

Benetton in Patagonia – The Oppression of Mapuche in the Argentine South

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On January 10, 2017, two hundred Argentine gendarmes (a federal security force) attacked the Pu Lof (community) of the Mapuches. The group has been occupying land owned by Benetton in the province of Chubut as part of the Mapuche Ancestral Resistance (RAM).ⁱ A report by Amnesty International states that the security forces committed, “acts of violence and repression [...] including beatings, use of batons, women having their hair pulled, and harassment of children in the community.”ⁱⁱ Later that day the local police raided the native community for allegedly stealing animals. The following day, police conducted a second attack on another nearby Mapuche community, firing lead and rubber bullets, which resulted in ten injuries, including a member of the community having his jawbone shattered.^{iii iv} On August 1, the gendarmerie raided the Pu Lof again, with a member of the community, Fernando Jones Huala stating, “They locked up the women, together with the children, in a security box, beat them and burned all their things: mattresses, blankets, toys, they burned everything.”^v Santiago Maldonado, who was supporting the Pu Lof, disappeared on the same day when he and other protesters clashed with police.^{vi} As of publication he remains missing.

Benetton, the global Italian fashion brand, currently owns 2.2 million acres of land in Argentina, an area the size of Puerto Rico. This makes the company the largest private landowner in the country.^{vii} It uses the land for livestock, farming, prospecting, fossil fuel extraction, and logging.^{viii} The events of January were not the first incident between the state and Mapuche on Benetton land. Despite this, Benetton, which acquired the lands in the late 1990s, claimed on its website in 2010 that the company has, “found itself unwittingly involved” in an issue dating back over 100 years, implying no complicity on the part of the corporation.^{ix} Regardless of Benetton’s purported innocence on the issue, it repeatedly has demonstrated a disregard for the rights of the indigenous people when it asserts its right to private ownership is paramount to the Mapuche’s antecedent claims. The Argentine state is also highly complicit in the rejection of indigenous rights, ignoring established legal precedents and actively demonising these groups as criminals to justify their violent oppression. All of these

factors have resulted in a situation in which the Mapuche are denied their rights to their ancestral lands, which are enshrined in the Argentine Constitution.

The Origins of Benetton’s Ownership – A History of Genocide and Neoliberalism

To understand the current situation it is important to examine the origins of Benetton’s vast landholdings. The Conquest of the Desert is the most blatant example of the Argentine State’s long-term oppression of the Mapuche. Many historians believe that the Mapuche have lived in Patagonia since 11,000 BCE.^x The Argentine State seized those lands from the Mapuche in the late nineteenth century. From 1878 to 1885, Argentine forces, led by the notoriously anti-indigenous future president Julio Argentino Roca, conducted “The Conquest of the Desert,” an ironic name, given that the land in question was both fertile and populated. The primary objective was to claim the territory for Argentine agriculture. Racial and social Darwinist ideas were used in order to justify the expulsion of up to 15,000 indigenous people from their lands.^{xi} The attacks marked the first true assertion of state power over the Mapuche in Patagonia. The conquest was largely underwritten by British funds, and the Argentine troops were armed with British-made rifles.^{xii} As a result, much of the conquered land was awarded to the Argentine Southern Land Company Ltd, based in London, in 1889.^{xiii} The company was nationalized in 1982 and renamed Compañía de Tierras del Sud Argentino S. A. (CTSA).^{xiv}

During the 1990s President Carlos Menem undertook a neoliberal overhaul of the Argentine economy. One of the defining characteristics of neoliberalism is the privatisation of government services and properties. This manifested itself in the mass privatization of state-owned land.^{xv} Menem encouraged rich Europeans and Americans to buy cheap Patagonian land. Among those who purchased land were notable international figures including Sylvester Stallone, Ted Turner, Jerry Lewis and George Soros.^{xvi} In 1991 the government sold the CTSA, and all the land it owned, to Edizione Holding International, a company owned by Benetton.^{xvii} The company purchased the land for \$80 million USD, a fraction of its current value.^{xviii} This sale is important to chronicle the oppression of the Mapuche in Patagonia as it established that it was not only the state that held more power than the Mapuche, but also private corporate interests.

Benetton: not simply, “unwittingly involved”

Although Benetton cannot be entirely blamed for purchasing land at such a favourable price from the state, its complicity in the oppression of the Mapuche is evident. The company has demonstrated its valuation of its rights to the private property over the ancestral rights of the indigenous people, even when the land in question was not being put to use. In 2002, two Mapuche, Atilio Curiñaco and Rosa Naheulquir, married and lodged a request with the Chubut agency, the *Autonomous Rural Institute of Rural*

Colonization and Development (IAC), to occupy 951 acres of undeveloped Benetton land.^{xxix} The family received positive, but unofficial, feedback on their application for the land in August 2002, and as a result occupied it with their four children.^{xx} The following month Benetton denounced the family for usurping its land leading to the family's eviction by judicial order.^{xxi} Shortly after, the police were able to oust the family from the land and seized their plough and oxen.^{xxii} A 2010 statement released by Benetton states that the family had, "claimed possession of the land in Patagonia from an ancestral and historical (i.e. not legal) viewpoint".^{xxiii} This argument is a fundamental misrepresentation of the law in Argentina; as article 75, section 17 of the constitution guarantees indigenous groups the right to, "communal ownership of the lands that they traditionally occupy."^{xxiv} Benetton attempted to prosecute the indigenous family for their occupation of the unused land, although it later offered to drop charges in November 2002 on the condition that the family would relinquish their ancestral claims to the land.^{xxv} The case received international coverage as well as the support of Argentine Nobel Peace Prize Winner Adolfo Perez Esquivel.^{xxvi} In 2004, the Curiñanco-Nahuelquir family was acquitted in Argentina and travelled to Rome, accompanied by Esquivel, to petition Luciano Benetton to allow them to reclaim their ancestral lands.^{xxvii} Benetton refused, but in 2005 offered the province of Chubut around 18,500 acres of territory to be given to the Mapuche community to appease international outcry.^{xxviii} This gesture was certainly not driven by a desire to provide the community with a viable parcel of land to inhabit, as a survey by the National Institute of Agricultural Technology recommended that the government reject the offer, due to the 'disproportionate investment' required to make the land useful to be worked.^{xxix} As a result the governor of the province of Chubut, Mario das Neves, turned down the offer in 2006.^{xxx} Benetton also owns the museum in the nearest town of Leleque which, according to *The New Internationalist*, presents the Mapuche as invaders from Chile, thus delegitimizing their claims to the land.^{xxxi} Benetton has prioritized the company's right to private ownership of the land while attempting to legally sanction the Mapuche for attempting to assert their ancestral claims.

Legal Protections: Theory vs. Practice

The state of Argentina, despite its history of oppression of its indigenous population, provides indigenous groups with clearly stated legal rights in regards to issues of land. Unfortunately, these rights are rarely respected. The Argentine constitution emphatically states the rights of Mapuche to their ancestral lands, as well as an imperative, "to recognize the ethnic and cultural pre-existence of the Argentine indigenous peoples."^{xxxii} Law 26160, passed in November 2006, prevents the eviction of registered indigenous groups, and law 26894 extended that decree until November 23, 2017.^{xxxiii,xxxiv} A representative of the community told the Argentine newspaper *Página 12* in January that there are historical documents that had established that the Mapuche inhabited the land before the Argentine State even existed.^{xxxv} Despite these theoretical rights, many of the indigenous people did not actually hold legal titles to the land they live on, so it was considered to be public property.^{xxxvi} United Nations Special

Rapporteur on the rights of indigenous peoples, James Anaya, concluded in 2012 that “a significant gap remains between the established regulatory framework on indigenous issues and its actual implementation” and that “the multiple cases of evictions of members of indigenous peoples from land claimed by them on the basis of their traditional or ancestral occupation of it are of great concern to indigenous peoples throughout the country.”^{xxxvii} Human Rights Watch also reported in 2015 that “indigenous people in Argentina face obstacles in accessing justice.”^{xxxviii} The rights of indigenous people, enshrined by the constitution and protected by laws, are not applied by the state, leaving these groups vulnerable to oppression.

The Government and the Mapuche – Demonization and Violence

Benetton, despite its opposition to the ancestral claims of the Mapuche, is powerless to resist their occupations without the collaboration of the Argentine State. Both the Judicial Branch, and the Executive Office in Chubut have repeatedly demonstrated their opposition to the Mapuche and hostile treatment of their attempts to assert their rights to the land. Jaquelin Marin, a member of the Pu Lof reported to the Argentine newspaper *Página 12* that since the start of their occupation, in March 2015, the local police have constantly harassed the indigenous community by insulting members and firing shots into the air.^{xxxix} The first attack on January 10 came after the local judge Guido Otranto ordered the removal of blockades placed on the Old Patagonian Expressway known as ‘La Trochita’.^{xl} *Amnesty International* reported that “there was no correlation between the order issued and the scale of the operation, and there was no effective judicial control over the deployment of the security forces, which led to the abuses and violence committed by these forces.”^{xli} Otranto himself clarified that the order was solely for the removal of blockages on the train tracks.^{xlii}

The second raid was ordered by Judge Jose Colabelli, a local judicator for the town of Esquel, and a man who has repeatedly put private interests over the rights of indigenous communities. Colabelli was the judge who ordered the eviction of the Curiñanco-Nahuelquir family in 2002 and had been dismissed from his position in 2004 for his role in the eviction of another community in Vuelta del Rio.^{xliii} He was reinstated in 2010 and Gustavo Macayo, the lawyer who had represented the Vuelta del Rio community ominously warned that his reappointment would have consequences, “especially for the indigenous people and the most vulnerable populations, who have been the most affected by the actions of former Judge Colabelli.”^{xliv} His order on the 10th of January was issued on the basis of alleged cattle rustling by the Pu Lof. According to reports from community members, the police forces took all of the animals in the surrounding area, including several horses used by the inhabitants for ceremonial purposes.^{xlv} One reason for his pro-Benetton stance could be the fact that his wife, Gladys Carla Rossi, runs the Italian consulate in Esquel.^{xlvi} This certainly presents a potentially contentious issue with regards to the impartiality of Colabelli when it comes to dealing with matters pertaining to the Italian conglomerate’s desire to remove settlers from the lands they claim.

Governor Mario Das Neves of the Judicialist Party (PJ), has also played a significant role in facilitating the violence against the Mapuche by characterising the groups as, “delinquents” and accusing them of attempting to provoke riots in order to justify later police action.^{xlvi} Das Neves governs the province that receives more taxes from Benetton than any other Argentine province, and undoubtedly has been incentivized to side with the corporation.^{xlvi} The month before the attack, Das Neves drew comparisons between the RAM and the FARC in Colombia, accusing the former of attacking private property.^{xlvi} This sentiment has been echoed in local newspapers who have drawn the FARC comparison as well as suggesting similarities with ETA in Spain.^l This could be considered a concerted effort by the government to delegitimize attempts by the Mapuche to reclaim their ancestral lands. The Das Neves government has also attempted to link the RAM to the website paimapuche.org, which has been linked to acts of sabotage, despite the fact that the website only pertains to actions in Chile.^{li}

This effort to delegitimize these groups also extends to the federal government. A report issued by the Argentine Ministry of National Security in August, 2016 asserted that the ancestral claims of the Mapuche are not constitutionally protected, but instead described their occupations as federal crimes.^{lii} On August 1 the Chief of the Cabinet of the Ministry of Security, Pablo Nocetti, stated that, by the order of the Minister of Security, Patricia Bullrich, and with the consent of President Macri, he went to Esquel to agree a system of coordination between Rio Negro and Chubut provincial forces against the RAM.^{liii} That same day, the police conducted their raid against the Pu Lof. On January 12, The Association of Lawyers for Indigenous Law, the Provincial Commission for Memory, the National Aboriginal Pastoral Team, and the Center of Legal and Social Studies submitted a petition to Bullrich. It noted their belief that there was a direct correlation between the actions of the federal and state governments to mischaracterize these indigenous groups and the violence that they face at the hands of the police and Gendarmerie.^{liv} Indeed the Gendarmerie is a force that exists to serve domestic security and national defence, and officially reports only to the federal government.^{lv} Their use in the suppression of a small Mapuche resistance group would certainly not be justifiable unless there was evidence that the group presented a genuine threat to national security. The blocking of train tracks may not constitute this, but perhaps their presentation, by both the Federal and Chubut governments, as a violent, criminal group certainly would.

The U.N has issued a request for urgent action in the disappearance of the activist, Santiago Maldonado, but Bullrich denies that the gendarmerie are responsible for his disappearance.^{lvi} She has described the gendarmerie under her leadership as “human rights defenders” and asserted that there is no evidence, “that the Gendarmerie has had any kind of participation” in the disappearance of Maldonado.^{lvii} Indeed Bullrich continued the systematic demonization of the Mapuche when she went on to say that the current administration, “Are not going to allow an autonomous Mapuche Republic in the middle of the Argentine State” characterising a small settlement on private land as a conspiracy to secede from the nation and as “anarchist logic”.^{lviii}

Conclusion

Both Hebe de Bonafini, one of the founders of the *Madres de la Plaza de Mayo* (Mothers of the Plaza de Mayo), as well as the Front for Victory bloc of the PJ have condemned the violence against the Pu Lof.^{lix} The Mapuche face both racism and economic isolation when living in Patagonian towns, so their desire to settle on their ancestral lands, away from the people and government which do not respect their fundamental rights, is entirely understandable.^{lxi} In the opinion of those occupying the land in Chubut, the apparently disproportionate crackdown of 200 Gendarmes against a community of less than twenty people is understandable.^{lxii} To them, their occupation serves as a symbol to indigenous people across the region. One member of the community said “this kind of occupation always generates replicas over time in other communities. We are slowly planting the idea of regaining territorial control.”^{lxiii} The Mapuche’s desire to regain control of their ancestral lands is unlikely to come to fruition anytime soon. As of now, they face opposition from both the State and Benetton, driven by long standing state oppression of the Mapuche as well as the continued injurious ideological impacts of neoliberalism. It was a series of such policies that resulted in Benetton’s ownership of such vast areas of land in Argentina. It is the same ideology that is driving the prioritization of Benetton’s private interests over the stated rights and desires of the indigenous people of Argentina. Until the government decides to respect its own laws and constitution, the Mapuche will continue to be oppressed and Benetton will continue to be able use their ancestral lands for their own private purposes.

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