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New Chilean Government Apologizes to "Dispossessed" Mapuche People

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The recently inaugurated government of President Michelle Bachelet issued a timely mea culpa this month in an effort to press the proverbial reset button on long-frayed relations with the Mapuche, Chile’s largest indigenous group.

On March 12—just one day after Bachelet took office—the new intendente (appointed regional governor) of the Araucanía Francisco Huenchumilla formally apologized for the "dispossession" of the Mapuche’s ancestral lands. He said the state has made "mistake after mistake" and has a "pending debt" dating back to the late 1800s, when the Mapuche were forced off their lands through a series of military campaigns known euphemistically as the "pacification of the Araucanía." Most of that land is now in the hands of non-Mapuche farmers and large forestry companies.

The Araucanía, approximately 500 km south of Santiago, is ground zero in the "Mapuche conflict," which has been simmering for years and involves symbolic land occupations and occasional property attacks, on one side, and heavy-handed police and judicial repression, on the other (NotiSur, April 29, 2011). One of those property attacks took the lives last year of an elderly land-owning couple. In the past decade, at least four Mapuche activists and one carabinero (uniformed police officer) have also died as a result of the conflict.

"For more than 130 years, public policies have been implemented that have failed to pull this region out of poverty," Huenchumilla, who is of Mapuche descent, told reporters. "In the name of President Michelle Bachelet, I pledge the political will to do something different, not just more of the same."

Shortly afterward, in an interview with the daily El Mercurio, Bachelet said her administration hopes to forge a "new deal with our original peoples." As part of that deal—at least according to Bachelet’s campaign promises—the state will stop using a controversial dictatorship-era anti-terrorism law to prosecute Mapuche activists. Decreed in 1984, the law extends prison sentences, restricts pre-trial release, and allows for anonymous witnesses (NotiSur, March 13, 2009). Bachelet, who served as president from 2006-2010, returned to power on March 11. During her first term in office, the anti-terrorism law was invoked on several occasions, something she has since admitted was "an error."

Going out swinging

The Bachelet government’s early overtures have little in common with the language used just weeks earlier by outgoing President Sebastián Piñera (2010-2014), who defended the anti-terrorism law while on a Feb. 25 visit to the Araucanía to inaugurate a new airport. In the face of certain crimes, "a responsible government has not only the right but the obligation to apply the laws it has," he said.

Piñera spoke in particular about the case of Werner Luchsinger, 75, and Vivianne Mackay, 69, who died early on the morning of Jan. 4, 2013, when a group of roughly 20 assailants—presumably Mapuches—torched their Araucanía farmhouse. "There’s no justification for burning two elderly
people alive," he said. "That was an act of cruelty and evil that isn’t worthy of understanding, much less justification by anyone of good will."

The then president delivered his remarks just five days after the sole person tried for the crime, 27-year-old "machi" (Mapuche leader) Celestino Córdova, was found guilty of arson leading to death. The Temuco (Araucanía) court handling the case did not, however, agree that Córdova’s actions constituted terrorism.

Prosecutors insisted otherwise, as did President Piñera, who publicly questioned the ruling. "[Celestino Córdova] wasn’t just looking to commit a robbery," the conservative leader said. "He was looking to produce terror, produce terror in the population, or at least in part of the population."

On Feb. 28, the court sentenced the young Mapuche man to 18 years in prison. Piñera’s Interior Minister Andrés Chadwick joined members of the victims' family in criticizing the sentence for being overly lenient. "All the instruments were there to apply a harsher punishment," Chadwick said. "What we’re talking about really was an act of terrorism."

The Piñera administration’s comments on the case drew a sharp rebuke from the president of the Corte Suprema Sergio Muñoz. "It’s bad form for a [government] authority to make disparaging comments about a judicial matter," he said. "This is a spectacle we see in Chile and in a few other places that qualify as banana republics."

Piñera, with barely a week left in his presidential term, fired back. "Just like the president of the Corte Suprema has the right to defend his judges, this president has the right to defend the victims [of crime]," he said March 2, during his final public address before the presidential handoff.

"Extremely volatile"

Piñera’s pugnacious parting contrasted sharply with the calm assurances he made at the outset of his presidency, when he promised to ease tensions in the Araucanía by instituting a multibillion-dollar development scheme. "For our government, there is no indigenous problem," the optimistic leader said in June 2010, three months after taking office (NotiSur, July 9, 2010).

Circumstances would soon prove otherwise. That July, a group of approximately 20 Mapuche prisoners—scattered in various jails in the Araucanía and nearby Biobío regions—launched a hunger strike to protest what they claimed was political persecution at the hands of the state (NotiSur, Sept. 10, 2010). As the frightening fast dragged on, other Mapuche prisoners joined in, eventually forcing the reluctant Piñera administration to the negotiating table (NotiSur, Nov. 19, 2010). The government eventually agreed to withdraw terrorism charges against the prisoners—most of whom were in jail pending trial—and instead prosecute them under normal legal channels.

Tensions again flared in 2012 when a carabinero was shot and killed following a raid on a Mapuche village (NotiSur, Aug. 3, 2012). The officer, Hugo Albornoz Albornoz, was the first police officer to die in the conflict. Previous casualties, including Matías Catrileo (2008) and Jaime Facundo Mendoza Collío (2009)—who were shot by police—had all been Mapuches. A flurry of land occupations and arson attacks followed Albornoz’s killing, prompting the Piñera administration to call an emergency security summit and dispatch even more carabineros, technically a branch of the armed forces, to the Araucanía.
The deaths last year of Luchsinger and Mackay—a tragedy that coincided with the fifth anniversary of the Catrileo killing—marked a new low point in the conflict, which has been rumbling on ever since with even more police raids, land occupations, and property attacks.

In a report dated March 10—one day before Bachelet returned to power—UN Special Rapporteur on the protection and promotion of human rights while countering terrorism Ben Emmerson described the situation in the Araucanía and Biobío regions as "extremely volatile." Emmerson based his conclusions on observations made during an official visit to Chile in July 2013. He presented his findings earlier this month before the UN’s Office of the High Commissioner for Human Rights (OHCHR) in Geneva, Switzerland.

"The scale, frequency and intensity of the Mapuche protests have increased in recent years," the report reads. "[The unrest] is liable to spread into a full-blown regional conflict unless urgent action is taken to address not only the manifestations of the violence, but also its root causes."

A welcome gesture
The situation President Bachelet now inherits is, if anything, even more tightly wound than it was when Emmerson visited the area eight months ago. Celestino Córdova’s recent conviction and sentencing proved to be particularly divisive. Sympathizers consider him the latest in a long line of Mapuche political prisoners, a victim of a grossly biased judicial system. "This political ruling is one more example of how the state has criminalized the just demands of the Mapuche people," Córdova’s spokesperson Kelv Tranamil told reporters after the February sentence hearing.

Complicating matters even more are recent revelations regarding a young Mapuche activist who participated in pair of high-profile property attacks in 2009. One incident involved an ambush on a passenger bus. The other attack took place at an Araucanía toll booth. The man in question, Raúl Castro Antipán, later served as an anonymous witness for the prosecution, helping to convict dozens of his collaborators, including a pair of minors (under 18 years of ago) who were prosecuted as terrorists.

Earlier this year, Castro Antipán admitted to judges in Angol (Araucanía) that he had been operating as a police informant all along. A number of the people who fell victim to Castro Antipán’s testimony have since been absolved. For rights groups, Mapuche organizations, and other critics of the state’s heavy-handed approach, the Castro Antipán case substantiates complaints they’ve made for years: that much of the police and judicial work carried out against Mapuche community members is simply corrupt.

Mapuche groups see the new government’s public apology—and its delivery so soon after Bachelet’s inauguration—as an important first step toward establishing some level of understanding between the different sides in the conflict. The gesture also drew applause from political sectors—including from members of the conservative opposition. "It’s a good way to approach the problems of coexistence that we’ve had here in recent years," said Sen. José García of the center-right Renovación Nacional (RN).

As she moves forward, however, President Bachelet will have to back up her good-will gesture with some concrete measures, perhaps by scaling back carabinero contingents from "hot-spot" Mapuche communities like Ercilla, in the Araucanía. She would also do well to respect her campaign promise regarding the anti-terrorism law. Skeptics recall that Bachelet made a similar promise prior to her
first term in office, during which the controversial law was evoked on several occasions (NotiSur, March 13, 2009).

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