

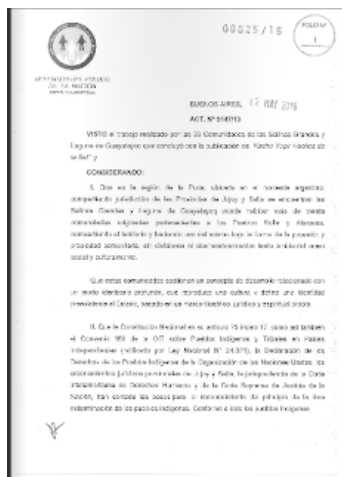
NATURAL JUSTICE

Track the ongoing efforts of this legal NGO as we seek to assist communities to engage with legal frameworks to secure environmental and social justice.

THURSDAY, MAY 26, 2016

Argentinian National Ombudsman Issues Resolution Recognizing Kachi Yupi Community Protocol

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Guest blog by Pia Marchegiani, FARN

In a major development for the communities of Salinas Grandes and Laguna de Guayatayoc in Northern Argentina, the National Ombudsman (Defensor del Pueblo de la Nación in Spanish) has issued a national resolution, Resolution No. 25/16 ([link to Resolution](#), in Spanish), that officially acknowledges the community protocol finalized by the communities in December 2015. The protocol is entitled "Kachi Yupi; Tracks in the salt; Consultation and Free Prior Informed Consent (FPIC) procedure for the communities of Salinas Grandes and Laguna de Guayatayoc."

This is the first time that the Argentinian government has recognized a community protocol in this manner. The National Ombudsman is an independent institution within Congress created

by the Argentine Constitution with the dual mandate of protecting human rights and monitoring public administration. Resolutions such as these are issued by the National Ombudsman when rights are not being respected or are threatened to be ignored. Thus, they seek to improve enforcement and contribute to policy making. In conjunction with issuing the Resolution, the Ombudsman's office has also featured the Kachi Yupi protocol on its website, along with an article about the Resolution (see <http://bit.ly/1Ts5Aqg>). These actions raise the profile of the Kachi Yupi protocol and send a message to government agencies that it is a document that should be respected and used when interacting with the communities of Salinas Grandes and Laguna de Guayatayoc.

Resolution No. 25/16 urges various national and provincial authorities of Salta and Jujuy, including the ministries of infrastructure, mining and energy, agrobusiness, and environment to respect the FPIC procedure described by the communities in the Kachi Yupi protocol for any administrative or legislative measure that may affect them. The Resolution states that appropriate FPIC procedures should also be respected before the implementation of plans or development programs and before any authorization for the exploration or exploitation of resources in these territories is granted.

The Resolution is an important step because it shows that the national government is paying attention to and calling for respect for a process designed in a participatory manner by the communities themselves, and which is inherently respectful of their own culture and worldview. The Ombudsman's action arrives at a time in which the communities of Salinas Grandes and Laguna de Guayatayoc are faced with a new challenge to the integrity of their land and resources: they have recently learnt through media articles that mining companies continue to seek exploration permits to exploit lithium on their territories.

The public recognition of Kachi Yupi, which was developed in a consensual manner after two years of hard work, strengthens the communities in their struggle to defend their territories and rights.

More information is available at <http://naturaljustice.org/representative-work/community-engagement-extractive-industries/>.

Pia Marchegiani is a lawyer with Fundación Ambiente y Recursos Naturales (FARN).



Labels: [Community Protocols](#), [Extractive Industries](#)

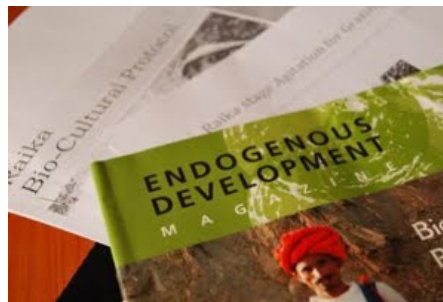
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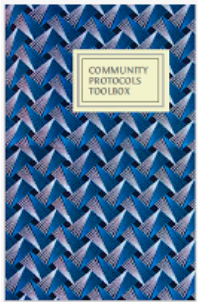
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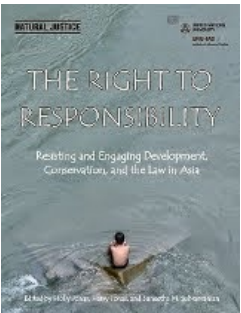


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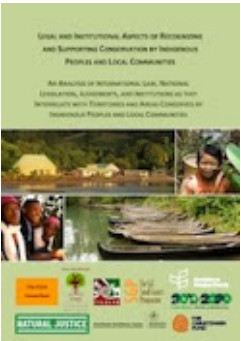
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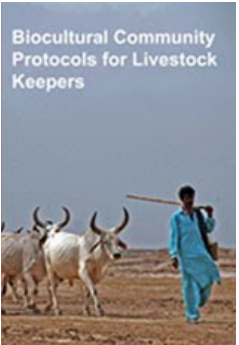
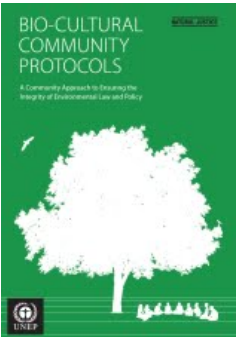
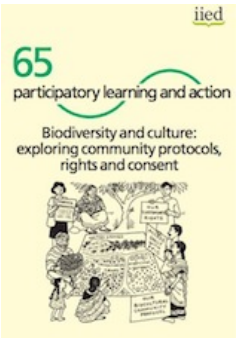
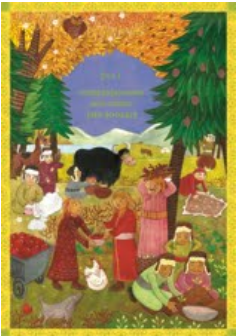


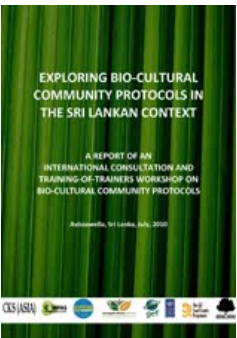
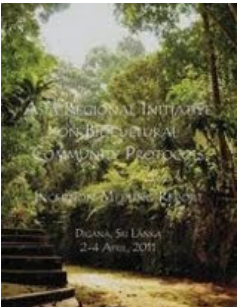
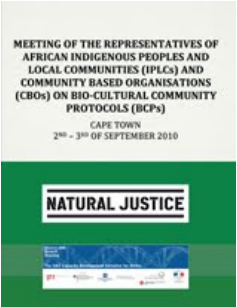
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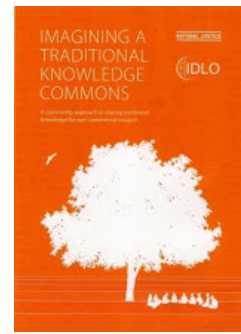


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