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CONTRADICTIONS IN MULTICULTURAL INDIGENOUS POLICIES: A SYSTEMIC ANALYSIS OF THE CHILEAN STATE'S RESPONSE TO MAPUCHE DEMANDS

Summary

Even though no part of the world is untouched by the global economy, the role played by the State continues to have an impact on the resistance of indigenous peoples, and Chile is no exception. At present, the Chilean government presents several contrasting faces to indigenous peoples. On the one hand, it offers multicultural public policies based in "Development with Identity", whose formal objective is to generate economic and social development from the ground up. In contrast, in areas where the indigenous communities are in conflict with large companies over the control of natural resources, the Chilean government considers these communities to be terrorists, denying their basic legal rights.

At present, there is a diversity of positions within the Mapuche movement and within Mapuche communities with respect to the Chilean State, although the media tend to emphasize only the violent conflicts. Our paper analyzes the development of the "conflict" between the Mapuche and the Chilean State due to the extractive activities of private companies from a systemic perspective, situating this conflict within the larger international political and economic system.

Keywords: social movement, social conflict, land policy, indogenous and global interest, Chile

INDIGENOUS PUBLIC POLICY: A CRITICAL ANALYSIS OF THE ROLE OF THE CHILEAN STATE IN MAPUCHE TERRITORY

Jeanne W. Simon and Claudio González-Parra

Introduction

In 2009, southern Chile has appeared constantly in international and national news due to the violent confrontations between police forces and indigenous communities. Although the principal conflict is between indigenous communities and private land owners, (where) the Chilean State has emerged as the principal actor due to its active defense of private property rights. There is a generalized perception that the public policies targeted at indigenous communities in the last 15 years have been ineffective and that there is no easy solution to this conflict. Most of the analyses consider that the causes of this conflict are local and/or due to poorly designed policies, while Mapuche scholars question the Chilean State's intentions. Assuming that the State's intentions are to effectively integrate the Mapuche while respecting their diversity, this questioning indicates that the Chilean State has not been effective in clearly establishing their objectives much less in achieving them. The central position of this paper is that an analysis to characterize the role of the Chilean State in Mapuche Territory from a perspective based in indigenous studies will provide a new starting point for the development of effective indigenous policy and a transformation of the present conflict.

Perspective of Indigenous Studies

The field of indigenous studies is multidisciplinary and is unified by its research goals and object of study rather than by theoretical perspectives. Most of the scholars are of indigenous descent and criticize how the social sciences conceptualize indigenous persons as objects rather than subjects of their lives, history and social organizations. In general, their academic contributions have had more impact on global rather than national public policy.

Indigenous peoples all over the globe question the benefits of globalization process because they generally receive less of its economic benefits while paying for many of its costs. Even in the case when there are especially designed programs to assure their inclusion, many indigenous peoples still question globalization because they understand that their dignity, values and beliefs are under attack. These perspectives are often perceived by dominant groups as a threat to the status quo or have been used as an excuse to dominate or suppress them. At present, there is no obvious model to follow in order to develop harmonious relations between indigenous people and the State because each case is considered to be unique due to different cultural systems and historical developments.

Still, many similarities exist within the diversity of present-day conflicts between Nation-States and indigenous peoples. First, these conflicts generally involve control over land (and natural resources) and/or cultural differences. Thus, the diverse forms of resistance and cultural survival developed by Lakota, Navajo, Wampanoag and California Indian peoples in the United States, the Warli and Gond adevasi in India, the Maori peoples in New Zealand, and the Zapotec and Zapatista-led Tzotzil peoples in Mexico can be understood as a response to larger globalizing processes (Fenelon and Hall, 2008; Hall and Fenelon, forth-coming).

Secondly, the State's response to this resistance is also very similar in different countries. The demands for "self determination", "autonomy" and collective ownership of land are generally perceived as questioning the very fundamental base of the nation-state and economic development when these communities deny access to their natural resources. In response to their refusal, the State will actively or passively support the violation of these rights for the common good (economic development), and generally does not act as a mediator to guarantee the community's ownership rights. Fenelon and Hall (2008) argue that this is a logical result in a world structured by the international state system and global capitalism, which are hostile to collective societies and non-capitalist forms of production.

However, this negative vision of the State's role contrasts with the advances made in the ways of conceptualizing indigenous peoples and their rights in the global system. Especially within the United Nations System, there is an increased recognition of indigenous rights and most States have introduced multicultural public policies to address structural discrimination and maintain cultural practices while integrating indigenous persons into national society. In the case of Chile in the last 15 years, the State has implemented multicultural public policies based

in "Development with Identity", whose formal objective is to generate economic and social development from the ground up.

In order to re-conceptualize the different factors involved and critically analyzes the relation developed between the State and different indigenous communities in southern Chile from an indigenous studies' perspective, we first need to recognize that colonialism continues to structure both indigenous and non-indigenous understanding of indigenous resistance. Linda Tuhiwai Smith, in her seminal book *Decolonizing Methodologies: Research and Indigenous Peoples* (1999: 1), clearly establishes how "the term research is inextricably linked to European imperialism and colonialism." Indeed, throughout her book, Tuhiwai Smith explains and illustrates how colonial concepts are imbedded in Western methodologies, and as a result scientific knowledge is really subjective knowledge that maintains indigenous peoples in an inferior position in Western society. Her criticism of Western methodologies is to make them more universal, more objective, and ultimately to transform them into tools that can be used to improve the quality of life of all people. Our objective is similar: our intention is to trace out the elements of an argument that makes the indigenous resistance more understandable, while also suggesting ways in which to establish a dialogue.

The Mapuche[1] and the Chilean State

As suggested by Tuhiwai Smith, we need to decolonize our ways of thinking and especially our understanding of history. The history that is told needs to be based on facts but also on the recognition of different interpretations of those facts. The objective of the present paper is to characterize, contextualize and explain the positions of many Mapuche with respect to their relation to the Chilean State. In contrast with most Western thought, the Mapuche world vision is closer to systemic than to linear analysis because they perceive interrelations rather than linear chains of cause and effect.

Additionally, their perspective is historical. For the Mapuche, any reconciliation must begin with the recognition that the conflict begins with the arrival of the Spanish and that the Chilean State is essentially a continuation of Spanish colonial government because this is a critical point in their history that explains (partially) where they are today.

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[1] The media and the Chilean government use the term to refer not only to the Mapuche but also to refer to other related indigenous groups, such as the Lafkenche and Pehuenche. Despite the fact that this term hides important differences, we use the term to emphasize their common cause with respect to the Chilean State.

To begin to establish a dialogue, the Chilean government and society should also recognize the positive elements and contributions of Mapuche culture. Although they did not develop a complex civilization like the Inca or Maya, the Mapuche are unique because they are one of the only indigenous peoples in Latin America who were not colonized by the Spanish conquistadores despite constant warring and negotiations. Although they subsequently lost control of much territory, at the time of Chilean Independence (1810), the Mapuche controlled the area south of the Biobio River, approximately half of present-day Chilean territory.

Shortly after obtaining independence, the new Chilean State focused its military force to control the southern territory by eliminating Mapuche resistance. After defeating the Mapuche in the early 19th century, the Chilean State acted to establish control over the new territories. First, the Chilean government began to offer indigenous lands to foreign and Chilean settlers because this land was considered to be "empty" since the Mapuche were no longer considered to be people. Subsequently, they legally created "indigenous land"[2] and marginalized the different family groups (lofs) by "giving" limited pieces of land in community property titles to State-defined "indigenous communities", which are the Chilean equivalent of reservations (*reducciones*). The property associated with each community was determined by the Chilean State and did not necessarily correspond to the traditional lands, especially in the case of the Pehuenche who were cattle raisers and not settlers.

These and other state actions have strongly impacted over time the present-day social organization of the Mapuche in diverse ways. First, Chile is a centralized, unitary State with a well-established presence throughout its territory since mid 1950s[3]. State presence includes police presence as well as public education and health clinics with strong assimilation policies. Even at present, the indigenous communities have little control over their education, health and justice systems. Additionally, the Chilean State has a dominant role in the definition and enforcement of the rights that indigenous peoples have within its boundaries, although

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[2] The definition of an "indigenous community" is based the Chilean State's understanding of the indigenous political structures, and it transformed the original dynamic concept of "lof" into a land-based concept of community based in the authority of the community chief, the lonco.

[3] Public schools and health clinics were first established in indigenous territory in mid-20th century as part of a public policy to strengthen State presence throughout Chile. In 2008, 57% of the communities have a publicly funded school within community limits, and the rest of schools nearby. As a result, virtually all indigenous persons have attended school, although the majority of the persons born before 1960 did not finish elementary school. Younger generations have received more education in comparison with their parents. (Census 2002)

international organizations increasingly influence (but do not determine) government actions.

Construction and consolidation of the Chilean State and economy encouraged and required the assimilation of indigenous populations. The results of these processes can be observed in present-day Mapuche who often do not speak Mapudugun, present a certain opening towards the dominant culture and have adapted their lifestyles to favor mayor integration, including moving out of their communities and marrying non-indigenous persons (Irrazaval and Morande, 2007).

With the neoliberal policies implemented by a military government in the 1970s and 1980s, state presence was reduced in social services but not in police force. Furthermore, the liberalization and opening up of the Chilean economy, especially to Foreign Direct Investment, resulted in the transformation of many communal property rights into individual property titles and separated water rights from land rights, resulting in increased presence of commercial and extractive activities in indigenous territory.

Many Mapuche leaders participated actively in political parties prior to the military coup in 1973 and then in the opposition to the military government, and many form or formed part of the Concertation governments. Generally, they help the government better understand Mapuche demands, although they have often had the responsibility to implement government decisions with respect to indigenous policies. In the cases when they have disagreed, they have often lost their jobs[4].

With the return to a liberal democracy in 1990 and the decreeing of the Indigenous Law (19.253), the Chilean government began to offer multicultural public policies based in "Development with Identity", whose formal objective is to generate economic and social development from the ground up. Even though these policies were designed in collaboration with representatives of different indigenous communities to protect traditional indigenous identity, the general perception is that they have not because they do not address the structural discrimination existing in the system[5]. Furthermore, most indigenous leaders are critical of the indigenous policies and especially Indigenous Law because they do not immediately keep the promises made by the then presidential candidate Patricio

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[4] See for examples the case of Domingo Namuncura, who lost his job because as Director of the governmental indigenous development corporation (CONADI) voted against the transfer of property rights from indigenous persons to the electrical company. For more details see Namuncura 1999.

[5] See for example, the discussion of Yańez and Aylwin (2007).

Aylwin in the Nueva Imperial Agreement, such as recognition as a nation and signing of the International Labor Organization Convention 169. Indeed, many persons of indigenous descent do not believe in the government's promises and even less that the government is well intentioned due to the contrasting image of State presence in the "communities in conflict"[6].

In contrast to their multicultural policies, in areas where the indigenous communities are in conflict with large companies over the control of natural resources, the Chilean government considers these communities to be terrorists, frequently denying their basic legal rights. For many of both indigenous and non-indigenous descent, these repressive actions show the "true nature" of the Chilean State. In response, many Mapuche have decided that military defense of Mapuche Territory (Wall Mapu) is the only option. Although the Chilean State cannot be considered especially violent towards the Mapuche (in comparison with other countries), indigenous communities have limited local autonomy due to the Chilean State's control over social, economic and political organization. Interestingly, this control has increased with the multicultural policies implemented in the last 15 years (Simon and González-Parra 2008).

As can be observed in this brief description, the relationship between the Mapuche and the Chilean State is complicated by the diverse social constructions of the past. These constructions have become even more complex due to the preeminence of the "Mapuche Conflict" that began to emerge in the late 1990s, where the media have The media has also played an important role in shaping public opinion as well as marginalizing Mapuche voices. The objective of the next section is to deconstruct the Mapuche conflict by characterizing the different identities present in both the State's position as well as within the Mapuche Movement.

THE MAPUCHE "CONFLICT"

The term "Mapuche Conflict" began to appear in Chilean media in the late 1990s, and since then it continues to dominate the public images of Mapuche in Chile. The construction of an image of Mapuche as violent and destroying the private property of law-abiding, tax paying citizens, with references to the "warlike nature of the Mapuche race" has replaced the previous stereotypes of Mapuche as lazy and drunks. At present, the dominant image is that the Mapuche create problems, are conflictive, and present a dangerous threat to the Chilean economy

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[6] For a good discussion of the distrust, see Bengoa (1999).

and society[7]. As a result, the actual conflict is also a struggle over images in the media and popular opinion.

The term "Mapuche Conflict" was first used by the lumber companies in 1997 in the Provinces of Arauco and Malleco (see Map). Javier Lavanchy, one of the Chilean intellectuals dedicated to the analysis and discussion of the "conflict", argues that it began with acts of Mapuche violence, and specifically with the burning of trucks transporting lumber near the town of Lumaco (Lavanchy 1999). The dominant image of the Mapuche present in the Chilean media is that they are unreasonable and are only interested in stealing and destroying private property.

Although the principal conflict is between the Mapuche and the Private Sector, the private companies and landowners are generally presented as victims of the violence while the Chilean government emerges as the principal defender of the economic system. Although the State argues that it is neutral and desires only to "maintain order", the strong police presence and judicial prosecution makes it appear as the protector of economic interests of national and transnational companies rather than Mapuche rights. Consequently, the State has no legitimacy when it seeks to be a "mediator", who looks to promote the common good by facilitating the discussion between the mobilized communities and the private companies and landowners.

However, before it can assume the role of mediator, the State needs to demonstrate that it is neutral and capable of understanding the perspective of indigenous communities as well as the other affected groups. In the following section, we characterize the Chilean State's position as manifested in the implementation of its public policies, contrasting the government's interpretation with the perception of the Mapuche movement

PRESENT-DAY RELATIONS BETWEEN THE MAPUCHE
AND THE CHILEAN STATE

The Chilean's State's present position needs to be understood within its context. First, Chile has been governed by a center-left coalition for the last 19 years, assuming power after 17 years of military dictatorship, although its roots lie in the military dictatorship. One of the defining elements of the public policies of the four *Concertación* governments in the last 18 years is their desire to demonstrate that economic development and poverty reduction is compatible

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[7] See especially the press coverage with respect to the land disputes in the town of Ercilla.

with democracy (and human rights). Additionally, the democratic transition was achieved peacefully following the Constitution put in place by the military regime, and the government has preferred incremental over systemic change and institutional channels rather than public protests (Simon 1999; International Development Bank 2006).

Most politically active Mapuche participated and/or supported the Concertation based on the agreements reached with Patricio Aylwin in Nueva Imperial prior to the presidential elections of 1989. However, some of the most important points of the agreement, as mentioned earlier, were not immediately achieved, generating discontent and deception among many Mapuche leaders. Furthermore, in conflicts between indigenous peoples and private sector companies, such as in the case of hydroelectric dam construction and forest companies, the Chilean government has protected the property rights of the private companies, arguing that this position is necessary to ensure Chile's economic development. Still, the government, together with the private sector involved, has increasingly invested money in programs targeted to indigenous populations in order redress previous grievances and to mitigate problems associated with present-day policies.

As can be observed in the brief sketch, there are two principal positions. The first position, supported by the government and the private sector, favors sustainable national economic development. The second position, supported by the Mapuche movement, argues that local populations have the right to define the kind of development desired. The following discussion briefly characterizes the different positions.

The Government's position

The government's position is complex and divided in three separate identities: national economic development, development with identity, and governability, where only the "governability" identity directly addresses the Mapuche conflict. This section describes the basic characteristics of state policy based on official documents and comments as well as the perception of indigenous communities.

National Economic Development and Corporate Social Responsibility

As mentioned earlier, economic growth and economic stability is a fundamental value for the Concertation government. Their position is based on the argument that continued democratic stability and progressive social policies depend on good economic management and continued economic growth. Indeed, the Finance Ministry (*Ministerio de Hacienda*) is considered to be the most influential ministry within the Chilean government.

For economists, Chile is considered to be a model in Latin America for how to achieve sustained economic growth. Indeed, Chile presents itself as a country with both political and economic stability for direct foreign investment. In short, the Chilean government seeks to combine economic development with both environmental and human rights concerns. Changes at the international level have also encouraged many of the transnational and national companies to incorporate corporate social responsibility into their strategic planning.

Within this context, we can understand how President Ricardo Lagos in 2002 saw no contradiction in his position when asked about the construction of the Ralco Dam in Pehuenche ancestral territory during a celebration of the 9th Anniversary of the Indigenous Law. He defended the construction of the dam indicating that "to say no to Ralco would mean an increase in the price of electricity... I know that there are problems with Ralco, but I also know that Chile needs electricity to continue to grow." (El Mostrador, 12 October 2002)

Similarly, lumber and associated products are one of the principal motors of the Chilean economy, and indigenous territory is one of the best areas for growing trees. Chile, in international economic negotiations, has prioritized the expansion of lumber plantations in order to assure future growth of this sector. Additionally, the Chilean government continues to finance research to improve the efficiency in this sector.

Due to the increased internationalization of the Chilean economy, Corporate Social Responsibility has been increasingly incorporated into the strategic planning of different national and transnational companies in Chile. In 2001, the Mininco Forestry Company developed a "Good Neighbor Plan" in order to improve their relationships with Mapuche communities, incorporating three principal values: 1) avoid actions that could damage surrounding communities, 2) promote better relations between company employees and neighbors, and 3) develop programs that will mitigate poverty in nearby areas.

In short, the government and the private companies operating in indigenous territory believe that economic development and growth is necessary and can be achieved in cooperation with surrounding communities. As a result, the private sector seeks to develop friendly" relations with surrounding communities and the government seeks to develop culturally conscious social policies that will enable the communities to fully integrate into national development. Those communities that continue to resist are considered to be "unreasonable" and destructive.

Development with Identity

At least in official discourse, the democratic governments since 1990 have sought to generate support for its economic and social development model and to respond to Mapuche demands for recognition and greater equality, targeting governmental action through the creation of a new institution, the National Corporation for Indigenous Development (CONADI) and new approaches with the establishment of the Indigenous Law (19.253). Despite this effort, the indigenous policies developed are considered by most actors to be insufficient, although for different reasons[8].

Indigenous policy has changed incrementally over the last 18 years, although its compensatory nature has remained a dominant. The government has introduced changes in response to the demands for more resources from indigenous populations as well as the demand for greater governability in Mapuche territory from the private sector. In short, it seeks to address grievances due to past aggression or violations of human rights, and the majority of government spending lies in the purchase of indigenous land and water rights from private landowners (57% of CONADI's 2008 budget was spent to purchase land and water rights). Even when in practice the purchase of land often occurs where there is conflict, the evaluation is principally based on the amount of time the community has existed (i.e. recognized by CONADI) rather than on the ancestral claims to that land. Since no information on ancestral claims is required, many purchases are made that have even created conflicts between communities (González-Palominos, Meza-Lopehandía Glaesser, & Sánchez Curihuentro, 2007).

A second characteristic of indigenous policies is the mitigation of problems generated by private sector activity in indigenous territory. These policies are reactive and emerge in response to the conflicts between the indigenous peoples and the private sector. Some of the most emblematic conflicts are: 1) the construction of hydroelectric dams in Pehuenche territory, 2) conflicts over land ownership with lumber companies in Arauco and Malleco, and 3) the installation of garbage dumps near indigenous communities.

Since the Chilean government is interested in the realization of these private sector activities, it designs policies and/or assures that the private sector implements policies that will mitigate the problems created by their productive activity.

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[8] José Aylwin (2008) considers that the Mapuche conflict is a response to the incapacity of the Indigenous Law to satisfy the needs of indigenous communities. Villalobos-Ruminott (2006) argues that the conflict emerges because the Mapuche live and remain in subsistence conditions due to discrimination, the biopolitics of assimilation, and segregation.

In 2000, in an attempt to address the problems and transform the conflict, the government organized a series of public-private commissions to address the issue (such as the Working Group on Indigenous Peoples) and developed new public policies using "Development with identity" as a slogan.

Although these social programs seek to promote "development with identity", the fact that they are targeted in or near "conflictive" areas has affected the quality as well as the legitimacy of these policies. They are generally perceived to be governmental efforts to buy the support of impoverished indigenous communities. In many cases, these policies have reduced the protests, although their impact on the marginalization and poverty in the indigenous communities (reservations) is questionable[9].

Since 2000, the government has more actively targeted the indigenous population and specifically recognized ethno-cultural differences. In particular, with the program *Orígenes* financed by the Inter-American Development Bank, the government has sought to develop new instruments that promote economic development while respecting indigenous culture, although there is greater emphasis on development and less on cultural identity. Indeed, the program established that 70% of the resources assigned to the Local Planning Commissions must be used in productive activities. The financing was assigned through officially recognized indigenous organizations in the selected rural communities. The policies up to 2008 have favored rural communities over urban Mapuche, although there is now a new policy targeted to urban indigenous population.

These policies did incorporate a limited cultural element that combined an essentialist concept of Mapuche identity with a functionalist approach, often creating dissonance within the Mapuche communities. To illustrate, the implementation of intercultural health programs required a *machi* (medicine woman) to establish her healing hut next to the local public health clinic without considering the spiritual aspects of the space. Similarly, the bilingual intercultural education programs originally included teaching non-indigenous teachers Mapudungun so they could teach it to native speakers. Animal production programs required the sale of the animals when the Mapuche (and especially the Pehuenche) believe that animals (and not money) are the real wealth. Other criticisms of these programs are associated to the use of funds to promote political candidates.

Despite these problems and the many criticisms of the programs implemented, the programs seem to have strengthened the pride in being of indigenous descent and the recognition of the contributions of Mapuche culture to world culture. In-

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[9] See for example the discussion in Yańez & Aylwin (2007).

teraction with other indigenous cultures and participation in international events has also contributed to the recognition that Mapuche culture can be financially valuable, promoting the creation of ethno-tourism and artisan products for sale.

A third characteristic of government policy has been consolidated during the government of President Michelle Bachelet (2006–2010) and refers to the recognition of past grievances. The term "recognize" has in Spanish as a double meaning: it means to recognize (reconocer) as well as get to know better (re-con-ocer). This idea seeks to promote a less discriminatory treatment towards persons of indigenous descent by non-indigenous persons. The elaboration of a document on the history of the indigenous peoples in Chile is referred to as a "New Deal" ("El Nuevo Trato") and explicitly recognizes the loss of land and the prior human rights violations, although this recognition has yet to be incorporated into the design of indigenous policy.

The Chilean equivalent of the Bureau of Indian Affairs *CONADI* rarely recognizes the existence of violence. It is not mentioned in official documents, and the government tends to suggest that it is marginal and does not to represent the Mapuche people, creating an image dual image of "good Indian" and "bad Indian". As can be seen in his evaluation of the advances made, the Commissioner of Indigenous Affairs, Rodrigo Egaña (2008) only mentions the Mapuche conflict indirectly and stated "unsatisfied demands have generated conflicts... that often lead to law breaking, generating a spiral of violence". Indeed, his evaluation identifies three principal challenges: 1) the problem of economic sustainability in indigenous communities, 2) Chilean society does not accept multiculturalism and is not working to promote integration, and 3) the present institutions (such as CONADI) dedicated to indigenous policy need to be transformed in order to be more effective. The Chilean government is presently working on addressing these challenges, although generally with indigenous members of political parties rather than in a participative manner with leaders recognized by indigenous communities.

Returning Governability to the Area

As already mentioned, state action, both positive and negative, has been concentrated principally in Mapuche territory where there are more conflicts over land ownership or there is resistance to resource extraction. Even though the government in speeches now recognizes the multicultural nature of Chilean society and the need to address past violations of indigenous rights and there is an increase of funding in many indigenous communities, there are still cases of flagrant violations of the rights of indigenous peoples, where the State is either

the violator or does not effectively protect these rights. One of the constant criticisms is that the State is only concerned with protecting the private sector rather than ensuring the rights of all. The government's position is directly related with its priority on economic development where indigenous people who resist these changes are considered to be "obstacles".

During the government of Ricardo Lagos (2000–2006), the Chilean government decided to apply two special laws (decreed by the military dictatorship but never used) the "Anti-Terrorist Law" and the "State Security Law" to prosecute members of the Mapuche movement who have used violence against people or private property. These Laws allow the use of testimony from unidentified witnesses as well as the possibility of longer prison sentences for crimes such as threats, burning private property, and being part of a "terrorist" organization. Furthermore, the press coverage of these events amplifies public opinion against the Mapuche by focusing almost entirely on the "illegal and illegitimate" nature of the violence used by the Mapuche, and little or no discussion of the declarations from the movements (Acevedo, 2007).

The Ministry of Interior is responsible for maintaining governability, and especially for protecting property rights. The position of the government is well expressed by then Minister of Interior Francisco Vidal who stated in 2006 "to govern a country, and in this case a region, and deal with complex matters such as political violence requires an even hand, which implies respect for Chilean legislation, and to respect the government's political will... In Chile, there is rule of law, and in democracy, the rule of law should be preserved and maintained, and those who do not respect it will receive the sanctions of the law" (author's translation) (Vidal, 2006).

The Minister of Justice, Maldonado, indicated on August 28, 2008 that "the government's principal concern is with the social and development aspects as well as with the general economic situation and quality of life in the territory where the conflicts are occurring. Additionally, the government needs to provide security, so that people feel that they are protected, and this is obtained with a permanent police presence. Additionally, the government has the obligation to collaborate in the investigation and sanctioning of crimes.

Under the government of Michelle Bachelet (2006–present), the position has been maintained although the discourse is less extreme. For example in April 2009 after the visit of the United Nations Special Relater for Indigenous Affairs, James Anaya, the Sub-secretary of the Interior, Francisco Rosende, indicated that the government is committed to not invoking the Anti-Terrorist Law in the Mapuche conflict, which they understand as a legitimate, just demand for ancestral territory.

However, he qualified his statement indicating that when acts are violent, such as those acts carried out by the Coordinator Arauco Malleco (CAM), the government will use the Law because this violence is considered to be terrorist even when it is performed by someone of indigenous descent (El Mercurio, 2009).

Perspective of the Mapuche Movements

From the Mapuche perspective, the conflict began with the arrival of the Spanish and intensified when the Chilean State decided that Mapuche territory was part of Chilean territory, colonizing the land and taking control of many natural resources. This historical conflict began with the invasion of Mapuche territory, and different terms have been used to describe it, including conquista, colonization, pacification, and reduction of Mapuche territory. Thus, the present conflict is actually the continuation of earlier, century-long struggles that now appear symbolized as the conflict over natural resources.

Most Mapuche perceive that the Chilean State always defends private economic interests over Mapuche rights as was clearly illustrated with the construction of two hydroelectric dams in the Pehuenche-Mapuche territory in the Andes Mountains[10]. The position of the Mapuche movement is that as culturally distinct communities, they have the right to determine the type of development that they desire in their own territory. Their demand is directly related with the earlier demand to recognize the different indigenous peoples living within Chilean territory and the right to prioritize their way of life over national economic development. This type of demand is present in most indigenous conflicts throughout the world.

The government's continuous denial to change the Chilean Constitution in order to recognize the Mapuche's right to organize as a nation within Chilean territory combined with their defense of non-indigenous property rights polarized the debate. In response, the Mapuche movement has organized to defend their autonomy, arguing that "the Mapuche do not need the dominator to officially recognize them as a people because they historically have existed as a people. Consequently, recognition is a *winka* (non-indigenous) problem... Indeed, we have rights not because we are indigenous, but rather because we are a People who are acting in self defense" (Naguil, 2007).

While the media and private sector tend to emphasize the violence[11], Mapuche activists argue that the conflict is about territory and autonomy, and not

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[10] For more information, see Gonzalez and Simon 2007; Namancura 1998; Downing 1996.

[11] For example, Lavanchy & Foerster (2002) identify the political semiotics that highlights the reiteration of violent actions as a constant of the Mapuche problem.

only about land, poverty, and discrimination. The Coordinator of Communities in Conflict (Coordinadora de Comunidades en Conflicto, 2001) considers it to be an "ethno- and geo-political problem". Others consider it to be the renewal of the historical struggle of a People who refuse to be submissive, as represented in the words of Aukan Wilkaman, leader of All Lands Council: We haven't signed the surrender and the War of Arauco is not over ("*No hemos firmado la derrota, ni la guerra de Arauco no ha terminado*)" (El Mercurio 1992).

The Mapuche Movement uses the label "conflict" to describe their demands for autonomy that have gained visibility and validity in their active resistance to transnational companies and the Chilean police forces that seek to "return order" to these territories. Indeed, the "conflict" has become symbolic of the questioning and challenge to the Chilean State's sovereignty in Mapuche territories. Within this discourse, the Mapuche movement questions the social programs implemented by the government and the private sector because they do not address the deeper issue of territorial control. This growing demand for territorial control is present at the global level and recognized in many international agreements, including the OIT 169.

Jose Bengoa (1999) argues that there are two trends in Mapuche thought: integrationism (with V. Coñoepan as a reference) and autonomism (with M. Aburto Panguilef as a reference), and considers that the present-day Mapuche Movement is an autonomous resistance movement. Fenelon, González-Parra and Simon (2009) argue that the Mapuche Movement is not only a political act that defends and creates autonomy, but that it also offers a new way of doing politics. Indeed, it seeks to defy the concept of State sovereignty in order to establish an alternative way of life that is qualitatively different from capitalist modernity.

Both the words and acts of the Coordinator of Communities in Conflict (Coordinadora de Comunidades en Conflicto, 2001) define themselves as anti-capitalist:

> We are making definitions in the sense of reaffirming our condition as Mapuche and People-Nation; definitions that are in contraposition with a system that is not ours, that oppresses us, and that even condemns us to extermination. Consequently, we define ourselves as anti-capitalists because this system centers its action in extracting resources and placing them in the hands of a few at the cost of the majorities because they exploit people and impose their system of domination, they destroy nature, the ecosystem; situations that are absolutely opposed to our People's conception of man, life and the world, placing at risk our way of life, our culture, whose base is the maintenance of equilibrium between humans and other natural elements, where the relations are more just and more

> human. At present, the capitalist system invades our territory, and thus its advance seriously threatens our existence as a Pueblo Nation Mapuche[12].

They argue that this separation between the Mapuche and the capitalist system is fundamental in the definition of the practical and ideological definitions of the Mapuche movement to recover their lands and to reconstruction Mapuche territory.

> The sacred spaces of our ancestors are destroyed, they have stolen our valleys, hills, streams. Once we have recovered these ancestral spaces, we will be better able to express our spirituality. Once we recover our ancestral land that belongs to us and we control the territory, the people will find that life will have more meaning. We will respect each other more, we will have a better quality of life and more respect for nature because our ancestors knew that man is not the center of the world but rather only one more...[13]

We speculate that this anti-capitalist position has emerged because both the private companies and the government have denied the communities' control over their land and natural resources in the name of economic (capitalist) development.

This discourse, present in Chile and in many conflicts involving indigenous peoples, is influenced by (neo)Marxist interpretations of capitalism, but should not be reduced to this discourse due to their criticism of much Marxist thought that generally does not recognize the importance of cultural identity. And as can be seen in virtually every official statement, their movement is strongly connected to the defense not only of their physical existence but more importantly as the defense their vision of the world and the associated life styles, practices,

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[12] *Estamos haciendo definiciones en el sentido de reafirmar nuestra condición de mapuche y de Pueblo Nación; definiciones que nos hacen contraponernos a un sistema que no es nuestro, que nos oprime y que, más aún, nos condena al exterminio. Por lo anterior, es que nos definimos de anticapitalistas, porque este sistema centra su acción en la apropiación de la riqueza en manos de unos pocos en desmedro de las mayorías, porque se explota a los hombres y se les impone un sistema de dominación, se destruye la naturaleza, el ecosistema; situaciones absolutamente contrapuestas a la concepción de nuestro Pueblo sobre el hombre, la vida y el mundo, poniéndose en riesgo nuestro sistema de vida, nuestra cultura, la que tiene como base de sustentación el equilibrio del hombre con los demás elementos de la naturaleza, en donde las relaciones resultan más justas y más humanas. En la actualidad, el sistema capitalista invade nuestro territorio y, por lo tanto, su avance pone en serio riesgo nuestra existencia como Pueblo Nación Mapuche.*

[13] *espacios sagrados de nuestros antepasados están destruidos, nos han quitado quebradas, montes, arroyos. Al recuperar estos espacios ancestrales, nuestra espiritualidad tendría más capacidad de expresión. Por eso al recuperar tierras que nos pertenecen y ejercer control territorial, la gente le encuentra más sentido a la vida. Hay mayor respeto entre nosotros, una mejor calidad de vida y respeto por la naturaleza, porque nuestros antepasados tenían muy claro que el hombre no es el centro del mundo, sino sólo uno más...*

and values. The Mapuche understand and perceive that they are part of a larger system, which is a single being that includes humans, land, and nature, and where reciprocity is the regulating force. Land is a vital, indispensable component because it is territory that defines where the Mapuche come from, where they live, and where they are going.

Despite the State's good intentions to "civilize" the Mapuche in the 19th and 20th Centuries and to recognize their cultural differences in the 21st century, the Mapuche distrust the Chilean State (even when the levels of distrust are similar to those of non-indigenous persons (Irrazaval y Morande 2007). Clearly, Mapuche resistance is related to this distrust but is also combined with the discrimination towards persons of indigenous descent still present in Chilean society (Merino 2004). In their communities (reservations) as well as in the cities, the Mapuche continue to resist even when they demand a dialogue as equals with the Chilean State, which still seeks their incorporation as Chilean citizens.

Although the Chilean press and television characterize the "Mapuche conflict" principally as the claim for more land and better living conditions, the Mapuche movements are also resisting the degradation of their land, water, flora and fauna due to the establishment of large lumber plantations surrounding and transforming their territories and communities. The problem of material poverty often divides the communities, and many community members migrate to urban areas looking for better material conditions. The government solutions of multicultural indigenous policy over the last 18 years have been unable to transform the situation, confirming Mapuche "laziness" for some.

Faced with both public and private actors who cannot understand the Mapuche world vision, the Mapuche have elaborated autonomous resistance strategies to defend and affirm their way of life, their existence. Their identity is not defined by a folkloric vision of their traditional cultural practices or even by the practice of the language, but rather by the living presence of *Ngen* and other spiritual forces that are present in their lands. A greater understanding and appreciation for their world vision by Chilean society is a fundamental first step towards a resolution of the conflict.

Reconstructing the Mapuche Conflict

As has been shown in the previous discussion, the description of the Mapuche Conflict as the struggle of isolated, violent groups with little domestic support does not accurately characterize either the motivations or demands of the Mapuche Movement. The government tends to emphasize the investment placed in land and poverty reduction/economic development programs without considering the

basic human desire to control one's way of life and to participate in the decisions that affect it. The fragmentation of the government's position between a national development project, targeted social policies, and maintenance of the rule of law has polarized the situation creating a conflict with little possibility of dialogue.

A critical point of conflict is the conceptualization of the State. For most Mapuche and non-Mapuche, the principal actors in the Mapuche conflict are the Chilean State and the communities in conflict. For most Mapuche, the State defends private sector interests, while the Mapuche are acting in self defense, justifying the use of violence. At a symbolic level, the Mapuche question the historical relations of domination established since the 19th century, arguing that the State cannot be a valid interlocutor or mediator in the dispute between Mapuche communities and private (capitalist) interests, directly questioning the State's legitimacy to represent the Mapuche. In short, Mapuche demands are linked to their right to participate in the decisions that affect their way of life.

Still, some resistance strategies are not violent. For examples, in 2006, a group of Mapuche expressed their intention to create a Mapuche political party Wallmapuwen whose objective is to "create a Mapuche political party that is democratic and autonomist so that Mapuche can participate in the democratic system and obtain representative positions through democratic elections as all parties actually do" (Wallmapuwen – Declaración de Principios). Although they also mention autonomy, they clearly state that they seek "greater participation and control over their affairs" rather than secession. Wallmapuwen is supported by the Galician Nationalist Block (Bloque Nacionalista Gallego).

Moving beyond the Mapuche Conflict

As long as the conflict is conceptualized as being based on irreconcilable differences between Western (Chilean) culture and Mapuche culture, the violence will continue because there are no common points. To create dialogue, there needs to be more than just symbolic gestures towards reconciliation and the identification of points of agreement. In short, indigenous policies need to be reconceptualized, integrating both culturally pertinent targeted social policies as well as local autonomy issues. In many countries, such as Canada and the United States, indigenous communities design and administrate government-financed social programs.

In addition to targeted public policies, the Chilean State needs to actively assure that it defends the rights of all Chileans, especially in the areas in conflict. The State's continued denial that its actions and defense of the "status quo" favor non-

indigenous interests of Mapuche rights is an important obstacle in the resolution of the conflict. The Chilean government's defense of their national development project whose cost is paid by the Mapuche has generated a questioning of modern, capitalist practices, radicalizing the discourse and the positions. As a result, the Mapuche movement has defined their desire to maintain their way of life as an alternative to capitalist modernity. The dispute for land becomes then a struggle between the dominant forms of exploitation (capitalism) and an alternative form of life where "Mapuche Territory" becomes the resistance itself, receiving support from other nationalist as well as anti-capitalist and anti-globalization movements worldwide.

As long as the Chilean State is perceived as using violence to defend and protect capitalist development, the "culturally pertinent development" programs will be accepted but will not affect the conflict until the issue of local autonomy and control of natural resources are addressed. We speculate that the fundamental problem is that the Mapuche do not have economic or political power over their lives. Some decide to obtain power by working with the government, while others work against the government. This new indigenous identity emerges as a modern force that clearly understands the nature of power in a global system and seeks to establish their sovereignty through discourse but also by obtaining political and economic power. The Mapuche movement looks to discuss their issues in global forums rather than at the national level. Indeed, the State's non-recognition of their autonomy has only increased the legitimacy of this demand at the international level.

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