



Centro de Documentación
Mapuche
Documentation Center

To all political and corporate institutions of Norway, Finland and Switzerland

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In Chile during the Pinochet dictatorship the Mapuche people were brutally repressed and stripped of their constitutional rights. After 18 years of return to democratic rule, little has changed.

The State of Chile refuses to ratify convention 169 of The International Labour organisation (ILO) of 1989 on Indigenous and Tribal people. Furthermore the Chilean Parliament on many occasions had failed to support the constitutional amendment that includes the recognition of the indigenous people in the Political Constitution of the State of Chile.

At the beginning of May, Chilean President, Michelle Bachelet, announced her government's policy on indigenous people. On that occasion it was announced for the third time to send to the Congress of the Republic the Bill of constitutional reform that recognizes the multicultural character of the Chilean nation: In addition the government will also, for the fourth time, request the ratification of Convention 169 of the (ILO) International Labour Organisation by parliamentary approval.

The indigenous representatives, who, since the return of democracy, have fought to uphold the above objectives, expressed their concern regarding the Presidents' statement. Although the intention of recognition of the rights of indigenous people is implied it is clear that the Chilean State does not wish to further the political participation of indigenous people.

It is common knowledge that the introduction of these two legislative amendments is associated with the issue of indigenous participation in the political administration of the State. It is why the political representatives of indigenous people all over the world consider the application of these two amendments fundamental in safeguarding their rights and interests. The practice of international jurisprudence applies to different models from indigenous representation in the national parliament; access to the regional government; or creation of an exclusively indigenous Parliament. The recent announcement of the President of the Republic of Chile does not consider any of these possibilities.

The political representatives of the mapuche people show their concern that neither of these models have been considered as part of the political agenda of the present government:

1. The poverty of the Mapuche population.

In Chile the Mapuche population has the highest rates of poverty, infant mortality, unemployment, and illiteracy. The average life expectancy is 10 years less than the rest of the Chilean population. In particular, the highest rates of destitution in Chile affect those Mapuche communities that live next to forest plantations and the fish farms. In contrast to the destitution of the mapuche, it is worth considering that the wealth generated by this commercial activity, in what is the ancestral territory of the Mapuche, ends up in the hands of the richest elites in Chile.

18 percent of the Chilean population are poor, the majority of which are of indigenous descent -- approximately 1.6 million people; most of these are mapuche. Most of the indigenous people of Chile live on less than a dollar per day; therefore the economic and social situation of the Mapuche is particularly precarious. In Chile the Mapuche population is approximately 1.5 million. A quarter of whom live in over-crowded conditions on rural reservations, while the rest inhabit the towns and cities of central and southern Chile. The Mapuche that inhabit the indigenous reserves do not have a sufficient amount of land to assure their subsistence and development.

To address this situation, the Chilean government received a loan from the Inter-American Development Bank in 2001 for 167.9 million dollars. Through the Programme Origen, this money was allocated for the social and economic development of 1,000 indigenous communities that comprise three indigenous nations: Aymará, Atacameña and Mapuche. The program aimed to finance innovative projects in five indigenous regions (Tarapacá, Antofagasta, Bío-Bío, Araucanía and Los Lagos). However, in spite of this significant investment, the poverty situation of the indigenous people remains unchanged.

2. The state and trans-national corporations' exploitation of natural resources in the territory of indigenous people.

The ancestral territory of the Mapuche people, in particular forests, marine and fishing resources, are being commercially exploited by trans-national corporations. Several studies have shown that this commercial activity causes irreparable damage to the environment, natural habitats and biodiversity of the region, which in turn contributes to the impoverishment of the indigenous communities. Specific consequences include: damage to the health of the population, contamination of ground water, and the violation of important historical and sacred sites.

Under the military dictatorship of General Pinochet (who passed law 701 of 1974) forestry companies were subsidised by the state, and exempt from taxation. As a result, the largest artificial plantations of the world are concentrated in regions VIII and IX of the South of Chile. The forest companies today control more than 2 million hectares of monoculture plantations, providing them with export income reaching US\$ 2 billions per year.

In the last decade of the 20th century, the Chilean State encouraged the expansion of the salmon industry. In regions X and XI, 900 thousand hectares of sea have been declared fish farming areas. 90 percent of salmon production is concentrated in the fiords, channels, lakes and rivers of region X. Chile is now the main producer of farmed salmon in the world, generating US\$ 2.billion per annum.

In similar conditions to those occurring in the forestry sector, a small group of industry partners has control of 88 percent of all fish caught, and 90% of sea products from Chilean waters. As a result of this monopolisation, Mapuche fishermen located on coastal reservations have had their access to the sea and its resources obstructed by the activities of the salmon farming companies. At the same time the Chilean state builds massive infrastructural projects on Mapuche territory, such as the construction of hydroelectric dams,

large garbage dumps, airports, and highways that cross through the sacred places of the Mapuche.

In recent years it has become evident that the Chilean state does not offer any guarantees for safeguarding the interests and wellbeing of the indigenous people. The state has not sought the participation of indigenous people in the administration and management of their interests and territories. One deplorable example of this took place in February 1997. In a letter to the Chilean Finance Minister, Eduardo Aninat, James D Wolfensohn, then president of the World Bank, condemned the hydroelectric company ENDESA for not fulfilling its environmental obligations. These obligations were a prerequisite for World Bank funding of two hydroelectric power stations, Panguel and Ralco, in indigenous territory. Such neglect later caused the World Bank to withdraw financial support for the construction of the Ralco dam, as well as the later revision of its policy for supporting this type of project.

Currently, Chilean investors, in collaboration with transnational companies, are planning a series of industrial projects in the south of Chile. Companies like ENDESA, Colbun, AES Gener, SN Power and Pacific Hydro, along with other mining companies are pledging investments of more than US\$ 9 billion. If given approval, most of this money would be allocated for the construction of hydroelectric plants in the south of Chile. These companies have at the planning stage, a dozen projects, that if take place, would inject more than 12,000 MW into the Chilean power grids of Norte Grande (SING) and Sistema Interconectado Central (SIC); this would almost double the present capacity (12,400MW) of both.

The largest project is controlled by HidroAysen, an amalgamation of ENDESA and Colbun. It is planning to construct five hydroelectric power stations in Region XI, with an investment of US\$ 2.5 billion. The Australian company Pacific Hydro and Norwegian SN Power are proposing an investment of US\$ 1 billion each in this sector.

It is important to emphasise that the Chilean National Commission of Energy is considering a power generation programme involving approximately 80 projects, many of which have not been made public.

3. The systematic, decade long, state persecution of the mapuche community members.

The mapuche communities demand ownership of their ancestral land in regions VIII, IX and X of the country. Their land has been appropriated by both the state and trans-national companies based in those regions. The confiscation of mapuche land by the state and private individuals continues unresolved.

The demonstrations and protests by mapuches that fight for their individual and collective human rights, and for the recovery of their illegally usurped territories, demonstrate the degree of economic and racial discrimination which they are currently experiencing.

In the Civilian and Military Courts of Chile, hundreds of mapuche community members are awaiting prosecution under the legal system for diverse charges related to the recovery of ancestral land. At the present time there are more than twenty mapuche political prisoners detained in the prisons of Angol, Concepcion, Lebu and Temuco.

In all these cases the Chilean courts selectively apply the inherited body of judiciarius legislation introduced under the military dictatorship; such as Internal Security Law and the Antiterrorist Law, which condemns the accused based on circumstantial evidence. Under the democratic system this law has been applied only to mapuche activists and community members. The most recent case refers to the detention of the mapuche leader Jose

Huenchunao in February of this year, who was sentenced to 10 years in prison, in violation of antiterrorist law.

The repressive laws to which the mapuche are now subject are reason for concern for many international organisations. In March this year, the Chilean State, was assessed by The United Nations Human Rights Committee, due to contravention of the International Covenant on Civil and Political Rights. The United Nations Human Rights Committee urged the State to explain the reasons why they accuse mapuche community members of terrorism, for acts of protest or social demand, related to their defence of land rights. The unsatisfactory answer of the Chilean State is cause for further concern for the UN Human Rights Committee, which expressed concern at the use of military judiciary to sanction and to investigate civilians, as well as the fight against discrimination, the equal treatment under the law of minorities, and the recognition of the indigenous people. It is particularly apparent that despite almost two decades of democratic system, no effective progress has been made, and still today the legislation introduced under the dictatorship continues to be applied.

4. Our recommendation and appeal.

Over the last decade a coalition of European based Mapuche organisations have monitored corporate investments in Mapuche territory. As signatories of this document we wish to express our profound concern over the forthcoming visit of the Chilean President, as head of a commercial delegation, to Norway. We have no doubt that the motivations of the delegation are to secure financial support for projects that will exploit the natural resources of Mapuche territory. As we have indicated, there is no evidence to show that these projects would contribute to improved living conditions for the Mapuche. Nor do they do anything to advance the relationship between the Chilean state and the Mapuche nation.

We appeal for certain conditions to be attached to any investments in mapuche territory. Our appeal is based on three recommendations that comply with international legislation:

- That the State of Chile ratifies Convention 169 of the International Labour Organization (1989) on Indigenous and Tribal People.
- That the Chilean Parliament approves a constitutional amendment that recognises indigenous peoples in the political constitution of the Chilean state.
- We demand participation and consultation of indigenous representatives in any approval of investment on indigenous territory

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