

The Mapuche Conflict: Indigenous-State Relations in Contemporary Chile

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ABSTRACT

Caitlin Downey Clarke: The Mapuche Conflict: Indigenous-State Relations in Contemporary Chile

(Under the direction of Oliver Dinius)

The thesis explores indigenous-state relations in Chile through investigating the territorial conflict between the Mapuche and the state. It seeks to answer why the conflict intensified in the summer of 2009. The Mapuche struggle for land has existed for hundreds over years but has become more violent in the last fifteen years. Typical protests today include land occupations that generally end in violent confrontations with police, and sabotage where protestors burn things from logging and farming equipment to landowners' houses.

Some Mapuche groups resort to violence even though Chile is an established democracy that should have a way in which its people can address their issues legally. Nonetheless, certain Mapuche groups rely on land occupations and sabotage to make their claims to the state. The state has not formed a coherent indigenous policy that efficiently addresses the Mapuche demands for land, pursuing, instead, a patchwork of policies and projects. It has not formed policy because it is a centralized government focused on national unity, and because it wants to retain its investors. The state is still more concerned with the interests of big business than the rights of its indigenous peoples and fears losing the investments made by the forestry and hydroelectric companies. In addition to the lack of coherent policy, the government has not formed a consistent response to the Mapuche conflict. Some responses include the state giving some groups land and prosecuting others, which perpetuates the conflict. The intensification is also part of the Mapuche connection with the land and the conflict's pattern. I prove these claims by analyzing Mapuche history to show their connection with the land in the first chapter. I identify the actors in the conflict and analyze the role of each in the second chapter. In the last two chapters, I analyze the conflict from 1997 to 2010 in order to show the state's response. It is

unlikely that the state can fully resolve the conflict, but it could lessen the violence if it turns land over to all the communities that demand it and combines its various projects into a more coherent indigenous policy. However, the conflict might continue if more radical groups decide that their demands have not been met by the state.

TABLE OF CONTENTS

INTRODUCTION	1
CHAPTER I: HISTORY OF THE MAPUCHE	13
CHAPTER II: THE ACTORS IN THE CONTEMPORARY MAPUCHE MOVEMENT	31
CHAPTER III: CONFLICTS IN THE 1990S AND THE 2000S.....	53
CHAPTER IV: THE MAPUCHE CONFLICT IN 2009	63
CONCLUSION.....	82
BIBLIOGRAPHY.....	87

Introduction

On August 12, 2009, police shot and killed a young man while attempting to dislodge a group of Mapuche protestors occupying private property. Less than a month later authorities released the police officer who shot the twenty four year old protestor, Jaime Mendoza Collío, on bail. A month later, in late October, the Coordinadora Arauco Malleco, CAM, a radical Mapuche group, declared war on the state through an email communication stating that they would no longer talk with it.¹ These are some of the most controversial recent events in the territorial conflict between the Mapuche, an indigenous group, and the Chilean state, which intensified during the summer of 2009. In this conflict, the Mapuche demand that the state return their ancestral lands that are now controlled by landowners and companies that extract natural resources. This conflict has existed for over a hundred years, but violent events such as these have only occurred in the past thirteen as the Mapuche became frustrated with the state's lack of progress in addressing their demands and forming coherent indigenous policy.

The Mapuche began defending their land from foreign invasion in the 1400s with the Incan invasion of Chile, and then they fought against the Spanish when they invaded less than a century later. Beginning in the 1860s, the Chilean national state helped to usurp Mapuche land when it invaded southern Chile and paved the way for European and Chilean settlers. The state and private individuals removed the Mapuche from their ancestral lands by fraudulent means and confined them to smaller and smaller reservations. Today the Mapuche hold very little of their ancestral lands, and they protest their situation by marching, occupying land, participating in acts of sabotage, and appealing to the government to make changes in its policies. Certain Mapuche groups believe that by occupying their ancestral lands that they can force the government to pay

¹ "Mapuches huyen con activista herido tras emboscar e incendiar camiones en Angol." *La Tercera*. 21 Oct. 2009.

attention and solve the problem. The thesis investigates the relationship between the Mapuche and the Chilean state through the lens of this conflict over territory.

The thesis covers a large time span in order to illustrate the Mapuche history and the roots of the conflict, but it focuses on the late 1990s through 2010 as it answers why the conflict intensified in the summer of 2009. Some Mapuche groups resort to violence even though Chile is an established democracy and, therefore, should have an efficient way in which its people can address their issues legally. As a result, certain Mapuche groups rely on land occupations and sabotage to make their claims to the state. Even though Chile has attempted to address indigenous affairs, especially the “Mapuche problem” for nearly twenty years, it has not formed a coherent policy that efficiently addresses the demands for land. Instead, it has pursued a patchwork of policies and projects as is shown in the second chapter. In addition to the lack of coherent policy, the government has not formed a consistent response to the Mapuche conflict, which is illustrated in the third and fourth chapters.

The state has not implemented significant indigenous policy since 1993, and this is the main reason that the contemporary conflict exists. The state has not made big changes in indigenous policy for a number of reasons that are illustrated throughout the thesis. First, it does not want to alienate big business because Chile is one of the most successful economies in Latin America, and the state does not want to support indigenous rights over opportunities for economic growth. The state is still more concerned with the interests of big business than the rights of its indigenous peoples and fears losing the investments made by the forestry and hydroelectric companies.

Second, the centralized government and the idea of national unity makes it difficult (if not impossible) for the state to single out one sector of its population—the indigenous people—

for special treatment. It has attempted to make laws and policies for the indigenous people, but further legislation stalls out in debate and can remain in congress for years. This happens because the government officials cannot agree on how to treat the indigenous people.

Third, the government's attempt to split the movement into two groups has caused the conflict to intensify. The government uses police to repress the violent protests because it does not want to support "terrorists" and is still trying to separate the "good" Mapuche from the "bad" and treat them both accordingly. The state rewards the "legitimate" groups, while the police repress the "illegitimate" groups. The state does not have a decisive response to the conflict because it cannot easily separate the "terrorists" from the less radical groups. It is easier to use police forces to repress indigenous activism than it is to give the Mapuche more political freedoms and land. These actions alienate the more radical groups, many of which still want to interact with the state, and this causes the conflict to intensify.

Background and Indigenous Movements in Latin America

The Mapuche Movement

The Mapuche movement includes three aspects: the land issues, the political issues, and the desire for autonomy where regaining ancestral land is most important aspect. They are the largest indigenous group in Chile, roughly ten percent of the population. In the Araucanía, the ninth region of Chile, the percentage increases, and around twenty-six percent of the population over fourteen years old considers themselves to be Mapuche. This region boasts one of the highest Mapuche populations in the country. The Mapuche have existed for hundreds of years, long before the arrival of the Spanish colonizers. They managed to preserve part of their territory after a long war, but they lost it in the mid 1800s when the Chilean state moved in and took

control of the land. Today the Mapuche strive to regain their way of life, and the movement as a whole aims to gain access to ancestral lands and increase their political representation. The current conflict within the movement comes from a section of Mapuche society that has resorted to more radical, occasionally violent protests in order to get a response from the landowners, forestry companies, and the state. Such protests include land occupations, marches, sabotage of equipment, and arson. A number of Mapuche communities also negotiate with the state, which has an organization that works with indigenous groups, in order to regain their land. The independent organization formed by the state, the National Corporation of Indigenous Development (CONADI), seeks to buy land in southern Chile from landowners and companies and then return it to the Mapuche communities that originally held it. In addition to land issues, CONADI oversees projects concerning increasing indigenous representation.

Political goals in the movement include constitutional recognition and representation in the government. In Latin America “since the return to democracy in the 1980s, social movement organizations have formed political parties [...]”² The Mapuche movement includes a political party formed in 2005, but it, Wallmapuwen, does not play a very active role in the conflict. However, it does advocate for an autonomous Mapuche region.

The concept of autonomy plays a role in this conflict because some Mapuche groups call for an autonomous region. Other groups call for land distribution and greater access to social services without focusing on 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 Chile is a centralized government that does not allow much room for autonomy. Federal systems have a higher degree of autonomy such as in the United States where each state has its own

² Donna Van Cott. *From Movements to Parties in Latin America*. New York: Cambridge University Press, 2005. 40.

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

government, elected by the people of that state, which makes its own laws and presides over its local issues such as education and distribution of utilities. While each state has a degree of self-rule, it does not have complete autonomy because of federal supervision. A completely autonomous state would be its own country and not subject to control by a larger entity. It would be easier for an indigenous group to have more autonomy in a federalized system. For example, many Native American groups in the United States have their own reservations with their own local laws. Chile is divided into regions, and each one has a local government, but they do not have local laws. As a result, the idea of an autonomous region in a country with a nearly 200-year history of a centralized system is not popular among the political powers.

Indigenous Movements in Latin America

A comparison between the indigenous-state relationship in Chile and the same relationship in other countries contextualizes this conflict in the overall concept of Latin American indigenous politics. This comparison illustrates the significance of the Mapuche conflict and puts it into context by looking at a few other indigenous-state relationships in Latin America. Though the Mapuche share similar a background and goals with many other indigenous groups in Latin America, the Chilean state's policy sets this movement apart from others. Indigenous movements have increased in number in Latin America since the 1980s, years marked by democratic transition and by economic crisis for many of its countries.⁴ The Mapuche population is relatively small compared to the total in Chile, and they have little power to influence the workings of the state, unlike larger groups such as those in Ecuador and Bolivia. Indigenous groups commonly advocate for increased political participation or protection, land

⁴ Donna Lee Van Cott, ed. *Indigenous Peoples and Democracy in Latin America*. New York: The Inter-American Dialogue, 1994. 2.

rights, and the right to use their own languages. The Mapuche pursue goals similar to the “pan-American discourses that emerged to celebrate indigenous otherness [which] often stress a nonmaterialist [sic] and spiritual relation to the land, [and] consensual decision-making [...]”⁵

Other Latin American indigenous movements have suffered loss of their lands at the hands of the state or private individuals, such as ones in Ecuador, Brazil, and Mexico. In Ecuador, oil companies have clashed with indigenous populations. In Brazil, the military government opened indigenous lands to development following neoliberal economic reforms, which led to the construction of dams and other industries in the Amazon region. In Chiapas, Mexico, indigenous people have to confront loggers and ranchers who try to take their lands.⁶ The movement in Chiapas has been compared to the one in Chile, and both share similarities such as “poverty, a political demand, serious land problems, and a militarized response on the part of the government [...]”⁷

In terms of constitutional reform, other countries have changed the wording of the constitutions to reflect their diverse populations while Chile has not. Some countries that have incorporated indigenous recognition into their constitutions include Colombia, Bolivia, Nicaragua, and Brazil.⁸ Bolivia boasts a very large indigenous population, over sixty percent of the total, which might have influenced their ability to achieve reforms. Other countries such as Colombia and Brazil have also achieved reform and have very small indigenous populations. The

⁵ Kay B. Warren and Jean Jackson. “Introduction: Studying Indigenous Activism in Latin America.” *Indigenous Movements, Self-Representation, and the State in Latin America*. Ed. Kay B. Warren and Jean Jackson. Austin, Texas: University of Texas Press, 2002. 1-46. 13.

⁶ Erick D. Langer. “Introduction.” *Contemporary Indigenous Movements in Latin America*. Ed. Erick D. Langer and Elena Muñoz. Wilmington, DE: Scholarly Resources Inc., 2003. xi-xxix. xiii-xiv.

⁷ Rodrigo Barria Reyes. “Canciller Mapuche. El Conflicto Indígena en Chile Se Parece Mucho a Chiapas.” *El Mercurio*. 24 Feb. 2010. 19 March 2000. Translated by the author.

⁸ Donna Lee Van Cott. *The Friendly Liquidation of the Past: The Politics of Diversity in Latin America*. Pittsburgh: University of Pittsburgh Press, 2000. 16.

Chilean state has reformed the 1980 constitution, but it has not completely overhauled it and it does not yet include recognition of the indigenous people in Chile.

Like the Mapuche, the Maya in Guatemala (and other countries such as Mexico and El Salvador) have organized in order to preserve their identities and define their place in the nation state. However, the Mapuche movement shares few similarities with the Pan-Maya movement. The latter advocates for increased political rights among the Maya groups and focuses on constructing a multicultural nation state. They prioritize cultural revival and the movement unites numerous Mayan groups that work together.⁹ The Mapuche are only located in Chile and Argentina and their groups generally do not unite to form large or national groups. Though the Mapuche desire a more multicultural state, the government resists that change, and the demand for land often receives more attention from the state and the press. A multicultural state recognizes its diversity, and it would include constitutional recognition of the indigenous groups' existence and guaranteed political representation in the government. Both groups did suffer from brutal military regimes (in Guatemala for example) and the regional Mapuche groups are similar to the multiple Mayan groups.

Indigenous rights have become a more global issue in the past thirty years and some important international groups involved in indigenous movements include the United Nations, the International Labor Organization, and the Catholic Church.¹⁰ In 1989, the International Labor Organization (ILO) proposed Convention 169, which "proclaimed the rights of native peoples throughout the world."¹¹ The Chilean state finally passed Convention 169 in 2008 some eighteen years later. This is one example of how government officials do not consider indigenous policy a

⁹ Victor Montejo. "The Multiplicity of Mayan Voices: Mayan Leadership and the Politics of Self-Representation." *Indigenous Movements, Self-Representation, and the State in Latin America*. Ed. Kay B. Warren and Jean E. Jackson. Austin, Texas: University of Texas Press, 2002. 123-148. 135-144.

¹⁰ *Ibid.* xxi.

¹¹ *Ibid.* xxii.

priority and how it gets lost in congress. The document notes that in many places indigenous and tribal peoples “are unable to enjoy their fundamental human rights to the same degree as the rest of the population of the States within which they live.”¹² The Mapuche movement has not made as much progress as some of the aforementioned indigenous groups in Latin America. This is directly related to the Chilean government’s inability to create an indigenous policy that effectively addresses Mapuche land issues and that incorporates other demands, such a constitutional recognition.

Methods

A variety of sources assists in answering why the conflict intensified in 2009 and what this says about the indigenous-state relationship in Chile. First, scholarly articles and books about indigenous-state relations in Latin America as well as about indigenous conflicts help to build a context for the Mapuche movement. By looking at other countries, one can see how the Mapuche movement relates to other large indigenous movements. One can also see how the indigenous policies in other countries relate to the policy in Chile. Other groups have made more progress than the Mapuche because of their respective states’ indigenous policies. This overview shows how Chile differs from other countries where indigenous movements have made further strides.

Books on the ancient history of Latin America include information about the early history of the Mapuche and establish the long connection that they have had with their land. In addition, these sources help to show the social structure of the Mapuche society before the Spanish invasion. These sources illustrate who the Mapuche are and how they identify themselves and

¹² “C 169 Indigenous and Tribal Peoples Convention, 1989.” *International Labour Organization*. 2006. International Labour Organization. 8 Oct. 2009 < <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169>>.

show that they are not solely defined by this conflict. They help to illustrate the Mapuche demands and the conflict's deep roots. These sources show the first of the state's injustices with respect to the Mapuche.

The two largest sets of sources include articles and books about the conflict, many written by Chilean and Mapuche authors, which serve to illustrate its pattern and the state's response to it. These books and articles aid in illustrating the history and structure of the conflict throughout the 1990s and 2000s. Observing the conflict's structure and recent history establishes the pattern of the conflict. These sources also illustrate indigenous policy projects that the state has formed since 1990 and shows how it has not implemented many of the policy suggestions. These sources illustrate the state's preference for national unity over diversity, showing how the centralized government continues to marginalize the Mapuche. They also show how the state is more concerned with economic development than indigenous development.

Online newspaper articles from the three largest newspapers in Chile, *El Mercurio Online* (the online paper associated with the print paper *El Mercurio*), *La Nación*, and *La Tercera*, assist in tracking the conflict from January 2009 to January 2010, a period about which very little scholarly literature exists. This closer look at the conflict illustrates the pattern during this year shows how the government reacted to this intensification. In terms of state reaction, these articles show how Chile does not have an effective manner in which it can respond to and resolve Mapuche demands. It chooses instead to use police repression and raids to combat the protestors and the Anti-Terrorist Law to prosecute them.

In general, *El Mercurio Online* covers three types of protests in the Mapuche conflict: land related conflicts, arrests, and sabotage. The number of articles increased greatly after the incidents in July. Land related confrontations were most common. Arrests and sabotage were

second in terms of coverage and are generally short articles with facts. The paper also occasionally reported on the opinions of the government or the Mapuche leaders, and these articles are about as prevalent as the ones about arrests.

The online version of *La Nación* follows a similar pattern as *El Mercurio Online*, and features fewer articles during the first half of the year, then a much larger amount starting in July when the conflict intensified. The important issues remain the same: confrontations over land, arrests, acts of sabotage, and opinions/announcements by the various participating groups. However, this paper tends to have more opinion type articles than *El Mercurio Online*.

La Tercera gave the most extensive coverage of the conflict and often had more details than the other two papers. It covered the same topics of the conflict, but had more articles than the other two papers about the conflict. Its articles also tended to be longer and more in depth.

All three papers are objective in their coverage, but there are generally more statements by state officials than by the Mapuche groups. They do include announcements by Mapuche leaders, though they are generally leaders of groups in conflict and not the groups that are negotiating more peacefully with the state. The press gives in depth coverage of the Mapuche conflict, but other aspects of the movement itself receive less coverage, such as the political party Wallmapuwen or the political efforts of the movement. If bias exists within these papers it is subtly done. Other online news sites often run by Mapuche groups such as MapuExpress, tend to be more biased and are often in favor of violent action.

Structure

In order to answer why the conflict intensified in 2009 and what this conflict says about indigenous-state relations in Chile, the thesis consists of four chapters as well as an introduction

and conclusion. The introduction compares this movement to the other ones in Latin America. It serves to contextualize the movement by showing that similar movements exist and that the Chilean state has not made as much progress as other nations. The first chapter explores the early history of the Mapuche by showing their long history of defending their land from foreign invasion. This chapter also explains the Mapuche social structure and helps to show how they self identify.

The second chapter identifies the main actors in the conflict: the Chilean state, some of the Mapuche groups, and the main forestry and hydroelectric companies. It explains the state's indigenous policies throughout the 1990s, identifying its role in the conflict. It also illustrates the state's failed efforts to make a definitive change to the indigenous policy implemented in 1993. It identifies some of the Mapuche groups and their demands. This chapter identifies the important companies that extract or use natural resources in southern Chile and illustrates why they come into conflict with the Mapuche. This chapter begins to illustrate the centralized government's inability to isolate one social group for special treatment under the law. It also illustrates, by looking at Chile's economic history, how the state prioritizes big business and investors.

The third chapter analyzes the conflict from the late 1990s to 2008, and it looks at how and why the conflict changed in the late 1990s from a largely non-violent to a violent one. It explores what caused this change. This chapter shows the common types of protest seen in the conflict and some of the most important events for that period. In addition, the examples of protest during the previous decade illustrate how the conflict is violent and how it has developed over the years. It also continues to show the state's preference for economic development through specific examples.

The fourth chapter uses newspaper articles to focus on the period from January 2009 to January 2010 to show the most recent year of the conflict in detail. By using the third and fourth chapters together, one can trace the general pattern of the conflict since its original intensification. This chapter illustrates the different types of protests that have occurred within the last year, and the state's reaction to them. It illustrates the government's efforts to separate the Mapuche into groups with legitimate demands and terrorists, which causes the conflict to intensify because it alienates certain groups. For example, it shows how the state uses the Anti-Terrorist Law to prosecute the Mapuche and how it marginalizes them. It also reveals how the state uses CONADI to work with the "legitimate" groups.

The conclusion answers why the conflict intensified in summer 2009 and why the Chilean state still has not developed a policy that would prevent this violence. It shows that the centralized government, which focuses on national unity instead of diversity, cannot form coherent indigenous policy. It shows how the state is more focused on economic development. The state marginalizes the Mapuche through police repression and prosecution, which causes the conflict to intensify. The conclusion also explores the possibility of whether the state will resolve this conflict.

Chapter One: History of the Mapuche

Introduction and Background

The Mapuche lived in Chile long before the Spanish colonizers arrived, and they remain a significant presence today. Currently, they represent five to ten percent of the total Chilean population of 16.6 million inhabitants. In Chile, numerous regional groups form the Pueblo Mapuche. All of the groups speak an oral language called Mapudungun. The majority of the Mapuche live in Chile, but some also live in Argentina. In Chile, the majority of the Mapuche live in the ninth region, the Araucanía, and in Santiago, Chile's largest city and capital.

The history of the Mapuche and their relationship with the Spanish colonizers and the Chilean state help explain their desire to regain their ancestral lands and show why the current conflict has developed as it has. The Mapuche developed as an ethnic group for many hundreds of years in central and southern Chile before ever having contact with the Europeans and their way of defining land ownership. They developed a deep relationship with the land, which provided them with food and formed part of their cosmology. Their cosmology is closely related to the natural world, and the ethnic groups within the Mapuche have names related to their region such as the Huilliche, "People of the Hill" and the Lafkenche, "People of the Coast." Others, such as the Pewenche, have names related to a particular natural element of their territory such as, the *pewen*, a tree.¹³ The word Mapuche, "People of the Land" refers to all of these groups. The name is a form of identification, and these names illustrate how the Mapuche identify themselves with the land and the natural world. This connection forms part of the Mapuche argument that the state return their land. For years, the Mapuche fought to preserve their way of life. In order to maintain their traditional way of life, they must have access to their

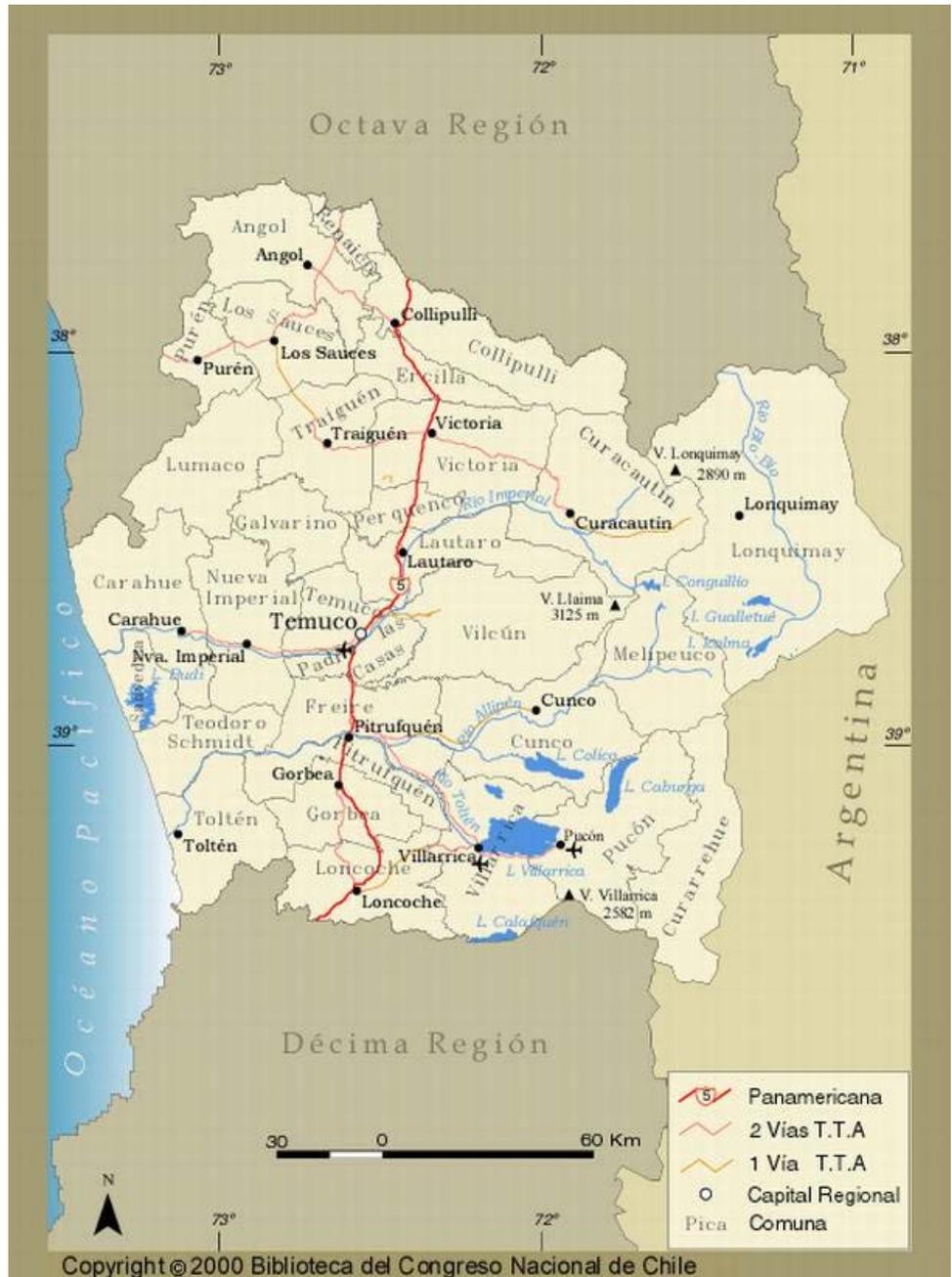
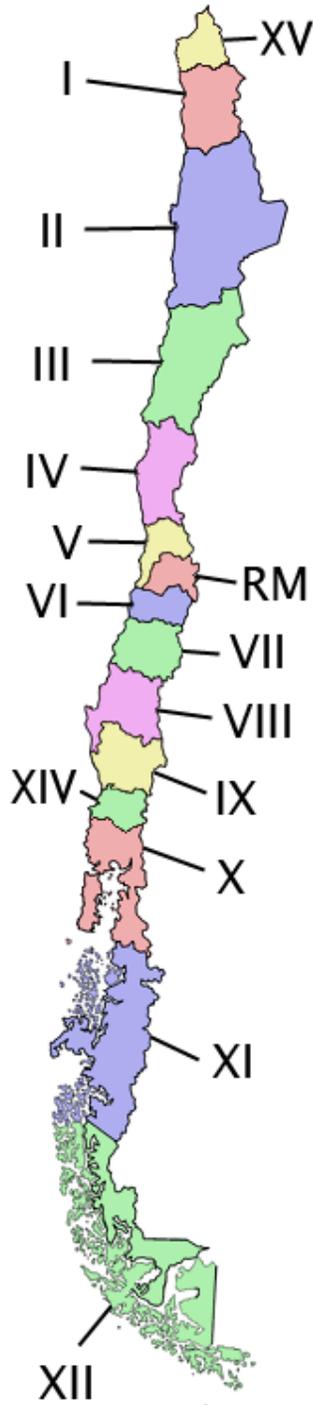
¹³ "The Mapuche Nation." *Mapuche Nation*. 12 Feb. 2010. <http://www.mapuche-nation.org/english/html/m_nation/main/m_nation.htm>.

lands where they can hold their religious ceremonies, grow their food, and maintain their social structure. When the Mapuche lost their land, it disrupted their social structure and introduced concepts such as commerce and land titles. As a result, the Mapuche have strived for years to regain their land in order to preserve and rebuild the aspects of what defines their culture.

Regional Map of Chile

The Araucanía is the ninth region (IX) in Chile.

Map of the Ninth Region



Source: <http://www.mapasdechile.com.ar/mapas/mapa-politico-araucania.php>

The History of the Mapuche

The early history of the Mapuche helps to establish who they are and how they organized their early societies. They are not just a violent group committing acts of sabotage, but a complex society that has existed for hundreds of years. Archaeologists generally agree that the first Paleo-Indians settled in Patagonia around 9000 B.C.¹⁴ These early peoples were hunter-gatherers, and over the years developed into various groups such as the Mapuche whose society dates to 500 or 600 A.D.¹⁵ Their prehistory is unclear, but it is generally agreed that the early Mapuche used hunting, gathering, and horticulture to provide their food, and they cultivated quinoa, potatoes, and corn among other plants. Throughout their history “[i]t is possible to observe a direct relationship between the Mapuche way of life and the utilization of the natural resources that existed in their territory.”¹⁶ Such a connection is similar to other indigenous groups, many of which rely on the land to provide their livelihoods. The Mapuche had a concept of territory and generally had stable settlements, and their society fell somewhere between roaming hunter-gatherer bands and completely sedentary agricultural societies.¹⁷ However, other sources claim that they likely moved from horticulture to a completely sedentary and agricultural society.¹⁸ While the extent of their agricultural abilities is unclear, the Mapuche did plant and harvest various crops.

In contrast to European societies, the pre-Hispanic Mapuche did not have a central political power; instead, their societies revolved around the family, the most important social group. Extended families came together in groups called *lofs*, with a patron or chief known as the

¹⁴ Chile. Government of Chile. *Informe de la Comisión Verdad Histórica y Nuevo Trato*. 2008. 44-45.

¹⁵ *Ibid.* 345-348.

¹⁶ *Ibid.* 348. Translated by the author.

¹⁷ *Ibid.* 348.

¹⁸ Mario A. Rivera. "Prehistory of the Southern Cone." *The Cambridge History of the Native Peoples of the Americas: Volume III: South America Part I*. Ed. Frank Salomon and Stuart B. Schwartz. Cambridge: Cambridge University Press, 1999. 734-768. 752.

lonko. The families generally maintained their own autonomous lands. The different *lofs* had alliances (generally through relationship ties) for economic reasons or in times of war. Occasionally these groups would choose a *toqui* to lead the group in those situations.¹⁹ In addition to *toquis* and *lonkos*, Mapuche society also had older men, known as *ulmenes*, in the society who would resolve conflicts and give advice.²⁰ A *quiñelob* is a group made up of more than one *lof*, and the *lebo* or *rehue*, is a larger group that served as a place where groups could resolve the issues concerning them such as war. During times of war, the Mapuche *rehues* came together to form a larger semi-permanent group called the *allyarehue* (nine *rehues*). The largest unit of Mapuche social structure, the *futamapu*, consists of all of the *ayllarehues*.²¹ Another form of social interaction took the form “of internecine warfare, usually steaming from charges of witchcraft, [which] characterized intra-Mapuche relations [...]”.²² While the Mapuche had an elaborate social structure, they did not maintain many of its groups all the time and came to together only when needed. Their social structure was complex but not as hierarchical as Spanish society.

¹⁹ Ibid. 349-352.

²⁰ “The Mapuche Nation.” *Mapuche Nation*. 12 Feb. 2010. <http://www.mapuche-nation.org/english/html/m_nation/main/m_nation.htm>.

²¹ Chile. Government of Chile. *Informe de la Comisión Verdad Histórica y Nuevo Trato*. 2008. 352-356.

²² Kristine L. Jones. “Warfare, Reorganization, and Readaptation at the Margins of Spanish Rule: The Southern Margin (1573-1882).” *The Cambridge History of the Native Peoples of the Americas: Volume III: South America Part 2*. Ed. Frank Salomon and Stuart B. Schwartz. Cambridge: Cambridge University Press, 1999. 138-187. 141.

Territorial Conflict, 1500s–1860s

Important Events in Mapuche History and their Results 1500s-1930s

Year	Action	Result
c. 1490	Incan invasion of Chile under Tupac Yupanqui	Mapuche stop Incan expansion and preserve their territory ²³
1540	Arrival of Spanish conquistadores in Chile	A war that decimated the indigenous population and caused social restructuring in Mapuche society
1641	Establishment of the Biobío River as the border between Spanish and Mapuche societies	This allowed the Mapuche to maintain their territorial integrity and independence until the mid 1800s
c. 1850s	The Pacification of the Araucanía began with spontaneous colonization	Mapuche begin to lose territorial integrity as settlers moved into the southern part of the country ²⁴
1866	The state implements a law creating the Occupation of the Araucanía	The Chilean army begins moving into the ninth region to establish (and reestablish) forts
1883	Soldiers arrive at ruins of Villarica (destroyed in 1603)	This signifies the end of the Pacification of the Araucanía and is a turning point in Mapuche objectives which shifted from protecting land to regaining it
1866-1929	The Chilean state gave out the <i>títulos de merced</i> or free land titles for the Mapuche	By demarking Mapuche land the state began to “legally” limit the amount under Mapuche control.
1927	The state passed a law that allowed for the voluntary division of Mapuche property if all the heads of household agreed to do it	This meant that communally owned land was divided into privately owned units. This helps to break up the Mapuche community.
1931	The previous law is changed so that a community can be divided if one third of its members decide to do so	This contributes to further reduction of Mapuche land by making it easier it to be divided.

²³ "History & Culture." *Chile*. 22 Jan. 2010. interKnowledge Corp. <<http://www.geographia.com/chile/chilehistory.htm>>.

²⁴ Chile. Government of Chile. *Informe de la Comisión Verdad Histórica y Nuevo Trato*. 2008. 385-386.

The idea of defending and preserving their land (and way of life) from who the Mapuche are today, forming a legacy of preserving their land. Their victory over the Incans, the subsequent Spanish invasion and the resulting war contributed to their identity of fighting to preserve their land and way of life. In 1540, the Spanish conquistadores first arrived in Chile led by Pedro de Valdivia, coming down through Peru and moving southward establishing cities throughout Chile, such as Santiago in 1541. The two groups clashed in a long war, and the Spanish decimated the indigenous population, but Mapuche warriors destroyed some of the cities established by the conquistadores, such as Villarrica. The Spanish retained control of coastal cities such as Valdivia and Osorno, as well as the island of Chiloé because of their maritime prowess.²⁵ Otherwise, the Mapuche pushed the Spanish colony northward after the conquistadores initial advances and eventually made a truce with them creating several treaties to govern their relationship. This formed, in effect, two separate territories—the Spanish one in the north and the Mapuche one in the south.²⁶

Mapuche society went through a number of changes because of their contact with the Spanish conquistadores before and after the war. The government report on the Mapuche says that groups of them relocated because of the Spanish expansion and the war and settled in the Andes region, even moving into Argentina. Also, contact with the Spanish led to the incorporation of ranching into the Mapuche society, and they began raising cattle, horses, and sheep. Commerce, which had not existed previously in Mapuche society, appeared.²⁷ Contact with the Spanish also led to “a militarization and political stratification within Araucanian

²⁵ José Araya. "Conflicto Mapuche: Algunas razones y derechos en este nuevo enfrentamiento." *Serie Opinión y Perspectivas*. Ed. María Luisa Ortiz. Santiago: LOM Ediciones, 1999. 10.

²⁶ José Bengoa. *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. 339-341.

²⁷ Chile. Government of Chile. *Informe de la Comisión Verdad Histórica y Nuevo Trato*. 2008. 365-366.

society.”²⁸ Mapuche society moved toward a more centralized social system, and the role of *lonko* shifted away from prowess during war to a leader, the *ulmen*, who controlled economically and through political negotiations.²⁹ The old organizational system become much more rigid, and the *ulmenes* fell under the direction of regional *toquis*.³⁰

The Chilean State: Nationalism versus Territorialism

The Pacification/Occupation of the Araucanía

The Pacification of the Araucanía forms another part of Mapuche identity and is the beginning of the indigenous-state relationship in Chile. This relationship started inauspiciously with a war and the resulting loss of Mapuche territory. The Spanish territory and the Mapuche one coexisted for over two centuries until the Chilean state, which won its independence from Spain in 1817, decided to expand southward. The state disregarded the border established by the Spanish because it wanted to incorporate the “barbaric” Mapuche and gain access to the lands of the south. It took the state some time to focus on the “Araucanía problem” in the south because of the war with Bolivia and Peru in 1836 and internal strife caused by the royalists after independence. Missionaries moved into the area in the 1830s and 1840s to help civilize the indigenous population.³¹ The idea behind sending settlers and later the Chilean army into Mapuche territory was to “unify” the two separate territories in the country. Indigenous occupation of the territory stood in the way of the state’s mission to define its border with

²⁸ Kristine L. Jones. “Warfare, Reorganization, and Readaptation at the Margins of Spanish Rule: The Southern Margin (1573-1882).” *The Cambridge History of the Native Peoples of the Americas*. 138-187. 157.

²⁹ Chile. Government of Chile. *Informe de la Comisión Verdad Histórica y Nuevo Trato*. 2008. 366-367.

³⁰ Kristine L. Jones. “Warfare, Reorganization, and Readaptation at the Margins of Spanish Rule: The Southern Margin (1573-1882).” *The Cambridge History of the Native Peoples of the Americas*. 138-187. 157.

³¹ Leslie Ray. *Language of the Land: The Mapuche in Argentina and Chile*. Skive, Denmark: IWGIA, 2007. 72.

Argentina.³² Around 1850 a process called “spontaneous colonization” began to occur, and some settlers acquired Mapuche land fraudulently.³³ As a result, territory moved into the hands of Chilean settlers without recompense to the previous Mapuche owners. Though this was not an official colonization effort by the state, it did nothing to protect the Mapuche as settlers took their land. The state wanted a unified country and later instituted laws that allowed for the invasion and reduction of Mapuche land so this initial step was useful if unofficial. This is the first example of the centralized Chilean state striving to achieve national unity instead of preserving the rights of its indigenous citizens.

By the 1860s, the state intervened and took greater control of the Araucanía, because the “idea of a semi-autonomous indigenous territory within the republic was unbearable [...]”³⁴ This process is the first time the Chilean state interferes with Mapuche land. In 1852, the state wrote a law that created the Araucanía Province, and in 1866, under the law that defined the “Occupation of the Araucanía” the Chilean army began entering Mapuche territory and began building forts.³⁵ These laws change the settler’s perceptions of the territory from indigenous owned land to land available for colonization. The Mapuche resisted the violent colonization until 1881 but could not maintain their resistance after the foundation of Temuco (today the capital of the ninth region). In addition, the reinforcement of troops after the end of the Pacific War led to the Mapuche losing much of their territory. In 1883, the army arrived at the ruins of Villarrica, which Mapuche had destroyed in 1603, completing the Occupation of the Araucanía.³⁶ The nearly twenty-year process left the Mapuche with less than five percent of their

³² Mario Sznajder. “Ethnodevelopment and Democratic Consolidation in Chile: The Mapuche Question.” *Contemporary Indigenous Movements in Latin America*. Ed. Erick D. Langer and Elena Muñoz. Wilmington, DE: Scholarly Resources Inc., 2003. 17-34. 20.

³³ Chile. Government of Chile. *Informe de la Comisión Verdad Histórica y Nuevo Trato*. 2008. 385-386.

³⁴ Leslie Ray. *Language of the Land: The Mapuche in Argentina and Chile*. Skive, Denmark: IWGIA, 2007. 71.

³⁵ Chile. Government of Chile. *Informe de la Comisión Verdad Histórica y Nuevo Trato*. 2008. 377-378.

³⁶ *Ibid.* 378-383.

ancestral lands.³⁷ This event marked a significant change in their way of life—for hundreds of years they had controlled their own land and resisted foreign invasion, but in the 1880s, they could no longer resist a technologically superior force and had to concede. At this time, the Mapuche objective shifted from resisting invasion to attempting to regain land that had been forcibly taken.

Beginning in 1866 the Chilean state started offering free land titles to the Mapuche, or the so-called *títulos de merced*. The surveyors, however, reported to the capital that the indigenous peoples already occupied all the land, which led to the idea of reducing the amount of it that pertained to the Mapuche. State officials inaccurately recorded what amount of land the Mapuche communities controlled through land titles given out from 1884 to 1929, and they generally recorded cultivated land without including the fertile land not under cultivation. The state gave these titles to some of the heads of the communities, and as a result, the land previously used by a group of people now officially belonged to one person, which completely redefined the Mapuche concept of ownership by making communal land private. The state officials rearranged families based on economic rather than social criteria, forcing families onto small reservations, which caused internal division among the Mapuche.³⁸ The state gave out around 3000 *títulos de merced* from 1884 to 1929, which demarcated 500,000 hectares for the Mapuche.³⁹ Chile is about seventy-five million hectares total and the Araucanía is a little over three million hectares. The state distributed the remaining land, about nine million hectares, to the foreign and national settlers.⁴⁰ The state reduced Mapuche land and divided their communities into smaller, more isolated groups. This isolation disturbed their social structure as

³⁷ Eduardo Mella Seguel. *Los mapuche ante la justicia: La criminalización de la protesta indígena en Chile*. Santiago: LOM Ediciones, 2007. 42

³⁸ Chile. Government of Chile. *Informe de la Comisión Verdad Histórica y Nuevo Trato*. 2008. 381-385.

³⁹ *Ibid.* 412.

⁴⁰ Leslie Ray. *Language of the Land: The Mapuche in Argentina and Chile*. Skive, Denmark: IWGIA, 2007. 88.

well by rearranging which groups lived together. By isolating these groups and rearranging them, the state made it difficult for the Mapuche to regroup after the occupation.

Over time, the number of Mapuche reservations would continue to shrink in size even as their population grew. Private individuals took some of the land by force, leaving the Mapuche to find land elsewhere. The Mapuche saw the greatest reduction by private individuals in their *títulos* from 1900 to 1930, and these “[...] usurpations employed, generally, forceful measures to wrest the land from the indigenous [people...].”⁴¹ A 1927 law allowed for the voluntary division of the land owned by the communities if all the heads of households agreed to do so, and then each family could receive its own title and private property. This caused further disunity among the Mapuche communities.⁴² This law changed in 1931 and allowed for the division of property if one third of its members agreed to do so.⁴³ The various state laws that allowed for the creation of private property made it easier for individuals to sell their land to other entities. These actions created a distrustful relationship between the new state and the Mapuche, a relationship that developed into an oppositional one.

Mapuche resistance groups started to form in the early nineteen teens to protest the usurping of their lands, such as the *Sociedad Caupolicán Defensora de la Araucanía*, *Sociedad Mapuche de Protección Mapuche* (now *Federación Araucana*), and *Unión Araucana*.⁴⁴ These groups were the precursors to the contemporary Mapuche groups and developed over the first few decades of the twentieth century. Some supported integrationist ideas and wanted to assimilate into the Chilean society, and others wanted more control of their culture and land.⁴⁵

⁴¹ Ibid. 412.

⁴² Leslie Ray. *Language of the Land: The Mapuche in Argentina and Chile*. Skive, Denmark: IWGIA, 2007. 101-102.

⁴³ Chile. Government of Chile. *Informe de la Comisión Verdad Histórica y Nuevo Trato*. 2008. 421.

⁴⁴ Eduardo Mella Seguel. *Los mapuche ante la justicia: La criminalización de la protesta indígena en Chile*. Santiago: LOM Ediciones, 2007. 48

⁴⁵ Leslie Ray. *Language of the Land: The Mapuche in Argentina and Chile*. Skive, Denmark: IWGIA, 2007. 104.

During this time the Mapuche movement started. Previously, the communities had resisted colonization and occupation, and now they formed resistance groups. Though such groups formed in the nineteen teens, in terms of state relations and land issues “[u]ntil the arrival of Salvador Allende, little was done by Chile’s government to return Mapuche land that had been usurped from them.”⁴⁶

⁴⁶ Ibid. 104.

Agrarian Reform and Counterreform

Important Events in the Agrarian Reform and their Results 1960s-1970s

Year	Action	Results
1962	Law of Agrarian Reform (Jorge Alessandri)	This was the first attempt at land reform initiated by the state. This law did not consider Mapuche land that had been usurped before 1946, and it did not result in much land turnover. ⁴⁷
1967	Law of Agrarian Reform (Eduardo Frei)	Resulted in some land turnover but did not consider the Mapuche as any different from other small (poor) farmers. Mapuche received approximately 10,000 hectares during Frei's presidency and this amount constituted about five percent of the total expropriations. ⁴⁸
1972	Indigenous Law (Salvador Allende)	The law protected existing indigenous land and made provisions for returning usurped land. It was the first time the state legally addressed returning usurped Mapuche land.
1970-1973	Allende's government expropriated around 130,000 hectares for the Mapuche out of roughly 635,000 hectares total.	The Mapuche saw real progress in regaining their usurped lands.

The Agrarian Reform

The Agrarian Reform in the 1960s and 1970s marked the next important stage in the Mapuche history and during this time, the state returned some land to the indigenous groups. The

⁴⁷ Ibid. 104.

⁴⁸ Chile. Government of Chile. *Informe de la Comisión Verdad Histórica y Nuevo Trato*. 2008. 428-430.

state implemented this reform to redistribute land to all needy Chileans under three different presidents. Jorge Alessandri initiated the Law of Agrarian Reform in 1962, but this law did not consider returning the Mapuche land that had been usurped (by non-Mapuche) before 1946 and that land was given over for public use. Alessandri's actions did not return much land, and his government experienced some of the first land occupations and seizures by Mapuche who were frustrated with the government.⁴⁹ Land occupations such as these first seen in the 1960s become an integral part of the contemporary Mapuche conflict in the 1990s. Though the reform did not make large changes in terms of the agrarian structure of the country, the Mapuche began to make public demands for the restitution of their lands.⁵⁰

Under Eduardo Frei the government expropriated some land from large landowners because of this law, but land occupations increased by Mapuche and non-Mapuche.⁵¹ The 1967 law considered the Mapuche to be poor farmers instead of a specific indigenous group. Under the new agrarian law, the Frei government expropriated seven properties for Mapuche communities or around 10,682 hectares. The seven properties made up less than five percent of the properties expropriated during this period, 1967 through 1970.⁵²

President Salvador Allende led a socialist government, the Unidad Popular, from 1970 to 1973 and greatly advanced the Mapuche cause, especially in terms of territorial demands. He issued the Indigenous Law in 1972 that protected existing indigenous land and had provisions for returning usurped land. For the first time in the Chilean republic, this law created “effective legal measures for the restitution of usurped indigenous lands [...]”⁵³ Between 1970 and 1973, the Unidad Popular expropriated 132,115.78 hectares for the benefit of the Mapuche people and

⁴⁹ Ibid. 104.

⁵⁰ Chile. Government of Chile. *Informe de la Comisión Verdad Histórica y Nuevo Trato*. 2008. 436.

⁵¹ Leslie Ray. *Language of the Land: The Mapuche in Argentina and Chile*. Skive, Denmark: IWGIA, 2007. 104.

⁵² Chile. Government of Chile. *Informe de la Comisión Verdad Histórica y Nuevo Trato*. 2008. 438-440.

⁵³ Ibid. 444. Translated by the autor.

636,288.3 hectares in total.⁵⁴ Allende's government marked the first real attempt by the state to improve indigenous-state relations in Chile, and it is unclear whether land occupations continued during this time. Allende was the first president who officially recognized the indigenous peoples instead of labeling them just as poor farmers. However, this attempt did not last long and the military government reversed all of the progress made by Allende.

The Pinochet Regime and Counterreform

The military government, however, retook much of the newly regained land, and for the second time in Chile's history, the state took away Mapuche land, adding to their long list of grievances. General Augusto Pinochet took power in a military coup in 1973. Between 1974 and 1978, Pinochet instituted laws that ended the Agrarian Reform and initiated the Counterreform. Many of the former property owners regained their property, and from that point on the state no longer recognized the indigenous population as separate from the rural *campesinos*.⁵⁵ In the end, the Mapuche managed to keep around sixteen percent of the territory that they had recovered from 1962 to 1973, which amounted to around 25,000 hectares.⁵⁶

The Pinochet government reformed the earlier law that allowed for the division of Mapuche communities in 1978, which contributed to further loss of Mapuche land. Law 2.568 called for the integration of the Mapuche people into the Chilean society as well as reducing their marginality. It gave the Mapuche titles to their land to make the land privately owned.⁵⁷ This law "produced the division and liquidation of the Mapuche communities, legitimizing private

⁵⁴ Ibid. 445.

⁵⁵ José Araya. "Conflicto Mapuche: Algunas razones y derechos en este nuevo enfrentamiento." *Serie Opinión Perspectivas*. Ed. María Luisa Ortiz. Santiago: LOM Ediciones, 1999. 9-25. 13-14.

⁵⁶ Eduardo Mella Seguel. *Los mapuche ante la justicia: La criminalización de la protesta indígena en Chile*. Santiago: LOM Ediciones, 2007. 66.

⁵⁷ Chile. Government of Chile. *Informe de la Comisión Verdad Histórica y Nuevo Trato*. 2008. 442.

property within the mercy titles [...]”⁵⁸ Pinochet removed the size restriction (originally 80 hectares) on farms and allowed corporations to establish themselves in Mapuche territory. With this law, the state continued to break down Mapuche land claims into small pieces and allowed other entities to acquire the land.⁵⁹ The Pinochet government removed nearly all legislation that recognized the Mapuche people as anything other than Chilean citizens.⁶⁰ In effect, individual Mapuche had no special rights because of their membership in an indigenous group.

The Pinochet government cracked down on anyone it considered to have leftist ideas. These “terrorists” disappeared during the initial years of repression, and Pinochet later created a law specifically to prosecute terrorists. The military government approved the Anti-Terrorist Law, which defines sixteen different crimes and proposes the death penalty as punishment for some of them. In some cases, authorities do not need a warrant to arrest suspects.⁶¹ Because of the crackdown during this time, the Mapuche movement largely disappeared, and Pinochet only allowed one Mapuche group, Ad-Mapu, a group of artisans, to exist during this time. Under this law, anyone who committed a terrorist act was labeled a terrorist whether Mapuche or non-Mapuche. The Chilean National Commission on Truth and Reconciliation recommended a policy change that would “regulate the investigatory powers of the police that may be detrimental to citizens’ rights [...]”⁶² This law continues to exist within the democracy and plays an important role in the contemporary Mapuche conflict because the state uses this law, which the Chilean National Commission on Truth and Reconciliation found to compromise human rights, to prosecute Mapuche protestors.

⁵⁸ Ibid. 442. Translated by the author.

⁵⁹ Mario Sznajder. “Ethnodevelopment and Democratic Consolidation in Chile: The Mapuche Question.” *Contemporary Indigenous Movements in Latin America*. Ed. Erick D. Langer and Elena Muñoz. Wilmington, DE: Scholarly Resources Inc., 2003. 17-34

⁶⁰ Chile. Government of Chile. *Informe de la Comisión Verdad Histórica y Nuevo Trato*. 2008. 443.

⁶¹ United States Institute of Peace. “Report of the Chilean National Commission on Truth and Reconciliation.” 2002. 117-118.

⁶² Ibid. 1096.

The Pinochet regime held power for nearly seventeen years, but it held a plebiscite in 1989 that allowed the Chileans to vote for free and open elections or to continue the military government. They voted “no” to continuing the military regime, and in 1990, a democratically elected government took power. During this period, the indigenous-state relationship in Chile worsened because the Pinochet regime persecuted the Mapuche and reversed all progressive indigenous policies implemented under Allende.

Initial Attempts at Introducing Indigenous Policy

Once the Chilean government returned to a democracy, it began to redefine its relationship with the indigenous people by enacting the Indigenous Law in 1993. Patricio Aylwin, the new president, passed this law, which formed CONADI, the National Corporation for Indigenous Development. Part of its mission is “[t]o promote, to coordinate, and to execute state action in favor of the integral development of indigenous communities and peoples.”⁶³ This marks an effort by the state to improve the indigenous condition in Chile. Critics, however, claim that “the government has undermined it [CONADI], making it powerless, with preference being given to big business interests close to the government.”⁶⁴ The indigenous law created the Indigenous Land and Water Fund used to buy land and return it to indigenous groups that could legitimately claim it.⁶⁵ An example of a legitimate claim would be proof that the government awarded a *título de merced* to the community in the past.

These initial laws promised dramatic change, especially with the creation of CONADI, and were drastically different from Pinochet’s treatment of the indigenous groups. That made

⁶³ CONADI. *Gobierno de Chile Ministerio de Planificación CONADI*. 7 Sept. 2009. <<http://www.conadi.cl/mision.html>>. Translated by the author.

⁶⁴ Ray, Leslie. *Language of the Land: The Mapuche in Argentina and Chile*. Skive, Denmark: IWGIA, 2007. 139.

⁶⁵ *Ibid.* 138.

huge strides in implementing and raised the hopes of the indigenous population in Chile that such progress would continue. Despite the advances made by the government in recognizing the indigenous populations of Chile, the democracy stalled out after its initial reforms. The sluggishness of the state in forming and implementing legislation resulted in tensions that still exist between the two groups. In addition to being slow, the state has not formed a coherent policy that adequately addresses Mapuche demands and continues to prioritize national unity and business investments over indigenous rights.

Chapter Two: The Actors in the Contemporary Mapuche Movement

Introduction

In Chile, three types of groups (political, social, and economic) are working to define their place in relation to one another within the Mapuche conflict. The three main actors, the state, the indigenous groups, and the forestry and energy companies, all have their own agendas. The state wants to appear as if it is improving relations with the indigenous peoples without acceding to their demands. The Mapuche groups vary slightly in their demands, though the majority wants some degree of autonomy and control over their ancestral lands. The forestry companies want to use the contested land in order to harvest wood and harness energy. The three separate agendas that the groups pursue bring them into conflict with one another.

The first section of this chapter examines the state's formulation of indigenous policy after 1990, and its continuous attempts to refine these policies up to the late 2000s. This chapter shows how the state's indigenous policy projects, generally headed by the presidents, are not effective because they are often temporary and issue reports that lead to very little change in indigenous policy. This section illustrates how the state is reluctant to give the Mapuche special treatment through laws and policies, and how it prioritizes national unity over indigenous rights. The second section of the chapter looks at some of the Mapuche organizations that shape the conflict today. It examines their history and ideology with a focus on their demands and shows where the groups and the state come into conflict. The third section gives an overview of the Chilean economic model and shows how important it is, illustrating why the state still gives preference to the big businesses over the rights of its indigenous people. This section also identifies three big businesses: two important forestry companies and an energy company. Many of these companies are located on ancestral lands, and they, along with large landowners,

occasionally come into conflict with radical Mapuche groups that seize land or sabotage equipment.

Contemporary Indigenous-state Relations in Chile

After the Dictatorship: A Time of Change

The policies of President Patricio Aylwin, democratically elected in December 1989, created a framework for contemporary indigenous-state relations in Chile. These policies increased interaction between indigenous groups and the state. They also guaranteed rights for the indigenous peoples of Chile, giving them legal standing. With these policies, such as the indigenous law, the state legally recognized the indigenous peoples for the first time since the 1970s. In the early 1990s, Aylwin expanded the democratic rights of the Chileans and the indigenous people in particular. In his first year as president, he formed the Truth and Reconciliation Commission, which recorded the numerous human rights violations that occurred in the seventeen years of the dictatorship, including the violations against the Mapuche and other indigenous groups.

Before taking office in 1990, Aylwin and various indigenous delegations signed *El Acuerdo de Nueva Imperial* in 1989. This agreement included the promise of constitutional recognition of the indigenous communities and their rights, and it promised to create a Corporation of Indigenous Development and a National Fund for Ethnodevelopment, to create a commission that would form an Indigenous Law, and to pass Convention 169.⁶⁶ The International Labor Organization created Convention 169, the Indigenous and Tribal Peoples Convention, in 1989. This convention applies to all indigenous people in the world and states

⁶⁶ José Araya. "Conflicto Mapuche: Algunas razones y derechos en este nuevo enfrentamiento." *Serie Opinión y Perspectivas*. Ed. María Luisa Ortiz. Santiago: LOM Ediciones, 1999. 14-15.

that the governments must develop measures to protect indigenous peoples' rights. It addresses land, social security and health, employment, and education issues. After taking office, Aylwin created the Special Commission of Indigenous Peoples (CEPI), as promised in the agreement, which proposed the framework for what would become the Indigenous Law or Law N° 19.253. Despite the advances made by Aylwin's government, *El Acuerdo de Nueva Imperial* is the first contemporary example of promises the state does not keep. Constitutional recognition still has not been achieved, and the government did not pass Convention 169 for another eighteen years.

While indigenous groups participated in the formation of the indigenous law proposed by CEPI, the final version limited their participation, especially in terms of land. The law allows the state to make the final decisions concerning indigenous peoples and territories and defines indigenous lands as land created by the *títulos de merced*, granted after the end of the Pacificación de la Araucanía and under the Agrarian Reform.⁶⁷ The *títulos* greatly reduced the amount of land that the Mapuche originally held. As a result, the law does not include all of the land that Mapuche groups claim, such as the land defined by the Spanish parliaments. The last parliament, the Negrete Parliament, occurred in 1803. However, Article 12 of the Indigenous Law identifies indigenous land as land currently owned by indigenous groups or land recognized by a series of laws issued starting in 1823.⁶⁸ Though the law covers the protection of indigenous lands in Article 13, the state still has the power to expropriate this land if it deems it necessary.⁶⁹

The law signified progress in securing indigenous land rights and created the Indigenous Land and Water Fund. CONADI manages this fund, which provides subsidies to individuals and indigenous communities when they do not have sufficient land. They also seek to finance the

⁶⁷ Víctor Toledo Llancaqueo. *Pueblo Mapuche, Derechos Colectivos y Territorio*. Chile Sustentable, 2006. 99.

⁶⁸ CONADI. *Ley Indígena N° 19.253*. 1993. 17-18.

⁶⁹ Rodrigo Levil Chichahual. "Sociedad Mapuche Contemporánea." *¡...Escucha, winka...! Cuatro Ensayos de Historia Nacional Mapuche y un epílogo sobre el futuro*. Ed. Pablo Mariman Quemenedo. Santiago: LOM Ediciones, 2006. 219-252. 242-243.

solution of territorial problems by helping communities regain their ancestral land if that community can claim a *título de merced*. They also finance the acquisition of water rights for indigenous groups.⁷⁰ The Chilean government did not have any criteria on how to manage the fund in the 1990s. The fund does not have the ability to resolve all of the Mapuche demands in the country, but that it can help to resolve a small number of the demands.⁷¹ Part of the problem comes from the current landowners who own what was once Mapuche land, and who do not want to sell their disputed acreage to CONADI. In general, these are a handful of large landowners and a few forestry companies. If the Mapuche were to receive all of their disputed land, it would not affect a very large number of people because both the landowners and the companies, in general, own huge amounts of land. In the 1990s, Aylwin attempted to reform indigenous politics in Chile, but even his advances did not allow full participation of indigenous groups and did not result in an efficient, coherent policy. Mapuche groups claim that CONADI is not free from state intervention, that they cannot participate sufficiently in the land negotiation process, that they should be recognized by the constitution, and that they should have permanent representation in the government. The indigenous law has not achieved these things and, as it is, cannot solve the Mapuche conflict because of its shortcomings.

Presidential Projects: Little Change

After the completion and implementation of the indigenous law and CONADI, the state has continued to shape indigenous policy through a number of presidential commissions and projects. These commissions often make progressive suggestions, however, they are rarely implemented, which contributes to the poor relationship between the state and the Mapuche.

⁷⁰ CONADI. *Ley Indígena N° 19.253*. 1993. 21-22.

⁷¹ Víctor Toledo Llancaqueo. *Pueblo Mapuche, Derechos Colectivos y Territorio*. Chile Sustentable, 2006. 100-101.

President Eduardo Frei (1994-2000) created two initiatives in an attempt to determine methods to improve indigenous quality of life and to better understand indigenous demands. However, José Aylwin, a lawyer who works for the Institute of Indigenous Studies at the University of the Frontier in Chile believes that they had no significant impact on state policy and does not consider them to have been very effective. For this reason, he says, President Ricardo Lagos (2000-2006) created a work group of indigenous and non-indigenous participants in order to analyze the indigenous policy and make suggestions. However, this group did not make a significant impact either.⁷²

The Lagos government then initiated the *Nuevo Trato* project, a policy that aimed to improve the relationship between the Chilean state, society, and indigenous peoples. The *Nuevo Trato* included the formation of the *Comisión Verdad Histórica y Nuevo Trato* in 2001. Patricio Aylwin, the former president, led the commission that investigated the history of indigenous-state relations in Chile and advised the government on how to form a *Nuevo Trato* with the indigenous peoples and the Chilean society. This commission issued a report in 2003, and the government considers it a systematic effort to create a “new treaty” between the state and the indigenous people according its summary document, *Policy of the Nuevo Trato with the Indigenous Peoples*, released in 2004. This document summarizes the work of the commission and the indigenous policy that it recommended. Some of the recommendations that the commission made include constitutional recognition of the indigenous population and of its political, territorial, and cultural rights. Political recommendations include increasing indigenous representation in the national congress and on a local level. In terms of territorial rights, the commission recommended that the state should recognize the special relationship between the

⁷² José Aylwin. “El Informe de la Comisión de Verdad Histórica y Nuevo Trato y sus Desafíos para el Gobierno de Lagos.” 1-2.

indigenous people and their territory, and that the state should recognize, demarcate and protect indigenous territory.⁷³ More specifically, the report issued in 2003 recommends that when the government defines the indigenous territory it should take each indigenous group's conception of territory into consideration. It also recommends that if the state controls land that indigenous communities claim then the state should give this land to them. It proclaims that it is an indigenous right to have an efficient way to file land claims and that this would prevent land occupation.⁷⁴ The 2004 document contains detailed plans to expand indigenous rights, which includes the creation of an Indigenous Peoples' Council to represent the indigenous population of Chile and to help form indigenous policy. It also wants to expand the "Indigenous Development Areas" with the desire to expand indigenous territory. The government mentions ratifying Convention 169 and participating in the UN's international forums. A following section gives the details for projects of indigenous development of land through another program called the Origins Program. The document mentions the creation of an Undersecretary of Indigenous Affairs.⁷⁵

The Nuevo Trato project is another example of an attempt to change policy that, in reality, changes very little. It promised to increase political representation and incorporate constitutional recognition, which still has not happened. In 2008, the President Michelle Bachelet did introduce a proposal to the chamber of deputies to create the Undersecretary of Indigenous Affairs. Nonetheless, this position has not been created yet.⁷⁶ This type of project by the state

⁷³ Chile. Government of Chile. "Política de Nuevo Trato con los Pueblos Indígenas: Derechos Indígenas, Desarrollo con Identidad y Diversidad Cultural." 2004. 29-33.

⁷⁴ Chile. Government of Chile. "Informe Comisión Verdad Histórica y Nuevo Trato." 2003. 592-594.

⁷⁵ Chile. Government of Chile. "Política de Nuevo Trato con los Pueblos Indígenas: Derechos Indígenas, Desarrollo con Identidad y Diversidad Cultural." 2004. 31-48.

⁷⁶ "Crea la Subsecretaría de Asuntos Indígenas." *Tramitación de Proyectos*. 11 March 2010. Government of Chile. <http://sil.senado.cl/cgi-bin/index_eleg.pl?6018>.

worsens its relationship with the indigenous people. The state spends time and money to make recommendations but then delays years in implementing policies, if it implements them at all.

The state does not implement reform because it does not want to alienate the forestry companies that operate in the eighth and ninth regions. In addition, some debate exists in the government over whether Mapuche who have protested using violence should be allowed to receive land. This shows the government's inability to form a consistent response to the conflict and shows how the government makes no progress because it cannot separate Mapuche with legitimate claims from the more radical groups. As a result, the state implements very little policy. It denounces violent protests and uses police repression to combat them, but it does not work to improve current legislation in order to help Mapuche that have "legitimate" demands. Even when bills are proposed that could result in significant change, they get lost in Congress and remain there for years without being passed like Convention 169, which spent eighteen years in debate. Instead of working on this legislation, the congressional representatives avoid the problem by letting the bills languish. By not implementing these promises, the state reinforces the Mapuche argument that they are marginalized. The state continues to promise change and not deliver it, which increases distrust and encourages the Mapuche to pursue extra-legal means when presenting their demands.

President Michelle Bachelet: Some Progress

President Michelle Bachelet (2006-2010) has continued to create projects in an attempt to improve indigenous-state relations in Chile. She has accomplished more than her predecessors, excluding Patricio Aylwin, and she was in office when the congress finally passed Convention 169. She initiated one of her projects, Re-Conocer, in 2008 halfway through her presidency. The

project defines indigenous politics for the coming years, and the president made it clear that this new policy concerns rights and not poverty, and unless the state addresses the problem of identity and moves to stop discrimination against indigenous people, poverty will continue to cause a problem. Re-Conocer's plan of action includes three areas: indigenous rights and institutional operation, the integral development of the peoples, and multiculturalism and diversity. Her government, the Congress approved Convention 169 (2008), and her government passed the Coastal Border Law, which allows the Lafkenches to use the coast according to their traditions. The Bachelet government promises to increase indigenous representation in the government. Like Lagos, Bachelet mentions the Areas of Indigenous Development and recognizing land rights. She claims that her government will deliver the lands that CONADI's council has prioritized to indigenous communities, and that it will resolve all of the solicitudes for land (around 308 communities at the time). Her government recognizes that the Indigenous Law does not function perfectly and that the indigenous communities claim that the state does not properly address their issues and that this has led to conflict.⁷⁷

A recent move in indigenous policy occurred in September of 2009 when Bachelet signed a government bill to create the Ministry of Indigenous Affairs, an Indigenous Development Agency, and the Indigenous Peoples' Council. One project will create the ministry and agency and another project will create the council. The Bachelet government sent both projects to the Chilean National Congress for debate.⁷⁸ These bills are still in congress and have not been passed. In 2007, a bill that will form a subsecretary of indigenous affairs, was introduced and has not been passed. Some bills move out of congress much more quickly, and the one of the

⁷⁷ Chile. Government of Chile. CONADI. *Re-Conocer: Pacto social por la multiculturalidad*. Corporación Nacional de Desarrollo Indígena, 2008. 6-28.

⁷⁸ Chile. Government of Chile. Mideplan. "Presidenta Bachelet firma proyecto que crea Ministerio de Asuntos Indígenas." Santiago, Chile. 28 Nov.2009. 29 Sept. 2009. <www.mideplan.cl>.

attempts to reform the constitution to include indigenous recognition was rejected less than a month after its proposal.⁷⁹ Various bills to reform the constitution in this respect have been introduced over the years, and many have been rejected.⁸⁰ This illustrates how the Chilean congress is strongly against giving the indigenous people special recognition. The centralized government does not want to promote one group over another, and it wants to preserve national unity. By recognizing the indigenous people as more than just Chileans, the government would not be preserving national unity; therefore, the bill to change the constitution was quickly rejected.

Bachelet's projects represent an attempt to make a new institution and to promote indigenous representation within the government. Despite her attempts to change policy, only a few of her projects have actually passed through the congress. Bachelet left office on March 11, 2010, and the new conservative president, Sebastián Piñera, began his term. He belongs to the Coalition for Change, the conservative coalition, and his election is the first time since 1990 that the leftist Coalition of Parties for Democracy has not had a president in office. Chile also has elections for the National Congress, which includes the Senate and the Chamber of Deputies, in December. This change of government might affect the momentum of the various projects in the congress now and a more conservative government (one that would be even more focused on preserving national unity) is not likely to tackle the indigenous problem.

The Chilean state has improved indigenous-state relations since the 1990s because it introduced policies to regulate indigenous participation in society. However, the government has not made much progress since 1993. The state chose to limit Mapuche demands, which has helped to increase tension between the two groups. Throughout the years since 1993, the

⁷⁹ "Reforma constitucional para el reconocimiento de los pueblos indígenas." *Tramitación de Proyectos*. 23 March 2010. Government of Chile. <http://sil.senado.cl/cgi-bin/sil_proyectos.pl?5427-07>.

⁸⁰ *Tramitación de Proyectos*. 28 Mar. 2010. Government of Chile. <<http://sil.senado.cl/pags/index.html>>.

presidents of Chile have created projects and commissions in order to continue shaping the relationship between the two groups. The state makes new promises to the indigenous groups, such as constitutional recognition, but rarely implements them. It does not implement the policy because as a centralized government, it does not want to single out one group to have special laws and policies when federal law should be sufficient for everyone. Chile still uses the constitution written under Pinochet and follows the ideology of national unity, not national diversity. Chile last modified its constitution in 2005, but this version does not include constitutional recognition of the indigenous peoples and their rights. The state still does not allow for guaranteed indigenous representation in the government. The congress finally passed the ILO's Convention 169 in 2008, but the government made no statement as to why it took eighteen years to pass this, which indicates that the state deliberately delays in implementing policy. A president can introduce a bill to congress and claim progress, but then the bill stays there for years. By adopting Convention 169, the Chilean state has agreed to adhere to international standards concerning the treatment of indigenous peoples. This act is one of the only examples of true progress by the state in improving its relationship with the indigenous peoples. Nonetheless, the state's inability to follow through has contributed to the disintegration of the relationship between the Mapuche and the state, amplifying a conflict that began to change in the late 1990s.

The Mapuche groups in the 1990s

The Mapuche organizations that exist in Chile today vary in size and objective. In general, the groups focus on land issues or political issues. One entity does not control the Mapuche groups, but many pursue the similar goals such as increased territorial control,

autonomy, and sociopolitical and cultural recovery.⁸¹ Many groups also pursue political goals, such as constitutional recognition and increased participation in the government. In general, the Mapuche want increased access to their ancestral lands because of their connection to the land and because they have so little land today and because much of it was illegitimately taken. Poverty also plays a part in the Mapuche desire for land, but the focus remains ideological rather than economic. Community groups and larger groups exist, and the large groups generally advocate for bigger changes, such as political ones. In general, the smaller, community-level groups occupy land and sabotage equipment.

After Chile began its transition to democracy in 1989, the majority of Mapuche groups began to form. The National Council of the Indigenous Peoples of Chile formed in 1989 and represented various indigenous groups, such as the *Aymara* and the *Rapa Nui*, along with the Mapuche. An umbrella group, the Coordinating Committee for Mapuche Organizations, also formed in 1989. This organization included Mapuche professionals and technicians.⁸² Neither of these groups is visibly active in the conflict, and they were not mentioned by the press during 2009.

The Council of All Lands formed in 1989, and it is an example of a group that focuses on political issues. It introduced the idea of symbolic land occupations in the early 1990s but as a group, it does not participate in violent protests. It split off from Ad-Mapu, another Mapuche organization, due to a disagreement about the 1988 plebiscite.⁸³ The split between the two groups occurred because the Council of All Lands focused on demanding the right to auto-

⁸¹ Ernesto Reumay Curihual. "Información." E-mail to Caitlin D. Clarke. 11 June 2009.

⁸² Rodrigo Levil Chichahual. "Sociedad Mapuche Contemporánea." *¡...Escucha, winka...! Cuatro Ensayos de Historia Nacional Mapuche y un epílogo sobre el futuro*. Ed. Pablo Mariman Queménado. Santiago: LOM Ediciones, 2006. 219-252. 240.

⁸³ Mario Sznajder. "Ethnodevelopment and Democratic Consolidation in Chile: The Mapuche Question." *Contemporary Indigenous Movements in Latin America*. Ed. Erick D. Langer and Elena Muñoz. Wilmington, DE: Scholarly Resources Inc., 2003. 17-34. 24.

determination, and the other wanted to gain access to the Chilean political parties.⁸⁴ One scholar believes that the Council of All Lands has faded from popularity because it is considered too traditionalist, and that they want “to establish a political authority for the Mapuche, which would be autonomous from and run in parallel to the existing state authorities, although exactly how these two systems would operate in parallel has not been clearly explained.”⁸⁵ By the early 1990s, the Council of All Lands had created a Mapuche flag and had rejected the Chilean institutions like the church, political parties, and CONADI.⁸⁶ The Council proposed the right to auto-determination, constitutional recognition and a Mapuche parliament.⁸⁷ Despite the claim that the group has faded from popularity, it still actively demands that the government make changes concerning political and territorial rights.

One of the most radical Mapuche groups, the Coordinadora Arauco Malleco (CAM), traces its origins to 1998 and supports efforts to retake Mapuche land by force. In 1998, a land conflict in Traiguén led to a meeting between members of communities in conflict, and they formed the CAM. They formed in order to support communities in conflict and to incorporate them into the CAM. The CAM met with the forestry workers union once but decided not to do so again, choosing instead to focus on supporting the communities in conflict. The CAM would hold meetings in different areas in southern Chile helping other communities promote conflicts in their areas. It has extensive formal goals and maintains a website that explains them. They claim that the Chilean state has oppressed the Mapuche community, and that they want to

⁸⁴ Víctor Toledo Llancaqueo. *Pueblo Mapuche, Derechos Colectivos y Territorio*. Chile Sustentable, 2006. 89.

⁸⁵ Leslie Ray. *Language of the Land*. Skive, Denmark: IWGIA, 2007. 136.

⁸⁶ Rodrigo Levil Chicahual. "Sociedad Mapuche Contemporánea." *¡...Escucha, winka...! Cuatro Ensayos de Historia Nacional Mapuche y un epílogo sobre el futuro*. Ed. Pablo Mariman Quemenado. Santiago: LOM Ediciones, 2006. 219-252. 241.

⁸⁷ Tito Tricot. "Lumako: Punto de Inflexión en el Desarrollo del Nuevo Movimiento Mapuche." *Historia Actual Online* 19. (2009): 77-96. 2 Nov. 2009 <<http://www.historiaactual.com/hao/pbhaoiss.asp?idi=ESP&pgt=2&pid=3&pbl=HAO&vol=1&iss=19>>. 82.

liberate themselves from that situation. They call for an autonomous state.⁸⁸ This militant group has participated in numerous land occupations and acts of sabotage. The state has tried and convicted members of CAM using the Anti-Terrorism Law.

Wallmapuwen, the nascent Mapuche political party, formed in 2005 and represents a wide spectrum of participants. It describes itself as nationalist, autonomist, democratic and pluralist among other things. It allows non-Mapuche people to become party members. The party considers territory in both Chile and Argentina as the Mapuche nation, and its members want to create a new autonomous region in Chile that includes the Araucanía and some surrounding territory. This region would have a regional executive as well as a democratically elected assembly. The party will allow non-Mapuche residents to live in this region without discrimination. Since its formation, the group has made an effort to become a legal party in the Chilean political system so that it can submit candidates for local elections. In 2007, the party registered with the electoral service (SERVEL), and now it must wait for the director of that service to review the party's documents and allow it to begin a campaign to collect signatures. At that time, the group had 125 active members. At that point, the party will have seven months to collect 5000 signatures in order to become a legal party. The party claims that it will be the first Mapuche political party if it is legalized.⁸⁹ The government still has not approved the party, nearly three years after it registered with the electoral service. Like the bills to change policy, this is another example of how the state deliberately delays addressing Mapuche demands. Because the state would never support an autonomous region, it will likely never support the legalization of Wallmapuwen. This would give Mapuche activists too much power and allow them to access the congress more easily. Despite the government's promises to increase

⁸⁸ *Weftun* 20 Nov. 2009. CAM <<http://www.nodo50.org/weftun/publicacion/kom2.htm#2>>.

⁸⁹ *Wallmapuwen*. 29 Nov. 2009. Wallmapuwen. <<http://wallmapuwen.cl>>.

indigenous representation, it has delayed three years in legalizing this party because this party would be much more independent than any council or ministry created by the state.

Demographic information about these groups is sparse. Some of the more organized groups maintain websites about their organizations, such as the CAM, Wallmapuwen, and Temucuicui. The first two give their objectives on their sites in detail, but they do not include information about their size. CAM likely does not include this information because many of its members are wanted by the state for crimes of terrorism. Wallmapuwen does say that its members come from diverse lifestyles and that they did meet the requirement of having 125 active members, but that was in 2007. The Temucuicui site focuses on recent events and gives no information about its objectives or members.

Public Opinion

In terms of the public's opinion of the Mapuche, information is lacking. In the press, the government's opinion is very prevalent, and many articles feature quotes from officials. However, there is very little information about what the public thinks about the Mapuche and the conflict. During the period studied (January 2009 through January 2010) only one of the main papers issued the results from a public opinion survey. The paper gives information about when the survey took place but does not indicate how many people were surveyed. Nonetheless, the results indicate that the Chileans located further away from the conflict support the Mapuche more than those located closer to it. Many of the protests, road blockages, and burnings occur in the ninth region, where Temuco is the capital. The survey showed that "eight out of ten people in Santiago and nine out of ten people in Temuco think that the Mapuche conflict has worsened in the past year." Half the people surveyed in Temuco think the police are doing well or very well

but only a third of those surveyed in Santiago think the same thing. Around forty percent of people in Santiago and Temuco think that CONADI is doing a good job. In Temuco, seventy-three percent of those surveyed support the use of the Anti-Terrorist Law in relation to the Mapuche as compared to forty-seven percent in Santiago.⁹⁰ In terms of public disapproval, an anti-Mapuche paramilitary group called the Comando Hernán Trizano supposedly exists, but it has not done anything other than issue statements against the Mapuche. This group is likely made up of non-Mapuche landowners, and it is unlikely to actually do anything that would make it a true player in this conflict. Within the Mapuche community, there is very little public division between the groups, except when one group distanced itself from another.

General Demands

In general, the Mapuche groups demand the same things. They want increased access to and control of their ancestral lands, including, in some cases, an autonomous region. They also demand constitutional recognition of their existence as well as their rights as indigenous people. Other demands include increased access to healthcare and education. The most vocal and active groups are the ones involved in the conflict over territory. The Council of All Lands has demanded autonomy as well as constitutional recognition of Mapuche rights.⁹¹ The CAM desires territorial control above all other demands.⁹² Wallmapuwen wants to create an autonomous Mapuche region within Chile. These three different types of groups have similar goals, to recover, and to control Mapuche land. They demand that the government make it easier

⁹⁰ La Tercera. "Sondeo: apoyo a policía en Temuco es mayor por conflicto mapuche." *La Tercera*. 23 Aug. 2009.

⁹¹ Mario Sznajder. "Ethnodevelopment and Democratic Consolidation in Chile: The Mapuche Question." *Contemporary Indigenous Movements in Latin America*. Ed. Erick D. Langer and Elena Muñoz. Wilmington, DE: Scholarly Resources Inc., 2003. 17-34. 29.

⁹² *Weftun* 20 Nov. 2009. CAM <<http://www.nodo50.org/weftun/publicacion/kom2.htm#2>>.

for the Mapuche to regain their land. Many groups complain that CONADI is too slow and that they do not have a way to participate in the process.

Autonomy, though frequently mentioned as a demand, does not play a large role in this conflict. Some Mapuche groups demanded autonomy and official recognition of their territory, but the state did not address the issue of autonomy while forming indigenous policy in the early 1990s. Instead, the state's focus remained on forming indigenous legislation and working toward constitutional recognition of indigenous rights instead of autonomy.⁹³ It is difficult to get a sense of how well supported autonomy is among the Mapuche population as a whole. Many groups, such as the CAM, Wallmapuwen, and the Council of All Lands support an autonomous region. However, the topic is rarely mentioned in scholarly analysis of the conflict or in the press.

Autonomy is not a viable option within the centralized Chilean state, and therefore, it is not discussed. CEPI did not discuss autonomy, but it did work to create a definition of indigenous lands. The government defines indigenous lands as the lands defined by the *títulos de merced* known as the "usurped lands."⁹⁴ Another definition, one put forward by the Council of All Lands in the early 1990s, states that indigenous land includes land not recognized by the *títulos de merced*, also known as the "old lands." In other words, the old lands include territory the Mapuche held before the state reduced their territory by creating the *títulos*. The Chilean state prefers to limit the demands of the Mapuche and this mentality of limitation has become part of indigenous policy up to the present day.⁹⁵

⁹³ Rodrigo Levil Chichahual. "Sociedad Mapuche Contemporánea." *¡...Escucha, winka...! Cuatro Ensayos de Historia Nacional Mapuche y un epílogo sobre el futuro*. Ed. Pablo Mariman Quemenedo. Santiago: LOM Ediciones, 2006. 219-252. 241-248.

⁹⁴ Víctor Toledo Llancaqueo. *Pueblo Mapuche, Derechos Colectivos y Territorio*. Chile Sustentable, 2006. 97-98.

⁹⁵ *Ibid.* 97-98.

Results of Indigenous Policy

The indigenous law fell short of Mapuche demands. The Chilean congress did not pass Convention 169 (in 1993), and it refused to change the constitution to give the indigenous groups constitutionally recognized rights.⁹⁶ The law does not guarantee land access and glosses over the issue almost entirely. Though CONADI allows groups and individuals to claim land, the Indigenous Law cut out the agreements made between the Spanish and the Mapuche, and indigenous land is defined as “usurped lands” not the “old lands.” In all, “the Mapuche participation in the representative system given by the State is not organized based on the collective interests demanded by the *Mapuche movement*, and its organizations and leaders do not have the ability to participate in political decisions.”⁹⁷

Under Chilean law, indigenous groups do have collective rights that apply to their people as a whole, such as the laws concerning their territory and the manner in which they can use it. Nonetheless, the Chilean government does not represent the Mapuche with a council or agency that helps to develop policy though Bachelet’s government has made an effort to change this. Despite these efforts, it is unlikely that much of the legislation she introduced will be passed because of the change in government and the recent earthquake, which will shift the policy objectives of the state away from indigenous issues. It is clear that government officials believe that they have done enough for the Mapuche through its implementation of the Indigenous Law and makes little attempt to do more. This failure to fulfill promises has happened numerous times in the past and will continue to worsen the indigenous-state relationship in Chile.

⁹⁶ Rodrigo Levil Chichahual. "Sociedad Mapuche Contemporánea." *¡...Escucha, winka...! Cuatro Ensayos de Historia Nacional Mapuche y un epílogo sobre el futuro*. Ed. Pablo Mariman Quemenado. Santiago: LOM Ediciones, 2006. 219-252. 241-243.

⁹⁷ *Ibid.* 244. Translated by the author

The Neoliberal Economic Model: A Focus on Exportation and Privatization

Neoliberal economics influence how the state treats big business, and it plays a role in the Mapuche conflict. The military regime introduced this model in the mid 1970s, and even today big business and economic growth is still more important than indigenous rights. Though the military government ruled oppressively and violated the human rights of its citizens, it did rescue the failing economy and put it on track to become one of the most successful Latin American economies today. From the 1930s to the 1970s, the economy was state-oriented, focusing on import substitution industrialization (ISI). The state supported the industrial sector of the economy through subsidies and, as a result, it was inefficient and did not grow or create many jobs. In the early 1970s, Salvador Allende's government tried to implement socialist reforms in the state-oriented economy, but this caused the economy to fail.⁹⁸ The government nationalized many of the important industries, such as the copper mines. Allende raised wages, which caused employment to rise and increased the purchasing power of the middle class. Because of these economic reforms, by 1973, "demand outstripped supply, the economy shrank, deficit spending snowballed, new investments and foreign exchange became scarce, the value of copper sales dropped, shortages appeared, and inflation skyrocketed [...]"⁹⁹ The failing economy incited the rightist forces in Chile, and groups from both sides began violent protests in the streets by 1972. Part of the military attempted a coup in June, and throughout the summer, business owners protested and "launched another wave of workplace shutdowns and lockouts [...]"¹⁰⁰ As a result

⁹⁸ "The Economy." *Chile*. 29 Nov. 2009. Federal Research Division of the Library of Congress. <<http://countrystudies.us/chile/56.htm>>.

⁹⁹ "Salvador Allende's Leftist Regime, 1970-73." *Chile*. 29 Nov. 2009. Federal Research Division of the Library of Congress. <<http://countrystudies.us/chile/30.htm>>.

¹⁰⁰ *Ibid*.

by August the government and the economy had ceased to function as inflation climbed over 500 percent.¹⁰¹

This chaos led to decisive action on September 11, 1973, when General Augusto Pinochet bombed La Moneda, the presidential palace, and overthrew Allende in a coup d'état. Pinochet immediately began a number of economic reforms that focused on privatization and creating a market economy.¹⁰² He gave the "Chicago Boys," a group of Chilean economists who studied at the University of Chicago, control of rebuilding the economy and they "shocked" Chile's economy when they "sold off state companies (including the state copper companies), reduced trade barriers, cut government spending, encouraged foreign investment, and deregulated much of the economy."¹⁰³ The Pinochet government opened the Chilean economy, promoting the exportation of goods. It also reformed property rights and transportation, which helped promote international trade. Because of this reform, Chile's economy grew in the early 1990s particularly in the area of agricultural exports.¹⁰⁴

This economic model took power away from the state and encouraged foreign investment, and Pinochet's reforms allowed big businesses to expand. As a result, today the Chilean government is wary of doing anything that might suggest increased state control. This is too reminiscent of nationalization and makes companies, such as the forestry and energy companies, lose confidence. Chile has one of the most advanced and stable economies of Latin America, and it wants these companies to stay invested in the country and not to leave because

¹⁰¹ Ibid.

¹⁰² "The Economy." *Chile*. 29 Nov. 2009. Federal Research Division of the Library of Congress. <<http://countrystudies.us/chile/56.htm>>.

¹⁰³ Marshall C. Eakin. *The History of Latin America: Collision of Cultures*. New York: Palgrave Macmillan, 2007.

¹⁰⁴ *Chile*. 29 Nov. 2009. Federal Research Division of the Library of Congress. <<http://countrystudies.us/chile/56.htm>>.

they perceive too much state interference. As a result, indigenous policies have stagnated since the early 1990s because increased indigenous rights would interfere with economic growth.

Southern Chile is rich in natural resources such as forests and rivers. For example, in the Araucanía, there are 1.3 million hectares of forest and forestry companies use 360.000 hectares of it for plantations (approximately twenty-eight percent). This sector of the economy is growing, and it serves as the main area of development for the ninth region.¹⁰⁵ Three important companies, Forestal Mininco, Forestal Arauco, and Endesa, invest in these natural resources by either harvesting wood or producing hydroelectric power. These three companies own large amounts of land throughout southern Chile and are examples of some of the largest in the country. They often come into conflict with the Mapuche communities, which want to remove or reduce their land. The forestry companies export their goods internationally and are examples of companies that a country pursuing neoliberal economic tactics wants to attract. Endesa works mainly within Chile to provide the country with electricity, but it also has ties to neoliberal reform because it began as a state-owned company when it started, and the military regime later privatized it. The Mapuche protest the presence of the forestry companies by sabotaging equipment such as vehicles. Endesa comes into conflict with Mapuche communities largely over the dams it constructs in Mapuche territory.

Forestal Mininco began working in 1947 starting with only 600 hectares in the Biobío, the eighth region of Chile. As they expanded, they purchased more land, planting it with pine and eucalyptus in order to harvest pulpwood. They opened their first sawmill in 1985. They supply wood to Chile and to other countries worldwide. They have expanded by acquiring other smaller forestry companies, such as Forvesa in the early 1990s. This company has expanded

¹⁰⁵ "Forestal." *Gobierno Regional de la Araucanía*. 1 April 2010. <http://www.gorearaucania.cl/index.php?id=122&no_cache=1>.

from its small beginnings, and “[b]y the turn of the new millennium, Forestal Mininco Stock Company has become one of the biggest forest companies in the country.”¹⁰⁶

Forestal Arauco is another forestry company that harvests wood in southern Chile, and it began operations in the Araucanía in 1972 when it opened its first wood pulp mill. The company also runs a number of sawmills and exports wood products throughout the world. Starting in the early 1980s this company has opened and funded a number of schools in the region to support the people living in the area. The company claims to provide development assistance to the communities in which it operates by providing employment and business opportunities as well as “contributing to the community's infrastructure as well as its social, educational and sports development.”¹⁰⁷

The *Empresa Nacional de Electricidad S.A.* (Endesa) started in 1943 as part of the Chilean Economic Development Agency's (CORFO) project to bring electricity to the country. The company, now publically traded, was privatized between 1987 and 1989. In 1999, Enersis S.A., a subsidiary of Endesa Spain, bought the majority of Endesa Chile's shares and now this company has control of Endesa Chile. In 2004, the Ralco dam, one of the company's large projects, began operations after years of delay due to negotiations with CONADI and protests by the Mapuche communities. In the same year, the company agreed to “the United Nations Global Compact, an international initiative by which the Company committed itself to adopt ten universal basic principles related to respect for human rights, labor regulations, the environment, and the fight against corruption.”¹⁰⁸

A disagreement exists over whether the forestry industry provides a net benefit to the country. Proponents argue that the forestry companies benefit the country by providing job

¹⁰⁶ *Forestal Mininco* 20 Nov. 2009. Forestal Mininco <<http://www.mininco.cl/ingles/icorporativa/historia.htm>>.

¹⁰⁷ *Arauco*. 20 Nov. 2009. Arauco. <<http://www.arauco.cl/informacion.asp?idq=1080>>.

¹⁰⁸ *Endesa Chile*. 20 Nov. 2009. Endesa. <http://www.endesa.cl/Endesa_Chile/action.asp?id=00140&lang=en>.

opportunities. CONADI makes the distinction between territory, which concerns political rights, and lands, which are a natural resource that help the indigenous communities to develop. It claims that forest expansion is neither good nor bad and tries to look at both the advantages and disadvantages. The Mapuche, however, view the work by the forestry industry as an invasion and that the companies use education as propaganda. Some claim that the plantations use chemicals that pollute the air and water around them.¹⁰⁹ Nothing indicates that the Mapuche make the same distinction between land and territory, which is one reason why they are frustrated with the entities that introduce such divisions.

¹⁰⁹ Sara McFall, ed. *Territorio Mapuche y Expansión Forestal*. Chile: Institute of Indigenous Studies Seminar Series, No. 5, Programa Mapu Territorialidad, Universidad de la Frontera, 2001. 19-37.

Chapter Three: Conflicts in the 1990s and the 2000s

Introduction

This chapter serves to illustrate how the Mapuche movement changed after 1997, becoming a more violent conflict, featuring destructive protests and confrontations with police. This information establishes the conflict's characteristics and helps to answer why the conflict intensified in 2009. In addition, in terms of indigenous-state relations, this original intensification illustrates how the state responded to the conflict. Though Mapuche participated in land occupations in the 1960s, they were not used as a method of protest until the 1990s. The Council of All Lands initiated symbolic land occupations in the early 1990s, but these protests did not generate violent confrontations with the police because the protestors would voluntarily leave the property after a time. However, starting in 1997, some Mapuche groups decided that symbolic occupations were not sufficient and decided to occupy property until the police came to remove them. Property destruction also became part of Mapuche protests at this time. This chapter establishes that, after 1997, the conflict featured protests in the form of land occupations, arson, and attacks on people, buildings, and vehicles and/or equipment. This chapter uses examples of the types of violent confrontations that occurred during this period as well as scholarly interpretations of how the conflict changed since 1997 to analyze the first decade of violent conflict.

Protests in the 1990s and 2000s

Land Occupations

The increase in violence began in late 1997 when Mapuche communities began to mobilize in Lumaco, Chile. Lumaco is the first publicized instance in which a Mapuche group

occupied property until police removed them, and it was a turning point in the way they make their demands. This turning point occurred three years after the implementation of the Indigenous Law and the creation of CONADI. Frustration with the lack of progress by the state set off these first protests. Although the exact events are uncertain, and sources are unclear about the dates, a few key land occupations and acts of sabotage marked the months of October, November, and December of 1997. Two communities in Lumaco, Pichilonkoyan and Pililmapu, occupied their ancestral land on October 13, 1997. Another source reports that it occurred on October 12, 1997 and that the land belonged to Forestal Mininco.¹¹⁰ These communities also burned three trucks belonging to the forestry company, Bosques Arauco, though the date is uncertain.¹¹¹

Lumaco is one of the first examples of a major land occupation, and at this time, the movement changed. A scholar of Mapuche origin noted that these events marked the beginning of the so-called “Mapuche conflict.”¹¹² Though the relationship between the Mapuche and the state had been tense for years, it did not become violent until this time, which led to the new name. Prior to this point, the word conflict was not widely used by the media to describe the indigenous-state relationship in Chile. After this, violent protests became an integral part of the conflict. For example in April of 1999, seven communities occupied seven different areas in order to protest.¹¹³ Police often come to remove the protestors from the private property and the confrontations occasionally turn violent if a Mapuche group decides to resist the “eviction” and this often leads to injuries. An article written in 2000 by the newspaper, *El Mercurio*, reported

¹¹⁰ Weftun. 31 Jan. 2010. CAM. <<http://www.nodo50.org/weftun/publicacion/kom1.htm#1>>.

¹¹¹ Tito Tricot. "Lumako: Punto de Inflexión en el Desarrollo del Nuevo Movimiento Mapuche." *Historia Actual Online* 19. (2009): 77-96. 2 Nov. 2009 <<http://www.historiaactual.com/hao/pbhaoiss.asp?idi=ESP&pgt=2&pid=3&pbl=HAO&vol=1&iss=19>>. 77.

¹¹² Rodrigo Levil Chicahual. "Sociedad Mapuche Contemporánea." *¡...Escucha, winka...! Cuatro Ensayos de Historia Nacional Mapuche y un epílogo sobre el futuro*. Ed. Pablo Mariman Quemenado. Santiago: LOM Ediciones, 2006. 219-252. 244.

¹¹³ *Ibid.* 188.

that since November of 1997 when Mapuche radicals attacked the three forestry company trucks, “the forestry companies have been the object of more than 150 occupations, attacks on their property, goods and workers, with economic losses superior to ten million dollars [...]”¹¹⁴ The *Coordinadora Arauco Malleco* (CAM), one of the most radical Mapuche groups in Chile, formed in 1998. Lumaco is located in the province of Malleco. They call for autonomous control of Mapuche land and hold responsibility for planning and/or participating in numerous violent acts. The protests initiated by the CAM are some of the most destructive, and they often initiate the arson attacks. Even when there is no property damage, these land occupations often result in confrontations with police.

Some groups, however, do manage to regain some of their territory legally. The Appeals Court of Concepción (later ratified by the Supreme Court) awarded the Mapuche community, Pablo Quintriqueo Huenuman, 1650 hectares of the 12,000 that the group originally held—a project that took eighteen years of litigation by the community. However, the Mapuche in Cuyinco still had problems even after having their land returned because the forestry company, Bosques Arauco, managed to prevent the community from developing the land, and Guillermo Vera, the magistrate, prohibited all work in the forest in Cuyinco. When a few Mapuches from this community cut twelve trees on their newly acquired property, police seized the trees.¹¹⁵ This is an example of the inconsistent responses by the different levels of government. Even though legal measures do exist to return land to the Mapuche, some government officials choose to ignore them. The local officials, especially, want to protect business interests in their areas, and this is an example that economic development is more important than indigenous rights.

¹¹⁴ “Habría Agentes Externos en Acciones Mapuches.” *El Mercurio*. 27 Dec. 2000.

¹¹⁵ Tito Tricot. *Lucha del Pueblo Mapuche*. Valparaíso, Chile: Ilwen Ediciones, 2006. 107-110.

In 2002, a land occupation by Mapuche protestors led to the shooting death of a seventeen-year-old boy, Edmundo Álex Lemún Saavedra, in 2002. The incident occurred on November 7, 2002, when police encountered a group of Mapuche cutting down trees on the property.¹¹⁶ A police officer shot him in the head when they tried to remove the Mapuche from property. The police officer who shot him was prosecuted and later absolved by the court.¹¹⁷ Lemún was hospitalized for a number of days in critical condition where he later died. The police in Angol denied that their officers fired any shots with bullets while removing the group and claimed that the police used riot rifles.¹¹⁸ On November 11, 2009, around fifty Mapuche entered the same property and threatened to burn it down if the caretakers did not leave it.¹¹⁹

Police shot another protestor, Matías Catrileo Quezada, in January of 2008 during a confrontation concerning a land occupation. After the confrontation the CAM responded by burning the area, destroying around 120 hectares.¹²⁰ In October of 2009, the owner of the property where Catrileo was shot sold part of his property (over 400 hectares) to the state in order to give it to a Mapuche community.¹²¹ Almost two years after the event, in November of 2009, a final report on the occurrence was made public, and it showed that police shot Catrileo in the back.¹²² In January 2010, a military tribunal gave the police officer who shot Catrileo, Walter Ramírez Inostroza, a remitted sentence of two years in prison and suspended him from police duty for the same amount of time. However, he did not and will not go to prison for the crime

¹¹⁶ Arturo Zúñiga. "Carabineros afirma que no efectuó disparos con balas." *El Mercurio*. 8 Feb. 2010. 10 Nov. 2002.

¹¹⁷ Sergio Bustos. "Mapuches conmemoran muerte de comunero baleado en desajo de 2002." *El Mercurio Online*. 8 Feb. 2010. 8 Nov. 2009. <<http://www.emol.com/noticias/nacional/detalle/detallenoticias.asp?idnoticia=383891>>.

¹¹⁸ Arturo Zúñiga. "Carabineros afirma que no efectuó disparos con balas." *El Mercurio*. 8 Feb. 2010. 10 Nov. 2002.

¹¹⁹ Iván Fredes. "Clima explosivo se vive en zona mapuche." *El Mercurio*. 8 Feb. 2009. 12 Nov. 2002.

¹²⁰ "Muertos en la Araucanía." *El Mercurio*. 8 Feb. 2010. 13 Aug. 2009.

¹²¹ Antonio Valencia. "Compran emblemáticos predios de conflicto mapuche." *La Nación*. 24 Jan. 2010. 10 Oct. 2009. <<http://www.lanacion.cl/compran-emblematicos-predios-de-conflicto-mapuche/noticias/2009-10-09/221009.html>>.

¹²² Emol. "Rosende e informe por muerte de mapuche: 'Es bueno que se acote la investigación.'" *El Mercurio Online*. 8 Feb. 2010. 17 Nov. 2009.

<<http://www.emol.com/noticias/nacional/detalle/detallenoticias.asp?idnoticia=385317>>.

and will continue working as a police officer because of the ruling that negated the accessory sentence.¹²³ The death of Álex Lemún and Matías Catrileo show the government's inconsistent response to the conflict and show how it protects the police officers in this conflict. The investigation of Catrileo's death, took nearly two years, and, in the end, neither officer spent much time in jail and both were absolved.

The Ralco Dam

The Ralco dam incident occurred in the late 1990s, and it contributed to the new mobilization of the Mapuche movement, beginning in 1997. This incident illustrates how the state interferes with CONADI. The energy company, *Endesa*, began the project in 1997. The company had just inaugurated its first dam in the area in March—the Pangué dam in the Upper Bio Bío River. The project required that ninety-eight Pewenche families to relocate because of the flooding the finished dam would cause. The construction of the dam affected a number of Pewenche communities, especially Ralco-Lepoy and Quapuca-Ralco. The project removed these families from land they had lived on for centuries where they had planted orchards and buried their dead.¹²⁴

The Indigenous Law exists in part to protect indigenous land rights. The law says that no one can buy indigenous land unless he or she is indigenous. It does allow for land swapping when CONADI authorizes it. Land swapping is the relocation of indigenous people to new lands of equal value. At that time CONADI's director, Mauricio Huenchulaf, a Mapuche, opposed the Ralco project. He was removed from office and replaced before the project's completion. After

¹²³ Iván Fredes. "Tribunal militar impuso pena remitida de dos años al cabo Walter Ramírez." *El Mercurio*. 20 Jan. 2010. 16 Jan 2010.

¹²⁴ Leslie Ray. *Language of the Land: The Mapuche in Argentina and Chile*. Skive, Denmark: IWGIA, 2007. 177-184.

removing the opposition, the state used the CONADI-approved land swap to persuade all but a few of the ninety-eight families to move from the area surrounding the dam. Some of the families relocated to areas where they could not pursue their animal husbandry in the winter due to the snow, and they renounced their original agreement. Of the few that remained to protest the construction of the dam, two women in particular, sisters Berta and Nicolasa Quintreman resisted the land swap for years. In 2003, they finally signed an agreement with *Endesa* and moved to new land. Shortly thereafter Endesa completed the dam and flooded the disputed area. This dam is only one example of the various “megaprojects” in Chile that affect the indigenous communities. Others include highways and major roads such as the bypass in Temuco that has affected at least twenty-three communities and a highway between Concepción and Puerto Montt because the roads pass through their territory.¹²⁵ This incident is an example of the state conceding to the wishes of businesses instead of the Mapuche demands.

Sabotage

Another form of protest used by radical Mapuche groups is sabotage. Such acts show that the Mapuche are frustrated with the state’s lack of response to their demands. The majority of these attacks damage equipment used by forestry companies. Arson and blocking roads are the most common forms of sabotage. Arson has led to the destruction of trucks, forestry machinery, agricultural machinery, land, and houses. One of the earliest examples occurred when Mapuche protestors burned three trucks owned by Bosques Arauco in Lumaco in 1997. The following year another group blocked a road in the Mininco forestry company in order to slow down

¹²⁵ Leslie Ray. *Language of the Land: The Mapuche in Argentina and Chile*. Skive, Denmark: IWGIA, 2007. 177-184.

production.¹²⁶ Road blockages are associated with sabotage because they cause delays, and some groups will attack cars affected by the blockages. In December of 1999, masked Mapuches burned a bridge in Collipulli, located in the Malleco province. This is an area of agricultural and farming activity, and authorities suspected that the perpetrators were part of the CAM. Another group of men burned the bridge, used in the transportation of harvested wood, in March of the same year as well.¹²⁷

In 2008, a group of fifteen Mapuche protestors attacked Mario Elgueta, a government official, on October 15, 2008.¹²⁸ He and five other police officers traveling with him received injuries in the attack. José Antonio Viera-Gallo, the Minister Secretary General of the Presidency, firmly denounced this event, highlighting the difference between legitimate Mapuche demands and attacks such as these.¹²⁹ The following day another group of eight Mapuche people burned down a house after threatening the owner and forcing her to leave the house located to the northeast of Traiguén, and they also burned the caretaker's house.¹³⁰

In February of 2008, a small group of Mapuche protestors blocked Ruta 5 and attacked a truck that stopped due to the obstruction. They forced him out of his vehicle and lit it on fire. Another truck driver managed to escape, but his truck was damaged by gunshots. The report mentioned that it was the third attack of that type since December 2007.¹³¹ This form of protest

¹²⁶ Ibid. 91.

¹²⁷ "Mapuches Quemaron Puente Y Cortaron Camino a Termas." *El Mercurio*. 31 Jan. 2010. 10 Dec. 1999.

¹²⁸ Juan Patricio Peña A. "Gobierno condena ataque a fiscal y descarta participación de mapuches." *La Tercera*. 31 Jan. 2010. 16 Oct. 2008. <http://www.latercera.cl/contenido/25_63631_9.shtml>.

¹²⁹ Roberto Álvarez. "Viera-Gallo dice que con actos delictivos mapuches 'consiguen efecto contrario' a sus demandas." *La Tercera*. 8 Feb. 2010. 17 Oct. 2008. <http://www.latercera.cl/contenido/25_64093_9.shtml>.

¹³⁰ H. Lichtenegger and R. Neira. "Ocho encapuchados armados queman casa de un agricultor y del cuidador." *El Austral*. 8 Feb. 2010. 18 Oct. 2008.

<http://www.australtemuco.cl/prontus4_noticias/site/artic/20081018/pags/20081018013312.html>.

¹³¹ Iván Fredes and Miguel Henríquez. "Encapuchados emplean fusil de guerra en asalto y quema de camión en la Ruta 5 Sur." *El Mercurio*. 10 Feb. 2010. 2 Feb. 2008.

is one of the most common types, especially with CAM, and the trucks they attack generally belong to forestry companies.

Scholarly Analysis of the Original Intensification

A number of Chilean scholars view the events in Lumaco as a turning point in the evolution of the Mapuche movement and view it as a turning point. Prior to those events, the movement was not considered violent. Victor Llancaqueo argues that by 1997, “the pressure from the [indigenous] communities exceeded the state’s ability to respond.”¹³² José Araya claims that the incident in Lumaco is the most important incident in the new wave of actions initiated by the Mapuche. They protested their impoverished and marginalized situation and this incident shows the change in the way the Mapuche movement presents their demands to the state.¹³³

Rodrigo Levil Chichahual also mentions the new stage in mobilizations in 1997 and calls the mobilization the “Mapuche conflict.” He identifies a number of issues that led to the new mobilization. The Ralco dam project initiated by Endesa in 1997 is one example. Chichahual also claims that various Mapuche groups became more and more dissatisfied with CONADI and the indigenous law because both appeared incapable of solving problems concerning land rights. He cites the “pauperization” of Mapuche lands especially those located close to forestry companies as another reason for the radicalization of the Mapuche movement in the late 1990s.¹³⁴

Tito Tricot, another Mapuche author, sees the incidents of 1997 as a point of inflection in the movement. In his opinion, the reason these events occurred in Lumaco is due in part to its

¹³² Víctor Toledo Llancaqueo. *Pueblo Mapuche, Derechos Colectivos y Territorio: Desafíos para la Sustentabilidad Democrática*. Chile Sustentable, 2006. 103.

¹³³ José Araya. "Conflicto Mapuche: Algunas razones y derechos en este nuevo enfrentamiento." *Serie Opinión y Perspectivas*. Ed. María Luisa Ortiz. Santiago: LOM Ediciones, 1999. 9.

¹³⁴ Rodrigo Levil Chichahual, Rodrigo. "Sociedad Mapuche Contemporánea." *¡...Escucha, winka...! Cuatro Ensayos de Historia Nacional Mapuche y un epílogo sobre el futuro*. Ed. Pablo Mariman Quemenedo. Santiago: LOM Ediciones, 2006. 219-252. 244-245.

historical significance because of the role this city played in the war between the Spanish and the Mapuche. A large number of forestry companies are located in the area, which has caused the land to dry out, which also influenced the local Mapuche groups.¹³⁵ He makes some of the same connections as Chichahual and talks about the younger Mapuche attending universities. This trend has influenced the Mapuche movement, he says, and they have learned from the examples of other indigenous movements. He claims that there is a definite before and after Lumaco in terms of defining the Mapuche movement.¹³⁶ After the incidents in Lumaco, the Mapuche movement changed, and one of the new characteristics it has is “a conflictive relationship with power.”¹³⁷

The Mapuche community and scholars are not the only entities to have an opinion on this new direction in the Mapuche movement, and the state reacted to this new mobilization. It used the Law of Interior Security to prosecute protestors and militarized some communities by sending police forces into them. The state came up with a strategy to repress the Mapuche movement—to leave police in the area to protect the forestry companies, in order to repress the Mapuche and divide the movement. Police occupied the Malleco province shortly after the land occupation. The state detained twelve Mapuche men in connection with the truck burning in 1997. The state characterized the Mapuche as a terrorist movement during this period.¹³⁸ Tricot claims that the state always privileges “the forestry companies over the collective rights of the *pueblo Mapuche*.”¹³⁹ Militarization is one state response to the conflict, which contributes to the distrust between the Mapuche and the state. The state uses violence to combat violence, which only perpetuates the problem, and it prosecutes protestors with a law created under Pinochet

¹³⁵ Tito Tricot. "Lumako: Punto de Inflexión en el Desarrollo del Nuevo Movimiento Mapuche." *Historia Actual Online* 19. (2009): 77-96. 2 Nov. 2009 <<http://www.historiaactual.com/hao/pbhaioiss.asp?idi=ESP&pgt=2&pid=3&pbl=HAO&vol=1&iss=19>>. 83-86.

¹³⁶ Ibid. 86-87

¹³⁷ Ibid. 88.

¹³⁸ Ibid. 88-89

¹³⁹ Ibid. 82.

whose regime is associated with horrible violence. Rather than addressing the problem with legislation, which would single out one group, the state prefers to repress the conflict by saying that it is violent and that it must protect its citizens. National security is a part of national unity because the whole group must be protected. By allowing one group to have special privileges it could jeopardize the security of the rest.

Prior to 1997, the Mapuche movement did not rely on violence. Their marginalized situation, the advance of mega projects, and their dissatisfaction with the state's indigenous policies, caused a change in their forms of protest. Many Mapuche groups, such as the CAM, for example, believe that the state has marginalized them and not allowed them full access to society. In addition, projects like the Ralco dam, which led to relocation of indigenous families, and forestry projects, which can damage the soil and pollute the water, frustrate the Mapuche groups who do not have enough political power to stop them. This lack of political power has led to protests. The events in Lumaco occurred four years after the implementation of the Indigenous Law and the creation of CONADI. The Mapuche groups waited for four years to see if the new democracy and this new institution would address their demands in an efficient and coherent way. Even President Bachelet recognizes that the Indigenous Law is not perfect, and the Mapuche think the same thing. Though the state has made progress over the years in securing more rights for the indigenous people in Chile, including the Mapuche people, CONADI, works very slowly when it comes to redistributing land. As a result, frustration builds among the Mapuche communities demanding land, especially the more active groups such as the CAM and the Temuicui community, and they instigate most of the protests in the following year, 2009.

Chapter 4: The Mapuche conflict in 2009

Introduction

During the summer of 2009, the Mapuche conflict intensified. This chapter focuses on the events from January 2009 to January 2010 to take an in-depth look at the indigenous-state relationship in Chile in terms of this conflict. This chapter illustrates the day-to-day conflict instead of focusing solely on the highly publicized events. This chapter relies heavily on newspaper articles for information about the most recent protests.

The chapter highlights different types of events that occurred in 2009, such as government actions, land occupations and sabotage, the use of the Anti-Terrorism Law, the death of a protestor in August, protests involving children, and Mapuche ties to foreign anti-state groups. This chapter also shows how the government responds to these various events within the conflict. In addition to using CONADI, the state often uses the police to repress the violent protests initiated by the Mapuche, and it protects them when they break the law. Despite the various government promises to increase indigenous rights, it generally responds to the “terrorist” acts with violence, and it uses the Anti-Terrorist Law to prosecute the Mapuche. Such actions alienate the groups that participate in the violent protests and lead to further disintegration of the indigenous-state relationship.

In order to analyze the recent indigenous-state relationship in Chile, three of the largest newspapers, *El Mercurio*, *La Nación*, and *La Tercera*, are used. All three of these papers have online versions, and *El Mercurio* has another online only newspaper called *El Mercurio Online*, which is used most often here. By using three papers, there is more breadth, because different newspapers will report on different things. An event that appears in all three papers would likely be important, but events mentioned by only one or two of the papers also help to provide details.

The three largest Chilean papers have drawbacks in that they might not always follow the conflict extremely closely, but they are one of the few sources that cover recent events.

State Initiatives in 2009

Through CONADI, the state initiated some projects during 2009, and the institution appeared a few times in the press during the year. In February, CONADI announced that it would begin work on the next phase of the project to elect six indigenous representatives to the Chamber of Deputies. This project aims to create the Indigenous People's Council, an independent group that would determine and execute public policy concerning the indigenous people.¹⁴⁰ As of now, no deputy openly comments on the Mapuche conflict or affirms his or her indigenous ancestry.

Later in the year, CONADI reappeared in the press, having negotiated a land transaction. On November 1, 2009, the press reported that Jorge Luchsinger had sold some of his property (around 1136 acres) to CONADI. The organizations paid him around 2,462 million pesos (over \$4.5 million) for it.¹⁴¹ Also in late November, Viera-Gallo announced that five properties would be bought and given to indigenous groups in the Arauco province. However, he was not well received and various Mapuche spokespeople said that it would not mean anything until the land is appraised and that the minister was just campaigning.¹⁴²

In January of 2010, the state celebrated the placement of the first stone of the Center for Mapuche Innovation and Enterprise. The state funded this center, which will be an area where businesses can develop projects. The Minister of the Interior, Edmundo Pérez Yoma, felt that

¹⁴⁰ UPI. "Culmina primera parte de consulta por proyecto de diputados indígenas." *La Nación*. 26 Feb. 2009.

¹⁴¹ "Rematan bienes de agricultor que vendió tierras a comunidad mapuche." *La Tercera*. 1 Nov. 2009.

¹⁴² Latercera.com. "Viera-Gallo anuncia compra de predios para comunidades mapuches de Arauco." *La Tercera*. 20 Nov. 2009.

this event represented the state's commitment to its promise to form a new relationship with the indigenous population.¹⁴³

These events represent some of the state's attempts to improve its relationship with the Mapuche. Though the CONADI project to increase indigenous representation sounds promising, it never reappeared in the press throughout the year. The purchase of land is also promising, but the institution has a reputation for being extremely slow when negotiating for land. Pérez Yoma's opinion is typical of government officials, who think that small contributions like the innovation center represent a true effort to resolve Mapuche demands. These events are part of the state's inconsistency because it represents one aspect of its interaction with the Mapuche. The state uses a few incentives so that it can say that it has built a new relationship with the Mapuche. However, like the promises it has not kept, these small initiatives do not solve the conflict. The other aspect of the state's inconsistency is found in its reaction to land occupations and sabotage, which is much more highly publicized.

Land Occupations, Sabotage and the Anti-Terrorism Law

Land Occupations and Sabotage

On January 4, 2009, the first anniversary of Matías Catrileo's death, violent protests erupted in several locations. A group of people blocked Ruta 5 Sur the north of Temuco.¹⁴⁴ An anarchist group took responsibility for two explosions that occurred in Santiago on January 4, 2009. A radio station later confirmed that the explosions commemorated the death of Catrileo.¹⁴⁵ The police in the ninth region claimed that the increase of security forces in the first few days of

¹⁴³ UPI. "Pérez Yoma destaca centro mapuche como ejemplo del compromiso del Gobierno con pueblos originarios." *La Tercera*. 8 Jan. 2010.

¹⁴⁴ "Nuevas barricadas por aniversario de muerte de activista mapuche." *EMOL*. 4 Jan. 2009.

¹⁴⁵ "Grupo de anarquistas se adjudicó explosiones en Santiago." *EMOL*. 5 Jan. 2009.

the month was a normal occurrence and did not necessarily have anything to do with the anniversary Catrileo's death.¹⁴⁶ However, the Undersecretary of Interior, Patricio Rosende, announced on the same day that the security increase was a result of the anniversary.¹⁴⁷

Later in the month, similar protests occurred prompting a response from various government officials. An attack on forestry machinery in the second half of January caused the general secretary of the right wing party, the Independent Democrat Union, to call for the application of the Anti-Terrorist Law "for once and for all" in such cases.¹⁴⁸ On January 14, 2009, the CAM took responsibility for a number of attacks, including one on January 9 that left two forestry machines destroyed, and one that destroyed some storehouses on January 11.¹⁴⁹ One large attack occurred on January 22, 2009, when a group of people set a fire that resulted in the destruction of seven forestry machines, a truck, and a container on property owned by Forestal Mininco in the ninth region. The damage was valued at 900 million pesos (around \$1.7 million). At that time, the police had twenty-four properties in the area under their control.¹⁵⁰ Because of this attack, the police initiated a number of raids on Mapuche communities. The government separated this type of attack from the Mapuche conflict, saying that this protest aimed to violently remove the property owners from their land.¹⁵¹

Land occupations and acts of sabotage continued through March and April, leading to various government reactions. On March 19, 2009, around fifty Mapuche of the Temucuiqui community occupied land owned by René Urban, one of the large landowners in southern Chile, and around 200 members of the Antonio Peñipil community occupied land owned by the forestry

¹⁴⁶ "Refuerzo policial en la Araucanía es para proteger el turismo." *EMOL*. 2 Jan. 2009.

¹⁴⁷ "Security measures doubled one year after death of Mapuche activist." *EMOL*. 2 Jan. 2009.

¹⁴⁸ "Víctor Pérez pidió aplicar 'de una vez por todas' Ley Antiterrorista en Arauco." *EMOL*. 11 Jan. 2009.

¹⁴⁹ "La CAM se atribuye atentados y patrulla policial es atacada a tiros." *La Nación*. 14 Jan. 2009.

¹⁵⁰ "Araucanía: fiscal especial por ataque incendiario." *La Nación*. 22 Jan. 2009.

¹⁵¹ "Araucanía: pesquisas tras grupo sospechoso." *La Nación*. 23 Jan. 2009.

company Venturelli because they were frustrated with the lack of progress by CONADI in returning Mapuche land.¹⁵² In early April, police shot a Mapuche man in the leg while he and five others were stealing wood from property owned by Forestal Mininco. The injured man was taken to the hospital, and the police detained the rest.¹⁵³ Later in April, the police arrested seven Mapuche people in connection with the attack on a caravan of vehicles that injured Mario Elgueta and five police officers in October 2008. The authorities believed that these men were members of the CAM.¹⁵⁴ The next day, April 12, 2009, a group of unidentified individuals burned two cabins in the Arauco province, and the press thought it might have been a reaction to this arrest of several CAM leaders.¹⁵⁵ The Undersecretary of the Interior, Patricio Rosende, said that the arrest of the seven men did not mean that the Mapuche conflict was intensifying, and that such attacks are not part of the real conflict, which revolves around land.¹⁵⁶

In June, the Chilean government rejected the possibility that the Mapuche conflict might be changing into a movement less focused on regaining land. The Chilean press reported on the U.S. State Department's report on world terrorism. The report said that agencies in the U.S. embassy have been monitoring the CAM and have decided that the group is using its weapons and tactics more professionally.¹⁵⁷ However, the Undersecretary of the Interior, Patricio Rosende, denied that CAM was becoming more professional and rejected the report by the United States.¹⁵⁸

¹⁵² Iván Fredes. "Comuneros mapuches se tomaron dos predios en la Araucanía." *EMOL*. 16 March 2009.

¹⁵³ Hugo Neira. "Comunero mapuche es herido a bala tras enfrentamiento con efectivos de la PDI." *La Tercera*. 9 April 2009.

¹⁵⁴ Patricio Gómez. "PDI detuvo a 7 mapuches de la CAM implicados en atentados a fiscal." *EMOL*. 11 April 2009.

¹⁵⁵ Hugo Neira. "Queman dos cabañas de veraneo en zona de conflicto mapuche." *La Tercera*. 12 April 2009.

¹⁵⁶ Agencias. "Rosende: Detención por ataque a fiscal no significa más violencia mapuche." *La Tercera*. 11 April 2009.

¹⁵⁷ Patricio Carrera and Fredy Palomera. "EEUU advierte una mayor planificación de grupo mapuche radicalizado." *La Tercera*. 16 June 2009.

¹⁵⁸ Patricio Carrera and Fredy Palomera. "Gobierno rechaza informe de EE.UU. sobre violencia mapuche." *La Tercera*. 17 June 2009.

In mid July, the number of land occupations and acts of sabotage began to increase, beginning when the police arrested the leader of the CAM, Héctor Llaitul Carrillanca, in connection to the attack on Mario Elgueta as well as for various acts of arson.¹⁵⁹ A few days later Pérez Yoma claimed that the government has done as much as necessary in the Araucanía, mentioning that the state had disrupted the workings of the CAM by arresting many of its leaders, and that violence in the area had diminished in comparison to 2008.¹⁶⁰ On July 24, 2009, the Temucuicui community occupied another of René Urban's properties, leading to the arrest of their spokesperson, Mijael Carbone Queipul.¹⁶¹ On July 28, 2009, a Mapuche group attacked a bus and blocked several major roads, demanding that they be allowed to buy Jorge Luchsinger's land where police shot Matías Catrileo Quezada.¹⁶² On July 30, 2009, a group of nearly sixty students took over a school in Ercilla. The students, around fifteen years of age, created barricades and fires on their campus as well as throwing stones at police vehicles.¹⁶³ Later in the same month, a police officer was injured during a confrontation with members of the Mapuche community, Temucuicui, on René Urban's property.¹⁶⁴

In late July, Mijael Carbone Queipul announced a change in strategy by the radical Mapuche groups in the Araucanía saying that they would begin to build homes on the occupied land. Carbone also distanced his community, Temucuicui, from the CAM, which had attacked a passenger bus some days prior to his announcement. He claimed that his community does not attack third parties and does not want to hurt anyone, including the police. He mentioned that his community does not use firearms when taking land, and they occupy land because the

¹⁵⁹ Migual Ángel Carrillo. "Vocera Tohá por detención de Llaitul: 'En Chile opera un Estado de Derecho.'" *La Tercera*. 16 July 2009.

¹⁶⁰ UPI. "Ministro del Interior defiende rol del gobierno en conflicto mapuche." *La Tercera*. 21 July 2009.

¹⁶¹ "Mapuches nuevamente se tomaron predio en La Araucanía." *EMOL*. 24 July 2009.

¹⁶² "Grupo mapuche asumió ataques en rutas de Temuco." *La Nación*. 28 July 2009.

Latercera.com. "Empresa rechaza ataque a bus y lo atribuye a 'comuneros mapuches.'" *La Tercera*. 28 July 2009.

¹⁶³ Nicolás Gutiérrez. "Alumnos se tomaron colegio en zona del conflicto mapuche." *EMOL*. 30 July 2009.

¹⁶⁴ "Subprefecto de Carabineros herido en toma de mapuches." *La Nación*. 31 July 2009.

government refuses to work with them.¹⁶⁵ Though the group does not denounce the CAM outright, this isolated announcement hints at some division among the Mapuche groups in terms of using violence to make their demands. In August, police arrested a Mapuche for occupying one of René Urban's properties along with several others who escaped. However, Carbone denied the occupation and claimed that police arrested the man during a raid.¹⁶⁶

Some government officials recognize the state's inefficiency in addressing Mapuche demands, such as the High Commissioner for Indigenous Affairs, Rodrigo Egaña, who announced, in late July, that the Mapuche people would receive their land in the next four to five years. He attributed the slow process to the lack of funds and administrative capacity and that between 1994 and 2009 the government had found a solution for around 500 communities of the approximately 1800 that have land claims. Egaña believes that Mapuche occupy land because they reject the Chilean state and want to form a politically autonomous territory.¹⁶⁷ Egaña understands that the Mapuche initiate land occupations because of a desire for an autonomous region and because of frustration with the state and CONADI as well.

A number of land occupations and acts of sabotage occurred in August and September. On August 9, 2009, a group of Mapuche lit fire to property in the eighth region, Biobío, and this occurred the day after the CAM lit a truck on fire on another property nearby.¹⁶⁸ In September, a group of people fighting for Mapuche demands attacked a truck and another vehicle traveling in the Araucanía and burned them.¹⁶⁹ On September 4, 2009, six people burned a truck and threw rocks at a proprietor's house on private property in the ninth region, and the owner estimated that

¹⁶⁵ Natacha Ramírez. "Comuneros comenzarán a construir dentro de predios ocupados." *EMOL*. 29 July 2009.

¹⁶⁶ Natacha Ramírez. "Carabineros detuvo a comunero mapuche que ingresó a fundo de René Urban." *EMOL*. 3 August 2009.

¹⁶⁷ "Mapuches recuperarían tierras 'en cuatro o cinco años.'" *La Tercera*. 31 July 2009.

¹⁶⁸ "Sujetos perpetran segundo incendio intencional en zona del conflicto mapuche." *EMOL*. 9 August 2009.

¹⁶⁹ "Conflicto mapuche: Nuevo atentado a camión." *La Nación*. 5 Sept. 2009.

the damage amounted to 12 million pesos.¹⁷⁰ On September 11, 2009, around forty Mapuche occupied two properties in Lleu Lleu.¹⁷¹ A few days later, another Mapuche group attacked a large farm outside of Temuco, lighting a caretaker's house and two other buildings on fire.¹⁷²

In November, Mapuche protested in recognition of the anniversary of Alex Lemún's death in 2002. On November 14, 2009, a manifestation by Mapuche groups in Santiago led to five arrests and one injured police officer when a hundred people gathered and tried to march toward La Moneda, the presidential palace, causing police to disperse them with fire hoses and tear gas bombs.¹⁷³ A few days later around fifty Mapuche occupied property in the Arauco province in the eighth region because the owner had negotiated selling some of this property to CONADI, and they felt left out of the land negotiation.¹⁷⁴

The government's response to the Mapuche conflict is inconsistent. On one hand, it uses CONADI to implement beneficial projects and buy land for communities that need it, and, on the other hand, it uses police repression and raids to combat protests as is seen throughout this chapter. Having the police take control of areas to protect them and having them make raids on Mapuche communities increases the distrust between them and the state. Police also raid Mapuche communities when they think that a certain community might include members who have committed terrorist acts, such as land occupations and sabotage. This type of action drives the Mapuche further away from working with the state to reach a solution in this conflict. The state responds to this type of protest with more violence, which only exacerbates the problem.

¹⁷⁰ Latercera.com. "Pérdidas por \$12 millones deja nuevo ataque a fundo en Ercilla." *La Tercera*. 4 Sept. 2009.

¹⁷¹ Hugo Neira. "Lleu Lleu: Encapuchados ocupan dos predios en zona de conflicto mapuche." *La Tercera*. 11 Sept. 2009.

¹⁷² Iván Fredes. "Mapuches incendian casa de cuidador de fundo en Temuco." *EMOL*. 12 Sept. 2009.

¹⁷³ Latercera.com. "Cinco detenidos y un carabinero lesionado en manifestación mapuche en el centro de Santiago." *La Tercera*. 14 Nov. 2009.

¹⁷⁴ Hugo Neira. "Medio centenar de comuneros ocupan predio en zona de conflicto mapuche." *La Tercera*. 19 Nov. 2009.

The conflict intensified in 2009, as it has in the past, because the government has split the movement into two groups: a legitimate one and an illegitimate one. This inability to form a consistent response, illustrated by the various reactions and statements from officials in response to the protests, has caused the conflict to intensify. By dividing the movement into two groups, the state can repress the more violent side and say that it is not prosecuting the Mapuche as a whole. It separates the “legitimate” Mapuche from the “terrorists” and is attempting to determine a different response for each group. However, by splitting the movement into factions, the state causes more frustration among the Mapuche groups because the more radical groups feel alienated. It also turns Mapuche groups against the state, which adds a new level to the movement’s original demands for land. For example, Patricio Rosende defines some attacks as unacceptable and not part of the “legitimate” Mapuche movement, which demands land. Rosende’s response is interesting because it shows that the state has not made an important connection concerning the Mapuche conflict. Frustration with the state and its treatment of the Mapuche has led to these protests, and whether they are attacks on land, equipment, or people, they are all related to that frustration. The government claims that it has done enough and the conflict is getting better, but it uses repression instead of legislative change; therefore, whatever solution it gains through this method will be temporary. Some officials support the Mapuche or offer less biased views, such as Rodrigo Egaña. The government has not formed a coherent indigenous policy because it does not want to “give in” to what it views as illegitimate demands of terrorists and prefers to prosecute them under the law in order to stop their violent protests. The government does not want to reform indigenous land policies because that could cause big businesses, like the forestry companies, to lose confidence in the Chilean state and move elsewhere, and timber is the second more important export, after copper.

Mapuche groups are also showing inconsistency in the conflict. The Temucuicui group distanced itself from that CAM by saying that its members do not advocate the use of violence. The CAM openly declared war on the state and cut of relations with it. This indicates the CAM is becoming more radical. The state prosecutes the CAM under the Anti-Terrorism Law more than often than any other Mapuche group during 2009.

The State's Use of the Anti-Terrorism Law

Throughout the year, the state used the Anti-Terrorist Law to prosecute Mapuche groups involved in land occupations and acts of sabotage. The state's use of this law illustrates its desire to prosecute the "terrorist" Mapuche in order to diffuse the conflict. In February, the government announced that it would apply the Anti-Terrorist Law to the Mapuche activist, Manuel Tapia Huenulaf, who had heavy arms, munitions, bomb making instructions, cannabis plants, and grenades in his possession when arrested in connection with one of the worst incendiary attacks that occurred in 2008. Authorities identified Tapia as a member of the CAM.¹⁷⁵ However, Alejandro Navarro, a Chilean senator, criticized the state for processing Tapia under the Anti-Terrorist Law, illustrating that not all members of the government support this law.¹⁷⁶

Toward the end of September, the government publically denied that it abuses the Anti-Terrorist Law. In August, the UN Committee for the Elimination of Racial Discrimination noted that the Chilean government used the law mainly to prosecute Mapuche involved in demanding their rights to their ancestral lands and issued a report recommending that it reform the law.¹⁷⁷ In September, a Chilean representative denied that the state abuses the law in relation to the

¹⁷⁵ EFE. "Gobierno no descarta aplicar Ley Antiterrorista a activista mapuche." *La Nación*. 12 Feb. 2009.

"Detienen a mapuche presuntamente ligado a atentados." *La Nación*. 12 Feb. 2009.

¹⁷⁶ UPI. "Navarro: 'Aplicar la ley antiterrorista a un mapuche es volver a la dictadura.'" *La Nación*. 15 Feb. 2009.

¹⁷⁷ "Viera-Gallo comienza diálogo y mapuches reanudan tomas." *La Nación*. 29 Aug. 2009.

Mapuche conflict during the Human Rights Council of the United Nations. During the final report of the Periodic Universal Exam, which the UN uses to review the state of human rights in its member countries, the ambassador to Chile claimed that between 1999 and 2009 the government has only used the Anti-Terrorist Law against the indigenous people twice. Nonetheless, Danielle Mitterrand, and Andrea Marifil, who is associated with the International Association against Torture, denounced the ambassador and the law. Marifil even claimed that the Chilean police have killed six Mapuche in the past six years.¹⁷⁸

Despite the denial of the previous month, an attack on a toll plaza in October led the state to prosecute a group of Mapuche under the Anti-Terrorist Law. This group of Mapuche radicals blocked a road in Victoria, attacked a toll plaza, shot at a truck, and lit fire to another. This attack occurred less than a day after the installation of the new head of police for the ninth region. Because of the attack, the president of the National Confederation of Truck Owners accused the government of not doing enough to keep the truck drivers safe on the roads and claimed that it has ignored all of his group's suggestions to ensure the safety of the drivers. The government, however, claimed that their efforts in the region were sufficient and decided not to augment security measures.¹⁷⁹ However, shortly after this attack, the government announced that it would improve security on the road between Collipulli and Temuco in the Araucanía, which included installing security cameras and improving rest areas.¹⁸⁰ On October 20, 2009, the government

¹⁷⁸ "Chile niega abuso de ley antiterrorista contra mapuches." *La Nación*. 24 Sept. 2009.

¹⁷⁹ Iván Fredes. "Mapuches encapuchados y armados atacan plaza de peajes y queman camión en Victoria." *EMOL*. 11 Oct. 2009.

Orbe. "Camioneros acusan al Gobierno por falta de seguridad en rutas de la Araucanía." *EMOL*. 12 Oct. 2009.

"Rosende descarta aumento de dotación policial en zona del conflicto mapuche." *EMOL*. 15 Oct. 2009.

"Caen comuneros mapuches imputados por quemar camión y asaltar peaje en la IX región." *EMOL*. 15 Oct. 2009.

¹⁸⁰ Latercera.com. "Destinan \$1.600 millones para reforzar seguridad en rutas de zona mapuche." *La Tercera*. 22 Oct. 2009.

charged the five men who attacked the toll plaza with illicit terrorist association among other things. A protected witness claimed that the men used an M-16 rifle in their attack.¹⁸¹

In late October, the CAM declared war on the state through an email communication stating that its members would no longer talk with it.¹⁸² For this group, the state no longer represents a player in this conflict. The state is not helping to solve the Mapuche problems; therefore, the CAM no longer wants to work with it. This is an escalation in rhetoric, and the CAM is starting to pull away from other Mapuche groups. If the state does not implement changes in policy soon, the CAM will continue to morph into a guerrilla group instead of a radical group participating in a social movement.

In January, the state used the Anti-Terrorist law again in connection to the Mapuche movement. During that month, the court in Cañete extended the amount of time in an investigation concerning twenty-three Mapuche. Part of the investigation involved analyzing 17,000 wiretaps from seventy-seven phones. The most important person under investigation was Héctor Llaitul, the leader of CAM. All of the people under investigation had some tie to terrorism such as terrorist threats, terrorist association, or terrorist arson.¹⁸³ Testimony from a protected witness led authorities to charge four Mapuche, including a minor, under the Anti-Terrorist Law with terrorist arson and robbery with intimidation.¹⁸⁴ On January 26, 2010, the CAM claimed responsibility for three separate attacks that occurred during the month. In the first attack on January 5, 2010, a group attacked a vehicle working for a forestry company. In the second attack on January 22, 2010, a group burned a wooden bridge. The third attack on January

¹⁸¹ “Testigo protegido asegura que mapuches usaron fusil M-16 en ataques.” *La Tercera*. 20. Oct. 2009.

¹⁸² “Mapuches huyen con activista herido tras emboscar e incendiar camiones en Angol.” *La Tercera*. 21 Oct. 2009.

¹⁸³ Hugo Neira. “Filtran 17 mil escuchas telefónicas en indagatoria contra líder operativo de la CAM y comuneros mapuches.” *La Tercera*. 27 Jan. 2010.

¹⁸⁴ Fredy Palomera. “Formalizan por ley antiterrorista a cuatro comuneros mapuches.” *La Tercera*. 28 Jan. 2010.

25, 2010, affected a truck and agricultural machinery. The CAM claimed that these attacks were to protest against the violence toward the Mapuche.¹⁸⁵

The state uses the Anti-Terrorist Law to prosecute the more radical Mapuche groups, especially the CAM, despite the Chilean National Commission on Truth and Reconciliation's report that says the law is too harsh and violates human rights. For example, under this law, police do not have to have a warrant in some cases, and the prosecution can keep evidence and witnesses a secret from the defense. Nearly all the Mapuche communities denounce the use of this law and even some government officials denounce it, such as Senator Navarro. However, no efforts are in place to remove the law from the constitution. Such actions show the state's preference for a strong response and show how the state criminalizes the Mapuche protests and how it splits the movement into two groups. Though many of these protests are illegal, many do not merit the Anti-Terrorist Law. Even if some attacks, such as arson, are terrorism, the law is not democratic.

Jaime Facundo Mendoza Collío

On August 12, 2009, when police attempted to remove a Mapuche group from occupied land in Collipulli, one of the officers shot and killed a protestor, Jaime Mendoza Collío. The officer, who was detained by authorities, claimed that he acted in self-defense.¹⁸⁶ On August 13, 2009, the day after the shooting, the government announced it would send government officials to the Araucanía in order to work with the indigenous groups in hopes of attaining a peaceful solution to the conflict.¹⁸⁷ On August 14, 2009, the press reported that the police officer shot the protestor in the back instead of the chest, even though the officer continued to claim that

¹⁸⁵ "Coordinadora Arauco Malleco se adjudica últimos atentados en La Araucanía. *La Tercera*. 26 Jan. 2010.

¹⁸⁶ "Carabinero que disparó contra mapuche está detenido." *EMOL*. 13 Aug. 2009.

¹⁸⁷ "Gobierno enviará delegación a la Araucanía para buscar solución al conflicto mapuche." *EMOL*. 13 Aug. 2009.

Mendoza had attacked him.¹⁸⁸ Some days after the shooting, a witness declared that the police shot Mendoza while he was fleeing and that they did nothing to help him for an hour or two afterward.¹⁸⁹ About a week after the shooting, the Legal Medical Service confirmed that the officer had shot Mendoza in the back, and the press reported that he had no gunpowder residue on his hands or clothes.¹⁹⁰ This evidence negates the police officer's claim that he was acting in self-defense.

Toward the end of the month, marches and other forms of protest occurred because of Mendoza's death. One example includes a march on August 14, 2009, which led to the arrest of fifteen people in Concepción.¹⁹¹ Unknown suspects lit a school on fire in Ercilla a few days after the death of Mendoza, and the press thought that the two incidents might have been connected.¹⁹² Another group of Mapuche marched through Temuco in an ultimately failed attempt to meet with Nora Barrientos, the governor of the ninth region. They marched to demand justice for Mendoza's death and indicated that the Mapuche protests would increase.¹⁹³ Human Rights Watch condemned the shooting death of Mendoza as "totally unjustified."¹⁹⁴

On August 20, 2009, *La Nación* published an article that said the principal Mapuche groups were in a period of "reflection" according to the spokesperson for the Council of All Lands. The only incident that had occurred the day before was an occupation on Rene Urban's property, but the police dislodged the protestors. A group of around 200 students protested and

¹⁸⁸ Natacha Ramírez. "Carabineros reafirma que efectivo disparó a mapuche para salvar su vida." *EMOL*. 14 Aug. 2009.

¹⁸⁹ Latercera.com. "Testigo clave asegura que carabineros no asistieron a comunero mapuche." *La Tercera*. 20 Aug. 2009.

¹⁹⁰ Lanacion.cl. "SML confirma: Mapuche fue asesinado por la espalda." *La Nación*. 18 Aug. 2009.

¹⁹¹ Orbe. "Protesta en Concepción a favor de mapuches termina con 15 detenidos." *EMOL*. 14 Aug. 2009.

¹⁹² Sergio Bustos. "Incendian escuela rural de niños mapuches en la zona del conflicto." *EMOL*. 15 Aug. 2009.

¹⁹³ Latercera.com. "Dirigentes mapuches aseguran que intensificarán manifestaciones en La Araucanía." *La Tercera*. 24 Aug. 2009.

¹⁹⁴ Latercera.com. "Human Right Watch cuestiona operativa en que murió comunero mapuche." *La Tercera*. 25 Aug. 2009.

marched peacefully as well.¹⁹⁵ The period of reflection did not last long and shortly after the statement, the Temucucui community clashed with authorities as the police tried to remove them from Rene Urban's property, resulting in the injury of four police officers. This incident occurred in conjunction with the arrival of José Antonio Viera Gallo, Minister-Coordinator of Indigenous Affairs, in the Araucanía. Fifty Mapuche occupied another property the day before in Ercilla.¹⁹⁶ Viera Gallo returned to Santiago after only two days, and two Mapuche groups, Mapuche Territorial Alliance, headed by Temucucui, and the Council of All Lands, indicated that his trip was ineffective.¹⁹⁷

On September 8, authorities released the police officer that had shot and killed Mendoza in August. The officer, Miguel Patricio Jara Muñoz, had spent only twenty-three days in prison in the prefecture of the Angol police.¹⁹⁸ This and other examples of police impunity contribute to the poor relationship between the state and the Mapuche. Even though Muñoz shot Catrileo in the back, making his original argument of self-defense obsolete, he was released less than a month after the incident. His name is not mentioned again in the press that year, and the fact that he was not quickly prosecuted shows that the state supports the police (national security) instead of the indigenous groups.

This attack is the turning point in the Mapuche conflict in 2009, and it spurs a number of related protests. It shows how the state gives impunity to its police officers who commit crimes against the Mapuche. Miguel Patricio Jara Muñoz, like the other two police officers, was released quickly, and he still has not been prosecuted for killing a protestor in "self-defense." Even though investigations made it abundantly clear that the officer shot Mendoza in the back,

¹⁹⁵ Claudio Leiva Cortés. "Entidades mapuches en período de 'reflexión.'" *La Nación*. 20 Aug. 2009.

¹⁹⁶ "Viera-Gallo comienza diálogo y mapuches reanudan tomas." *La Nación*. 29 Aug. 2009.

¹⁹⁷ Iván Fredes. "Comuneros mapuches levantaron ruca en fundo de René Urban." *EMOL*. 28 Aug. 2009.

"Mapuches afirman que visita de Viera-Gallo ha sido 'improductiva.'" *EMOL*. 29 Aug. 2009.

¹⁹⁸ UPI. "Crimen de mapuche: Corte Marcial deja en libertad a carabinero." *La Nación*. 8 Sept. 2009.

the state made little effort to prosecute the officer in 2009. This is one of the main reasons that the Mapuche have no confidence in the state. For the Mapuche, the state cannot resolve their demands because it protects the police that occasionally kill the protestors. The Mapuche no longer trust the state, its officials, or its organizations because they see the state's measures, such as sending officials to the ninth region to negotiate, as ineffective.

Attacks involving Minors

A previously unseen aspect of the conflict appeared in October when the coverage of violence against Mapuche children increased dramatically, and the number of articles stayed high during the month. Pellets shot by the police or tear gas cause most of these injuries. On October 2, 2009, the press reported that police shot a ten-year-old boy with rubber bullets, who claimed that he was not walking through a conflict area. The community, Temucucui, issued a complaint against the government, and the police announced that they were investigating the incident.¹⁹⁹ Senator Alejandro Navarro denounced the government for not doing more to prevent the children's injuries. Some families reported that they do not take their children to hospitals for fear of reprisals from the police. Police said that they would investigate the claims that police injured children and the claims that Mapuche used them as shields during protests. In Ercilla, a group of around 500 Mapuche marched to a government building with a bag of used shells from tear gas bombs in order to protest the violence against children.²⁰⁰ In another example of violence against Mapuche children, police took an injured 14-year-old child up in a helicopter

¹⁹⁹ Lanacion.cl. "Niño mapuche herido: "Que den de baja" al carabinero." *La Nación*. 2 Oct. 2009.

²⁰⁰ "Navarro denunció que niños mapuches han sido baleados en allanamientos." *EMOL*. 21 Oct. 2009.

Andrés Escobar Moraga. "Carabineros investigará presunta participación de niños en protestas mapuches." *EMOL*. 22 Oct. 2009.

Iván Fredes. "Niños mapuches llevan a Intendencia bombas lacrimógenas lanzadas por Carabineros." *EMOL*. 23 Oct. 2009.

and threatened him.²⁰¹ The number of cases of injured children grew so large that a representative of UNICEF met with the chief of police for the Araucanía. At that time, the Juan Catrilaf II community issued a complaint that said a 9-month-old baby and his mother received injuries when shot during a police raid.²⁰²

One of the most publicized attacks on a minor occurred in late October. A 17-year-old Mapuche boy appeared at a hospital in Santiago with a gunshot wound in the leg, and he claimed that police shot him. The press first reported on the incident on October 22, but officials did not know the child's whereabouts. The family reported that he was out hunting rabbits with friends when someone started firing at them, and the press did not know whether the shooters were police or members of the anti-Mapuche group, Comando Hernán Trizano. Five days later the paper reported that Leonardo Eusebio Quijón Pereira arrived at a hospital in Santiago after waiting nearly a week before seeking medical attention and was in grave condition when he finally arrived at a hospital. At this time, the press announced that a group of people burned two trucks close to the place on the same day that the boy was shot. The confrontation between seven masked people and police left the ground soaked in blood. The Mapuche claimed that Quijón was the only person hurt that day, but that he had nothing to do with the attack.²⁰³ On October 27, 2009, Pérez Yoma also denied that police shot the boy because the wound was from a shotgun.²⁰⁴ On December 10, 2009, the police arrested the boy in relation to the attack on two trucks that occurred the same day of his injury. The court also accused him of involvement in an

²⁰¹ Sancionarán a otros policía por golpiza a mapuche." *La Nación*. 22 Oct. 2009.

²⁰² Claudio Leiva Cortés. "Unicef habló con general por los niños mapuches." *La Nación*. 4 Nov. 2009.

²⁰³ Lanacion.cl. "Interior aún no confirma a supuesto mapuche herido." *La Nación*. 22 Oct. 2009.

"En Santiago se encuentra joven mapuche que huía herido." *La Nación*. 27 Oct. 2009.

"Grave pero estable el joven mapuche tras sufrir un paro cardiorrespiratorio." *La Nación*. 30 Oct. 2009.

²⁰⁴ Agencias. "Pérez Yoma: Carabineros no balearon al menor mapuche." *La Nación*. 27 Oct. 2009.

attack on a police car.²⁰⁵ Though the facts are unclear, the boy likely participated in the attack where the police shot him.

Police raids and violence against children illustrate why the Mapuche do not pursue legal means when making their demands. These attacks that leave children injured are even more damaging to the indigenous-state relationship in Chile than other incidents of police repression. When innocent bystanders are caught in the crossfire, the state alienates Mapuche who might not have previously been involved in the conflict. They have no faith in the system and are afraid to take their children to the hospital for fear of reprisals. By using violence to repress radical Mapuche, the state is only perpetuating this conflict. Nonetheless, the state's desire to preserve national unity is still stronger than restructuring indigenous policy.

Mapuche Ties to Foreign Anti-State Groups

During 2009, the government publicized the connections that the Mapuche radicals have with other militant groups outside of Chile. Early in May, police raided a French woman's house because of her supposed ties to the attack on Mario Elgueta. They found information pertaining to ETA, the Basque separatist group in Spain, and ETA's political arm as well as information about the CAM.²⁰⁶ On May 31, 2009, Colombia revealed that the FARC, the Revolutionary Armed Forces of Colombia, had contact with Mapuche radicals in 2006. An email between Raúl Reyes, one of FARC's leaders, and an unknown Mapuche revealed that Reyes agreed to train a

²⁰⁵ "Recluido quedó joven mapuche herido." *La Nación*. 11 Dec. 2009.

²⁰⁶ Hugo Neira. "Allanan domicilio de francesa ligada a ETA en zona de conflicto mapuche." *La Tercera*. 8 May 2009.

group of Mapuche radicals. The Chilean government has documentation of contact between Reyes and the Chilean contact, “Roque”, up to February of 2008.²⁰⁷

However, no Mapuche groups have openly confirmed these connections, and it is possible that the accusations by the state are unfounded. The suggestion that some Mapuche groups have relationships with other similar groups outside of Chile indicates a shift in the conflict’s rhetoric if the connections really exist. However, these claims could be baseless accusations by the state as it attempts to paint the conflict as more illegitimate, which legitimizes its violent repression.

²⁰⁷ Patricio Carrera and Fredy Palomera. “Colombia revela email de las Farc aceptando entrenar a mapuches.” *La Tercera*. 31 May 2009.

Conclusion: The Indigenous-State Relationship in Chile

The Mapuche's efforts to maintain control of their land began in the late 1400s with the Incan invasion of Chile and continued with the subsequent Spanish invasion less than a century later. They defeated the Incas and made a truce with the Spanish, allowing them to preserve their territory until the late 1800s. Beginning in the 1860s, the Chilean state usurped Mapuche land when it invaded southern Chile and paved the way for European and Chilean settlers. Throughout the nineteenth century, Mapuche organizations and communities began to organize into a movement to regain their land and establish their rights in this new society. In the 1960s, the state began to address indigenous rights, but any forward progress made was curtailed by the coup in 1973. The state did not address indigenous politics again until the 1990s after the country had returned to a democracy.

Initially, the state tried to form a coherent indigenous policy with the Indigenous Law and CONADI, but it failed and in 1997, the conflict became violent when some Mapuche groups attempted new forms of protest to get the state's attention. CONADI proceeds slowly when buying and giving land to the indigenous groups, which leads to frustration among the Mapuche. Many of them claim that it does not allow them to participate in the land recuperation process. In addition, the state does not allow the institution to remain very independent. For example, the director was replaced during the construction of the Ralco dam, which shows how the state interferes with the organization.

The state has not formed a coherent indigenous policy that efficiently addresses the Mapuche demands for land. Instead, it has pursued a patchwork of policies and projects. Every president since 1990 has made commissions to address the indigenous demands, and each one issues reports and directions for what the state should do to improve its relationship with the

indigenous people. However, the state has not implemented many of these suggestions and this policy of false promises has led to distrust between the Mapuche and the government. For example, the constitution does not recognize that Chile has a diverse population that includes indigenous people. This refusal to implement new policy causes the conflict to continue, and it has also largely destroyed the indigenous-state relationship in Chile.

Why the State Refuses to Improve the Relationship

The indigenous-state relationship in Chile is largely based on frustration, violent protests, and repression, though there are a few attempts by the state to create incentives for a more peaceful one. The state has not implemented coherent policy because Chile is a centralized government that rules by federal law, and it does not want to separate one group for special treatment. Chile still adheres to the nationalist concept that all its citizens should be treated the same, preferring national unity over national diversity. Despite initial advances in policy, the state has not given the Mapuche or other indigenous groups special recognition. Even in the 1990s, various policies took years to pass like Convention 169. Other, more recent bills, such as ones that would create a subsecretary and a ministry of indigenous affairs, have also entered congress in the past few years but still have not been passed. In general, the government stalls on addressing indigenous policies, and one of the state's major promises, constitutional recognition, is repeatedly rejected by congress. This shows how the state is not committed to changing the situation with policy.

The use of repression and incentives illustrates the state's inconsistent response to this conflict and is one of the main reasons for the intensification in 2009. The Chilean state uses the police to combat this conflict, and it uses CONADI to provide incentives to make the Mapuche

communities stop protesting. Police repression and raids perpetuate the conflict by alienating the Mapuche groups. Police brutality occurs during these confrontations and has contributed to Mapuche distrust of the state, to the point that they will not take their children to the hospital. Chile also uses the Anti-Terrorist Law to prosecute the Mapuche instead of revamping the indigenous policies. The state rewards some communities and punishes others, which increases the distrust between the Mapuche and the state.

The state's desire to increase economic growth is another reason why it has not made policy changes. For example, the Ralco dam case shows how Chile is more interested in the interests of big business than in indigenous rights, and that it fears losing the investments made by the forestry and hydroelectric companies. Pinochet introduced a neoliberal economic model in the mid 1970s, which helped revitalize Chile's economy. This model reversed the nationalization that was popular under the preceding socialist government and focused on increasing exports. The idea of removing land from big businesses, even when paying for it, is similar to nationalization. It does happen, however, and CONADI does buy some land from the forestry companies, though press coverage of such acquisitions in 2009 showed that private landowners sold their land more often. Chile is one of the most developed countries in Latin America and is striving to be the first that breaks into the so-called first world. As a result, it does not want to threaten its investments.

Both the state and the Mapuche groups pursue their own agendas, and there is no communication between them. The state wants to preserve its national unity and economic strength, and the Mapuche want more land and political recognition. The state maintains a relationship with the Mapuche through CONADI, but it interferes with the institution. Many Mapuche no longer have faith in the government and its institutions because CONADI is too

slow, and the state makes many promises, such as constitutional recognition, but it only implements some of them. When it does implement its promises, such as passing Convention 169, it takes years—eighteen in this case. Other countries have incorporated recognition of indigenous groups into their constitutions. Whether this action makes much difference in the overall policy, it does show that the state respects the indigenous communities and their roles in the country.

Especially now, after the devastating earthquake, the state will not make major changes to indigenous policy and will likely ignore the conflict in order to focus on national recovery. Even more so at this time, the state does not want to scare its investors away from the country. Though the Mapuche groups cause problems with their violent protests, they are isolated. The majority of protests occur in the eighth and ninth region with some in Santiago, but they are not spread throughout the country. The Mapuche, at most, represent ten percent of Chile's population and do not have the numbers to make their protests more widespread.

The Possibility of Resolution

Since the earthquake that struck Chile on February 27, 2010, the government has been focused on dealing with its aftermath. Concepción, the city most affected by the earthquake, is the capital of the eighth region, and has a significant Mapuche population even though the majority of them live in the ninth region. This earthquake will temporarily shift the government's focus away from the Mapuche conflict and their demands as everyone focuses on more immediate problems. Many Chileans complain that the government has delayed in sending supplies, and this will likely contribute to the ill will between the state and the Mapuche as well.

Once this crisis has passed, the Mapuche conflict will likely worsen since the state will have not addressed the conflict for some time.

Chile must take definitive action if it wants to resolve this territorial conflict. The state must realize that it cannot continue using police repression and that it must tackle definitive reforms. The conflict might subside if the majority of communities receive land, which means that CONADI must become more efficient, and the state must stop interfering with it. The movement will likely continue until the Mapuche achieve certain things such as, land restitution, constitutional recognition of indigenous peoples and their rights, and guaranteed indigenous representation in the government. However, the more radical groups might not stop fighting even if Chile distributes more land and incorporates the indigenous people into the government. Such groups are the ones that desire autonomy from the Chilean state, such as the CAM. The Chilean state will not support the creation of an autonomous region within the country. As a result, groups like the CAM run the risk of becoming groups that are fighting against the state instead of fighting for their land. The movement will continue until Chile makes some serious changes such consolidating its various projects into one overarching policy and adopting a non-violent response to the conflict. The state has shown little desire to make these changes in the past, and it will take a very charismatic and powerful president along with a supportive congress to end this conflict.

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