

Norway's National Contact Point for Responsible Business Conduct.

Subject: Specific instance concerning Statkraft AS and its Chilean subsidiaries.

The Mapuche-Williche communities of the Pilmayken territory, represented by their autonomous organization Aylla Rewe of the Ngen Mapu Kintuantü and ancestral authorities, the *Machi* Millaray Huichalaf, spiritual authority of the Mapuche people, and the council of *lonkos*, representing more than 150 affected indigenous communities of El Roble Carimallín sector, Río Bueno comuna, located in the Ranco province, Los Lagos region in Chile (the *interested parties*), with the assistance and accompaniment of Manuela Royo Letelier, Andrea Pietrafesa, the Colectivo de Acción por la Justicia Social (CAJE) and the Initiative for Transnational Justice (ITJ)¹, submit the present specific instance to the Norwegian OECD National Contact Point with regards to acts and omissions referred to in the following sections, concerning a Norwegian corporation, which would be in breach of the OECD Guidelines for Multinational Corporations (henceforth, the *Guidelines*).

Norwegian multinational corporation concerned:

Statkraft SA and its subsidiaries Empresa Eléctrica Pilmaiquén S.A. and Statkraft Chile Inversiones Eléctricas Ltda.

Statkraft SA controls Empresa Eléctrica Pilmaiquén S.A. since 2015, as it is stated by the latter in one of the parallel proceedings referred to in the correspondent section. One of the projects related to this specific instance is referred to in Statkraft SA [2022 Annual Report](#).

Background:

Statkraft SA, through its subsidiaries Empresa Eléctrica Pilmaiquén S.A. and Statkraft Chile Inversiones Eléctricas Ltda, is developing hydroelectric power projects in the Mapuche-Williche indigenous ancestral territory (*Wallmapu* in mapudungun²) and the Pilmaiquén river, that flows across the Los Ríos region, in southern Chile, which would be in violation of the OECD Guidelines.

The Central Hidroeléctrica Los Lagos (Los Lagos Hydroelectric Power Plant), located in the Pilmaiquén river in the Aylla Rewe territory, comprises a 52.9 Mw hydropower plant with a 35 meter height dam, under construction since 2019 in an extension of 191.9 hectares. Los Lagos project was approved by the Chilean environmental authorities in 2009 following an

¹ The Initiative for Transnational Justice (ITJ) is a Global South-led organization registered in the State of New York (United States), which aims to ensure transnational justice and accountability through collaboration, support, and the strengthening of counterparts in the Global South that defend economic, social and cultural rights. The ITJ serves as a platform to provide a distinct opportunity for affected communities, collectives, and grassroots organizations from the Global South to generate actionable proposals through a feminist, communitarian and intersectional lens.

² *Mapudungun* (the language of the Earth, of the Territory) is the language of Mapuche People.

environmental impact assessment submitted by Empresa Eléctrica Pilmaiquén³. The company has [informed](#) that the project is 70% complete.

Another power plant project, Central Hidroeléctrica Osorno (Osorno Hydroelectric Power Plant) –a 58.2 Mw hydropower plant– was also being developed by Empresa Eléctrica Pilmaiquén. The project obtained its environmental approval in 2009. Since 2014, Statkraft owns and operates the Rucatayo plant, becoming the second hydroelectric project to operate on the Pilmaiquén river, downstream of the Pilmaiquén hydroelectric power plant (with 41 Mw capacity), built in 1944 and owned by [Enel](#).

Since 2011, members of the Mapuche-Williche indigenous peoples opposed the new hydropower projects since they affect their ancestral territory and the biodiversity that exists in it –including the natural ceremonial complex of *Ngen Mapu Kintuante* and the Pilmaiquén river, sites of outstanding patrimonial, cultural and religious significance for the Mapuche-Williche peoples and source of health, spiritual relief, wellbeing and social balance for the communities. The discovery of archaeological remains in 2019 and 2020 proved the ancestral roots of the territory to indigenous peoples, from which the current Mapuche-Williche communities consider to descent as part of their cosmivision.

Pilmaiquén river is considered sacred in the Mapuche-Williche account, which together with the *Ngen Mapu Kintuante*, the ancient cemetery (*eltuwe*) and the praying field (*ngillatuwe*) constitute one single unity that is both physically and spiritually bond by the *amunkowe* (water flowing), which signalizes the path followed by the spirits in direction to the *wenu mapu* (la tierra de arriba, the highland), where the Pilmaiquén River is the central flow. As a consequence, both the Osorno and Los Lagos dams would affect not only a physical ceremonial and religious sacred site, but the entire cosmivision of the indigenous communities that see the river as a divinity and source of life, in startling contradiction to the cultural and identity rights of the mapuche people as guaranteed by ILO Convention 169, in force in Chile since 2009.

Even though the territory comprising the natural ceremonial complex of *Ngen Mapu Kintuante* belonged to the Mapuche-Williche lineage, Mapuche-Williche communities have been subject to violent land grabbing throughout history, particularly during the colonization promoted by the Chilean government during the half XIX century. No restitution process has been put in place by the Chilean government. As a result, they have experienced the loss of ancestral lands that are now privately owned –including those of the Los Lagos, Osorno, and Rucatayo Hydroelectric power plants.

In 2011, in the aftermath of the power projects approval, Mapuche-Williche communities demanded the Chilean State –through the competent authority CONADI⁴– the restitution of their territory, saliently the lands where the *Ngen Mapu Kintuante* is located. In addition, they carried out [several activities](#) as part of the defense of their territory with respect to the Los Lagos and Osorno projects: pacific demonstrations, public denunciations against the

³ Environmental Qualification Resolution N° 3573, June 22, 2009, from Comisión Nacional del Medio Ambiente (National Environmental Commission) (RCA N° 3573/2009).

⁴ Corporación Nacional de Desarrollo Indígena (National Corporation for Indigenous Peoples Development).

company⁵, demands to authorities and the company, public events as well as legal actions. Because of this, they suffered repression and [arbitrary detention](#) from law enforcement officials⁶.

Statkraft acquired in 2015 the assets of Empresa Eléctrica Pilmaiquén S.A. and the three hydroelectric projects on the Pilmaiquén River: Rucatayo, Osorno and Los Lagos. However, it failed to comply with its human rights' due diligence on the acquisition and continued to advance the projects without significant changes. Thus, the company failed to verify and address: i) the social and cultural implications of the acquisition; ii) the presence of indigenous communities, territories and sacred sites; iii) the presence and work of indigenous human rights defenders, including women; iv) the compliance of the administrative measures already obtained with indigenous peoples' rights; v) the existence of corporate abuses and criminalization from the previous project owners.

Even though the interested parties and other Mapuche-Williche communities publicly demanded Statkraft to address their demands, the company disregarded such efforts. In spite of being publicly known the request made to CONADI, Statkraft Chile Inversiones Eléctricas Ltda unilaterally transferred the *Ngen Mapu Kintuante* lands to a third party, without any engagement or consultation with the Machi and Mapuche-Williche communities. This third party (*Asociación Indígena Lepunera Señor Kintuante Maihue*) was expressly created under Statkraft auspices for the signing of the usufruct contract and is part of a clientelistic relationship pattern deployed by its subsidiaries.

The interested parties have learned that Statkraft subsidiaries have been favoring a group of families and individuals through the delivery of subsidies and direct donations⁷ –[including public works improvements](#)– in order to create a positive public perception of its projects.

This behavior entails wrongful engagement of the company with the local communities and has led to communitarian conflicts and the creation of selected interest groups in favor of the corporation and the projects. In one of the parallel proceedings referred to in the following sections, Chilean Supreme Court acknowledges that such transfer in the benefit of a third party is far from being sufficient to solve the existent conflicts among different communities, showing that the Statkraft Chile Inversiones Eléctricas Ltda transfer was –at least– improper and inadequate.

Although last January Statkraft announced the [cancellation of the Osorno project](#), no evidence of the withdrawal of the correspondent authorizations has been disclosed by the company. This cancellation followed an intense demand by the communities for recognition of their ancestral rights and the respect of the Mapuche-Williche natural ceremonial complex of *Ngen Mapu Kintuante* and the [criminalization of Mapuche-Williche representatives and human rights defenders](#) –including the Machi, interested party in the present specific instance.

⁵ In 2014, the Alianza Territorial Puelwillimapu denounced to the media the falsification, by Empresa Pilmaiquén S.A., of signatures on minutes expressing the consent of community members on the mitigation measures of the hydroelectric project that threatens the Ñgen Mapu Kintuante ceremonial site, located on the banks of the Pilmaiquén River in the Maihue Carimallín sector. See Comisión Ética Contra la Tortura Chile (2015), [Chile: Derechos Humanos o Barbarie. Informe de Derechos Humanos 2015](#), p. 96.

⁶ See also [Esposo de machi detenida en allanamiento acusó "montaje"](#).

⁷ Labeled by the company as “Plan de Beneficios Comunitarios” (Community Benefits Plan) and scholarships. See document “Statkraft. Informe Trimestral. Gestión Ambiental y Social. Octubre 2017/Q3” in the Evidence Section.

It is important to recall that none of the three referred hydropower projects (Los Lagos, Osorno and Rucatayo) were subject to a consultation process in order to obtain the Mapuche-Williche concerned communities their free, prior and informed consent as provided in ILO Convention 169.

Likewise, Statkraft subsidiaries advanced and/or made effective the legal rights granted in different administrative measures for the development of the projects (such as the environmental impact assessment authorizations, water use and power generation permits, as well as electricity concessions), and initiated the construction of the Los Lagos Hydroelectric Power Plant without any prior consultation, disregarding its risk-based human rights due diligence.

It was only after a petition submitted by the interested parties and other Mapuche-Williche communities (following a decision from the Chilean Supreme Court in 2021 that revoked the initial request) that the Consejo de Monumentos Nacionales (National Monuments Council, CMN) initiated a consultation process as provided in ILO Convention 169 only with respect to the archaeological vestiges found in the Mapuche-Williche territory. As described in the parallel proceedings section, this indigenous consultation is not directed to obtain the consent for the hydropower projects.

Notwithstanding the above, the indigenous consultation process carried out by CMN is being seriously hindered by Statkraft's subsidiaries. In fact, the Mapuche-Williche communities taking part in the consultation process do not have access to the *Ngen Mapu Kintuante* – regardless of the great significance of the site– and the company has denied authorization for the consultation meetings to be held there, as the communities have publicly requested at different times.

Different environmental-related concerns surround Statkraft hydroelectric power projects – especially the Los Lagos power plant.

The Mapuche-Williche communities –including the interested parties– have pointed out to the fact that the [environmental studies](#) for the Los Lagos project were carried out in 2009, that is, 14 years ago. Thus, they have demanded both the Chilean authorities and Statkraft to conduct a new environmental impact assessment that considers not only the substantial change of the project's initial indicators (considering the passage of time, the increasing evidence of climate change and attribution science, the lack of a social impact assessment as well as the endemic fish fauna being declared endangered), but also the discovery of archaeological vestiges in the project's construction sites –a clear indication of the existence of Mapuche-Williche ancestral territories and indigenous communities. Even though this request is grounded in domestic law⁸, neither the Chilean authority nor Statkraft have acceded to it.

Likewise, the people concerned (that is, the Mapuche-Williche communities) did not participate in the environmental impact studies as provided by ILO Convention 169, nor did they have

⁸ Article 25 quinquies of Law 19,300, on General Bases of the Environment: "The Environmental Qualification Resolution may be revised, exceptionally, *ex officio* or at the request of the promoter or the directly affected party, when, during the execution of the project, the variables evaluated and contemplated in the monitoring plan on which the conditions or measures were established, have varied substantially in relation to what was projected or have not been verified, all with the purpose of adopting the necessary measures to correct such situations" (free translation).

access to information in relation to those impacts or the results of those studies. As indicated, no social impact assessment was conducted.

As stated above, the water of the Pilmaiquén river will be dammed by means of a 35 meter-height dam for the Los Lagos project, which in turn will create a reservoir of approximately 191.9 hectares. The reservoir will have 24.6 million m³ capacity to store water.

Statkraft portrays its hydroelectric projects as a means to tackle climate change. However, different relevant studies point out to the large amount of greenhouse gas emissions coming from the construction and operation of large dams –especially in tropical areas– as well as methane emissions as a result of the large amounts of decomposing organic material retained in the flooded ponds⁹. Methane is a highly polluting gas with a warming power 80 times greater than that of carbon dioxide, for a period of 20 years¹⁰. As a short-lived pollutant, it rapidly warms global temperatures, and also contributes to the formation of tropospheric ozone (another short-lived pollutant), which is responsible for approximately half a million premature deaths per year worldwide¹¹. This situation is at odds with the responsibility of corporations to respect the right to a healthy environment, as well as to avoid and address adverse environmental impacts, and contribute to reaching the goals of climate change mitigation and adaptation, as it is established in domestic and international law –including the Paris Agreement.

Another salient issue is that related to the harassment and violence exerted against environmental and human rights defenders, members of the Mapuche-Williche communities, many of whom are women. In spite of the 2015 Statkraft acquisition, the pattern of violence and institutional harassment has been constant.

In February 2023, in the context of a peaceful demonstration outside the Los Lagos hydroelectric plant, several members of the community were repressed by the police (*carabineros*), suffering serious injuries due to the excessive use of force¹². There is an [open investigation](#) after the incident, but none of the victims has yet been summoned to testify¹³. It was [reported](#) that carabineros were shooting [from inside the Los Lagos project site](#).

Likewise, a new sequence of harassment has been unfolding coming from the Chilean local prosecutor's office, especially Río Bueno prosecutor, who insists on a criminal prosecution against the Machi and members of the Mapuche-Williche communities. Río Bueno prosecutor is the same official that was –until very recently– in charge of investigating the February 2023 incidents of violence. This institutional harassment is directly related to the work of the Machi and indigenous individuals as environmental and human rights defenders with respect to the Los Lagos project. At different times, the prosecutor's office has sent subpoenas and carried out [acts of harassment](#) against the Machi. Just as this specific instance is being filed in Oslo,

⁹ Interamerican Association for Environmental Defense (AIDA), [No más grandes represas: La verdad sobre ellas](#).

¹⁰ Institute for Governance & Sustainable Development (2022), [A Primer on Cutting Methane: The Best Strategy for Slowing Warming in the Decade to 2030](#), p.1.

¹¹ United Nations Environment Programme and Climate and Clean Air Coalition (2021), Global Methane Assessment: Benefits and Costs of Mitigating Methane Emissions, Nairobi, United Nations Environment Programme, p. 11

¹² Chile's National Human Rights Institute [announced legal actions](#) for these events.

¹³ Criminal complaint RUC 2310011287-6, RIT 271-2023. Juzgado de Garantía de Río Bueno.

the legal team supporting Mapuche-Williche communities has learned of a new subpoena, waiting for Machi's return to Chile.

It is important to recall that the Escazú Agreement –in force in Chile since 2022– provides for a safe and enabling environment in which individuals, groups and organizations promoting and defending human rights in environmental matters can operate free from threats, restrictions and insecurity.

Finally, it is important to mention that Statkraft SA has a dedicated section for the Los Lagos hydropower project in its 2022 Annual Report (p. 66 and following). Even though the corporation discloses and describes different mechanisms established as part of its requirements for human rights due diligence, that information –presented in a positive manner– would be at least incomplete and inaccurate –as shown, for example, with the improper transfer of the *Ngen Mapu Kintuante* lands to a third party.

Despite the public assertions from the company (in its Report) stating that addressing the impacts by the construction of the Los Lagos project on indigenous communities “have been and continues to be a priority for the project”, in some of the parallel proceedings referred to in the following sections actively advocated for the dismissal of judicial complaints initiated by the Machi and other Mapuche-Williche communities, arguing for the lack of recognition of legal standing and interest (due to the lack of affectation) of those indigenous communities.

Far from contributing to the mitigation of human rights abuses, the company has used its influence to exert economic pressure to advance its projects, [recently declaring](#) –for instance– that “we are already 22 months behind schedule with a cost overrun to 2022 of US\$ 50 million” in relation to the consultation process related to the archaeological remains found.

OECD Guidelines breached:

The interested party considers that Statkraft SA is in breach of the following chapters of the Guidelines:

1. Chapter I, Concepts and Principles, para. 2, which establishes:

2. Obeying domestic laws is the first obligation of enterprises. The Guidelines are not a substitute for, nor should they be considered to, override domestic law and regulation. Failure of governments to uphold the principles and standards consistent with the Guidelines or their associated international commitments does not diminish the expectation that enterprises observe the Guidelines. While the Guidelines extend beyond the law in many cases, they should not and are not intended to place an enterprise in situations where it faces conflicting requirements. However, in countries where domestic laws and regulations conflict with the principles and standards of the Guidelines, enterprises should seek ways to honor such principles and standards to the fullest extent which does not place them in violation of domestic law.

2. Chapter II, General Policies, Section A, items 1, 2, 10, 11, 12, 13 and 15, which establish:

A. Enterprises should:

1. Contribute to economic, environmental and social progress with a view to achieving sustainable development.

2. Respect the internationally recognized human rights of those affected by their activities.

...

...

10. Refrain from and take steps to prevent the use of reprisals, including by entities with which the enterprise has a business relationship, against any persons or groups that may seek to or do investigate or raise concerns regarding actual or potential adverse impacts associated with the enterprise's operations, products or services. This includes promoting an environment in which individuals and groups feel safe to raise concerns and, where relevant, contributing to the remediation of adverse impacts of reprisals when they occur.

11. Carry out risk-based due diligence, for example by incorporating it into their enterprise risk management systems, to identify, prevent and mitigate actual and potential adverse impacts as described in paragraphs 12 and 13, and account for how these impacts are addressed. The nature and extent of due diligence depend on the circumstances of a particular situation.

12. Avoid causing or contributing to adverse impacts on matters covered by the Guidelines, through their own activities, and address such impacts when they occur.

13. Seek to prevent or mitigate an adverse impact where they have not contributed to that impact, when the impact is nevertheless directly linked to their operations, products or services by a business relationship. This is not intended to shift responsibility from the entity causing an adverse impact to the enterprise with which it has a business relationship.

...

15. Engage meaningfully with relevant stakeholders or their legitimate representatives as part of carrying out due diligence and in order to provide opportunities for their views to be taken into account with respect to activities that may significantly impact them related to matters covered by the Guidelines.

3. Chapter III, Disclosure, para. 1, 2 and 3, which provide:

1. Enterprises should take into account established disclosure policies in the countries and sectors in which they operate, and consider the views and informational requirements of shareholders and other relevant stakeholders. Enterprises should disclose regular, timely, reliable, clear, complete, accurate and comparable information in sufficient detail on all material matters. This information should be disclosed for the entire enterprise, and, where appropriate, along business lines or geographic areas. Disclosure policies of enterprises should be tailored to the nature, size and location of the enterprise, with due regard taken of costs, business confidentiality and other competitive concerns.

2 Disclosure policies of enterprises should include, but not be limited to, material information on:

b) enterprise objectives and sustainability-related information;

...

i) governance structures and policies including the extent of compliance with national corporate governance codes or policies and the process by which they are implemented;

...

3. It is also important that enterprises communicate responsible business conduct information including as part of their responsibility to carry out due diligence. Some of this information may also be material under paragraph 2. Responsible business conduct information can include:

....

d) the enterprise's identified areas of significant impacts or risks, the adverse impacts or risks identified, prioritized and assessed, as well as the prioritization criteria;

...

g) information on relationships with workers and other stakeholders;

...

4. Chapter IV, Human Rights, para. 1, 2, 3, 5 and 6, which establish:

States have the duty to protect human rights. Enterprises should, within the framework of internationally recognized human rights, the international human rights obligations of the countries in which they operate as well as relevant domestic laws and regulations:

1. Respect human rights, which means they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.

2. Within the context of their own activities, avoid causing or contributing to adverse human rights impacts and address such impacts when they occur.

3. Seek ways to prevent or mitigate adverse human rights impacts that are directly linked to their business operations, products or services by a business relationship, even if they do not contribute to those impacts.

...

5. Carry out human rights due diligence as appropriate to their size, the nature and context of operations and the severity of the risks of adverse human rights impacts.

6. Provide for or co-operate through legitimate processes in the remediation of adverse human rights impacts where they identify that they have caused or contributed to these impacts.

5. Chapter VI, Environment, headline, para. 1, 2 and 3, which establish:

Enterprises play a key role in advancing sustainable economies and can contribute to delivering an effective and progressive response to global, regional and local environmental challenges, including the urgent threat of climate change. Within the framework of laws, regulations and administrative practices in the countries in which they operate, and in consideration of relevant international agreements, principles, objectives, and standards, enterprises should conduct their activities in a manner that takes due account of the need to protect the environment, and in turn workers, communities and society more broadly, avoids and addresses adverse environmental impacts and contributes to the wider goal of sustainable development. Enterprises can be involved in a range of adverse environmental impacts. These include, among others:

a) climate change;

...

In particular, enterprises should:

I. Establish and maintain a system of environmental management appropriate to the enterprise associated with the operations, products and services of the enterprise over their full life cycle, including by carrying out risk-based due diligence, as described in Chapter II, for adverse environmental impacts, including through:

a) identifying and assessing adverse environmental impacts associated with an enterprise's operations, products or services, including through collection and evaluation of adequate and timely information regarding the adverse impacts associated with their operations, products and services and where activities may have significant adverse environmental impacts, preparing an appropriate environmental impact assessment;

...

2. Conduct meaningful engagement with relevant stakeholders affected by adverse environmental impacts associated with an enterprise's operations, products or services.

3. Consistent with the scientific and technical understanding of the risks, where there are threats of serious or irreversible damage to the environment, taking also into account human health and safety, not use the lack of full scientific certainty or pathways as a reason for postponing cost-effective measures to prevent or minimize such damage.

It is important to mention that, taking into account the continued effects of the breaches to the Guidelines as identified in the Background section, the 2023 amendments to the Guidelines are applicable to this specific instance.

Parallel proceedings:

Related to Statkraft's Hydroelectric Power Plant projects in the Pilmayken territory, different administrative and/or judicial procedures have been initiated either by the interested party and/or other Mapuche-Williche communities. The most relevant parallel procedures include:

1. *Acción constitucional de protección* against CONADI, before the Valdivia Appeal Court. Resolution issued by the Supreme Court on Jan 20, 2022 (Rol. 56.135-2021). The decision ordered CONADI to properly consider all Mapuche-Williche community requests in regards with the restitution of the Ngen Mapu Kintuant ceremonial center.
2. *Recurso de protección* against CMN. Resolution issued by the Supreme Court on November 19, 2021, ordering CMN to carry out a consultation process with respect to the archaeological remains found during the construction of the Los Lagos Hydroelectric Power Plant (Rol 17289-2021).
3. [Indigenous consultation process](#) carried out by CMN with respect to the archaeological remains found during the construction of the Los Lagos Hydroelectric Power Plant, in order to consult the indigenous communities of Río Bueno, La Unión, Puyehue and San Pablo on the administrative measures that might be issued by CMN on those archaeological and sites. The consultation process started last April and is currently suspended due to the lack of necessary resources.
4. *Recurso de queja* before the Chilean Supreme Court. This action was filed against a decision to uphold the appeal resolution of the Ilustre Segundo Ambiental dated January 29, 2021, which in turn declared admissible the administrative requests for extraordinary review made by the claimants of Exempt Resolution No. 3573/2009 (RCA No. 3573/2009), which favorably qualified the Los Lagos Environmental Impact Assessment (Rol. 13-2021).

It is important to recall that all of the referred administrative or judicial procedures aim to evaluate the actions and omissions of public authorities from the Chilean government, and no action (whether judicial or administrative) has been initiated in order to address the conduct of Statkraft subsidiaries in Chile, nor the role of the parent company, Statkraft SA.

Norwegian NCP role:

The interested party considers that Norway's National Contact Point is the best place to address the issues at stake, to further the effectiveness of the Guidelines, and assume the leading role in handling this specific instance.

The above is considered having regards not only by the independent and expert composition of Norway's National Contact Point and the much more structured process that includes the possibility of external mediation, but also considering the expectations from the interested party to engage with meaningful mediation with the parent company, Statkraft SA, which is responsible for the conduct of its subsidiaries as it is established in Norway law.

The structure and composition of Norway's National Contact Point therefore secures the core effectiveness criteria as established in the Guidelines, as having implemented mechanisms that deliver a more impartial, equitable, predictable and compatible procedure.

Demands to the corporation:

1. The recognition of the full legal standing of the complainants with respect to indigenous peoples' rights in accordance with the ILO Convention 169.
2. To engage in meaningful consultations with the interested party in order to achieve a resolution with respect to a culturally-adequate transfer of the Ngen Mapu Kintuante ceremonial complex lands.
3. To grant the interested parties full access to the Ngen Mapu Kintuante ceremonial complex.
4. To provide substantive information with respect to the Osorno and Los Lagos Hydroelectric Power Plants, including evidence of the withdrawal of the correspondent authorizations for the Osorno project.
5. To establish a risk-based due diligence procedure, with the participation of the Mapuche-Williche communities in the Pilmaiquén river basin, with respect to the Osorno and Los Lagos Hydroelectric Power Plants, that includes the appropriate identification of the area of influence of both projects, their cultural impacts and the implementation of adequate preventive and mitigation measures.
6. To use its leverage in order to advocate for the distension of community division that has arisen as a result of its hydroelectric power projects, and to refrain from any action that may contribute to such divisions.
7. To conduct a new environmental impact assessment of the three hydroelectric power plants owned by Statkraft, in compliance with ILO Convention 169 standards.
8. To publicly acknowledge the presence, their activities, and importance of environmental and human rights defenders, and to use its leverage in order to advocate for an enabling environment in which they can operate free from threats, restrictions and insecurity, with special consideration for the work of women indigenous human rights defenders.
9. To temporarily suspend the development of the Los Lagos Hydroelectric Power Plant until a substantive risk-based diligence procedure is concluded, as well as to reconsider its investment in the Mapuche-Williche territory.

Evidence:

- *Regarding the Protection action for indigenous consultation with respect to the archaeological remains found in the context of the construction of the Los Lagos Power Plant.*
 1. Res. Ex. 735/2020 of CNM, which "rejects the request for indigenous consultation in relation to the request for archaeological characterization of the findings not foreseen in the framework of the Los Lagos Hydroelectric Power Plant project, Los Ríos Region and Los Lagos Region".
 2. *Recurso de protección* Rol 23-2021 (Court of Appeals of Valdivia).

3. Decision Rol 17289-2021 (Supreme Court).
- *Regarding the Appeal for protection related to Statkraft's unilateral transfer of the Ngen Mapu Kintuante ceremonial complex lands.*
 4. Protective action Rol 1795-2021 (Court of Appeals of Valdivia).
 5. Statkraft's request to reject protection recourse Rol 1795-2021 (Court of Appeals of Valdivia).
 6. *Amicus curiae* Chiles' National Institute of Human Rights (INDH), in case Rol 1795-2021 (Court of Appeals of Valdivia).
 7. Decision Rol 56.135-2021 (Supreme Court).
 - *Other relevant documents.*
 8. Initial petition submitted before the Interamerican Human Rights Commission.
 9. Environmental complaint proceeding (Recurso de queja) Rol. 13-2021.
 10. Files Rol 13-2021 (Appeals).
 11. Documents from Consejo de Monumentos Nacionales CH Los Lagos.
 12. Letter sent to UN Special Rapporteur on the rights of Indigenous Peoples.
 13. Aylla Rewe del Ngen Mapu Kintuantü Press Release, September 5, 2023.
 14. "El territorio mapuche de Maihue/Carimallín/El Roble y el espacio sagrado Kintuante: la consolidación de la usurpación" Study - Martín Correa.
 15. "Impactos de los Proyectos Hidroeléctricos Lagos y Osorno en el Río Pilmaiquén" Report - Sarah Kelly.
 16. "Fundamentos de las significaciones socioculturales del uso del territorio Williche de Maihue, El Roble, Carimallín en el sector del río Pilmaiquén" - Dr. Roberto Morales Urra.
 17. Informe Preliminar from CONADI (Preliminary Report on sites of cultural significance), 2011.
 18. Statkraft. Informe Trimestral. Gestión Ambiental y Social. Octubre 2017/Q3 (Quarterly Environmental and Social Management Report, October).
 19. Statkraft Usufruct contract Ngen Mapu Kintuante.
 20. Statkraft emails to CMN regarding the refusal to use the Ngen Mapu Kintuante site for the consultation process.

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