

A Semester to Forget in Indigenous Matters

The prevailing violence climate in the region constitutes in every way an unacceptable situation and the different government agencies must be determined to correct it as soon as possible. It is necessary to focus on a joint politics among the different organizations in charge of public order and citizen security, not surrendering to the pressures of violent groups, and continue working with indigenous communities to improve their life conditions.

“An armed rural guerrilla that relies on logistic support” said La Araucanía Regional Prosecutor, Francisco Ljubetic, in view of the violent outbreaks in the last weeks that have affected several farmers, besides leading to arming themselves to cope with the attacks, a situation that is considered by the Ministry of Agriculture as self-defense.

This complex scenario led the government and Public Ministry authorities to appoint a joint meeting on security in *La Moneda*, a new fact which demonstrates the rise of violence that has begun to forge since the end of last year.

The situation is worrying because, all things considered, these violent actions weakened the region’s economic development, with regard to the average of both the country and the regions of similar productive composition; moreover, they make coordination problems evident between the Government, the police and the Public Ministry in dealing with this conflict.

Beyond the huge investments that the Government has delivered and committed in public policy matters related to indigenous communities, there are still some sectors which are not prepared to discuss and to pose their petitions through the institutional proceeding.

Territorial Demands

The reasons for the Mapuches’ claims are the same as in all indigenous communities in the world: the existence of ancestral indigenous rights of property. Beyond the discussion on legitimacy or non-legitimacy of these rights, what is concerning is the use of violence by certain indigenous groups as a way to reach their objectives; moreover, many of them do not refer to specific claims confined to one community, but there have come out

discourses on rights that include land, natural resources and political participation matters.

In this sense, a number of Mapuche organizations – which, as they show in their statements, have a more ideological than demanding intention - have openly said that they are asking for the independence from the Chilean State in these areas.

Chile must be very careful in this respect. From the delivery of “graduated rights” to self-determination in some spheres, there is only one step. The cultural and ethnical diversity is highly esteemed but not at the cost of betraying the ideal of equal rights for majorities and minorities.

A Complicated First Semester

The nineties mark the violence outbreaks in La Araucanía with the first farm occupations and fire attacks; since 2000, the tension has increased following the death of three young Mapuches of the community.

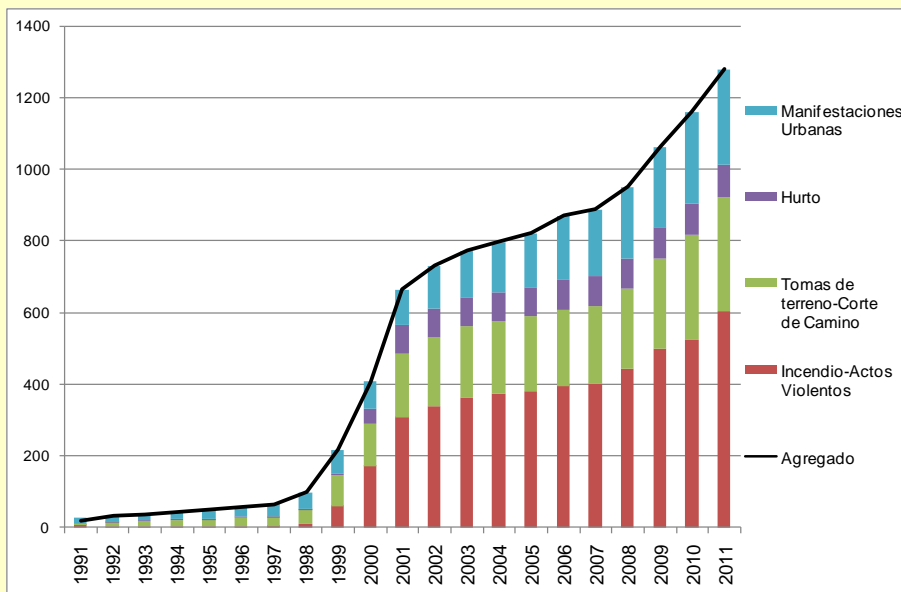
When analyzing the indigenous violence events since the coming back of democracy, an uprising trend has been appreciated, although the rise is occasionally due to cyclical cases; they are mainly the impact of public policies –land purchase policies- and the extreme actions of a minority group of communities.

Figures are of course concerning. According to a research made by *Libertad & Desarrollo*, that covers all the cases mentioned in the press from 1990 to 2012 (1,330 until June), they are mainly concentrated in road blocking, fires, violent acts, robberies, urban protest demonstrations (violent and peaceful), and occupation of lands defended by indigenous communities.

As Chart 1 shows, among the cases accumulated from 1991, by category, there are two clear rises of violent actions; in 2000-2001, when the “lands for social peace” policy was applied and which coincides with the appearance of extreme groups such as *Coordinadora Arauco Malleco* (CAM); and then, in 2008-2009, when the *RE-Conocer* policy was implemented, which included land deliveries by direct purchase. In 2010 and 2011 there were a series of hunger strikes of Mapuche prisoners who protested against the conditions in which their juridical processes were conducted, which maintained this rising trend and continues until today. Both uprisings are mainly due to violent acts – attacks against people as well as the police, and material damages to private property such as the destruction of plantations, fences and bridges- and fires.

Chart 1

VIOLENCE ACTIONS ACCUMULATED SINCE 1991, BY CATEGORY



Source: Prepared by L&D based on press collection from *El Mercurio* and *Diario Austral of Temuco*.

Although the most conflicting months tend to concentrate in the second semester, beginning in July and continuing during all the seeding season, with a peak in mid September, this does not constitute a rule.

During 2011, violent acts increase in the second quarter, especially concentrating in May, August and then in November, which coincides with the events occurred in 2010.

Notwithstanding, this year began with a considerable rise in the number of cases compared with former years (see Chart 2). Civil confrontations in the region resulted in many Mapuche people and policemen injured. In April, a policeman died while he took part in a police raid in the Wenté Winkul Mapu community in Ercilla, being the first policeman killed during confrontations in the area. This deplorable attack calls the attention on how violent acts have increased their intensity.

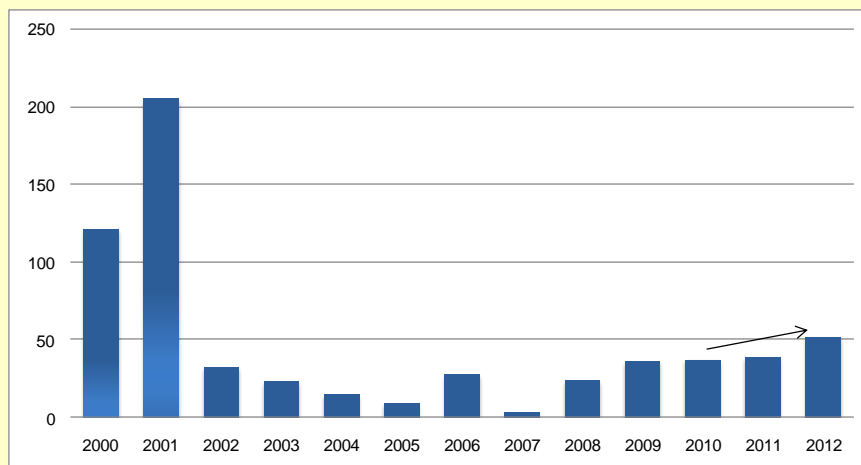
Since 2008, the different governments have brought almost 40 criminal charges against those who might be responsible for the attacks that have shaken the Araucanía, and after 4 years, no one has yet been condemned. From these 40 criminal charges, only 5 became legal processes.

Hence, an important step is that the Regional Prosecutor’s Office of La Araucanía designates a prosecutors’ team to investigate 9 lawsuits for high

connotation crimes occurred in the Ercilla and Collipulli communes during 2011 and 2012, in the context of the so-called Mapuche conflict¹.

Chart 2

VIOLENCE CASES, FIRST SEMESTER



Source: Prepared by L&D based on press collection from *El Mercurio* and *Diario Austral of Temuco*.

As we have just pointed out, acts are mainly concentrated in the Ercilla commune, followed by far by the Collipulli and Angol communes, and are characterized by an excessive use of violence.

According to data delivered by *Barómetro de Conflicto con Connotación Indígena* (January to June 2012), based on Police reports and complaints submitted at the Regional Prosecutor's Office, the Ercilla commune has 55.9% of complaints, corresponding to 71 cases; while Collipulli has 20, and Angol 12 complaints.

The vulnerability suffered by this commune may have led President Sebastián Piñera to announce the creation of two additional Areas of Indigenous Development (ADI) in the Collipulli, Ercilla and Angol areas of the Arauco Province, mentioned in his May 21st speech. Almost 240 indigenous communities will be benefited by this measure.

This is clearly a progress, since ADI allow allocating the investments in the area in a better and articulated way. There are similar plans for another seven areas, so experience will allow progressing and avoiding mistakes in these matters.

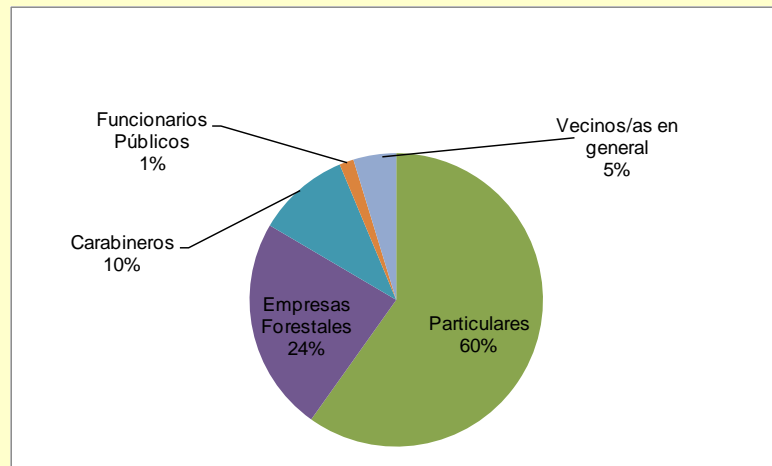
On the other hand, an additional element to consider is that these violence acts have acquired another characteristic; at the beginning they were focused on private lands pertaining to agricultural businessmen of the

region; then, forestry companies became the attack target, but lately, small land owners living under greater vulnerability condition have been affected.

In general, most victims have lived in their lands for generations and they have peacefully coexisted with the neighbor Mapuche communities, establishing also labor relationships.

Chart 3

VIOLENT ACTS, COMPLAINANTS – FIRST SEMESTER 2012



Source: *Barómetro de Conflicto con Connotación Indígena*

As can be observed in Chart 3, during the first semester, as complaints submitted to the Prosecutor's Office indicate, complainants were individuals on 76 occasions (59.8%), forestry companies, 30 times (23.6%), the police, 13 (10.2%), government officials, twice (1.5%) and neighbors in general submitted complaints on 6 occasions (4.7%).

Conclusion

The prevailing violence climate in the region constitutes in every way an unacceptable situation and the different government agencies – mainly the Ministry of Interior, responsible for public order, the Prosecutor's Office and the courts - must be determined to correct it as soon as possible.

If the authorities show weakness signals, the conflict may worsen again and end the second semester with new violence outbreaks.

On the one hand, it is necessary to focus on a joint politics among the different organizations in charge of public order and citizen security, not surrendering to the pressures of violent groups; and on the other hand, to

continue working with indigenous communities to improve their life conditions and uproot poverty prevailing in rural areas.

In this perspective, it is a priority to accelerate the institutional changes, such as transforming CONADI in an Indigenous Development Agency, a necessary step to set up a modern public service and an efficient management, and the creation of the National Council of Indigenous Peoples, which would be the national representing organism of native peoples; both processes shall be previously consulted with the communities.

In brief...

VIOLENCE CASES:

- From 1990 to 2012, violence cases (1,330 until June) are mainly concentrated in road blocking, fires, violent acts, robberies, urban protest demonstrations (violent and peaceful), and occupation of lands defended by indigenous communities.
- There are two clear rises of violent actions: in 2000-2001, when the “lands for social peace” policy was applied and in 2008-2009 when the Re-Conocer policy was implemented.
- Since 2008, the different governments have brought almost 40 criminal charges against those who might be responsible. From these charges, only 5 became legal processes.

¹ “La Araucanía: Equipo de fiscales asumió investigación de delitos asociados al conflicto mapuche”, July 5th, 2012. Electronically obtained in: [http://www.fiscaliadechile.cl/Fiscalia/fiscalias araucania/noticias det.do?id=1596](http://www.fiscaliadechile.cl/Fiscalia/fiscalias%20arauca%20nia/noticias%20det.do?id=1596)