

3 Governance

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3.1 Historical governance

According to oral tradition, *Hotu Matu'a* the leader of the first Polynesian settlers and first *Ariki* (king) of the Rapanui, distributed the territory among his people and established the rules for their coexistence and therefore for the Rapanui social system [1]. The land was divided in two *mata* (territories, and also tribes) according to lineage among tribes of *Miru* and *Tupahotu* ascendance. Within these territories each clan was assigned a particular section of land. The rights of each clan to its land was strictly enforced and even unauthorized movement across other clan's land seem to have been punished. This hierarchical political system including clan chiefs and culminating in the centralized authority of the *Ariki* appears to have broken down during general societal upheaval prior to societal collapse [2]. Maurata, the last *Ariki*, died in slavery as a consequence of the slavers raids of 1862. When the missionaries arrived in 1864 the kingship was incarnated in 12-year old Gregorio, son of Te Pito. The indigenous population felt for him certain respect but he never interfered in affair of states. He died the same year [3]. During the final phases of prehistoric political evolution, the chiefly elite was replaced by a "warrior class", the *mata-toa* [4] that, notwithstanding the catastrophic societal degradation that followed, retained ancestral authority following European contact.

Several phases of autocratic governance mark the initial recorded history of Rapa Nui. The arrival of missionaries was accompanied by the brief rule of a foreign "king", Frenchman Jean-Baptiste Dutrou-Bornier who, in 1871 declared himself ruler of the Island and its estimated 175 local inhabitants. Dutrou-Bornier's self-proclaimed authority lasted until 1876 when he was killed. After his death, a kingdom was re-established in 1882 under the leadership of the missionaries, modelled along the lines of a district council in Tahiti, with an *Ariki* (king), two to 'opae (councillors) and two judges [5]. The Chilean authority over Rapa Nui commenced in 1888 with a declaration of colonial possession that denied the rule of 12 chiefs at that time. Despite this declaration, the Chilean state exerted limited formal control over the Island. Between 1892 and 1896, Rapa Nui even declared itself independent under the rule of the *Ariki* Simeón Riro Kainga. In 1896, however, State authority over the Island and its inhabitants was assigned to the commercial operation of Enrique Merlett, and then to the company he shared with Williamson-Balfour, the *Compañía Explotadora de Isla de Pascua* (CEDIP). Following these periods of commercial control, the Chilean Navy held authority over the Island from 1953 to 1966.

Systematic civil governance of Rapa Nui by the Chilean state commenced in 1966 with the granting of Chilean citizenship to the Island's inhabitants. The Easter Law of 1966 (*Ley Pascua* [6]) ended navy rule and inaugurated Easter Island as a region within the Chilean Province of Valparaiso [7]. This entailed the creation of Department of Easter island within the provincial government, the creation of the Easter Island municipal government. It also included establishment on the Island of an administrative system representing Chilean ministries and other institutions. The subsequent Indigenous Law of 1993 (*Ley Indígena* [8]) recognized particular rights of Chile's indigenous communities, including the Rapanui and initiated a reform process that culminated in 2003 in the creation of a statute of autonomy and the recognition of the exclusive right of Rapanui to land ownership in the Island. The

Indigenous Law also established the *Comisión de Desarrollo de Isla de Pascua* (CODEIPA, lit. Easter Island Development Commission) with responsibility for formulating plans for land allocation, economic development and cultural preservation on the Island, and legally recognized the Elders' Council of Rapa Nui by assigning its president a permanent position in CODEIPA.

The Elders' Council is a collegiate organization rooted in Rapanui historic tradition and costumes. It is comprised of 36 members, representatives of each of the 36 traditional family names that derive from the different clans that existed on the Island in ancient times. Each family name groups several families on the Island. In this way, each Rapanui family is effectively represented by a member in the Council. The permanence of the members is indefinite, dictated only by the effective support of the families they represent.

3.2 Contemporary governance

Current governance arrangements on Rapa Nui involve a combination of Chilean provincial mandates and a degree of local autonomy. According to the current Chilean Political Constitution, the country is divided in Regions, Provinces and Communes, governed by a Regional Government led by the Regional Intendent, a Provincial Governor and a Municipal Council led by a Mayor, respectively. Under this constitution, the former Department of Easter Island is now the Province of Easter Island, a part of the 5th Region, Valparaíso.

Special territory status granted to Rapa Nui under constitutional reforms in 2007 (article 126 bis) [9] allows for greater autonomy and reorganisation of governance arrangements that have, to date, not been undertaken [10]. Proposals for new governance arrangements granting greater autonomy to the Island include the removal of Easter Island from Valparaíso province and the establishment of a special-territorial representative government with a local special-territory governor [11]. Until the special-territory administrative structures are implemented, the province and municipality of Easter Island are legally undifferentiated from their continental counterparts.

The Provincial Governor of the Easter Island is currently nominated by the national executive and is the primary representative of the national government on the Island. The Governor chairs CODEIPA, providing the position with a degree of control over economic planning, including tourism and land use, on the Island.

Unique to Rapa Nui, CODEIPA is comprised of [12]:

- the Governor of the Island,
- 4 representatives of national ministries (Social Development, Education, National Assets and National Defence),
- 1 representative of the Production Development Corporation (CORFO, an economic agency that depends from the Ministry of Economy, that manages the local SASIPA),
- 1 representative of the National Forestry Corporation (CONAF),
- 1 representative of the Indigenous Development Corporation (CONADI, comparable to the CODEIPA at national level),
- the Mayor of the Island,
- 5 representatives of the Rapanui, elected by suffrage, and
- The president of the Rapanui Elders' Council



Figure 3.1 Members of CODEIPA in 2016 (source: www.conadi.gob.cl/codeipa).

The Elders' Council has an advisory role to the local Provincial Governor and CODEIPA in all matters that affect the protection of Rapanui cultural tradition and heritage. It has been a major reference source in the development of every law and statute since the indigenous law of 1993. In recent times the Council has embraced the task of preserving and promoting the Rapanui language.

In addition to electing the local representatives for CODEIPA, democratic governance is provided through municipal elections. Six members of the Municipal Council are elected by direct suffrage. These six Council members then select a Mayor to lead the Municipal government, though in practice the position of Mayor is allocated to the Council member that received the most electoral votes. Notwithstanding the Governor's primary position as representative of the Chilean state, Mayoral authority extends to most practical aspects of governance, including control of land use, public services and law enforcement through the police service. The Municipality is, however, affected by scarcity of resources due to its legal impediment to collect territorial taxes and licences, including operation licences to commerce, restaurants, bars and hotels, vehicle licences, etc., in accordance to the Easter Law of 1966. The municipal government depends entirely for its operation of the share of the common municipal fund that the national government assigns to it. Accordingly, in 2007 it was decreed that the Municipality of Easter Island will receive a compensatory fund, equivalent to 1.7 times the expenditure in staff and goods declared for the preceding year [13].

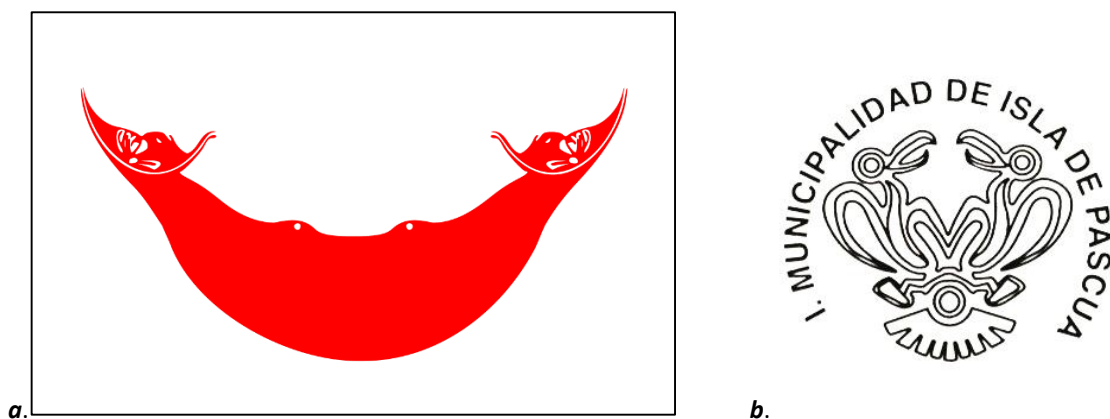


Figure 3.2 The flag of Rapa Nui (a) and the logo of the Municipality (b).

In recent years, several decisions have been subject to public vote to the local community. These include, among others, the conditions of the new migratory law, the creation of the Rapa Nui Marine park, the co-administration of the Rapa Nui National Park.

Alongside official governance arrangements comprising the governor, CODEIPA, the Mayor, the Municipality and the Elders' Council, unofficial organisations have implications for governance on Rapa Nui. Specifically, the Rapa Nui Parliament. The Parliament formed in opposition to the Elders' Council, with a focus on resisting integration with Chile and promoting Rapanui self-determination. The group has been involved in several riot activities, some of them resulting in violent encounters with police forces on the Island. Their actions and discourse has been publicly rejected by several sectors of the Rapanui population.

3.3 References

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