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# Land Rights and Regime Change: Trends in Mapuche Territorial Conflict from 1970 to Present

Cecilia Brey

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*sponsored by Karleen West, PhD*

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## ABSTRACT

The Mapuche people are an indigenous group located in the Southern Cone region of South America with a strong claim to their ancestral lands in south-central Chile, especially in the Araucanía region. Historically, relations between the Mapuche people and the Chilean government have been poor, marked by conflict relating to territorial claims, natural resource extraction, and violence against Mapuche activists. This paper examines both present-day and historical conflicts between the Mapuche people and the Chilean government since Salvador Allende's presidency in 1970. I analyze how regime change and neoliberal economic policies have affected Mapuche mobilization strategies, the efficacy of these efforts, the government's handling of environmental conflict, and economic activity that has led to overexploitation and ecosystem damage in Mapuche lands.

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## INTRODUCTION

In Chile, conflict between the state, corporations, and indigenous groups has mirrored the oppression of ethnic minorities ubiquitous in Latin America. The Mapuche are Chile's largest indigenous group, and they have strong ties to their ancestral lands in the Araucanía region in Chile and in parts of southwestern Argentina. They have struggled with issues regarding social justice, state recognition of their ethnic identity, and the politics of resource and territorial control (Dillehay & Rothhammer, 2013). Their territory is economically valuable, due to its richness in natural resources and agricultural suitability. Since Chile's independence, Mapuche lands have been encroached upon to the point where current populations are restricted to only a small percent of their original territory. Historically, they have received few protections from the state, and the ones that are written into law are often poorly enforced.

This paper explores the nature of territorial conflict between the Mapuche and the Chilean government, from 1970 to present. During that time, Chile experienced rapid regime change from a Marxist government, to nearly two decades of authoritarian military rule,

to a shaky period of democratization. Indigenous rights were not a priority of any Chilean regime and indigenous groups have been victim to discriminatory practices that affect their livelihoods. However, the extent of land encroachment, legal protections, and indigenous mobilization strategies varied between regimes. In the 1970s, the treatment of indigenous peoples became gradually more progressive until they were completely reversed during the military regime. Relations between the state and the Mapuche remain poor to this day. In response, the Mapuche have developed a dynamic series of mobilization and organization strategies to demand land and justice from the Chilean state.

## DEMOGRAPHICS AND GEOGRAPHY

The Mapuche are the largest indigenous group in Chile. Their name indicates an intrinsic relationship to the land, as the word “Mapuche” means “People of the Land” in their native language (Minorities in Chile, 2019). As of 2019, about 1.3 million Mapuche people live in Chile, making up about 84% of Chile’s indigenous population and about 9% of Chile’s total population (MRGI, 2019). A high percentage of Mapuche live in urban areas, especially in the capital city of Santiago. The majority of Chilean Mapuche who live in rural areas are concentrated in their ancestral territory, Chile’s Araucanía region, located in the south-central part of the country. The Mapuche and their subgroups used to occupy a more extensive area, but their territory has been systematically reduced as a result of intervention by the Chilean state (Azócar et al., 2005). Today, the Mapuche occupy only 5% of their ancestral territory (Carruthers & Rodriguez, 2009). Migration to urban centers is a consequence of poor economic opportunities and lack of livable space due to land encroachment. The Araucanía is also one of the poorest regions of Chile despite the abundance of natural resources. (Azócar et al., 2005). In Mapuche communities, healthcare and education opportunities are poor, crime rates are high, and infrastructure is limited compared to the rest of the country (Dillehay & Rothhammer, 2013). The lack of opportunities in the region is an indication that the Mapuche receive very few economic benefits from natural resource extraction.

## ORIGINS OF LAND CONFLICT

Historically, the Mapuche have dedicated themselves to agriculture (MRGI, 2019). Before Chilean conquest, the Mapuche organized their land with a common property system, where each community occupied a specific place of governance under a community leader called a lonko (Azócar et al., 2005). After Spanish conquest, the Mapuche enjoyed relative territorial autonomy from the colonial state as a result of the 1641 Treaty of Quillín with Spain, which designated the Biobío River as the border between Chile and Mapuche territory (Carruthers & Rodriguez, 2009). This colonial autonomy, which was highly unusual for a Latin American indigenous group, continued until several decades after Chilean independence. However, in the 1880s, conquests of Mapuche land officially began as a result of Chile’s changing economic interests (Carruthers & Rodriguez, 2009). Lands were taken by means of violence

and fraud, both by the Chilean state itself and by neighboring private landowners, mainly for the purpose of establishing medium-to-large scale farms (Richards, 2013). Over the course of the next thirty years, the Mapuche were regulated to small *reducciones* (reservations), granted to them by collective land titles (Di Giminiani, 2013). However, valuable pieces of these designated lands were raided and taken as well (Richards, 2013). Chile sought an assimilatory process of ‘respectful integration’ of the Mapuche in Chilean society, which downplayed indigenous culture and emphasized the European nature of Chilean history and institutions (Carter, 2010). As the Mapuche gradually lost claim to their land and became subordinated, stigmatized, and forgotten, they became progressively poorer and more disadvantaged than the rest of Chilean society.

As a response to Mapuche resistance of land conquests, Chile’s attitude toward the Mapuche became more negative (Richards, 2013). The media began to portray them as primitive, uncivilized beings who were incapable of fully exploiting their lands, so it was up to the Chilean state to do it for them (Richards, 2013). The state used this utilitarian argument to justify these conquests. Chile saw Mapuche territory as a new source of land, labor, and markets to boost agricultural exports and alleviate economic crises (Kowalczyk, 2013). The emergence of Chile as a land-developing agrarian society created the illusion that most of Mapuche lands were empty and unused. Chilean politicians went as far as calling their territory a “land without people and owners,” although it was strategically utilized and maximized by the Mapuche to the best of their abilities (Azócar et al., 2005, p. 58). The belief that the Mapuche were not making adequate use out of their territory fueled the desire to encroach upon it, an argument that remained a driving force behind future land claims.

## REASONS AND CONSEQUENCES OF LAND EXPLOITATION

Since Mapuche territory became part of the Chilean state, natural resource abundance combined with the lack of consultation with indigenous groups resulted in land overexploitation and damage. Until the mid-twentieth century, Mapuche lands were exploited mainly for agricultural purposes (Richards, 2013). However, from the mid-20<sup>th</sup> century to present, the Mapuche have been fighting to protect their land from other large-scale industries, including agribusiness, mining, fossil fuel extraction, and hydroelectric dam construction (Torres-Salinas et al., 2016). Mining is a lucrative industry in Chile, and reserves of gold, silver, copper, and coal exist in Mapuche territory (Environmental Justice Atlas, 2019). Chilean mining companies currently operate under Pinochet-era laws that allow them to use the land without government interference and with disregard to indigenous land claims (UN Human Rights Council, 2018). Mining can result in air pollution, biodiversity loss, disruption of water systems, and soil contamination, all of which can cause food and water scarcity and a variety of other health problems (Environmental Justice Atlas, 2019).

Because of the spiritual significance of rivers and the extent of environmental impacts, the Mapuche have been at the forefront of the fight against hydroelectric dam construction in Chile. The hydroelectric dam sites in the Araucanía present a threat to indigenous economies through biodiversity loss and displacement due to flooding and the disruption of natural flows of water (UN Human Rights Council, 2018). Mapuche tradition views river and stream networks as the veins of Mother Earth and a representation of life itself, so the spiritual significance of rivers is impacted when their flows are disrupted (Brady, 2018). Like mining companies, large hydroelectric companies have a monopoly on rivers in the region, and Pinochet-era laws facilitate encroachment (Brady, 2018). Chile has been attempting to incorporate hydropower into its national energy plan, but projects are developing more slowly than anticipated due to unexpected environmental and geological impacts (Brady, 2018). Frequent protests by Mapuche activists and other indigenous groups are also slowing the development of future hydroelectric projects in Chile.

Forestry is the most important industry in the Araucanía and is perhaps the most destructive ecologically and culturally, and the majority of Mapuche activism focuses primarily on removing forestry companies from the region. There is significant overlap between forestry and Mapuche lands, since about 57% of forestry plantations in Chile are located in the Araucanía (Torres-Salinas et al., 2016). Like other large-scale industries, forestry has severe cultural and ecological impacts. In the decade between 1997 and 2007, the total area of forest near the Biobío River decreased by 22% (Torres-Salinas et al., 2016). Some of the claimed lands were either deforested for timber or cleared and converted into monoculture tree farms (Torres-Salinas et al., 2016). The removal of native forests and cultivation of non-native species is especially harmful to the landscape. For example, the cultivation of eucalyptus trees in the area is a large contributor to water scarcity, as eucalyptus absorbs huge amounts of water from the ground (Torres-Salinas et al., 2016). The availability of groundwater is important for rural Mapuche communities, since only small-scale water infrastructure is available and these sources are susceptible to contamination and over-extraction (Torres-Salinas et al., 2016). Tree plantations apply pesticides to their crops by plane, which poisons water resources and livestock (Kowalczyk, 2013). Community displacement is also an issue as residents near forested areas are forced to relocate to more isolated communities in the mountains to make room for these companies. The destruction of native plants as a result of large-scale farming prevents spiritual rituals and traditional medicine from being practiced as traditional plants, trees, and herbs become scarcer as non-native species become more common (Moloney, 2010). Overall, the development of industry in Mapuche land has resulted in negative impacts on health, land value, and water and food resources, further exacerbating issues of poverty and scarcity. Mental health issues, such as depression, stress, and trauma, have been increasing in these communities as a consequence of poverty and the loss of self-autonomy that result from the loss of their lands.

## THE ALLENDE YEARS (1970–1973)

The presidency of Salvador Allende began during the final years of a period of optimism for the Mapuche and other indigenous groups in Chile. Allende was one of the founders of the Chilean socialist party and the head of Chile's left-wing Popular Unity coalition (Tedeschi et al., 2014). In 1970, he became the first democratically elected Marxist president in Latin American history after four previous unsuccessful runs (Tedeschi et al., 2014). When Allende entered office, he advocated for profound economic and social change focused on improving the seven conditions of the poor and decreasing the role of private property and foreign investments (Tedeschi et al., 2014). His presidency came on the heels of Chile's Agrarian Reform Period (1962–1973), which was designed to redistribute lands back to indigenous groups and non-indigenous poor rural landowners (Carruthers & Rodriguez, 2009). Allende promised to bring an end to Chilean *latifundios* (large privately-owned plantations), whose tremendous political influence kept them from expropriation under previous presidents (Winn et al., 1974). The reform was enacted in response to the increasing protests of Mapuche and peasant groups, who felt distanced from national politics as a consequence of early 20<sup>th</sup>-century land usurpation (Carruthers & Rodriguez, 2009). The continuation of the Agrarian Reform placed the Popular Unity government in an especially favorable light, especially since the highest amount of land was redistributed between 1970 and 1973. Around 20,596 hectares were redistributed during President Eduardo Frei's administration from 1964–1970, but by comparison, 152,418 hectares were expropriated during Allende's brief period in office (Carter, 2010). Part of the reason why the majority of land redistribution occurred under Allende was due to the lifting of some protections the reform had on wealthy landowners, lowering the amount of land they were allowed to retain before redistribution (Winn et al., 1974). On the surface, Allende's continuation of the Agrarian Reform marked a sign of progress in terms of indigenous territorial rights and a sign that their demands were finally being acknowledged.

Although the Agrarian Reform did redistribute some land back to indigenous communities, the main goal of the reform was to strengthen the rural farming society without any particular consideration of ethnicity (Azócar et al., 2005). While left-wing groups were relatively sympathetic to the struggles of indigenous peoples, they tended to see their problems in terms of poverty and other problems common to all landless or subsistence peasants (Carter, 2010). The regime did not recognize that indigenous groups have ancestral ties to the land that non-indigenous peasants do not. Consequently, this view tended to result in the government overlooking indigenous demands and created a kind of racism that saw Mapuche communities as backward, primitive, and in need of Marxist enlightenment (Carter, 2010). Although this reform was seen as a step forward in terms of indigenous territorial rights, there was strong opposition from wealthy landowners, who believed that the regime was infringing upon their rights and liberties by seizing and redistributing their land (Winn & Kay, 1974). Consequently, some accounts from this time period paint a picture of a virtual civil war between wealthy landowners and indigenous and peasant collec-

tives, noting that lands were not always turned over peacefully and landowners often inflicted violence upon neighboring indigenous groups (Carter, 2010). The Agrarian Reform generated some optimism, but ultimately Mapuche communities still felt like their needs were not completely being met.

The nature of the Agrarian Reform made the Mapuche appear as passive recipients of government policy, but they grew more active in the Chilean political sphere during this time period. The response to the shortcomings of the Allende regime marked a change in Mapuche identity, political participation, and mobilization strategies. The Mapuche began to reject the concept of ‘respectful integration’ into Chilean society perpetuated by elites and non-indigenous Chileans. Instead, they moved toward a new approach based on protests, demands, and alliances with non-indigenous working-class groups (Carter, 2010). Mapuche activists determined that the best way to achieve their people’s demands was through a broad class-based alliance with the non-indigenous working poor (Carter, 2010). This relationship was merely a strategic one, since the Mapuche still did not have a lot of trust in left-wing political organizations, viewing them as manipulative and ignorant of their circumstances (Carter, 2010).

An example of this attempt to create a class-based alliance occurred in 1973, when Rosendo Huenuman, a Mapuche activist, launched a successful campaign that landed him a position as a member of Allende’s Congress (Carter, 2010). Huenuman was a union representative who was appalled by the cruelty and injustice committed by landowners when expelling indigenous peoples from their reservations (Carter, 2010). He joined the Communist Party because he believed that mainstream party structures were the only way of securing the demands of his community (Carter, 2010). When elected to Congress, he presented a motion to include financing in indigenous land demands, but his own party voted against him, convincing him that mainstream politicians are inherently racist against indigenous peoples despite their broad claims that they are allied with all working-class and marginalized groups. Overall, there were other instances that pointed to the limitations of an alliance with the left, such as the regime’s failure to recognize indigenous political participation and self-determination (Richards, 2013). Toward the end of the regime, there were anti-Communist sentiments being expressed in Mapuche communities, and their distrust toward the Chilean state continued.

Spontaneous organization and protest flourished during the Allende period, not only by the Mapuche, but also within many other social sectors, including peasant and student groups (Carter, 2010). The Mapuche alliance with non-indigenous organizations continued within their protests and social movements, both violent and non-violent. In the 1970s, members of Mapuche community joined a leftist guerilla student organization called MIR (Movimiento de Izquierda Revolucionaria, or Revolutionary Left Movement) to reclaim original Mapuche land that had been taken by one of the region’s most prominent families (Carter, 2010). The armed Mapuche and MIRistas worked side-by-side to launch several campaigns to reclaim the land. One Mapuche member of the organization, Rafael Railaf, notes that the word *campesino* was chosen

instead of Mapuche because “we thought if we struggled alone, we would be weak, because we were very few, we weren’t millions like the winka [Chileans]” (Richards, 2013, p. 58). The government intervened on the side of the Mapuche and provided them with financial and technological assistance to start a collective farm on the land (Carter, 2010). This was also part of the state’s controversial and widespread efforts to force collective production practices upon the Mapuche (Richards, 2013). The Mapuche did achieve success and unexpected government support through this alliance, but their indigenous identities continued to be ignored and marginalized.

Despite the prominence of class-based alliances, the Mapuche did continue to organize as Mapuche during this time period by placing strong emphasis on indigenous identity. National Mapuche congresses held in 1969 and 1970 laid the groundwork for a new indigenous law. This law was passed under Allende in 1972, which marked the first time that indigenous peoples were legally recognized as existing independently of their lands, created the Institute of Indigenous Development and a promise to restore more Mapuche lands (Richards, 2013). This legislation, combined with the regime’s land reform efforts, would be some of the last positive advancements in favor of Mapuche territorial rights before the 1973 regime change.

## THE PINOCHET YEARS (1973–1990)

On September 11, 1973, General Augusto Pinochet seized power from Allende in a military coup (Tedeschi et al., 2014). Allende was found dead soon after (Tedeschi et al., 2014). The coup was facilitated mainly by international funding and internal instability. The United States was suspicious of Allende’s regime and gave millions of dollars to his political opponents, including Pinochet (Tedeschi et al., 2014). In addition, factional divisions within the Popular Unity coalition, the growing opposition from the Chilean center and right, and economic instability also contributed to Allende’s fall (Tedeschi et al., 2014). Once in power, Pinochet immediately established a military junta, suspended the Constitution, dissolved Congress, imposed strict censorship laws, and outlawed all left-wing political parties associated with Allende’s Popular Unity coalition (Richards, 2013). Pinochet was most infamous for launching a campaign of terror against political opponents and anyone perceived as leftist, where offenders were incarcerated, brutally tortured, and executed (Richards, 2013). Because the Mapuche were part of an ethnic minority and had a tendency to ally themselves with left-wing parties, they received treatment similar to anyone associated with the left. An estimated forty-one Mapuche were executed by the regime and another eighty disappeared and were likely killed (Carruthers & Rodriguez, 2009). One member of a Mapuche community recounts that elite landowners who supported Pinochet often suspected their Mapuche neighbors of supporting Allende and held them at gunpoint whenever they tried to walk across their property (Carruthers & Rodriguez, 2009). The Mapuche immediately found that the new political atmosphere would reverse any progress they had made to gain political and territorial recognition.



Pinochet ruled Mapuche territory with paternalism and repression. The regime was especially intolerant of activist organizations whose leaders resented the loss of their lands to outside companies, which was the common cause among many Mapuche activists during this time (Carruthers & Rodriguez, 2009). Pinochet initiated an Agrarian Counter-Reform, which rapidly returned recovered lands from Mapuche communities back to wealthy landowners (Carter, 2010). By the end of this period, only 16% of Mapuche land that had been recovered before the military regime remained in the hands of Mapuche communities (Carter, 2010). The regime issued a decree that facilitated the division and sale of Mapuche lands by eliminating historic land grant titles and replacing them with individual property deeds (Carter, 2010). This meant that land could be sold to non-indigenous buyers after twenty years, although buyers got around this through loopholes, such as renting out lands on a ninety-nine year lease (Carter, 2010). This way, land could be withheld and exploited for indefinite amounts of time.

In 1975, Pinochet instituted a series of neoliberal economic reforms known as the “Chilean Miracle.” These reforms had the aim of creating a “rightest shrunken state with extreme free market capitalism” (Richards, 2013, p. 71). This was characterized by an export-based economic strategy that emphasized the importance of natural resource extraction (Richards, 2013). In the Araucanía, an area rich in natural resources, this meant an increased focus on farming and timber for export and greater competition from foreign agricultural corporations (Richards, 2013). Forestry was especially important, and the regime enacted measures to continue the rapid expansion of the industry even though it was being halted by the presence of Mapuche *reducciones*, especially in the Araucanía (Kowalczyk, 2013). Pinochet’s decrees included Forest Ordinance 701, which provided subsidies to forestry plantations under the pretext of reducing erosion, giving the National Forestry Corporation control of Mapuche lands (Youkee, 2012). Subsidizing the forestry industry was a direct contradiction of the neoliberal ideal that the government should remain hands-off with respect to economic affairs, suggesting that the potential for economic growth was more important than strictly following neoliberal ideals. By this time, much of the land that had been returned to local farming elites or deeded to corporations became pine and eucalyptus farms, providing a foundation for the industry in the region (Newbold, 2004). However, this destroyed native species and further reduced Mapuche land holdings. Although timber became the most important industry during this time period, wheat farms and the early stages of hydroelectric plants were also industries that received attention and resulted in the encroachment and loss of indigenous lands (Richards, 2013).

As a consequence of the fear that Pinochet instilled among political dissenters, the ability to voice opposition to the regime was limited. In addition to this fear, the regime introduced a strict anti-terrorism law to eliminate Pinochet’s political opponents, so any public opposition to the regime could be condemned as a “terrorist” action (Terry, 2019). The anti-terrorism law permitted the state to use a military court for civilian defendants, allowed undisclosed witnesses to present evidence without

challenge from the defense, and allowed defendants to be convicted of a crime based solely on witness testimony (Akhtar, 2013). Additionally, the law permitted judges to keep Mapuche individuals in jail longer than the three-month limit established for other Chilean citizens (Terry, 2019). This severely limited activists' right to a fair trial and allowed the regime to quickly eliminate anyone suspected of political dissent. The law is still in use today and condemned by international human rights organizations for limiting civil liberties.

The Pinochet regime marked a change in the treatment of indigenous groups by the Chilean state; during the Allende years, indigenous issues tended to be forgotten or ignored, but the Pinochet regime took a more blatant anti-indigenous stance by which indigenous groups were more severely hurt by new legislation. Neoliberal reforms promoted globalization and cultural homogeneity, which hurt the importance of ethnic identities within Chile (Kowalczyk, 2013). The regime's attempts to terminate the Mapuche as a people acted as a unifying force among them, strengthening their Mapuche identity and giving way to new cultural organizations that simultaneously defended Mapuche communities and promoted Mapuche culture (Carter, 2010). The Mapuche protest strategy shifted from making demands and pressuring authorities to deliver to promoting organization among Mapuche communities to resist the Chilean state (Carter, 2010). Because Chile was under a dictatorship, the Mapuche could no longer participate in politics through alliances with political parties (which had been completely abolished) nor could they rely on government response as they did during the Allende years. Instead, movements focused on building Mapuche culture as a way to rebuild solidarity and generate the strength to resist the oppressive regime.

The Mapuche developed strategic alliances with civil society organizations and advocacy NGOs, offering workshops, legal advice, and initiatives to promote rural development (Carruthers & Rodriguez, 2009). As the movement to strengthen Mapuche identity continued, a number of Mapuche cultural societies were developed during the Pinochet regime. For example, the Centros Culturales Mapuches (later Ad-Mapu) was created in 1978 to provide a platform to discuss cultural, socio-economic, and political issues within Mapuche communities and provided a base for new Mapuche movement organizations (Akhtar, 2013). It was formed legally because it publicly stated that it was apolitical, but they had a hidden agenda of opposition to the dictatorship (Carter, 2010). Ad-Mapu marked a turning point in Pinochet-era Mapuche mobilization during a march on May Day in the early 1980s. All of the participants were Mapuche and affiliated with Ad-Mapu, and none were from the trade unions or workers' movement, reflecting a move away from the previous strategy of class-based alliance (Carter, 2010). Due to the regime's tendency to exile political dissenters, the Comité Exterior Mapuche was formed in 1978 by Mapuche exiles in Europe to facilitate community mobilization from overseas. The Comité eventually evolved into Mapuche International Link, which still exists today and continues to promote the interests of indigenous peoples in Chile from abroad (Mapuche International, 2019). These organizations marked a turning point in Chilean identity politics and demon-

strated innovative ways of generating solidarity against an oppressive regime without generating suspicion or negative attention.

## **1988 PLEBISCITE AND MAPUCHE VOTING BEHAVIOR**

The 1980 Constitution created by Pinochet's regime provided for a plebiscite in which voters could decide whether or not Pinochet would serve another term (Puddington, 2019). The plebiscite was held in 1988, and 55% of voters rejected the possibility of Pinochet being in power for eight more years (Puddington, 2019). A newly elected president and Congress would replace Pinochet in 1990 and Chile would begin its process of democratization. Some Mapuche viewed the plebiscite as a way to legally voice their opposition to the regime without the possibility of a consequence. However, some Mapuche communities exhibited unexpected voting behavior in the plebiscite by voting in favor of Pinochet (Carter, 2010). This was due partly to the promises of material benefits (e.g. electricity and pensions) if the regime were to continue (Carter, 2010). In addition, blind respect and fear for the regime still prevailed in these communities, and the idea that Pinochet would punish those who voted against his reelection was a very real threat (Carter, 2010). Some Mapuche were unfamiliar with the democratic traditions of Chile and did not fully understand what their vote would mean in the context of this election. However, the outcome of the plebiscite opened the door for democracy and gave some activists hope that they would once again legally be able to stand up for themselves.

## **TRANSITION TO DEMOCRACY: ALWYIN, FREI, AND LAGOS YEARS (1990–2006)**

Contemporary political analysts characterized Chile's transition to democracy as limited. Pinochet instilled a complex voting system to allow for the continuation of neoliberal economic policy and prevent a majority left-wing administration (Carter, 2010). However, the next administration under President Aylwin was formed from a coalition of center and left-wing parties called the Concertación (Kowalczyk, 2013). In terms of relations between the Mapuche and the Chilean state, democratization could be divided into two phases (Carter, 2010). The first phase was characterized by relief that the oppressive military regime was finally over. There was a hope that the new, democratically elected government would finally meet Mapuche demands for land reform and constitutional recognition (Carter, 2010).

When Patricio Aylwin ran for president in 1989, one of his platforms was known as the Nueva Imperial Agreement, which promised the resolution of indigenous land disputes, constitutional recognition, and programs for indigenous economic development (Carruthers & Rodriguez, 2009). Mapuche leaders were both hopeful that this meant the government was finally listening to their demands, but others were suspicious that this simply a strategy used by political leaders to garner more elec-

toral support (Carruthers & Rodriguez, 2009). Aylwin served part of the agreement when his administration created the Ley Indígena (Indigenous Law) that led to the legal framework for indigenous communities and for the administration of a Public Record of Indigenous Lands and Waters (Di Giminiani, 2013). The law was designed to reintroduce land subsidies to Mapuche communities affected by high levels of poverty (Di Giminiani, 2013). The law created the National Corporation for Indigenous Development (Corporación Nacional de Desarrollo Indígena, or CONADI), which was a government body charged with the protection of indigenous lands from extensive development (Di Giminiani 2010). CONADI would also provide a settlement dispute platform between landowners and indigenous communities (Di Giminiani, 2013). The Mapuche became hopeful that they would finally become the agents of their own political futures with the existence of a state institution that was designed to protect their own interests. This period was promising; finally, indigenous groups were getting political recognition for their territorial rights.

The consequences of neoliberalism were still prominent in Chile's economy during democratization. Neoliberalism had shaped the context of Chilean democracy, and economic goals of the Concertación coincided with Chile's former neoliberal agenda (Richards, 2013). This furthered the expansion of the forestry and logging industry (Carter, 2010). At this time, the demand for wood and paper was going up, so the demand for land was becoming insatiable (Carter, 2010). This negatively impacted the Mapuche and the environment, since it meant that the agriculture and timber industries would continue to get preferential treatment over Mapuche communities and small businesses (Richards, 2013). The Concertación continued to criminalize social mobilizations, claiming that they created chaos and undermined the national interest, with "national interest" only implying economic interest (Carruthers & Rodriguez, 2009). Ultimately, the Concertación's economic policy goals directly contradicted with their initial promises of protecting the environment and promoting indigenous rights. The continuation of neoliberal policies was a key reason for the disappointing results of CONADI and the Nueva Imperial Agreement of the 1990s.

Although CONADI initially seemed promising, a number of Mapuche have become disillusioned with the organization over time. CONADI has a history of corruption that began the first year it was founded, when the first director was removed from his post when he opposed hydroelectric projects that would have left a total of 22,000 hectares of Mapuche ancestral territory under water or uninhabitable (Carter, 2010). In terms of dispute settlement, CONADI's power was limited due to a change in the law that would only allow arrogated land to be transferred to claimants only if the current owners were willing to sell the property to the Chilean state (Di Giminiani, 2013). CONADI was also responsible for the funding of programs that exploited Mapuche culture in the national market via ethno-tourism projects and the marketing of artisan products (Richards, 2013). This seemed to indicate that CONADI was answerable to the state, and not to the indigenous communities it claimed to represent. As a result, CONADI has faced some opposition from both indigenous communities and international institutions, such as the Inter-American Commission of Human

Rights (Haughney, 2012). CONADI's apparent support of economic interests confirmed that these issues were still strongly embedded in the state and continued to prevent advancement of indigenous rights.

The second phase of democratization's effects on indigenous rights occurred when a wave of disappointment and disillusionment swept over Mapuche communities when they realized that the state was not meeting their demands for land claims and the organizations designed to represent them were failing to do so (Carter, 2010). This phase began in 1994 under the presidency of Eduardo Frei and continues today (Carter, 2010). The indigenous programs developed by the Frei and later Lagos administrations focused mainly on poverty alleviation as opposed to a comprehensive review of land claims and self-government (Haughney, 2012). These initiatives included giving Mapuche communities land subsidies, education and housing grants, and providing them training programs to enter the job market (Kowalczyk, 2013). Frei avoided addressing more radical land demands, such as autonomous territory, self-government, and collective political representation (Haughney, 2012). This approach was likely related to the historical tendency of the Chilean left to think of indigenous issues as class-based as opposed to ethnicity-based. The prevailing attitude of Chilean administrations in the late 1990s and early 2000s continued to perpetuate the idea that the problem with indigenous groups had to do with redistribution, not recognition.

A criticism of the Concertación was the failure to enforce legal framework that they proposed in the early 1990s with the purpose of protecting the environment from large-scale projects. In 1994, an environmental law was developed that allowed for citizen comments on proposed projects. This allowed local communities to inspect plans, make recommendations, and propose additional mitigation of impact and compensation (Haughney, 2012). Corporations would be required to present studies of the impacts of proposed projects to the communities that would be affected (Haughney, 2012). This law was ineffective due to a series of loopholes. In reality, citizen comments were generally ignored since it was high-ranking political officials who had the power to make final decisions, and they almost always acted in accordance with economic interests (Carruthers & Rodriguez, 2009). In this case, small communities were considered a minority that should yield to the greater interests of the nation, even if it meant putting their homes or health at risk. Corporations released as little information as possible to the community regarding the impacts of proposed works (Haughney, 2012). Although this law intended to strengthen environmental protections, it was ineffective due to the power of large corporations and the desire of high-ranking politicians to promote economic growth.

One of the biggest demands among Mapuche activists after democratization was the official recognition of Mapuche and other indigenous groups in the Constitution. Although they were considered part of the Chilean nation, they never received constitutional recognition (Puddington, 2019). The lack of recognition reflects poorly on the Chilean state because Chile was, and still is, one of the few Latin American

countries that does not give indigenous groups constitutional recognition (MRGI, 2019). The lack of Constitutional recognition is symbolic of the lack of recognition that the democratic Chile gives the Mapuche in terms of policy, rights, and liberties within legal framework.

Police crackdowns of conflicts in indigenous communities became more frequent beginning during the Frei administration. The slogan of the administration was “Law and Order,” emphasizing national security and the protection of large corporations over protecting the environment and indigenous groups (Haughney, 2012). In 1994, the government was motivated to strengthen security measures to avoid any potential outbreaks of an armed secessionist movement similar to the Zapatista movement that was happening in Mexico (Muños, 2007). For example, a Mapuche Organization called Consejo de Todas las Tierras (All Lands Council) engaged in a series of nonviolent land occupations, but 144 participants in the demonstrations were arrested under the anti-terrorist law (Haughney, 2012). This was the beginning of the harsh police oppression of indigenous environmental activists that would continue to present day.

Mapuche organizations responded to the increased use of security forces by using more means of peaceful mass protest and nonviolent land occupations (Haughney, 2012). However, these activists were not immune to police violence. In 1999, over 1,000 protesters gathered outside the congressional building in Valparaíso to demand the return of Mapuche lands taken over by lumber companies. Police attacked the protestors using clubs, tear gas, and water hoses, resulting in 180 arrests and hundreds of injuries (Minorities Project, 2004). President Frei also deepened tensions by signing a number of decrees toward the end of his term that permitted further dam construction in the Bío-Bío River, an issue that the Mapuche had been fighting against since the Pinochet years (Muñoz, 2007). A number of dam projects were introduced that had considerable consequences for Mapuche culture, an example of which is the Ralco dam in the upper Bío-Bío, which led to the displacement of around a hundred indigenous families by the time it was completed in 2004 (Carruthers & Rodriguez, 2009).

In the late 1990s, as a response to the shortcomings of Chile’s newly democratized regime, a new Mapuche nationalism movement spread among Mapuche activists in order to promote community and solidarity. Chile’s resurgence of indigenous movements in the 1990s was partially inspired by a wave of indigenous recognition throughout Latin America, as states began to abandon assimilationist policies and give indigenous peoples constitutional recognition, which the Mapuche still did not have (Carruthers & Rodriguez, 2009). Around this time, a Mapuche national flag was developed, a movement began to recover the Mapuche language in communities that had converted to Spanish, and Mapuche chiefs, shamans, and spokespeople began to mobilize more effectively (Terry, 2019). An emerging Mapuche activist group behind this movement was Aukiñ Wallpapu Ngulam, one of the first Mapuche organizations that questioned the relationship between the Mapuche and the Chilean state instead of focusing on the consequences of economic policy (Kowalczyk, 2013). Activists

within the movement protested against the negative effects of lingering neoliberal reforms by adopting a vocal anti-capitalist stance (Terry, 2019). Although nonviolent protests were still more common, the late 1990s saw the emergence of more small Mapuche activists groups like the AWN that would resort to sporadic acts of violence to demand the return of their ancestral lands (Moloney, 2010). Their most frequent tactics included arson, shootouts, and equipment sabotage (Kowalczyk, 2013). Violent protest is a strategy that continues to be used among a small number of Mapuche activists, although only about 2–3% of protests since the early 2000s have been considered violent or extreme (Kowalczyk, 2013). Violent protests were used as a way for the Chilean media to depict the Mapuche as aggressive and dangerous without recognizing the extent of their mistreatment by the Chilean state. The violent protests made headlines, but they but the majority of Mapuche protests during the democratization period were nonviolent (Haughney, 2012). However, even the nonviolent protests were promptly shut down by police forces, and the protestors were often arrested under Pinochet’s anti-terrorism law.

When Ricardo Lagos came to power in the year 2000, there was hope that there would be more receptiveness toward Mapuche demands, as he would be the most left-leaning leader the Concertación had seen. He was a socialist and many believed that he would reintroduce Allende-era land reforms (Jiménez, 2013). In an effort to ease tensions from the previous administration, the Commission for Historical Truth and New Treatment, a special government body composed of a board of indigenous and non-indigenous members, issued a report calling for the formal recognition of political and territorial rights for indigenous peoples, as well as more efforts to promote their cultural identity (Rohter, 2004). Lagos confirmed that this report was an effort to “correct the errors, at times inevitable, that the Chilean state committed in its treatment of ethnicities” (Rohter, 2004).

However, Congress took no action and the measures proposed in the report were never adopted (Rohter, 2004). Instead, he continued Frei’s policies of violently targeting Mapuche organizations that were considered subversive. Under his administration, the state used heavy force in searches and raids of Mapuche communities through the use of helicopters, Special Forces, and violent detentions (Haughney, 2012). Young children and the elderly were often detained, often for extended periods (Haughney, 2012). The most prominent attack against Mapuche movements under the Lagos administration was aimed at the *Conflicto Arauco Malleco (CAM)*, which engaged in occupations of lands long claimed by Mapuche communities, especially those in the hands of logging companies (Jiménez, 2013). This organization was infamous for its extreme campaigns that were viewed as terroristic in the eyes of the state (Brett, 2004). The CAM practiced “productive recovery” of disputed lands, meaning they intended for their land operations to be permanent (Brett, 2004). Although many of the CAM’s members have been engaged in radical left-wing parties, especially during the Pinochet regime, they were generally skeptical of the involvement of left-wing politicians in national politics and more moderate Mapuche activist groups (Brett,

2004). The Lagos administration took an especially strong stance against the CAM beginning in 2002 and used the Anti-terrorism Law to detain its leaders (Brett, 2004).

The Lagos administration was praised when it introduced a new code of criminal procedures designed to strengthen defendants' rights in Mapuche-related conflict, but the continued use of anti-terrorism legislation allowed the government to sidestep the protections that the new code would have offered Mapuche defendants (Human Rights Watch, 2004). The administration was criticized for its handling of the death of an unarmed 17-year-old Mapuche activist who was killed by a police officer during a nonviolent occupation of a logging estate (Haughney, 2012). The Lagos administration, although initially promising, marked a continuation of state-sponsored violence against Mapuche activists and did not adequately address the Mapuche demand for land.

## **BACHELET AND PIÑERA YEARS: 2007–PRESENT**

The administrations of Michelle Bachelet echoed the one of Lagos in a sense that she was a socialist who had been subject to repression under the Pinochet dictatorship and had entered office with a pledge to reform indigenous policy (Haughney, 2012). Bachelet represented a new face of the Chilean presidency as the first woman to ever hold office, and she served two non-consecutive terms, the first from 2006–2010 and the second from 2014–2018. In April 2007, Bachelet launched a promising proposal to reform five areas of indigenous policy: participation, rights, the urban indigenous, indigenous women, and education (Haughney, 2012). Some of the more specific proposals within Bachelet's list of reforms included a new law on indigenous participation, the long-awaited constitutional recognition of the Mapuche people, the creation of a women's department in the CONADI, and the pursuit of funding from the Inter-American Development Bank for indigenous cultural and economic development (Haughney, 2012). President Bachelet also promised to ban the use of the Anti-terrorism Law against indigenous protesters (Carruthers & Rodriguez, 2009). Some Mapuche organizations came forward with their own proposals, which included the draft of a new constitution that would guarantee the political and territorial rights of the Mapuche (Haughney, 2012).

Bachelet did not completely deliver on her promises, and she was criticized for the use of racism and state terrorism toward Mapuche protesters (Carruthers & Rodriguez, 2009). Much of the fallout from the Ralco dam project occurred during Bachelet's first term and further harmed relations between the Mapuche and the Chilean state. Initially, Bachelet was praised for adopting the UN Declaration on the Rights of Indigenous Peoples and the ILO Convention concerning indigenous rights, which the Mapuche could utilize as important legal tools (Tomaselli, 2013). However, Chile has repeatedly violated these regulations and Mapuche organizations have appealed to international bodies for sanctions against the state and respect for their rights (Kowalczyk, 2013). Mapuche organizations have criticized these regulations, believing that international law and funding are created based on a distorted and romanticized view



of the Mapuche's relationship with nature (Kowalczyk, 2013). Bachelet had continued to implement the Anti-terrorism Law and promote the development of industry in Mapuche homelands during her second term, and relations continued to be poor.

During Bachelet's first term, the Mapuche achieved an important milestone in political participation: establishing the foundations for their own political party. The Mapuche Nationalist Party, also known as Wallmapuwen, was founded in 2005 and is currently striving to be an official political party in order to ensure indigenous representation in municipal elections (Kowalczyk, 2013). Wallmapuwen aims at representing all the inhabitants of the Wallmapu (Mapuche lands) regardless of ethnicity. The Wallmapuwen hoped to have the Chilean state grant autonomy (within the Chilean political-administrative structure) to the Araucanía region and adjacent municipalities. Their long-term objective is an "autonomous and democratic Wallmapu, where wellbeing and progress will be for all its sons and daughters...where our rightful territory and resources will be truly respected" (Mapuche International, 2019). However, the existence of the Wallmapuwen as an official political party was limited by Pinochet-era laws that established a binomial system for parliamentary elections, ensuring that half of parliament would be occupied by the political right (Kowalczyk, 2013). However, some Mapuche also feared that the Wallmapuwen would eventually become co-opted by the dominant political order like Mapuche politicians in the past. The Wallmapuwen still does not yet exist as an official political party and Chile remains one of several Latin American countries where ethnicity-based political parties do not exist.

Sebastián Piñera is the current president of Chile, and the relations between the state and the Mapuche continue to be poor. Like Bachelet, Piñera served two nonconsecutive terms, the first from 2010–2014 and the second from 2018–present. Unlike Bachelet, Piñera's political stance was more center-right, making indigenous groups more skeptical of him from the beginning. When Piñera first entered office in 2010, he planned to continue to promote the draft of the constitutional amendment that would recognize indigenous groups, changing its label from a 'low-urgency' to 'high-urgency' act, but the bill is still blocked for discussion by the Senate (Tomaselli, 2012). In his inaugural speech on May 21, 2010, President Sebastián Piñera once again promised a new indigenous land policy, the reform of the CONADI, and constitutional recognition of indigenous peoples (Tomaselli, 2012).

The 2010s were marked as a decade of continued Mapuche protest. Movements against Piñera began at the start of his first term in 2010, when Mapuche activists based in Europe formed a protest group to interrupt his public speeches in London, Paris, and Berlin (Tomaselli, 2012). Protests and tensions flared up during his first term, and Chile called those years some of the most violent in decades in terms of indigenous protest (Tomaselli, 2012). Protesters were frequently met with violence from the Carabineros, Chile's police force (Puddington, 2019). Frequent demonstrations to release Mapuche political prisoners tended to be ignored. There was a marked increase in violence, with more attacks against police and logging companies (Youkee, 2012).

In 2014, the Inter-American Court of Human Rights condemned Chile for the use of its Anti-terrorism Law and violating the due process rights of eight Mapuche activists who had been convicted under that law (Bonney, 2014).

A year into Piñera's second term, relations between the Mapuche and the state remain tense, especially within the months following the killing of Mapuche farmer Camilo Catrillanca (Muñoz, 2018). Catrillanca was riding home on a tractor after working in the fields and was accused of taking place in a car theft, and he was shot when he rode away from police after a confrontation (Bonney, 2018). The four officers directly involved in the killing were removed from the police force (Bonney, 2018). Piñera issued an investigation against the killings and made several statements indicating he planned to issue justice to Catrillanca, but his later responses were criticized for supporting the right to police to "defend themselves when they are attacked," even though Catrillanca did not attack the police who killed him (Bonney, 2018). Militarizing the response to Mapuche protest continues to be one of the biggest issues under the Piñera administration, with Mapuche communities complaining of being frequently attacked and harassed by police forces (Bonney, 2018). Piñera is against the Mapuche autonomy demanded by the Wallmapuwen, arguing that Chile "should not be divided in two" (Muñoz, 2018). In 2015, the government removed the governor of Araucanía for openly advocating for political and legal reforms for the Mapuche (Bonney, 2018). The Chilean government continues to report Mapuche demonstrations and roadblocks negatively and strongly support natural resource extraction in Mapuche lands, which has been exacerbating health problems in the region as well as limiting the size and scope of viable Mapuche territory.

## CONCLUSION

Mapuche territorial rights have historically been poor since they became part of the Chilean state. The land distribution policies during the Allende regime seemed to indicate progress, but even those initiatives did not completely address indigenous demands and were promptly reversed during the Pinochet dictatorship. The lingering effects of the Pinochet regime, including neoliberal economic policies and the Anti-terrorism Law, had significant impacts on Mapuche land holdings and activism from Chile's democratization period until today. Since the 1970s, Chilean leaders (with the exception of Pinochet) have made empty promises to give the Mapuche the rights and recognition that they deserve, often to no avail.

Mapuche identity and mobilization strategies have changed to accommodate their changing territorial rights. Beginning during the Allende regime, the Mapuche began to embrace their indigenous identity and use it as a strategy to make demands from the state and participate in politics. The emergence of national and international Mapuche organizations during the Pinochet regime provided a foundation for community mobilization on a larger scale, and many of these organizations remain active today. While uncommon, the use of violence in Mapuche protest arose during the 1990s as a desperate measure to attract attention to their issues. Unfortunately, the

Chilean state and media has publicized these acts of violence in order to portray the Mapuche as aggressive and dangerous.

The Mapuche continue to sacrifice their culture, health, and livelihoods in order to accommodate economic interests in their ancestral lands. In addition to suffering from Chile's highest poverty rates and lowest standards of living, Mapuche communities must contend with a government that prioritizes economic interests over indigenous peoples.

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