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## **Written statement\* submitted by Associazione Comunita Papa Giovanni XXIII, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2023]

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\* Issued as received, in the language of submission only.

## **The militarisation of Mapuche lands**

Associazione Comunità Papa Giovanni XXIII (APG23) appreciates the comprehensive study of the Expert Mechanism on the impact of militarization on the rights of Indigenous peoples. The study clearly highlights the complexity of that crucial issue and the resulting abuses and violations.

Especially, APG23 wants to draw attention to the situation of the Mapuche people in Chile and wants to express its concern on the ongoing violations of fundamental rights suffered by Mapuche communities and individuals, whose ancestral territory is subject to a continuous and increasing process of militarization by the Chilean Government.

The Mapuche are the largest Indigenous group in Chile, representing about 80% of the total indigenous population in the country and about 12% of the Chilean population. APG23, through its non-violent peace corps Operazione Colomba (OP), operating in four Chilean regions (namely: Araucanía, Biobío, Los Ríos and Los Lagos), closely monitors the dynamics of the so-called “Mapuche conflict” through visiting several indigenous communities and carrying out interviews with Mapuche activists and leaders.

Since the Chilean occupation of the Mapuche land and its annexation into Chilean national territory (1861–1883), the Indigenous communities have been involved in a political and military confrontation with the Chilean State, struggling for centuries against the dispossession of their lands and repression. Nowadays the conflict, deeply rooted in Chilean society, is still ongoing.

On the one hand, the Mapuche people keep claiming to be recognized as original indigenous people by the Chilean government, for their right to self-determination and permanent sovereignty over natural resources. On the other hand, the State, supporting the economic exploitation of the territory, increases the militarization of Mapuche’s lands with the constant renewal of the state of emergency, affecting Mapuche’s rights and lives.

The excessive use of violence and abuses by the police and Carabineros together with the severe limitations of fair trial guarantees cause grave barriers in accessing justice and jeopardise the realisation of Mapuche’s fundamental rights.

Moreover, the land-grabbing and intensive exploitation of natural resources frequently undertaken by private corporations negatively impacts people and the environment, destroying biodiversity and natural elements in their ancestral lands.

Clearly, all these issues are strictly interconnected; as underlined also by the Expert Mechanism’s study, militarisation of territories is often directly linked with the protection of development projects and the exploitation of natural resources.

Furthermore, it has to be highlighted that the militarization of the territory has a direct impact on the daily life of the local population, as well as on their economy, as APG23’s volunteers could verify.

Indeed, in order to guarantee the implementation of economic projects in indigenous lands, the areas concerned are regularly closed through several checkpoints and barriers by the Carabineros, in order to prevent the indigenous population from interfering in the works through the non-violent occupation of the land and its recovery. In addition to seriously restricting freedoms of movement and demonstration, militarisation also has a negative impact on the Mapuche economy: as these lands are made inaccessible, it is indeed impossible to carry out traditional activities of fishing and agriculture, which are the most profitable sectors for the indigenous people. Moreover, the very nature of several corporate economic projects and activities taking place in Mapuche’s territories - such as hydroelectric or wood processing plants - implies a direct impact on the environment. For instance, in the Araucania Region, land grabbing has not only caused the drastic reduction

of the Mapuche community lands but has also led to the massive destruction of environmental resources. In the last 50 years, forestry industries, hydroelectric power plants as well as the construction of dams and roads have completely altered the ecosystem and have replaced the forests' biodiversity.

This irreparable alteration severely endangers the health of local people and, at the same time, affects their ancestral culture and spirituality, which is characterised by a strong connection with the land and natural elements.

Furthermore, the increasing militarization of the territory, along with the criminalisation of Mapuche people and activists by the Chilean Government is implemented in response to the intensification over the last years of the Mapuche's claims for restitution of ancestral lands and demonstrations against the exploitation of natural resources by corporations.

As a relevant instance, in 2018 the Chilean government dislocated to the region of Araucanía the so-called "jungle command", a team of heavily armed Carabineros trained in Colombia and the United States, in charge of strengthening security within Mapuche territory (1).

This special force had been repeatedly accused of excessive use of violence against Indigenous communities.

Moreover, it has to be noted the excessive use of counter-terrorism law. The law N°18.314, approved during the Pinochet ruling (1984), has been continuously applied facilitating the use of preventive custody for long periods and anonymous witness testimony, making the Mapuche judicial guarantee weak and not always respected.

Such an attitude jeopardises the presumption of innocence, a right recognized by the Universal Declaration of Human Rights.

In addition, according to ILO Convention 168 (2), to which Chile is a signatory, the detention of Indigenous People must conform to the cultural norms in force among each distinct community. Notwithstanding, sentences are often served in prisons instead of giving preference to alternative measures of imprisonment such as inter alia educational and work centres. It is imperative to underline that the deprivation of liberty in conventional prisons severely threatens cultural and spiritual identity, cosmovision, traditions, medicinal practice, and the specific needs of the Mapuche; being confined in prison means breaking their links with communities and ancestral lands which is vital for them.

In the last years, several Mapuche prisoners have repeatedly appealed to the authorities to await their trials or serve their sentences in Education and Work Centres. Unfortunately, the authorities are not always inclined to satisfy their request. As a consequence, Mapuche activists carry out protests and hunger strikes to obtain more humane treatment and transfer to different prisons; hunger strikes can continue for months, putting their lives at risk.

Furthermore, the long-awaited path of the drafting constitution process that should state the Mapuche's recognition as original peoples has not yet concluded; the lack of recognition of the Mapuche as original peoples is a deep and severe gap that negatively affects Mapuche lives and needs to be bridged.

In light of all this, we strongly believe that rewriting a different narrative is still possible; violence, abuses and exploitation that have characterised the relationship between the Chilean State and the Mapuche people must end.

It is crucial to draw a new paradigm in which the voice of the Mapuche community should be listened to and in which development instead of being linked with the exploitation of resources and human rights violations, be aimed at "the constant improvement of the well-being of the entire population and all individuals", as the UN Declaration on the Right to Development affirms in its preamble.

Actually, the operationalization of the right to development marks a fair framework for tackling the adverse effects of economic and financial policies and the resulting inequalities that keep affecting Mapuche's rights.

In the same way, the Guiding Principle of Business and Human Rights provides a set of benchmarks to foster respect for human rights both by State and corporations.

On one hand, companies have to take measures to prevent, remedy and repair human rights violations due to the adverse impacts of their operations. On the other hand, the State has an overall duty to ensure that such measures are put in place and human rights are respected.

In this regard, the Chilean State has the legal obligation to respect the indigenous worldviews, to protect their identity and to preserve the environment. The "protect, respect and remedy" framework should pave the way to build a different and fair perspective as well as to cure intergeneration scars rooted in the Mapuche communities through ensuring access to effective remedy and compensation policies and working toward a peaceful solution to the conflict.

Finally, APG23 urges the Chilean State:

- (i) to ensure the exercise of the right to self-determination of Mapuche peoples;
- (ii) to realise full participation of Mapuche people in the decision-making process, guaranteeing free, prior and informed consent, according to the UNDRIPs;
- (iii) to promote the demilitarisation of Mapuche's lands, territories and resources as advised by the Expert Mechanism and in compliance with the international legal framework.

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(1) See <https://www.cooperativa.cl/noticias/pais/region-de-la-araucania/comando-jungla-gobierno-presenta-fuerza-policia-antiterrorista-para/2018-06-28/133625.html> and <https://www.telesurtv.net/news/comando-jungla-denuncias-pueblo-mapuche-chile-20181123-0004.html>.

(2) Article 10 of ILO 169

[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C169](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169)