



# Cold shoulder for mining if Chile warms to reforms?

**Chileans will vote yes or no to a new Constitution on Sunday. It would guarantee rights to nature, and requires more community involvement in big decisions. That could mean big changes to the country's most profitable industry – mining**

**Muriel Alarcón Luco in Santiago**

**T**he draft version of Chile's new Constitution is the best-selling non-fiction book in the country. Its 388 articles are offered for just under \$5 in kiosks and bookstore windows. Shoppers can purchase copies for half that price from street vendors. A few days ago, the government opened a kiosk facing the presidential palace to offer free copies.

As government spokesperson Camila Vallejo autographed copies, she called this a "historic moment".

Chile's current Constitution dates back to the 1980s and the military dictatorship of Augusto Pinochet. It has been criticised for putting the rights of companies ahead of those of people. After mass protests in 2019, where people demanded a new Constitution, a panel of 154 drafters were

given a year to come up with a new guiding document.

It drops at the start of the presidency of Gabriel Boric, a left-wing leader and the youngest in Chile's history.

The draft proposes structural changes in the model of governing and in the different powers of the state. By redefining the country as plurinational (with all ethnicities as equal), it opens up channels of indigenous consultation, gives territorial autonomy to the regions and recognises nature's rights. Minerals cannot be mined in glaciers and protected areas. They can be used "based on their finite, non-renewable, public interest, intergenerational nature and environmental protection."

These are unprecedented achievements of the "eco-constituyentes," a group among its drafters made up of environmental activists, who pushed for big changes.

Despite the draft being watered down – it doesn't nationalise resources – the new regulatory frame would put pressure on the exploitation of fundamental resources for the national economy and global development. Chile produces a quarter of the world's copper and has one of the largest lithium reserves in the world. These resources are critical for the production of electric vehicles, solar panels and wind turbines – all a key part of a shift away from the fossil fuels that heat the atmosphere and drive climate breakdown.

But do the changes in the draft Constitution mean less mining for the country? "Not necessarily," according to one of the architects of this Constitution, Juan José Martín, the co-ordinator of the Convention's Environment and Economic

Model Commission, and a very active environmental activist. While mining isn't against the Constitution, its spirit is that mineral exploitation "should help the country to become a better one".

Part of this is a desire to diversify the Chilean economy, which currently relies on mineral exports. Martín says this will allow the country "to move forward without its economy collapsing" if, for example, an alternative is found to copper.

### **The new regulatory frame would put pressure on the exploitation of fundamental resources**

The guidance that the Constitution provides still needs to be enacted. That means laws will have to be passed (if the referendum returns a yes majority) that decide how mining can happen. María Luisa Baltra, Professor of Mining Law at Universidad Católica de Chile, says this means a great deal of doubt in the mining sector: "It could completely change the system, and that implies legal uncertainty." The regional autonomy built into the draft Constitution also means different regions could legislate in different ways.

Baltra adds: "We have to take care of the environment but, sometimes, to take care of it we also need mining resources, for example, lithium, for the purposes of electromobility, to face climate change."

Rodrigo Álvarez, who was also involved in the drafting of the new Constitution and is now campaigning to reject it, says the draft is confusing and that "the only thing that could grow is the legal discussion". ■