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Thesis Prospectus
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La Cuestión Mapuche: Indigenous-State Relations in Contemporary Chile

Research Question/Overview

The most controversial recent event in the territorial conflict between the Mapuche, an indigenous group, and the Chilean state is the death of a young protestor on August 12, 2009. August 2009 marks an escalation in the conflict, and some Mapuche groups have decided that they are no longer going to wait for political resolution and that they are going to retake their ancestral land now. The thesis will investigate the relationship between the Mapuche and the Chilean state through the lens of this conflict over territory. Though the conflict's history is necessary to understand the roots of the conflict, the thesis will focus on the last twenty years from 1989 to 2009.

The word Mapuche is actually a combination of two words in Mapundungun, the Mapuche language. These words are mapu, which means land, and che, which means people, so literally the Mapuche are the people of the land. Their "identity is in the land, with which they have an intimate relationship."¹ The Mapuche want their land returned because it originally belonged to them and was taken without recompense.

Chile has made progress in securing indigenous rights including territorial rights, but very little of the Mapuche land has been returned. One example of progress is that the state finally passed Convention 169 in 2008, which was put forth by the International Labor Organization in 1989. This convention guarantees a number of rights concerning indigenous people.

¹ Ray, Leslie. *Language of the Land: The Mapuche in Argentina and Chile*. Skive, Denmark: IWGIA, 2007. 11.

The thesis will investigate one main question: how and why the Mapuche conflict has taken on the form it has today. Under the main question there are three smaller ideas: how this conflict fits into the overall concept of indigenous-state relations in Latin America, how this conflict has changed over the past twenty years, and how the concept of autonomy enters into this conflict. The thesis will address the main question in four chapters.

The introduction will provide a brief overview of indigenous-state relations in Latin America with a focus on indigenous movements since the 1980s, years marked by democratic transition and by economic crisis for many Latin American countries.² I will explore how the Chilean case fits in the overall picture of indigenous-state relations, and I will investigate what comparisons can be made between indigenous movements in other parts of Latin America and the Mapuche. Indigenous groups across Latin America, such as the Zapatista Army of National Liberation in Chiapas, Mexico, or the Maya in Guatemala have organized in order to preserve their identities and define their place in the nation state. These groups commonly advocate increased political participation or protection, land rights, and the right to use their own languages. The concept will include the actions of both the Mapuche and the state.

The introduction will also include an analysis of the concept of autonomy. Terrence Cook defines autonomy as a group that “want[s] more local control but do[es] not want to leave the present political community.”³ In this section, I analyze the concept in general. Throughout the thesis I will investigate what the concept of autonomy means in terms of this conflict. In each chapter, I will have a section on autonomy, and I will determine how the concept of autonomy is

² Van Cott, Donna Lee, ed. *Indigenous Peoples and Democracy in Latin America*. New York: The Inter-American Dialogue, 1994. 2.

³ Cook, Terrence E. *Separation, Assimilation, or Accommodation: Contrasting Ethnic Minority Policies*. Westport, Connecticut: Praeger, 2003. 36.

being utilized by the state, the Mapuche, the outside observers such as foreign press and organizations.

The Mapuche movement did not occur solely in the countries of origin but was taken up by the United Nations in late 1970s and numerous other international organizations, like the International Labor Organization. Though the conflict lies mainly between the state and the Mapuche, this international involvement has introduced a third actor into the conflict, and the introduction will also serve to introduce the three main actors.

The first chapter will discuss the history of Mapuche resistance to foreign domination to illustrate the deep roots of the current conflict. In the second chapter, I will explore how the demands of the Mapuche organizations have changed, how the forms of protest have changed, and how the state's response to this movement has changed. I will analyze what the Mapuche really want as it is unlikely the Chilean state will return all of the Mapuche's original territory. I will also include an analysis of the effectiveness of the Mapuche's protests in regaining their land or preventing forest expansion. There are numerous companies, such as Endesa, a Spanish energy company, and Forestal Minico, taking advantage of the southern part of Chile by building dams or harvesting wood.⁴ Though the Mapuche have land rights under the law, many of them still protest for increased land access.

The third chapter will analyze the role of the Chilean state in the conflict and how that role has changed over the past twenty years. This chapter will discuss laws and policies regulating the relationship of the state with the indigenous peoples and their territory as well as the anti-terrorism law, which the state has used to prosecute indigenous activists. Though the state has laws that concern the rights of the indigenous people, these rights have not been

⁴ Ray, Leslie. *Language of the Land: The Mapuche in Argentina and Chile*. Skive, Denmark: IWGIA, 2007. 178-188.

incorporated into the constitution as they have been in other countries such as Bolivia.⁵ It is unclear whether or not the state has provided sufficient room for the Mapuche to legally exercise their rights.

At this point, I tentatively plan to write a fourth chapter that will analyze the outside perceptions of this conflict or how foreign press and organizations interpret the conflict. This will include analyzing who is reporting on the conflict and if this group is supportive of one side or the other. I will mainly focus on how outside groups are using the term autonomy when referring to this conflict.

Background

The history of Mapuche conflict dates back to the 1500s when the Incans advanced southward in Chile in order to expand their empire. The Mapuche successfully resisted the Incans and stopped their expansion.⁶ In the 16th century, shortly after the Incan invasion, the Spanish *conquistadores* would also attempt to take over southern Chile. The Mapuche would clash with the Spanish in a long war that took a great toll on the Mapuche population. Nonetheless, the Spanish were pushed back to the north after their initial advances and eventually made a truce with the Mapuche. This formed, in effect, two separate states – the Spanish one in the north and the Mapuche one in the south.⁷

The two separate states would exist until the mid 1800s when the Chilean state, formed in 1810, decided to expand its borders southward in order to incorporate the “barbaric” Mapuche and gain access to the lands of the south. At the end of the occupation, around the turn of the

⁵ Langer D., Erick and Elena Muñoz, eds. *Contemporary Indigenous Movements in Latin America*. Wilmington, Virginia: Scholarly Resources, Inc. 2003. 32.

⁶ Bengoa, Jose. *Historia de los Antiguos Mapuche del Sur: Desde antes de la llegada de los Españoles hasta las paces de Quilín*. Siglos XVI y XVII. Santiago: Catalonia, 2003. 37-39.

⁷ Ideb. 339-341.

century, the Mapuche were left with less than 5% of their ancestral lands.⁸ The uprooted Mapuche communities could not form a coherent movement to resist this takeover and finally lost the autonomy they had maintained for many years. Resistance groups started to form again in the early nineteen teens and would protest the usurping of their lands.⁹

The next important event in this conflict would be the Agrarian Reform in the 1960s and 1970s. The Chilean state implemented this reform under three different presidents, and the Mapuche would regain some of their ancestral land during these two decades. Much of this land, however, would be taken back by the state when General Augusto Pinochet took power in a military coup in 1973.¹⁰ The Mapuche suffered repression in the early Pinochet years, but a more active resistance movement began to form in the late 1970s as the regime became less repressive.¹¹ The post-Pinochet state passed an Indigenous Law in the early 1990s but has not adopted a consistent line towards the Mapuche. Despite these advances, tension still exists between the state and the Mapuche and has increased as the Mapuche protestors come into conflict with forest industries, large landowners, and the police over territorial disputes.

La Coordinadora Arauco-Malleco (CAM) is one of the groups involved in these types of conflicts and is a militant Mapuche group in Chile. The group formed in the late 1990s and is responsible for burning trucks and taking over land. According to a press release issued in 1999, its members believe that the only way to end the conflict is for the government to return the Mapuche land and to recognize their social, economic, political and cultural rights. They want

⁸ Mella Seguel, Eduardo. *Los mapuche ante la justicia: La criminalización de la protesta indígena en Chile*. Santiago: LOM Ediciones, 2007. 42

⁹ Ideb. 48

¹⁰ Llancaqueo, Victor Toledo. *Pueblo Mapuche, Derechos Colectivos y Territorio: Desafíos para la Sustentabilidad Democrática*. Chile Sustentable, 2006. 30-41.

¹¹ Ray, Leslie. *Language of the Land: The Mapuche in Argentina and Chile*. Skive, Denmark: IWGIA, 2007. 124-128.

“simply to exist in the place that corresponds to us within the democratic environment of the Chilean state.”¹²

On the other side of the conflict, there is the state and its institution, CONADI, or the National Corporation for Indigenous Development, which was formed in 1993 under the Indigenous Law and part of their mission is “[t]o promote, to coordinate, and to execute state action in favor of the integral development of indigenous communities and peoples.”¹³ This marks an effort by the state to improve the indigenous condition in Chile. Nonetheless critics claim that “the government has undermined it [CONADI], making it powerless, with preference being given to big business interests close to the government.”¹⁴ The Indigenous Land and Water Fund was also created by the indigenous law and is used to buy land and return it to indigenous groups that could legitimately claim it.¹⁵ Though this organization exists to return indigenous land, the conflict over land continues.

Another aspect of the state’s reaction to the conflict can be found in its anti-terrorist legislation. The anti-terrorist law or Law 18314 was approved by the military junta under Augusto Pinochet. The law defines sixteen different crimes and the death penalty is proposed as punishment for some of them. In some cases a warrant is not required to arrest suspects.¹⁶ The Chilean National Commission on Truth and Reconciliation recommended a policy that would “regulate the investigatory powers of the police that may be detrimental to citizens’ rights[...].”¹⁷ This law has been used recently to prosecute Mapuche protestors leading to debate about

¹² “Comunicado Publico.” *Documentación Ñuke Mapu* 5 August 1999. Coordinadora Mapuche Arauco-Malleco. 16 September 2009. <<http://www.mapuche.info/mapu/traig990805.htm>>.

¹³ CONADI. *Gobierno de Chile Ministerio de Planificación CONADI*. 7 Sept. 2009. <<http://www.conadi.cl/mision.html>>.

¹⁴ Ray, Leslie. *Language of the Land: The Mapuche in Argentina and Chile*. Skive, Denmark: IWGIA, 2007. 139.

¹⁵ Ideb. 138.

¹⁶ United States Institute of Peace. “Report of the Chilean National Commission on Truth and Reconciliation.” 2002. 117-118.

¹⁷ Ideb. 1096.

whether or not their actions should be considered terrorism. Though the state has measures to protect indigenous rights, it is also prosecuting certain individuals under the anti-terrorism law, which the Chilean National Commission on Truth and Reconciliation found to compromise human rights. The state has used this law to prosecute members of CAM.

Data/Methodology

I will use academic books such as Donna Lee Van Cott's *The Friendly Liquidation of the Past* and Erick D. Langer and Elena Muñoz's *Contemporary Indigenous Movements in Latin America* to analyze indigenous-state relations in Latin America. Both of these examples contain case studies of various indigenous movements in Latin America. With these case studies and case studies on the Mapuche, I can analyze the similarities and differences between the movements.

In the chapter on the Mapuche movement, I will analyze examples of resistance, protest, and confrontations with police. I will use online newspaper articles from three of Chile's most important papers in order to track recent events. *El Mercurio*, owned by Augustín Edwards, a conservative paper, *La Tercera*, a rival of *El Mercurio*, and *La Nación*, a state-owned paper, to compare the different takes they have on the Mapuche conflict and to trace the events from September 2008 to December 2009. This will show the dynamics of the current conflict in terms of Mapuche demands and forms of protest. I will also use the articles to analyze the use of autonomy by third parties. Books such as Leslie Ray's *Language of the Land: The Mapuche in Argentina and Chile* will help to show examples of the conflict in the 1990s and 2000s. By studying examples of protests, such as the protest over the construction of the Ralco dam, over the last twenty years, I can track the changes in demands, forms of protest, and effectiveness of these protests.

Publications by certain Mapuche groups, such as Wallmapuwen, the Mapuche Nationalist Party, who wrote “Propuestas de Organizaciones Territoriales Mapuche Al Estado de Chile” will help to cover the Mapuche perspective on territorial rights as well as their own political organization. Publications by CAM and *Consejo de Todas las Tierras* will provide a more radical viewpoint. I will use articles and books on the Mapuche that cover the movement in the 1990s and 2000s in order to show how the Mapuche’s demands have changed over the years.

In the third chapter concerning the state’s actions, I will analyze its laws, such as the Indigenous Law, and its policies, such as Convention 169. Anti-terrorism legislation will also be used to analyze the state’s role. The state’s laws and institutions concerning indigenous people have been formulated and created throughout the 1990s and 2000s and show how the state’s attitude toward the Mapuche conflict has changed. Government press releases also show how the state response has changed over the years, and I will use those as well. Both laws and press releases will be used to analyze the concept of autonomy from the state’s perspective.

I will use sources and reports from non-governmental organizations to gather outside opinions on the situation. These will be used to determine public opinion on the conflict as well as to analyze the role of autonomy. One source I will use is a report by the Indigenous People’s Rights Watch called the “Criminalización de la protesta social de los pueblos indígenas en Chile.” The United Nations has also issued a number of reports about the situation in Chile concerning the state and the Mapuche, and I will also include those in my analysis. The international groups will help illustrate public opinion outside of Chile. I will utilize these sources and foreign press articles to analyze the use of autonomy.

Preliminary Findings/Hypothesis

The Mapuche conflict is different from other conflicts in Latin America in that it is a regional conflict that does not make an attempt to include other indigenous groups in their struggle. This is a more common theme in the Andean movements, where certain indigenous groups will work together or make references to their indigenous “brothers.” I have found no references in the Chilean Mapuche publications to other indigenous groups like the Argentine Mapuches for example. This conflict is mainly focused on land and territorial rights and not as heavily focused on political participation, which is a popular demand by other indigenous movements in Latin America, though land disputes are a common point of contention. The Mapuche are not numerous or influential enough to force the state to change the laws or the constitution as some indigenous groups in other countries can. They might be able to swing public opinion on a national and international level with support by NGOs and coverage by the media.

Another difference between this movement and others is that this one is not politically coordinated, and there are a number of communities who are actively protesting. Despite the fact that these groups act independently of one another, they all appear to have a common goal: to recuperate and protect their territory. I expect that the Mapuche’s demands have not changed significantly over the years, though the forms of protest have likely due to frustration with the pace of land devolution. The protests have grown more frequent and radical, such as land takeovers.

An indigenous group that has been accustomed to autonomy for so many years will have trouble preserving all of their traditional values in a modern state. Sometimes these values have to change, and the indigenous groups have to make a new identity. Despite the fact that many Mapuche groups claim that they want restitution of their land, it is unlikely that these groups

believe they will receive it. It is not currently in the state's best interests to return the Mapuche land because it is much too profitable to give up even by selling it to the Mapuche groups. The Mapuche know they cannot retake the land, but by protesting or attempting takeovers they can show their symbolic attachment to the land. The Mapuche's identity came from their land. Now that they no longer have access to it, this conflict has become their modern identity.

The other actor in the conflict, the state, has numerous institutions that serve to protect indigenous rights and lands such as CONADI and the Indigenous Land and Water Fund. Nonetheless, these groups do not directly address in these laws the Mapuche's complaints against the usurpation of their land or their protests to gain land. The state still uses the 1980 constitution, which was formed by a government that severely repressed the Mapuche community. Under this constitution the indigenous people of Chile do not have constitutional recognition of their rights even though these rights are guaranteed by law. The state did make progress, however, when it approved the ILO's Convention 169 in 2008, which guarantees indigenous rights. The state's attitude toward the conflict has become slightly more progressive over the past twenty years, especially when compared to the government under Pinochet. Nonetheless, there is still room for the state to expand indigenous rights like other Latin American countries. It remains to be seen what the state's response will be after the escalation of the conflict this August.

The third actor in this conflict, the press and international organizations, is where the concept of autonomy appears most often. I suspect they are using it because it does describe Mapuche demands on some level, even though the Mapuche groups themselves do not use the term that often. The concept has not appeared in any of the state publications that I have

researched so far, which is not surprising. The centralized state would find the term threatening. Autonomy sounds too much like federalism for the state to be very comfortable with the idea.

The movement has changed over the past twenty years and has intensified over the past few months. Both the state and the Mapuche groups have made changes, but it remains to be seen if they can arrive at a compromise that satisfies both parties. If this conflict can be resolved, Chile could provide an example to other Latin American countries in similar situations. A more regional conflict, such as this, might be easier to resolve because it is more isolated and does not incorporate demands from other groups. Nonetheless, the conflict will not be solved any time soon because even if the state returns some of the Mapuche land, there will be groups that continue to protest. The Mapuche are not likely to give up their new identity.

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