



Mapuche People

1. Introduction

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The Mapuche with 1.3 million people, make up almost 10 percent of the 15.8 million of Chile's inhabitants. They are the largest of the indigenous peoples of Chile. The Mapuche are among the poorest and most marginalized groups in Chilean society and the rural Mapuche population lives in conditions of extreme poverty. Among the Mapuche population, 34.8% are situated below the poverty line and the incidence of poverty is among the highest in the Bio Bio region where 52.3% of the Mapuche population are considered poor. The human development index of the Mapuche population is one point lower than that of the non-indigenous population. The average Mapuche income is less than half that of the non-indigenous population.

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Although Unrepresented Nations and Peoples Organization recognises that the recent ratification of the International Labour Organisation (ILO) 1989 Convention by the Chilean government is a definite step in the right direction with regards to indigenous rights, there remain serious human rights abuses that deserve international discussion and observation.

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2. Land Rights

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At the end of the 19th Century with the emergence of the states of Chile and Argentina Mapuche land was divided up into more than 3000 small reservations. Through the land reform of the government of Salvador Allende (1970-1973) they did receive back 700,000 hectares. However, after the putsch of Dictator Augusto Pinochet, who ruled Chile between 1973 and 1989, they were for the most part dispossessed. Where their primeval forests once grew large land-owners are today planting timber plantations of fast growing trees, like pines and eucalyptus. Neither of these are native species, Eucalyptus uses up an enormous quantity of water, damages the soil, lowers the water table and so leads to erosion. The Mapuche are currently fighting for land which they have for decades collectively and effectively managed.

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As Chilean communal land rights have been dissolved by the state, with native lands divided into private properties ruled by the general provisions of property law, much of this land has been passed to non-indigenous entrepreneurs, through individual sale and lease arrangements. This has resulted in a loss of culture, tradition and language

3. Anti-terrorism Law

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The issues and misuse of indigenous land rights has led some Mapuche activists to commit illegal acts. Although it is a small minority of the Mapuche community that has committed these illegal acts – their demands and grievances are generally understood and shared by the wider Mapuche community. Their actions have not claimed any human life – their actions are generally limited to arson and destruction of forestry vehicles – although there have been occasions of which occupants of these vehicles narrowly escaped.

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To combat these illegal acts, the Chilean government is using the strictest legal regime possible against the Mapuche. The use of an irregular law - created by the military to suppress opposition to the Pinochet dictatorship - has been widely condemned by a range of



50 individuals and organisation, including the former United Nations Special Rapporteur on the
situation of human rights and fundamental freedoms of indigenous peoples Rodolfo
Stavenhagen, Amnesty International and Human Rights Watch.

55 The anti-terrorism law allows the use of ‘faceless’ witnesses i.e. anonymous witnesses,
violating international human rights standards - Mapuches are not given the right to have free
assistance of interpreters for defence in their language Mapudungun. As a result the trials
lack conformity with both international human right standards and the Chilean Constitution.
Under Chilean law terrorist acts include the burning of fields, woods or buildings, when
60 intended to produce fear in the population or part of it. Those convicted of terrorism are
banned for fifteen years from public office, from occupying teacher posts, exercising trade
union or business responsibilities, or practicing journalism. When convicted of ‘terrorist
arson’ – a minimum sentence of ten years is applied - this is double the ordinary criminal’s
code penalty for arson.

65 The detention of investigative film journalist Elena Varela Lopez in June 2008 highlights the
lack of due process in Chile. After investigating the conflict between indigenous Mapuche
community and lumber companies over the use of land she was convicted of ‘illegal
association with intent to commit an offense’. Lopez is the third documentary maker this
year to be imprisoned by Chilean police. UNPO believes that the detention of these
70 journalists is an attempt to intimate the Mapuche community and those who dare to speak out
about the conflict.

*UNPO is gravely concerned at Chile’s use of anti-terrorist laws against the Mapuche
community.*

75 *UNPO urges the Chilean government to incorporate international standards such as ‘fair
trial’, the International Covenant on Civil and Political Rights, the Convention against
Torture or other Cruel, Inhuman or Degrading Treatment or Punishment and the Universal
Declaration of Human Rights into its domestic legal system.*

80 *UNPO welcomes the adoption of Ley Navarro - a counter proposal law to the anti-terrorism
law 18.314.*

85 *UNPO urges the Chilean government to allow the Mapuche community to become active
partners in whatever business is to be realised on their lands.*

*UNPO asks that the Mapuche population be given proper access to political structures and
legal assistance.*

90 **3. Political Representation**

The lack of political representation by Mapuche leaders is an issue that deserves immediate
attention. The issue is highlighted by two events that have taken place recently. In 2005, in a
bid for political representation Aucan Huilcaman from the Mapuche Organisation the
95 Consejo de Todas las Tierras attempted to run in the presidential elections. The electoral
authority ruled that the 39000 signatures collected in support of his nomination had not been
certified by public notary, and refused to put his name on the ballot. The notary bill would



100 have cost \$358,000 – a large amount for the Mapuche community who – as mentioned above – earn less than half the amount than the non-indigenous population.

2008 saw the detention of Lonko Pacual Pichun by Chilean authorities. He was intending to attend a European Forum in Sweden – an opportunity that would have given him platform to discuss human rights in Chile.

105 *UNPO urges the Chilean government stop impeding the active participation of the Mapuche community in the political arena as laid down in the International Covenant on Civil and Political Rights as the right to political participation (organize a political party, vote, voice contempt for current political authority.*

110 *UNPO asks that the Mapuche population be given the same right of freedom of movement and freedom of expression as the non-indigenous population also present in the ICCPR as individual freedom of belief, speech, association, freedom of press, right to hold assembly.*

115 **4. Police Incursions**

Police raids are commonplace in Mapuche communities and are conducted under the pretext of terrorist investigations. Human Rights Watch found that women, children and old people often bear the brunt of distress caused by the incursions of the police. The Chilean judge Juan Guzman commented on the brutality of the police - ‘They raid the villages and ransack the houses. With luck they decommission a sharp knife or a machete which is often the only evidence used against suspects detained and charged under anti-terrorist laws’.

125 *UNPO asks for a fair, and considered treatment of Mapuche communities – respectful of human and civil rights – which would fulfil their obligations made to the International Covenant on Civil and Political Rights and the Convention against Torture or other Cruel, Inhuman or Degrading Treatment or Punishment*

130 **5. Summary of Conclusions**

Although UNPO welcome the ratification of the ILO Convention on Indigenous Rights by the Chilean government, it sees room for great improvement regarding the human rights of the Mapuche population in Chile. Amongst the most immediate actions to be taken are:

135 • *Full implementation of international legal standards such as the International Covenant on Civil and Political Rights which it is obligated to uphold – as well as the International Covenant on Economic, Social and Cultural Rights, the International Convention on the elimination of all forms of Racial Discrimination and the Convention against Torture or other Cruel, Inhuman or Degrading Treatment or Punishment;*

140 • *Serious efforts to include the Mapuche population in discussion and business that is to take place on their land;*

145 • *Further political recognition of the Mapuche community and greater efforts to stop their exclusion from domestic and international political arenas; and*



Unrepresented Nations and Peoples Organization (UNPO)

Submission to the UN Office of the High Commissioner for Human Rights

Universal Periodic Review: Chile

- *General efforts to respect the human rights, culture and land of the Mapuche people.*