

# A Turn in Indigenous Policy: Changes in the Handing over of Lands

**It is urgent to modify the indigenous policy. Not only due to the violence actions that take place in the Araucanía region every year, but also to the lack of precision in the handing over of lands, that have made evident serious irregularities in the process control and the conveyance of properties.**

The honeymoon between the Government and the violent Mapuche communities came to an end last week. Approximately 15 farms were occupied, roads were blocked, fire attacks and protests supporting the Mapuche people who went on a hunger strike, occurred; things got pretty hot again in the Araucanía region.

In this scenario, the so called *Alianza Territorial*, that gathers a group of violent Mapuche communities, announced that they would strongly recommence their “land claim process” and they have qualified the dialogue with the government as “unsuccessful”.

If we analyse this year’s facts, it is possible to distinguish three different stages in the relationship between the Mapuche communities and the Government: the last months of the Bachelet Administration, the “honeymoon” period of Sebastián Piñera’s Government and last weekend, when the extremist Mapuche groups decided to recommence their land claim processes.

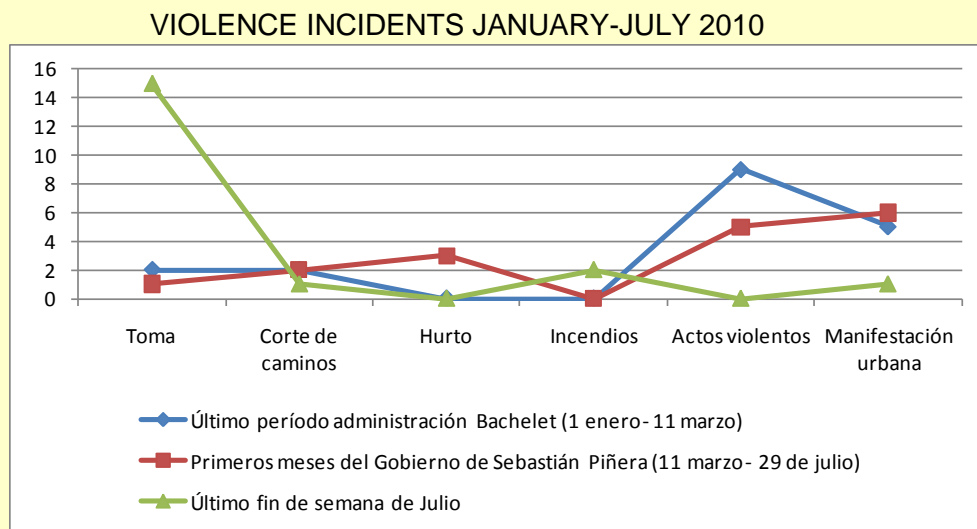
### **The Conflict has Reawakened**

Thirty six cases of violence have occurred in La Araucanía during the last six months.

During the last period of the Bachelet Administration (January – March 11<sup>th</sup>) 18 cases had occurred, the same number than in the “honeymoon” period of the new government. The difference lies in the fact that the first ones happened in a two-month period, while the second one happened in five months, making evident a larger number of conflicts during the previous government.

Last weekend was critical: approximately twenty cases were reported in addition to the hunger strike of 31 Mapuche prisoners which began on July 12<sup>th</sup> in the Prison of El Manzano. They demand to put an end to the antiterrorist law, to liberate the Mapuche prisoners, and a series of land claims. Notwithstanding, what is more surprising is that those who complain come from communities that have already received lands, directly or indirectly, which shows the deficiencies of the indigenous policy designed during the governments of the Concertación.

Chart Nº 1



Source: Libertad y Desarrollo.

This situation arises because, in spite of the announcements made by the previous administration as to apply the policy “farm occupied, farm not bought”, it really has not been so.

A document prepared by the Corporación Nacional de Desarrollo Indígena (CONADI) [National Corporation for the Aboriginal Development] has demonstrated that more than half of the Mapuche people who are currently imprisoned have received lands. From the 40 Mapuches that are accused, 24 come from communities that have received “lands up to three times bought by the CONADI”<sup>i</sup>, and besides, a great part of them “are accused of planning, managing and executing armed and fire attacks against farms or farmers”<sup>ii</sup>. In other words, the indigenous policy has been very permissive, focused on the idea of “lands for peace”, which has led to the frustration of peaceful communities and a sustained violence increase.

The conflict concerning the land property right is behind the aboriginal violence. They demand ancestral rights, talk about an “historical debt” and ask the recognition of the “Mapuche people” and absolute rights over their current lands and the restitution of the lands that “should belong to them”. Along these lines, the land policy adopted by the Government is crucial: violent communities cannot be beneficiated and it is necessary to implement a transparent process.

Until now, the purchase of lands has become a real “black market”, favouring those who must not be favoured; the granted lands are not occupied by the beneficiaries themselves, sometimes those lands are even hired to their former owners; additional charges have been paid and some items of the budget have not been rendered. Hence, the new land policy announced by the Government seeks to implement a clear process using tools which allow more control in order to put an end to this kind of situations.

**It is of great importance that indigenous people have the necessary tools to overcome their social condition. In Chile, the indigenous population shows the highest poverty rates, so a productivity support agreement is the first step to improve their life quality.**

### Government’s Announcements

The indigenous policy needs an urgent change. Not only due to the violence actions that take place every year and which attempt against the security of La Araucanía – undermining the constitutional state - but also to the lack of precision in the handing over of

lands, that have made evident serious irregularities in the process control and the conveyance of properties.

In order to avoid this situation, MIDEPLAN’s Minister Felipe Kast announced last week that the land policy will be reviewed with the aim of giving less space to permissiveness.

Three criteria shall be applied:

1.- To promote the land handing over through the Indigenous Law, article 20 letter A<sup>iii</sup> in accordance with certain requirements as, for example, community history, number of people, economical situation, among others.

2.- To grant allowances associated to a program focused on a productive support and evaluated by a committee.

3.- To finish with the land renting system to former owners.

Therefore, the government seeks to improve the land granting process control, to which new regulations shall be applied from now on.

With the aid of this privileged allowance mechanism and the evaluation committee that must verify the direct purchase case by case, the land policy will gradually gain a greater transparency and will finish with the benefits for violent communities. Until now, this has not been achieved.

Using the same score system established by the law, communities or people may apply to the allowances once the Government has called for tender. The system innovation lies in that the awarded benefits shall include technical-productive support programs which will allow people to use the tools offered by the Instituto de Desarrollo Agropecuario (INDAP) [Institute for the Agricultural Development] and by the Corporación de Fomento de la Producción (CORFO) [Corporation for Production Development], which aim at finishing with the renting and underuse of the land.

In relation to the direct purchase, it will be awarded case by case, and each one will be verified by a committee composed of representatives of the following Ministries: Treasury, Agriculture and Planning. The established maximum of 12.7 hectares per family will be respected; besides, the study will consider at least two soil appraisals at the market value, and the water rights. These measures seek to finish with overprices paid for the lands whose values have increased up to 826% between 1994 and 2009 in the disputed area, according to the Governments' data.

### **Conclusion**

It is of great importance that indigenous people have the necessary tools to overcome their social condition. In Chile, the indigenous population shows the highest poverty rates, so a productivity support agreement is the first step to improve their life quality.

We must not forget that the Region of La Araucanía, the area where most of the indigenous population inhabits, is the poorest region of the country with a poverty rate of 27.1%, that is, 12 points over the national average of 15.1%, according to the Casen Survey 2010.

The reinforcement of the allowance granting mechanisms will give more credibility to the system. Nevertheless, it is necessary to bear in mind who will grant that benefit, since until now it has been granted by the Director of CONADI, which gave rise to permissiveness' situations. An expert committee could be a better way to have a transparent decision taking process.

With regard to the direct purchase described in the plan, it is necessary to be cautious because it is suitable for irregularities which may foster a climate of more violence. We must not forget that extremist groups have always sought to use this mechanism.

Now, the problem is that violent aboriginal communities, that have maintained themselves expectant waiting for the government announcements, have started again with their land claims, so it is essential to introduce changes in land matters. We must not forget that the communities that have received greater benefits are precisely the most violent ones. From a total of 2,900 communities, only 27 claim for land, that is, 0.9%. It is hard to explain why the indigenous policy of the Concertación favoured mainly this conflicting minority while damaging the peaceful majority.

In this sense, the land policy changes show an improvement in the situation of the indigenous population and in the decision taking process concerning the awarded lands. A community which has a violence background will not receive any benefits, therefore putting an end to the idea of “lands for peace”.

These modifications in the indigenous policy are a positive first step towards their integration, using the appropriate incentives, and it is necessary to show them that it is up to them to improve their social condition. The Government is offering them the tools, but they have to use them properly.

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<sup>i</sup> Iván Fredes. “Más de la mitad de los mapuches imputados por hechos violentos han sido favorecidos con tierras” (“More than half of the Mapuches accused of violent actions have been favoured with lands”) . Diario El Mercurio, July 25<sup>th</sup> 2010.

<sup>ii</sup> Idem.

<sup>iii</sup> See Indigenous Law Nr 19,253