

Hard landing

The Mapuche conflict in southern Chile

Chile's authorities have struggled to contain regular protests and attacks by the Mapuche minority and anarchist groups. **Gideon Long** examines the history of the community's conflict over land rights, and the resulting legal and security issues.

► KEY POINTS

- Conflict between the Chilean state and indigenous Mapuche communities is continuing in southern regions, marked by recurrent land protests and arson attacks.
- Successive governments have failed to resolve the issues driving the conflict, with spikes in violence during the austral summer set to continue and longer-term resolution uncertain.
- There is some potential for overlap between Mapuche activism and anarchist causes, with low-level violence and IED attacks likely to continue in the near future.

More than a century after they were “pacified” by government troops and their lands confiscated, Chile’s largest ethnic minority – the Mapuche – are still seeking a satisfactory settlement with the state. In late July, Chile was criticised by the Inter-American Court of Human Rights (IACHR), based in San José, Costa Rica, which delivered its verdict in the case of eight Mapuche activists jailed between 2003 and 2005 under a controversial anti-terrorism law.

The eight, who were sentenced to between five and 10 years in prison, argued that the Chilean state was wrong to use the law against them. The court upheld their claim, saying Chile had violated the presumption of innocence and the claimants’ freedom of expression.

It ordered the state to annul the verdicts and pay the claimants approximately USD150,000 each in compensation, and demanded that Chilean courts in the future should be more rigorous in their use of anonymous witnesses in anti-terrorism cases.

That ruling followed a visit to the country in July 2013 by Ben Emmerson, the United Nations special rapporteur on human rights and anti-terrorism. Emmerson, a British lawyer, was investigating the Mapuche conflict and visited Araucanía and Biobío, the two southern Chilean regions at the heart of the conflict.

Emmerson met representatives of national and local government, human rights organisations, indigenous leaders, farmers, the police, and lawyers before returning to Santiago to deliver a stern verdict. He described the situation in the two regions as “extremely volatile” and warned that “it could very quickly escalate into widespread disorder and violence”.

Moreover, he described the state’s transfer of ancestral lands to Mapuche communities – a key indigenous demand – as “inexcusably slow”, and criticised the police for “systematic use of excessive force” against the Mapuche. He said Chile’s anti-terrorism legislation had been used against them “in a confused and arbitrary fashion that has resulted in real injustice” and that the legislation should no longer be used to deal with Mapuche land protests. “Senior members of the judiciary told me that the current definition of terrorism in Chilean law is effectively unworkable and that there is a strong case for repeal of the anti-terrorism legislation,” he said.

His assessment met with little official response. The government of then president Sebastián Piñera (2010–14) was in its final year in office and politicians of all parties were preparing for the election campaign. Piñera’s predecessor as president from 2006–10, Michelle Bachelet, won the 2014 election and took office in March, vowing to tackle the Mapuche issue anew.

However, in Araucanía and Biobío, little appears to have changed, with the conflict continuing amid land protests and arson attacks. The ongoing instability has prompted a national debate about how Chile should deal with the Mapuche issue, raising questions about its use of anti-terrorism legislation, whether the legislation should be modified or even repealed, and how the transfer of ancestral lands could be improved or accelerated. For Emmerson, the situation remains in danger of escalating into a “full-blown regional conflict”.

Simmering conflict

The Mapuche are by far the biggest indigenous group in Chile, making up 82% of the country’s indigenous population and 9% of the national population. More than 1.5 million Chileans regard themselves as Mapuche.

The inhabitants of pre-Hispanic Chile, the Mapuche resisted colonisation for more than two centuries. It was not until the 1880s that they were finally defeated in a military campaign euphemistically known as “the Pacification of the Araucanía”, following which they were forcibly settled in small, impoverished



Activists start a fire during a protest in Santiago, Chile, on 3 January 2014, in memory of the death of Matias Catrileo, a young Mapuche Indian who died on 3 January 2008 after allegedly being shot by police during a land dispute in southern Chile.

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communities, and their lands were seized and sold off to mostly European settlers, who developed them for large-scale commercial farming and logging. Ever since, the Mapuche have been waging a campaign to regain what they regard as their ancestral lands, particularly since the late 1990s.

The centre-left governments that ruled Chile following the return to democracy in 1990 were broadly sympathetic towards the country's indigenous people and made some headway in meeting their demands. For example, the state started the process of land transfers during this period, and it also passed the Indigenous Law, the first piece of legislation to recognise the rights of Chile's ethnic minorities.

However, when the conflict turned violent in the late 1990s, state prosecutors used Chile's tough anti-terrorism law against Mapuche defendants. Drafted in 1984 under the military dictatorship of General Augusto Pinochet (1973–90), the law doubles the sentences for certain offences, and allows the prosecution to withhold evidence from the defence and to use anonymous witnesses.

Those charged under the legislation lose the right to vote until they are acquitted, and those convicted are barred from public office for 15 years and stripped of their citizenship.

The law has been reformed on six occasions (in 1991, 2002, 2003, 2005, 2010, and 2011), but still bears the hallmarks of dictatorship. The Mapuche say it has been used against

them unfairly: in 12 of the 19 cases in which the law was invoked between 2000 and 2013, the defendants were either Mapuche or were involved in Mapuche land protests.

It has also proved ineffective. According to the Citizens' Observatory (Observatorio Ciudadano), a human rights non-governmental organisation based in Araucanía, 77 Mapuche were charged under the law between 2000 and 2012. Of those, nine were convicted of terrorist offences and 15 of common crimes, while the rest were acquitted.

Prosecutors such as Sabas Chahuán, the head of the state prosecution service, claim the law places too much emphasis on terrorist intent and not enough on the definition of acts of terrorism. It defines a terrorist act as one carried out "with the intention of producing in the population, or in part of it, a well-founded fear of falling victim to the same type of crime".

According to Chahuán, "It's practically impossible for any prosecutor to prove that. You've pretty much got to have the defendant admit 'yes, that was my intent', and that's very difficult."

Chahuán said the law should be modified to shift the focus away from intent and towards the objective details of an offence, such as the extent of damage caused by an improvised explosive device (IED) attack or the elements used in making an IED.

Bachelet has repeatedly said since the start of her presidential election campaign in April

2013 that she will no longer use the anti-terrorism law against the Mapuche and admits its use was a mistake during her first government (2006–10). She has also vowed to reform the law, without saying how.

While the public debate continues about the anti-terrorism legislation, sporadic attacks are continuing in the south, particularly in Araucanía, where the Mapuche make up 31% of the population. According to the *Multigremial de La Araucanía*, a business association that monitors the conflict, there were 106 violent incidents "with an indigenous connotation" in Araucanía in the first six months of 2014.

These included incidents of arson, land seizures, threats against farmers, attacks on police, and IED attacks. The figure compares with 138 incidents in the same period of 2013, although there were just 53 incidents in the first half of 2010 – the last time Chile changed government. According to the *Multigremial*, the worst year for violence was 2012, with a total of 309 incidents, followed by 2013 and 2009.

In neighbouring Biobío, where the Mapuche make up 8% of the population, there were 31 violent incidents in the first seven months of 2014, compared with 14 in the same period of 2013, according to the *Multigremial*.

For better or worse?

There is little consensus on whether the Mapuche conflict is escalating or easing. In a

Anarchist IED attacks

Aside from the Mapuche conflict, the other principal security challenge for Chile is an ongoing series of IED attacks in Santiago. There have been around 200 in the past decade. Most of the IEDs have been rudimentary devices made from fire extinguishers and gunpowder, and many have been timed to explode at night when the streets are largely empty. However, there are signs that this approach is changing, with an IED detonating on 8 September at a food court inside a busy metro station in Santiago. The attack appears to have been designed to cause casualties, with 14 people injured in the attack. Nonetheless, the only fatality to date was a prospective bomber who died in 2009 when the device he was carrying exploded prematurely.

Multiple obscure anarchist groups have claimed responsibility for the attacks, which have targeted banks, churches, embassies, police stations, army barracks, courthouses, and government buildings. As with the Mapuche issue, prosecutors have attempted to use the anti-terrorist law against the alleged perpetrators, with little success.

In the early hours of New Year's Day 2014, the Mapuche conflict and anarchist

movement converged when a small device exploded outside the home of a wealthy farmer in Temuco. A group named after Sebastián Oversluij claimed responsibility for the attack. Oversluij was a young anarchist shot dead by the police during a raid on a bank in Santiago in December 2013. It appeared that the bombers were anarchists rather than Mapuche activists, but in a pamphlet found at the scene the attackers paid homage to Matías Catrileo, a young Mapuche man shot dead by the police in 2008. Chilean police continue to investigate possible links between the anarchist IEDs in the capital and radical activism in Araucanía and Biobío.

The state's failure to halt the anarchist bombings is something of an embarrassment for the police and prosecutors, particularly given the reputation of the Chilean security services as the most efficient in Latin America.

The Chilean authorities have arrested and charged more than a dozen suspects, but most have been either acquitted or convicted only of minor offences. The only person jailed to date remains Hans Niemeyer, a Chilean sociologist serving a five-year term for planting an IED in a bank in 2011.

20 August radio interview, Minister of the Interior Rodrigo Peñailillo claimed the number of violent incidents in the south had increased 77% under the Piñera government but was now easing under Bachelet's mandate. Piñera's former advisers refuted the claim.

In fact, the Mapuche conflict ebbs and flows. An incident occasionally triggers a spate of attacks and recriminations but invariably the violence dissipates as rapidly as it surfaced. The austral summer months of January and February, when Mapuche students return to the south from Santiago, and the pine and eucalyptus plantations of Araucanía and Biobío are often ravaged by forest fires – some started deliberately – tend to be particularly marked by violence. Yet the area is far from being engulfed in violence. Araucanía and Biobío together cover nearly 70,000 square kilometres, an area roughly the size of the Republic of Ireland, and the worst of the conflict is limited to a few towns and villages. In Araucanía, for example, more than three quarters of the violent incidents in the first half of 2014

were registered in just three of the region's 32 municipalities – Ercilla, Angol, and Collipulli. In Biobío, the violence was mostly limited to Tirúa and Cañete – two of the region's 42 municipalities, according to the Multigremial de La Araucanía.

Moreover, fatalities are limited. In recent decades, only a small number of people have died as a direct consequence of the conflict. These include a young Mapuche activist, Matías Catrileo, who was shot dead by the police during a land protest in 2008, and an elderly couple who were burned alive in an attack on their farm in 2013.

In 2012, seven firefighters died while tackling a blaze on a forestry plantation in Carahue in Araucanía. The government claimed the fire had been started deliberately and blamed Mapuche activists, but that has not been proved. In May 2013, suspected Mapuche activists derailed a cargo train near the town of Ercilla in northern Araucanía and shot at the two train drivers as they tried to escape, and in December 2013, activists opened fire on two

helicopters used to combat forest fires.

Other significant incidents include the attempted murder of a state prosecutor in Tirúa in 2008. Four Mapuche activists were jailed for the crime, including Héctor Llaitul, leader of the Coordinadora Arauco Malleco (CAM), a radical Mapuche group that is the closest that the Mapuche conflict has to an insurgent or guerrilla organisation.

Formed in 1998, the CAM has claimed responsibility for numerous arson attacks and land seizures with the stated aim of "rebuilding the Mapuche nation". However, the exact nature of the CAM – its structure, funding and membership – remains a mystery. Conservative Chilean press reports have claimed that it is financed, trained, and armed by insurgents of the Fuerzas Armadas Revolucionarias de Colombia (FARC) in Colombia and the Basque separatist organisation Euskadi Ta Askatasuna (ETA), but have provided little evidence to support the claim.

Economically, the Mapuche conflict has taken its toll in Araucanía. One agricultural association based in the regional capital of Temuco, the Temuco Agricultural Development Society, estimates that arson attacks have destroyed USD15.3 million of farming machinery and buildings in the past 25 years, including 12 combine harvesters, 23 tractors, 39 houses, and 31 warehouses.

The wider impact in terms of lost investment, lost tourism, and higher insurance premiums is harder to quantify. Araucanía is traditionally one of the poorest regions in Chile, with a high unemployment rate of 6.8% in 2013 and a low rate of investment. According to government figures from 2010, measurements of GDP per capita, poverty, and extreme poverty were all up to 20 years behind the Chilean national average, while between 2004 and 2009, rates of foreign direct investment in Araucanía were zero.

Steps towards resolution

Successive Chilean governments have emphasised the need to respect Chile's indigenous peoples, to empower them, and meet their demands, but in practice little has changed, and a comprehensive solution to the Mapuche conflict remains elusive.

Since the 1990s, land transfers have been a key part of government policy. The state has bought thousands of hectares and returned them to Mapuche communities whose ancestors once owned them. However, the process is problematic and bureaucratic.

First, when dealing with disputes dating

from the nineteenth century, it is difficult to establish specific community ownership of particular lands. Second, the state can only buy land if its current owners are willing to sell, with many farmers claiming that their own ancestors bought the land in good faith and are now unwilling to vacate it.

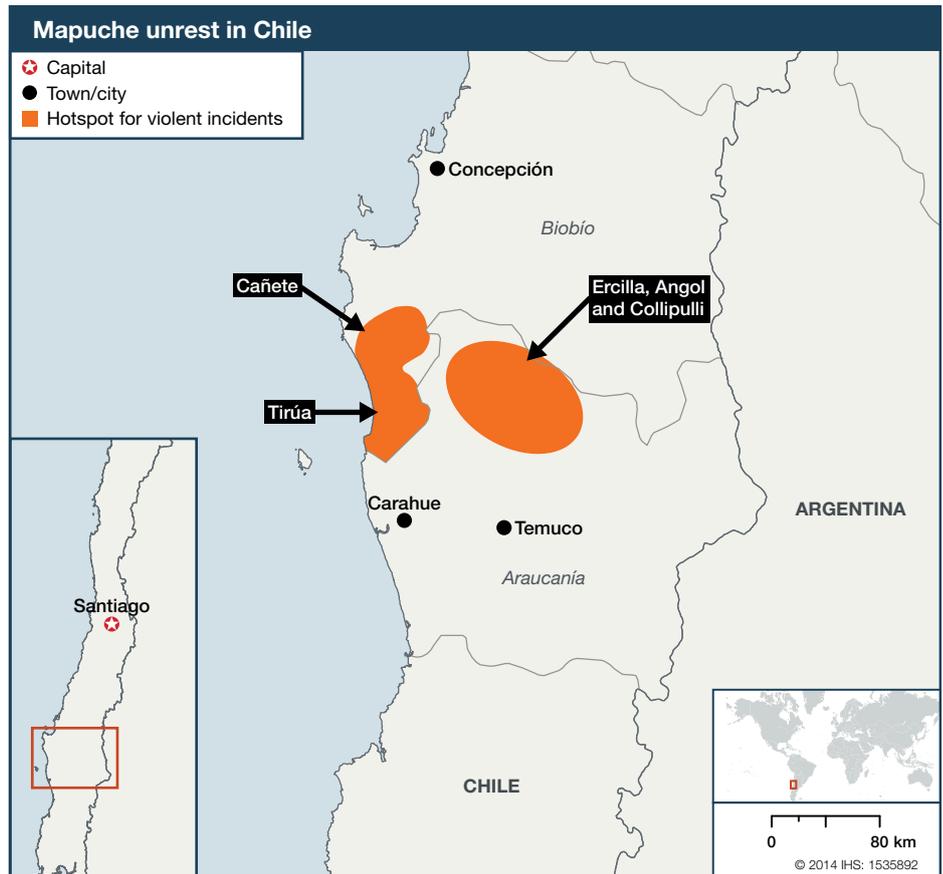
Third, there are questions over the use made of returned lands. Some Mapuche have no money to invest and land lies idle, while others lease the land to make a living, sometimes to the same farmers who owned it in the first place. Critics claim that forestry companies exploit land to the maximum before it is transferred to the Mapuche, leaving little more than arid desert littered with the stumps of pine and eucalyptus trees.

Piñera's centre-right government tended to view the Mapuche conflict primarily as a security issue and introduced practical measures to deal with it. For example, it installed security cameras along the stretch of the Pan-American highway that runs through Araucanía, where Mapuche activists have ambushed trucks owned by forestry companies. It also bolstered the police presence in the area. At the same time, Piñera also introduced some measures designed to speed up land transfers to indigenous communities.

The Bachelet government claims a more holistic approach is needed. "It's not a judicial or a policing problem, it's a political problem," Peñailillo said in his 20 August radio interview. Consequently, the government intends to establish a ministry of indigenous affairs and has scheduled meetings with all of Chile's indigenous communities to ask them what they want from the state.

However, arguably the most significant step Bachelet has taken was the appointment in February of Francisco Huenchumilla as her chief government representative in Araucanía. The son of a Mapuche father and a Hispanic mother, he is the first Mapuche to hold the position. On his first day in office, Huenchumilla made an impassioned apology to the Mapuche for the state's usurpation of their lands. Mapuche leaders received it warmly. "His appointment is a very important step," Jimena Reyes, head of the Latin American office of the International Federation of Human Rights (FIDH), a Paris-based non-governmental organisation, told *IHS Jane's* on 31 August.

Reyes acted as legal counsel to some of the Mapuche who took Chile to the IACHR and claimed that Bachelet has already adopted a more conciliatory tone towards the Mapuche than Piñera. She also suggested the IACHR



verdict might have repercussions outside Chile, encouraging other indigenous people – notably in Ecuador and Guatemala – to go to court in a bid to have their verdicts annulled. "There are parallels with the Chilean case in several countries, so we could see other cases elsewhere in the region," she told *IHS Jane's*.

Outlook

Over the short term, anarchist IED attacks are likely to continue in Chile, with indications that these will escalate in intensity. Police will need to make breakthroughs in investigations and prosecutors will need to secure convictions if the attacks are to be eradicated.

However, the Mapuche conflict has a different dynamic. It is a complex, deep-rooted dispute that will not be resolved rapidly or easily, and in the short term, the next major challenge for security forces will be the austral summer, when the inevitable forest fires are likely to rekindle the conflict. The Bachelet government will want to avoid a repeat of the spike in violence that has repeatedly occurred between December and February in recent years.

Over the longer term, there is unlikely to be an improvement in the security situation

stemming from the Mapuche conflict unless the state addresses issues ranging from policing in Araucanía and Biobío to the use of Mapuche traditional medicine in hospitals and the teaching of the Mapuche language (Mapudungun) in schools. As Emmerson said following his visit in 2013, "the search for a solution will require ... a paradigm shift in political will. No government of either political hue has treated this issue with the priority it deserves". ■

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