Pehuenche devastated their cultural wealth through forced relocation and introduction into a Eurocentric lifestyle. Despite the risk of depleting indigenous cultural wealth and natural resources, Chile and Nicaragua have continued to pursue destructive mega-development projects. The Nicaraguan Interoceanic Canal has the potential to irreparably affect Rama land as well as a multitude of other indigenous and Afro-descendant communities, all of which possess distinct cultural wealth. These mega-development projects all market an illusion of progress wherein communities who do not conform become byproducts of neoliberal economic development. Discourses that challenge dominant Eurocentric development paradigms should encourage greater respect for indigenous peoples. This empowerment and acknowledgement would constitute a bottom-up strategy to combat future marginalization and confront normalized neoliberal development structures.

Bottom-up indigenous empowerment can only be achieved with support from top-down international multilateral institutions and civil society organizations. These institutions and organizations are crucial in creating a space, domestically and internationally, in which indigenous empowerment can occur without government interference. In addition to providing a governable space for indigenous communities such as the Rama and Pehuenche, these multilateral institutions and civil society organizations may also grant indigenous movements a wider audience through international advocacy.

International legal institutions in particular have the ability to evolve jurisprudence in favor of indigenous rights. Should international human rights courts rule that the Nicaraguan Interoceanic Canal violates the rights of indigenous peoples, it could force Nicaragua to terminate the project or find a way to appease indigenous demands. This ruling could also send a clear message that infrastructure projects must abide by national and international laws, including laws regarding indigenous rights.



Indigenous empowerment must be realized from the bottom-up. Initial reactions to states circumventing laws tend to jump straight to demands of indigenous political representation. However, as seen with the Mapuche legal entity, CONADI, political representation is ineffective if indigenous peoples lack outside support from fellow citizens, the state, and the international community. Instituting indigenous political representation without this bottom-up foundation risks engaging in multiculturalism wherein indigenous representatives become puppets for indigenous public appeasement with no real power. This support begins with creating a strong foundation that utilizes indigenous knowledge as a vehicle for empowerment and recognition.

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## Notes

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<sup>1</sup> Only 23 fluent Rama speakers remain (Paija).