

## Communities Triumph Over Salmon Farms: Supreme Court Upholds Lafkenche Law, Orders New Review Due to ‘Arbitrary and Illegal’ Decisions

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*A significant setback for salmon lobbying in Aysén: the Third Chamber of the Supreme Court invalidated the CRUBC's rejection of two ECMPO requests and ordered the reversal of the proceedings due to 'arbitrary and illegal' actions, reaffirming the Lafkenche Law and ILO Convention 169.*



Original article: [Comunidades 1 – Salmoneras 0: Suprema aplica la Ley Lafkenche, respalda el uso consuetudinario y ordena nuevo pronunciamiento por “arbitrario e ilegal”](#)

The Third Chamber of the Supreme Court issued two landmark rulings (Roles No. 1.687-2025 and No. 1.688-2025) on **November 11, 2025**, establishing a **national precedent** for coastal management: it declared the rejections by the **Regional Coastal Use Commission (CRUBC) of Aysén** of two requests

for **Coastal Marine Spaces for Indigenous Peoples (ECMPO)** as “**arbitrary and illegal**”, ordering both procedures to be **reversed** and a **new reasoned ruling** to be issued.

## What Did the Supreme Court Decide?

The Supreme Court **upheld the protection appeals** from the **Pu Wapi (Melinka)** and **Antunen Rain (Islas Huichas)** communities, asserting that the CRUBC cannot deny ECMPO citing **general policy criteria, local opposition**, or “**merely economic or opportunistic**” considerations, as these lack basis in **Law No. 20.249 (Lafkenche Law)** and **ILO Convention 169**.

The ruling **restores the centrality of customary use** as a key piece of evidence —through the **CONADI report**— and mandates that any restrictions must be supported by **strict, verifiable, and technically justified reasons**.

## Lafkenche Law: The Standard Set by the Supreme Court (Aysén)

The **Lafkenche Law in Aysén** has faced competing pressures from the expansion of concessions and industrial projects. With these rulings, the Supreme Court **reestablishes** the standard: **the CRUBC must decide based on technical criteria**, transparency, and intercultural dialogue, rather than current convenience. The immediate practical effect is that the ECMPO requests **WeywenWapi (“Cisnes”)** and **Islas Huichas** will now resume processing, requiring a **reasoned examination**.

## Setback for Economic Veto

For **Felipe Guerra**, a lawyer with the Citizen Observatory, these rulings represent a turning point: “These Supreme Court decisions set a national precedent that redirects coastal management. The highest court has put an end to the arbitrary decisions of the Regional Commissions, which rejected ECMPO requests based solely on economic or political arguments, or under the excuse of ‘disproportionality’.

The Court is clear: the CONADI Report on Customary Use is the key piece of evidence, and any restrictions on the rights of Indigenous peoples must be backed by strict, verifiable technical justifications, not opportunistic considerations. In the future, any CRUBC seeking to deny a request must justify it with controllable evidence; otherwise, their decision will be illegal. This jurisprudence restores the centrality of the Lafkenche Law, demands transparent public decisions, and compels authorities to engage with Indigenous peoples and their rights.”

“This energizes us to keep envisioning the future here, for the new generations, as the sea is a source of life that must be managed wisely,” explained Daniel Caniullan (in the photo), leader of the Pu Wapi (Melinka) community.

## **Voices from the Territory**

Meanwhile, [Daniel Caniullan](#), a leader from Pu Wapi (Melinka), remarked that the ruling is a milestone: “We are very happy with this historic ruling that came out yesterday, issued by the Supreme Court. We always had the conviction and certainty that we did all this community work in accordance with Law 20.249. We have always supported the idea that the use of the coastal zone can be shared and coexist with respect.”

He added: “This gives us much more energy to keep thinking about the future here, for new generations, as the sea is a source of life that must be managed wisely.”

## **Why It Matters**

The decision **reinforces the Lafkenche Law in Aysén** and **raises the standard** by which the CRUBC can restrict the rights of Indigenous peoples: they must now **technically justify** any negative decisions regarding ECMPO requests. For communities, this solidifies **customary use** as a central pillar; for the

**salmon farming industry**, it represents a **setback** that imposes a requirement to **coexist with pre-existing rights** and to engage in **transparent** and **verifiable** processes.

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Fuente: El Ciudadano