The possibilities of dialogue between the Chilean state and the Mapuche people

After Gabriel Boric's call for a peaceful solution to the conflict in the regions of Bío Bío and Araucanía, the most radical Mapuche organizations, along with some analysts and politicians, rejected the possibility of a negotiation. While tough on crime policies are popular, they only exacerbate the problem in the long run. The experience in other countries suggests that peace is possible, even in situations as complex as Chile's, and that third parties may be necessary to facilitate the dialogue process in a neutral manner.

By Por José Aylwin y Pablo Policzer - March 1st 2022

Dialogue as a political strategy to achieve peace and establish new relations between the Chilean State and the Mapuche people has become a topic of debate after the election of Gabriel Boric as president. This strategy is central to his program and includes the proposals of many who understand that the conflict is essentially political in nature, given its historical and ethno-cultural characteristics. These views hold that the conflict in the regions of Bío Bío and Araucanía (called Wallmapu by the Mapuche) cannot be addressed exclusively through a penal and repressive strategy.

The President-elect’s dialogue proposal has been quickly criticized by the Coordinadora Arauco Malleco (CAM), one of the Mapuche organizations that calls for the use of force in the struggle for the rights of its people; especially against companies present in their traditional territory. Through social media, the CAM has ruled out ending violence under the incoming Boric administration, defending the use of political violence as a legitimate instrument of struggle, "whoever is in government".

On the other hand, influential analysts such as Carlos Peña have argued that it is not possible to engage in dialogue with a group like the CAM, which defends the use of violence and challenges
the State’s monopoly of force. For its part, in January the Chilean Chamber of Deputies approved a draft agreement presented by the Unión Democrática Independiente (UDI) party, urging the current and next government to establish "a clear and distinct policy against the terrorist groups that operate in the south of the country", and "not to negotiate" with groups such as the CAM.

Notwithstanding these reactions against the possibility of dialogue, Gabriel Boric has been emphatic in pointing out that his Government will talk with "all those who are available to lead the path of peace". With this, he has not only emphasized his position on the matter, but has also challenged those who oppose dialogue with sectors that use violence as a method of struggle. From the point of view of the government coalition, the Mapuche organizations that use force also want to achieve peace in a region that today is convulsed by the confrontation with the State.

**Dialogue until it hurts**

Reflecting from theory and from practical comparative experience on dialogue between groups that claim the use of force and the States in which they operate can help us make sense of this debate. Although each case has its own historical and political characteristics, which are not necessarily those of Chile, comparisons allow us to at least raise some key questions. Internal armed conflict situations arise when a State is unable to establish a monopoly of force. Calls to reject dialogue with armed groups are common. But when repressive options fail, many states opt for dialogue.

A first question that arises is how to engage in dialogue with groups that claim violence and reject the legitimacy of the State. On the one hand, the Constitutional Convention has reserved indigenous seats and has obtained a high degree of legitimacy as an institutional channel to address the historical debt of the Chilean State with indigenous peoples. On the other hand, groups like the CAM reject this institutional path and insist on the use of violence to obtain their political ends. It is worth asking then, why engage in dialogue with these groups if there is
already a constituent process? Does this undermine the legitimacy of the Constitutional Convention?

The experience in other countries indicates that political transformation processes in parallel with the promotion of dialogues for peace with armed groups is not incompatible. Dialogue processes in Northern Ireland, Sri Lanka, the Basque Country, the Balkans or the Caucasus have addressed a range of issues, from broad political transformation to ceasefires or disarmament. Occasionally, dialogues on specific topics can be connected to more general political transformations. In Colombia, the National Constituent Assembly of 1991 drafted a new Constitution in parallel to the peace process with the April 19 Movement (M-19). Both processes were complementary processes, not contradictory.

A second question is whether a democracy based on the rule of law can or should engage in dialogue with an armed group, whose objective is to dispute the State’s coercive monopoly. Here too, international experience shows that it is not contradictory to apply the law on the one hand (with the aim of establishing justice) and to engage in dialogue on the other (with the aim of achieving peace). Despite calls to “not talk to terrorists,” neither the UK nor Spain relinquished their monopoly on force in the dialogues, respectively, with the Irish Republican Army (IRA) or the Basque Country and Liberty (ETA). Similarly, the Colombian government did not abdicate the monopoly of force during the negotiation of the Peace Agreements with the Revolutionary Armed Forces of Colombia (FARC) in 2016.

A third question is how to engage in dialogue with actors who do not want to take that path. Here it is useful to separate the position of an armed group from the position of a government. One thing is that an armed group does not want to engage in dialogue. Quite another is that the government does not want to do so. A comparison reveals that being open to dialogue can sometimes make it possible to address problems that would not otherwise be resolved. “Iron fist” policies tend to have a lot of popular support: diametrically opposed to dialogue, they are based on the popular wisdom that it is not possible to negotiate with groups that opt for armed
resistance or criminality. But despite their popularity, there is plenty of evidence that these policies are not effective: they tend to lead to more violence, not less.

“Iron fist” policies presuppose that ending the violence is a precondition for resolving all other problems. That nothing else can be done before achieving peace. In conflict zones, violence is no doubt a problem, but so are economic development and the provision of public goods, such as education and health, land ownership, and the exercise of political rights, such as autonomy. In this context, dialogue with armed groups is simply one more tool to address problems that affect groups in conflict with the State. Different cases around the world show us that there are many possibilities (between peace and violence) that do not require the State to relinquish the monopoly of force or suspend the search for solutions to specific problems.

The participation of third actors

There is a great variety of actors and possible dialogues between the State and the armed groups: from direct official negotiations between both parties to unofficial dialogues facilitated by specialized non-governmental organizations. A dialogue may result in an official negotiation (or not) or it may generate issues to deal with later officially.

Comparative experience indicates on the one hand that dialogue with armed groups is not a magical solution to long-standing complex conflicts. But on the other, it is also not an impossibility: it is a political tool that, like any other instrument, has costs and benefits. Dialogue should neither be feared or completely rejected, nor should we think that dialogue will be an automatic solution to a conflict. It is an option that deserves to be seriously explored in a context in which repressive policies have clearly failed, especially when the escalation of violence is an alarming concern.

Having discussed the possibilities of a dialogue in the current conflict between the Chilean State and a sector of the Mapuche people, it is worth reflecting on the possible modalities of such a dialogue. Given the magnitude of the conflict and the mutual historical mistrust between the parties (which has possibly increased in recent years), a third party may need to facilitate or
observe a constructive dialogue. Mapuche organizations such as the CAM itself have on occasion also suggested this.

A key premise for a conducive dialogue is the impartiality of the third actor that facilitates or observes it. In the case of a serious and long-standing conflict such as the one in the Araucanía, it may be necessary to entrust this task to international entities or personalities. A second basic premise is that the organization or person that arbitrates the dialogue is defined by mutual agreement of the parties in conflict.

This is possibly a critical stumbling block for actors that have until now tried to promote dialogue as a way to address the conflict in the region. Facilitators have so far only been invited by actors external to the conflict, not by the parties themselves. These observers have had the support or approval of the government on behalf of the State of Chile, but not of the Mapuche organizations in conflict. This is not a minor issue, which possibly explains the failure or the low uptake of this type of initiative in generating a space for real dialogue between the parties.

Given the complexity of initiating a peace process between the State and the Mapuche people, initiatives of this nature should be carried out with the utmost reserve and without any publicity. Exactly the opposite of what seems to have happened so far. Announcements in the press prior to concrete progress or achievements, are counterproductive and can undermine the possibilities of dialogue. They tend to generate mistrust in the parties to the conflict, especially among those who are in a weaker position. This suggests that a final premise; namely, that discretion is fundamental in this kind of dialogue.

**Interculturality, conflict and dialogue**

Finally, it is important to keep in mind that this is an intercultural conflict. As such, it is shaped by very different cultural visions of life and the world. In this sense, Article 40 of the United Nations Declaration on the Rights of Indigenous Peoples (approved and ratified by Chile) establishes that “Indigenous peoples have the right to equitable and fair procedures for the settlement of conflicts and controversies with States or other parties, and to a prompt decision
on these controversies, as well as an effective reparation for any violation of their individual and collective rights. In such decisions, due consideration shall be given to the customs, traditions, norms and legal systems of the indigenous peoples concerned and to international human rights standards”.

We must not forget that the Mapuche people have a long tradition of dialogue, expressed through their historic Parliaments. For more than three centuries, until the mid-1800s, the Mapuche Parliaments were central to their relations with the Spanish crown first and with the nascent Republic of Chile later. The Coyagtun not only demonstrate a long dialogical tradition of the Mapuche, but also the dynamics of their culture that for a long time made peace agreements that prevailed over war possible in central and southern Chile.

Chilean history and the emerging Mapuche historiography indicate that dialogue was a central feature of the Mapuche Parliament tradition. In the past it made it possible to achieve peace with the colony and, later, with the Chilean State. Based on this experience that achieved a respectful and harmonious coexistence for several centuries, why not explore dialogue and negotiation once again?

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