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The Political Ecology of Tree Plantations and indigenous people in Chile.

Will indigenous forest commons survive the pressure of neoliberal state policies?

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Abstract

This paper focuses on the effect of state intervention and globalization on the remaining native forests that are commonly owned by indigenous people in Chile. The current forest development model in Chile, has given rise to conflicting interests between indigenous communities and forest companies which have been actively supported by governmental policies. Despite efforts made since democracy was reinstated in 1990, the core governmental policy has been an ill-defined land restitution program combined with monetary compensations, which are used to abate conflict. Amongst those Mapuche who resist this strategy, there is evidence of, instead, sustained (often violent) police and legal actions, particularly when Mapuche individuals and organizations actively oppose the occupation of their ancestral lands by large farm and forest owners. At the same time, the Chilean government has established a strategic plan which aims to incorporate forest activities in the production system of small forest owners.

Given this context, the question remains: Will indigenous forest commons survive the pressure of neoliberal state policies? Employing Foucault's notion of governmentality, it is argued that, while the Mapuche have widely contested the state's neoliberal policies, they have nevertheless been drawn into a new set of governing strategies that are fundamentally neoliberal in character, which encourages the plantation of exotic species (pine and eucalyptus) and very often substitution of native forests. These strategies have led to the reconfiguration of their relationship with the state, NGOs, and foreign aid donors. Operating at both formal and informal levels of social and political interaction, this new mentality of government employs coercive and co-optive measures to cultivate Mapuche participation in the neoliberal modernization project, while continuing to neglect the longstanding relations of inequality and injustice that underlie conflicts over land and resources.

Introduction

As part of the neo-liberal market economy policy in Chile, large-scale timber plantations governed by national and multinational forest industries have expanded significantly in traditional indigenous territories.

¹ This paper is based on the results of my PhD research which aims to understand how indigenous communities use different political strategies to accommodate, resist and/or negotiate within the changing political-economic processes, and how, in turn, these responses shape natural resource use and thereby the local environment. Data for this paper are drawn primarily from episodic fieldwork and extensive interviewing conducted between 2000 through 2004 in southern Chile. Interviewees included governmental officials, representatives from forest companies, indigenous leaders and the analysis of media archives and policy documents.

Since the mid 90's Mapuche people started an active process of opposition to forest expansion in areas of indigenous or 'traditional' territory. The rapid expansion of tree plantations has resulted in the concentration of land and resources in the hands of a few powerful economic groups, while most environmental and social costs associated with forest activities have been felt by other sectors in society, particularly indigenous communities (McFall and McKinnon, 2001).

The Mapuche people are the largest indigenous group in southern Chile, comprising almost 10% of the total Chilean population. However, they still live in a very disadvantaged and vulnerable situation due to land deprivation, poverty and discrimination. Through the Indigenous Pact adopted in 1989, the parties of the Concertación², which have subsequently held state power since the 1990 return to democracy, committed themselves to recognising indigenous people in the Constitution and to undertaking affirmative action in favour of ethnic minorities. A new law on the rights of indigenous people was adopted in 1993, although the necessary essentials for the full protection of those rights were not included therein. The core policy of the government has, instead, been an ill-defined land restitution program and monetary compensations, which are used to abate indigenous insurgency, coupled with an aggressive police and judicial campaign against Mapuche leaders and communities that oppose the occupation of their ancestral lands by large farm and forest owners. Hundreds of Mapuche people have been in jail in the past 4 years, wherein the accused crimes are a consequence of actions that have taken place within the context of Mapuche territorial conflicts. As a result, they are facing jail, provisional freedom, house arrest, and conditional freedom or detention orders; whereas the general pattern of accusations includes criminal conspiracy, rebellion and contempt of authority, arson, squatting, aggravated kidnapping, riot and disturbances, robbery and extortion.

The dynamic growth of the forest sector has largely been supported by government policies, which are directed at guaranteeing the investments of the timber companies. At the same time, following the current trend of other countries, the Chilean state has launched a new set of policies aimed at combating discrimination against indigenous people and increasing investment in programs to lift the Mapuche out of poverty. In March of 2001, an US\$80 million loan was granted by the Inter-American Development Bank (IADB) to fund programs of economic development, education, and health. This was supplemented by a \$53 million contribution by the Chilean state. A special organization was created in the Ministry of Planning (MIDEPLAN), known as the Orígenes (Origins) Program, whose aim was to promote an intersectorial, intercultural, decentralized, and essentially participatory approach to assist Indigenous Development Areas (ADIs) and complement the Indigenous Water and Land Fund (FTAI), which was exclusively oriented to the purchase of lands. That same year, the government also convened the Historical Truth and New Deal Commission, representing the state, the Chilean people, and the indigenous communities of Chile³.

Until now MIDEPLAN, through the National Indigenous Development Corporation (CONADI), has bought and transferred over 230.000 hectares of land between 1994 and 2004. Nevertheless, conflict in Mapuche areas of the South have continued. Given the parallel commitment to expanding resource extraction, land disputes between forest companies and Mapuche people, the majority of whom live below the poverty line, have not ceased.

² Also known as the Coalition of Parties for Democracy is an alliance of center-left political parties in Chile founded in 1988.

³ Report of the Commission of Historical Truth and a New Deal for Indigenous Peoples was finally released in 2004.

Many authors have analyzed recent public policies towards the Mapuche people, particularly in regards to the exclusion of this group from the democratization process (Contesse 2003, Castro 2005, Flores-Borques and Grover 2005, Bengoa 2005). However, little attention has been paid, to environmental aspects regarding the acquisition of lands for indigenous communities and whether these land transfers will be sustainable in the long term.

This paper focuses on the effect of state intervention and globalization on the remaining native forests that are commonly owned by indigenous people. Given the historical context of land seizure and current economic-development policies in Chile, I will consider the future of natural resource management in indigenous communities, particularly regarding forest resources that tend to be commonly managed. The questions are: will indigenous forest commons survive the pressure of neoliberal state policies, and; does this particular governmental rationality produce new forms of Mapuche subjectivity wherein policies are resisted and new land management strategies so emerge? In order to answer these questions I will begin by examining the relationship between land and resources, which are key to understanding property rights and management regimes. Whether viewed from the side of resource management or from the side of the land question, key factors herein have not been sufficiently analyzed in the emerging literature on Mapuche struggles. While the land restitution program has focused on the regularization of tenure systems and acquisition of land, this has not taken into account the ability of people to effectively access resources. As Peluso and Ribot (2003) note, access to resources is subject to dynamic processes and relationships that differ from property rights. According to these authors “property is seen as one set of factors in a larger array of institutional, social and political economic relations and discursive strategies that shape benefit flows” (ibid, 2003:157). The problems of limiting resource access to simple property relations determined by law have been appropriately critiqued by common property scholars (Berkes, 1989; Ostrom, 1992). Similarly, recent scholarship in political ecology shows how property rights relations have moved from formal ideas of legally bounded ownership and control to relations embedded in larger sets of political economic and ecological relations (Blaikie, 1985, Bryant 1993, Hetch and Cockburn, 1989).

In the Mapuche case, for instance, management regimes are not exclusive but are instead characterised by mixed property regimes in which “comuneros” (members of the community) have access to individual plots and communally owned forests within the same boundaries of a community. Such rights are comparable to current trends in African countries wherein an entirely new class of landownership, “commonholding”, is beginning to appear. According to Alden (2000) although there has been an increase in the status of communal property rights in national law, communal landholding has been modified into registrable “common private property”. Similarly, Joint Forest Management (JFM) has been initiated in India since the late nineties so as to involve local people in forest management and in so doing has envisaged a formidable partnership between the people and state government to protect and regenerate forest while meeting people’s needs in sustainable manner.

Despite this panoply of property-management arrangements, and given that commons theorists come from different disciplines, there are still several conceptual and theoretical confusions regarding the property regimes and the actual management regimes of common pool resources. While common-pool resource refer to a specific valued good or human-made resource (Ostrom 2002), a common property regime refers to a particular social arrangement regulating the preservation, maintenance, and consumption of a common pool, resource. A common-pool resource is such that (a) “it is costly to exclude individuals from using the good either through

physical barriers or legal instruments and (b) the benefits consumed by one individual subtract from the benefits available to others” (Ostrom 2000: 337).

Discrepancies over strict definitions around property regimes have even motivated CPR members to eliminate the word property and reduce the concept of CP to just “commons”, thereby allowing a broader range of ideas developed through IASCP⁴.

Moreover, CPR scholars have begun to investigate the relationship between property rights and management regimes in the context of globalization so as to better understand how communities relying on commonly held resources respond to and/or are affected by these processes⁵.

As Agrawal (2003) notes, policy shifts are re-defining communities, resources management and local arrangements to govern commons. In this context I will discuss the implications of sectorial and governmental institutions in creating new incentives and policies that bring commonly owned forest resources to the market. This is a tendency faced by several indigenous communities whose livelihoods have been affected, and a central point of discussion in past IASCP meetings.

From a political ecology perspective I have been particularly interested in how indigenous communities use different political strategies to accommodate, resist and/or negotiate within the changing political-economic processes and how, in turn, these responses shape natural resource use and thereby the local environment. My assumption is that environmental and social impacts associated with landscape transformations are not only shaped by structural changes brought about by economic and political forces but simultaneously contested in political, cultural and symbolic ways. As a result, emerging forms of political agency have expected and unexpected consequences that give rise to new processes of environmental change.

Although a number of scholars have begun to focus on resource management related laws and national policies (Lynch and Talbott 1995, Repetto and Gillis 198) systematic examinations and clear understandings of local responses to external political and economic factors like markets and technology are still missing. According to Agrawal (2003) CPR scholars have put to much effort to demonstrate the importance of local group users and tended to ignore how the local is created in conjunction with the external and constituted in relation to its context. Both the commons literature, and particularly the political ecological analyses have only recently begun to pay significant attention to processes of subject formation (Li, 2000; Sivaramakrishnan, 1999); these studies addresses the role of people in shaping the environment as well as being influenced themselves by social and environmental factors in a process of mutual reconfiguration. As Agrawal (2005:211) notes the relationships of subjects to the environment need to be examined in their emergence, not simple taken as part of a larger politics by preexisting interests.

This is particularly relevant when analyzing indigenous movements, like the Mapuche movement. Increased concern for environmental degradation has helped create a new political arena for indigenous movements, transforming in many cases, the social imaginary of the ‘ecologically noble’ into new forms of political agency (Holland, 1998; Ulloa, 2005). Indigenous people have managed to alter the political arena wherein the recognition of indigenous rights and land or territorial rights is enhanced by larger international debates about conservation and the protection of biologically significant areas. Consequently, and as examined in recent studies of

⁴ The Common Property Resource Digest 2006, Quarterly publication of the International Association for the Study of Common Property, No 76 . March 2006

⁵ Mexico, Oaxaca August 2004.

anthropology of development (Escobar.A. 1995; Ferguson,J. 1990), indigenous movements have extended their demands beyond conservationist agendas bringing in discourses centered on rights to self-determination and the resistance to imposed development models. Although there is a growing scholarship on the politics of indigeneity there are still questions of subjectivity to explore and how the construction of collective identities (Alvarez, S.1998; Brousious,1999; Hodgson 2001; Li, T. 2000) overlaps with issues of representation, recognition, resources, and rights. Some authors have looked at the tensions between scholarly and political uses of ecological essentialism and authenticity embodied in the nobility stereotype (Conklin, 1997; Turner, 1993; Warren, 2002), whereas others have examined the strategic overlap of indigenous and environmental rights agendas (Hodgson, 2001; Zerner,C 2000). These contributions however could be enriched by exploring the political practices and changes in subjectivity that affects resource use and the environment.

Recent Foucauldian analyses on governmentality⁶ have been particularly useful to understand how modern manifestations of power and regulation achieve their full effect not by forcing people toward state –mandated goals but by turning them into accomplices (Agrawal 2005, pg. 217). As Agrawal notes, the very individuality that is supposed to be constrained by the exercise of power may actually be its effect. This concept is particularly useful for understanding for instance how neoliberalism works to govern (shape the conduct of) people through the de-regulated market that take the whole of society as their domain, governing the environment through its population. Governmentality gives us is the idea of neoliberalism as a political project that creates a political-economic reality which cannot be changed.

Given these considerations, I will begin by examining contemporary Mapuche land and development politics in three related respects. First, I will look at the historical context of land seizure and current policies adopted as part of the land restitution program for indigenous people and second, I will analyze the main obstacles preventing the government from integrating the social economic and cultural needs of indigenous groups within their programs and policy. Employing Foucault's notion of governmentality, it will be argued that, while the Mapuche have widely contested the state's neoliberal policies, they have nevertheless been drawn into a new set of governing strategies that are fundamentally neoliberal in character. Governmental policies have focused on a parceled land restitution program along with a kind of "project-ism"⁷ generally influenced by forest development programs. These strategies have led to the reconfiguration of Mapuche's relationship with the state, NGOs, and foreign aid donors. Operating at both formal and informal levels of social and political interaction, this new mentality of government employs coercive and cooptive measures to cultivate Mapuche participation in the neoliberal modernization project, while continuing to neglect the longstanding relations of inequality and injustice that underlie conflicts over land and resources.

Common Property as Cultural Identity

The ancestral Mapuche Territory has been dramatically downsized since colonial times. Continuous wars during the second half of the nineteenth century culminated in the early 1880s with the extermination of more than half of the Mapuche population. This was followed by the

⁶ Foucault defines governmentality as "the way in which the conduct of a whole of individuals is found implicated, in an ever more marked fashion, in the exercise of sovereign power" (Foucault 1978:101). Governmentality links the formation of the state and the formation of the subject.

⁷ This idea of "*proyectismo*" has also been described by Latta (forthcoming), in his analysis of local politics in the Pehuenche communities of the Alto Bio-Bio. He uses the term to indicate the way in which structures for the delivery of State development assistance reshape the conditions defining political organization in indigenous communities, by reorienting leaders toward the exigencies of competing for and administering short term projects.

appropriation of 95% of their territory, the robbery of cattle and burning of agricultural crops. In the later years a large number of Mapuche people died from hunger and diseases. Other died from skirmishes with the police, the army and the colonists that got to occupy their land. Of the ten million hectares that compromised the independent territory Mapuche, only 500,000 were allocated to Mapuche communities after the war. These were again reduced to less than 300,000 by the end of the 1960s. During the short government of Allende, the communities returned to occupy approximately 500,000 hectares, but after Chile's military coup in 1973 many industries were privatized and most communal property transformed to individual property. In 1979 a new indigenous law was modified. This law encouraged the division of Mapuche communal lands and their conversion into privately owned lands. Decree 2568 stated 'for the Division of the Reserves and the Liquidation of the Indian Communities'. Under the terms of this law, if one Mapuche asks, reserve communal lands can be divided into private lots. Once divided, the lands cannot be reclaimed as Indian land. As a result, most of the territories of the communities (including indigenous reductions) were again reduced to less than 300,000 hectares.

Land ownership and access to natural resources changed drastically in Mapuche communities, particularly in the valley and the coastal cordillera. However, in other areas, more isolated and covered by primary forests, the process for regularization of indigenous lands was slower and is still taking place. Some communities have chosen community ownership systems, while others are requesting individual deeds and many still live on government lands or on lands of private owners who have never inhabited them (Catalan, 2003). In spite of the changes, Mapuche people have managed to survive under different political regimes that imposed their own property regimes, such as the system of reductions (reserves), agrarian reforms, counter reforms, privatization of land and the "individual" titling process. Forced to move into indigenous communities or "reductions" in marginal lands, and despite the unpredictable and difficult climatic and topographical conditions, these communities have been actively managing their environment under mixed property and management regimes.

Mapuche communities have historically followed common regimes and other forms of communalism for production, house-construction, religious ceremonies, harvests, ranching or the exchange of labor, seeds, medicinal plants and traditional knowledge. To harvest products and services from the forests, access is regulated by informal arrangements which take into account the protection of fragile and sacred areas but also equity in the distribution of benefits. Even after land individualization policies were imposed members of the community not only maintained informal arrangements as use rights for grazing and forested areas but also collective working arrangements. Up until now, most areas follow a family farm model where they are allocated a piece of arable land (legally owned by the family head) over which they have privatized control, however grazing areas and woodlands that fall within the community boundaries are managed as common property.

One of the main arguments for privatization of land that has been commonly used by indigenous communities is the estimated increases in efficiency that can result from individual ownership. The increased efficiency is thought to come from the greater importance private owners tend to place on profit maximization as compared to common property. Many links have been made between poverty and deforestation however the Mapuche case shows the opposite. Land degradation and deforestation has been the result of poorly functioning individual plots, in this case, large scale plantation schemes which could be considered economically efficient but socially and environmentally harmful. According to Bengoa (1999:70) more than 600 indigenous communities that were divided into private properties had the same performance that those which remained undivided. In many cases communities that were divided continued their traditional

forms of production and harvest based on collective work. Whether the land is subject to private property, common property or even public forms of access to land are still common in the area, such as sharecropping (mediería) arrangements, taking care of somebody's livestock, or being employed as caretakers. In many cases it has been precisely land seizure that obliged indigenous families to work collectively to solve agricultural and natural resource management problems that farmers cannot solve on an individual basis. The communitarian use of land allows more flexibility, which is vital under poor economic or ecological conditions.

Woodlands were and are used by Mapuche people for individual and collective purposes of both economic and cultural value. However, since the last decades, landscape transformations and the consequent threats to natural ecosystems is dramatically affecting the production and reproduction of their culture. Clearly, the collective and cultural uses and values of woodlands are the most at risk from forest neoliberal policies. Individual economic uses such as the collection of firewood, fruit, insects, vegetables and building materials are also at risk since privatization schemes have already narrowed the total number of people with legitimate access to woodland resources, and individual plots are unlikely to be equally endowed with woodlands.

There is an increasing demand for wood and pulp for industrial use but also firewood for domestic use, and industrial tree plantations are surrounding communities at an incredible rate. The increasing demand for pulp and paper has also resulted in the substitution of native forests and major projects including roads, sawmills and pulpmills are established close to these communities to facilitate wood supply for boards or chips.

One of the most controversial cases in this regard was the Boise Cascade project. This project was aimed at the construction of a port in southern Chile and plants to produce wood chips and OSB (Oriented Strand Board) using native forest. Although the government's National Environmental Commission (Conama) approved the project's environmental impact statement in January 1999, environmentalists claimed national authorities took into account only the impact on the land where the installations would be built and not the effect on the surrounding area where the trees would be cut to supply the mill; the company would purchase the wood from surrounding land owners, accelerating the destruction of the coastal temperate rainforest without any guarantee of replanting. A group of environmental lawyers filed a petition in Ottawa against Boise Cascade Corporation and Chile's Maderas Condor SA, claiming Chile violated environmental legislation when local authorities approved the project's environmental impact statement. By doing so, they argued that Chile violated a bilateral treaty with Canada. In 2001 the company cancelled the project.

The decline of productivity due to soil fragmentation and consequent overuse, plus the abandonment of agricultural policies oriented to small scale farmers, has also generated higher dependence on income in the communities. There is extreme rural poverty in areas where forest plantations are concentrated, whereas exports from these industries contribute between 9 and 11% of the country's total exports (Astorga and Rebolledo, 2004). On the one hand people who stayed have been excluded from the "economic development" of these regions increasing the level of poverty in indigenous communities. Other Mapuche people have been the displacement to ecosystems that are more fragile and unproductive. However, most Mapuche have opted to migrate to urban centers, generally living in peripheral areas and working as cheap labor.

This political economic-process presents a greater challenge for indigenous communities. Neoliberal policies promotes the individualization of economic production emphasises and market competition which threaten indigenous communities' territorial base in which their political and cultural institutions depend on, and their capacity to control their resources and

reproduce their culture (Brysk and Wise 1997, 82-88; Yashar 1998, 34). One of the main fears expressed by indigenous movements concerning the globalization of markets is the disruption of the indigenous culture as a collective, which is the fundamental basis of their territorial identity. The concept of “comunidades” or communities has been one of the most important symbols of the Mapuche movement, because it embraces the principle of collective right as a premise to be recognized as a *pueblo* or people and not just indigenous population or individuals with same ethnic background. This idea is vital in their demands of territoriality and selfdetermination.

Within the comunidad people still places great importance to traditional forms of collectivism and solidarity like *mingako*. By this collective form of labor community members may place his or her animals and equipment at the disposal of the whole community and also contributes with labor when there is harvesting time, a house or a bridge is to be built or a ceremony is to take place. This collective form of ownership is not compatible with neo-liberalism, which characterizes the Chilean society.

The intrusion of forest industries in ancestral Mapuche territory

Within the context of an export-oriented economy, new forest policies, based on economic incentives and subsidies, allowed the growing expansion of monocrop tree plantations and the substitution of native forests for radiata pine. According to Lara and Veblen (1993) between 1974 and 1992 more than 200,000 hectares of native forest have been replaced in specific areas in Chile. In the ninth district alone, between 1985 and 1994, fast growing exotic forest plantations have replaced 31,000 hectares. More than two million hectares were planted in 20 years, all in private hands, holding in 1993 the largest planted area of radiata pine in the world. Of the total plantations, 75 percent are radiata pine, while eucalyptus represents another 17 percent (FAO, 2000). Chile has captured 5% of the world’s forest market and is the third largest exporter of woodchips (FAO, 2000), which are derived mainly from native forest.

From 1965 to 1973, the state development corporation helped finance lumber processing facilities and undertook extensive reforestation projects with Monterey pine, better known as *Pinus radiata*, and eucalyptus, both imported fast-growing tree species. These plantations consist of even-aged, mono-culture plots, with trees in rows at an optimal growing distance, to be clear-cut on a rotational basis. The increase in tree plantings was intended to maintain a stock of exploitable trees for the pulp and paper industry. This, in turn, has transformed entire indigenous regions previously dedicated to agriculture or covered in native forest into areas used only for short-term and intensive forest extraction. Perceived as industrial forests, these plantations also became an institutional and ideological device to represent progress toward modernization. Forest development is proclaimed today as a successful model of Chile’s neoliberal economy.

This project of modernization would not have been possible, however, without both economic and political support from the state. As Angotti (1995) notes, capital investments in Latin America disproportionately favor export industries that are not closely linked with national and regional economies. Contradicting the principles of the neoliberal model, the forest sector was highly subsidized by the Chilean state. In particular, the military regime developed a promotional policy based on incentives and subsidies. In 1974, one year after the military coup, the promulgation of the Decree Law 701 granted tax breaks and subsidized 75% of the costs of establishing plantations. However, DL 701 regulations were not oriented to benefit smallholders. Only 4% of the subsidies have benefited small farmers (Quiroga, 1996). Without the resources and technical capacity to manage their forests they could not access these incentives nor could they reap the economic benefits of timber sales. Most of these regulations benefited forest companies and transnational corporations that have an active and exclusive participation in the

formation of public policy, such as the forest law and the respective regulations. In fact, benefits from law 701 continue to be in place while a new proposal called “Law for the Recovery and Promotion of the Native Forest” has been sitting in Congress since 1992.

The establishment of the Matte-Larrain and Angelini conglomerates, two of the biggest operating in Chile at the present time, was made possible by the economic model imposed by the military regime. Angelini, working with New Zealand-based Carter Holt Harvey, bought 40 percent of the plantations and 63 percent of the wood processing industry, while Matte-Larrain controls more than 40% of timber production and exports in the country through the CMPC (Paper and Cardboard Manufacturing Company) forestry consortium.

Even though forest development primarily comes from the private sector, governmental assistance (influenced by corporate forces) takes different forms of involvement. This participation manifests itself both through the direct intervention of public agencies in the transfer of technology, scientific advancement, the construction of roads and highways, and through the authorization and approval given to particular development projects by government agencies such as the National Commission on Energy (CNE), the National Commission on Environment (CONAMA), or the National Corporation of Forestry (CONAF). Many of these agencies, including the ministry of education, have been actively supporting forest companies and their image campaigns. In August 2000, the forest industry, with the government’s support, launched an aggressive campaign through the mass media to improve their public image under the slogan of “True Forests for Chile”. With an estimated cost of 6 billion dollars, the campaign will be implemented during five years, and is carried by all the communications media, including television, radio and print media. With a confusing message, the TV spots show pine tree plantations, saying that these are “forests for Chile”. The same publicity shows a house, furniture and other wood products and says: “wood, a renewable resource”, repeating “forest for Chile”. CMPC also implemented its “Good Neighbor Plan”, including the publication of “The Good Neighbor” Bulletin, which is aimed primarily at indigenous communities, government organizations, and educational institutions. Participation has been interpreted by other sectors (Mapuche groups and environmental NGOs) as a means to co-opt communities and neutralise their opposition to unjust timber concessions. The Plan includes programs and actions, such as: annual fellowships for rural students, sponsorship of rural schools, extension programs for school children that include visits to the Company’s technological centers and facilities; knitting, sewing, preserve making, and cooking lessons, as well as courses on the use of greenhouses and medicinal plants. This plan also proclaims the generation of jobs [that favor the neighbors of the Forest Companies, in this case, “Mapuche” communities]; training in fire fighting, and an open door policy for thousands of families who may freely gather firewood, yellow flower, mushrooms, and other produce from the Company’s premises⁸. According to several interviews conducted in the “benefited communities, these programs have two objectives: first to co-opt and persuade communities to abandon any political mobilization, on the basis of economic incentives which may create division within the communities; and second, to fulfill the requirements to obtain forest certification (and/or ISO norms), particularly those related to social responsibility. Certification on plantations has been largely criticized particularly FSC (Forest Stewardship Council) principle 10, which, as it currently stands, appears to allow unsustainable industrial tree plantations, particularly in the South, to receive certification in spite of their negative social and environmental impacts⁹.

⁸ Accessed at www.cmpc.cl Compania Manufacturera de Papaeles y Cartones

⁹ World Rainforest Movement Bulletin (WRM). Special Issue on FSC certification of plantations - February 2001

As I will explain in the following sections, the influence of the forest industry has not only led to state support but has also served to condition governmental responses towards indigenous claims and debates around the development model. Since most of the neoliberal policies and legal system imposed during Pinochet's military regime continue to rule, the discourses of both industry and the government portray resource based development as the inescapable route to prosperity for Chile. This ideology assumes that there are only economic values in the forests. Accordingly, the Chilean forestry debate is dominated by economism and developmentalism, the ideas that material incentives and economic values ultimately determine human action. In this context, environmental impacts are excused with the argument that the country is too poor not to make each natural resource yield its fullest economic potential. Industry representatives assert that the solution to deforestation lies in freer markets and more of them, not in regulating land use. They have stated that,

“expanding markets for native woods will lead landowners to manage their forests for wood production. In the absence of markets, forests will be cleared to gain access to the productive potential of the underlying land because of the limited state capacity; the native forests must be converted into commercial forest because otherwise the state will lack the resources to protect it” (Chile Forestal, 1991)

In close alignment with this economic and developmental ideology, the government and economic elite has consistently protected the premises of a national constitution that promote individual rights as the basis for a homogeneous society. These liberal principles become the basis for democratic social integration, which makes for an essentially assimilationist and often racist cultural environment. Timber Corporation chairman José Ignacio Letamendi categorically stated: “On no pretext and under no circumstances will we return the land to the Mapuche who are incapable of cultivating it”¹⁰. In their view, the Mapuche should be incorporated in forestry activities and become “small forest entrepreneurs”. Some of the current development programs are already working in that direction. Since 2000, CONAF, in coordination with other agencies, has implemented a program called “Campesinos forestales” (forest peasants) to assist small forest owners through forest subsidy bonds.

Indigenous rights under succeeding neoliberal regimes.

In 1993, Chile's legislative authority established a law protecting indigenous peoples' land rights. This law includes provisions recognizing indigenous communities' rights in lands that they actually occupy or possess (Anaya and Williams, 2001). Indigenous lands are protected by legislation (article 13) and cannot be seized, sold, transferred, taxed, be the subject of mortgage, nor acquired by prescription, except between communities or indigenous members of the same ethnic group. Lands owned by indigenous individuals can be rented or given to third parties for their use and administration, but only for a maximum period of 5 years, and with the authorization of the National Corporation for Indigenous Development, CONADI. This law (articles 18 and 19) also recognizes the norms of collective rights to lands as established by the customs of each ethnic group and the right of indigenous peoples to engage in collective activities on lands of cultural significance.

However, Chilean indigenous law only recognizes indigenous subjects as individuals. That is, the statute does not recognize indigenous communities under their consuetudinary laws¹¹. Instead, it

¹⁰ Punto Final, March, 1999.

¹¹ Federación Internacional de Derechos Humanos (FIDH) La otra transición chilena: derechos del pueblo mapuche, política penal y protesta social en un estado democrático. Federación Internacional de derechos Humanos. Informe No 445/3 (Abril 2006)

constitute them and assimilate these communities into a western based statute, which allows them to be an indigenous communities under the legal basis of other organized individuals such as Rural Neighborhood Councils, associations or corporations. Thus, indigenous communities are recognized as a legal entity rather than a historical community with distinctive ancestral rights. This legal entity allows a group of natural persons to act as if it were an individual subjects for certain purposes, generally credit applications. On the other hand, this law prohibits collective representation of indigenous communities (eg indigenous federations). Consequently, neither indigenous people in Chile are not recognized constitutionally as a different ethnic group nor can they represent themselves collectively¹².

Despite some advances, Indigenous People in Chile are still deprived of their territory and fundamental rights. The state provides no constitutional recognition of the existence or rights of its indigenous peoples nor has the government subscribed to existing international laws, such as ILO Convention 169, which promote and protect human rights and fundamental freedoms of indigenous peoples. Without these provisions and given the economic opening of the country, indigenous groups contesting these recent events are subjected to persistent violations of their fundamental rights.

The priority from the government, backed by international agencies, has been economic integration, so Mapuche people can become part of current forest and agricultural business model. These policies however are congruent neither with indigenous development policies nor with Mapuche's disadvantaged situation. Indigenous peoples' desire to govern their own territories; however their poverty and lack of power in decision-making, render them vulnerable to coercive social and development programs.

The vast majority of Mapuche people still lives in poverty and often have no choice but to use natural resources in unsustainable ways. Based on direct observation and information obtained through the last assessment report on CONADI's policy for land restitution, Mapuche beneficiaries have been forced to sublet the land, deforest, or simply abandon their property. Uncultivated fields are now a common sight in many communities. Communities in the IX region like Lumaco, Los Sauces, Galvarino and Collipulli show how Mapuche migration and unemployment has increased during the last decade due to poverty resulting from their socio-economic exclusion and the depletion of the natural environment. With the lack of resources and poor conditions of the land, many families seem to have decided that they can no longer farm, or that farming is no longer worth the effort. As illustrated in Picture 1, the Mapuche have been forced to become poor peasants on marginalized lands in a geographically reduced territory surrounded by large forest industry landowners.



Picture 1. Terrains where "Machi Carmen" lives, surrounded by pine plantations of Fundo Antofagasta (in the back), property of "Forestal Arauco" in Lumaco. (Photograph by Pablo Huaquilao)

¹² Consejo de Todas las Tierras, *El pueblo Mapuche. Su Territorio y sus Derechos*, Imprenta Kolping, Temuco 1997.

In addition, mechanisms of national integration have created tensions and divisions within the Mapuche movement. As Castro (2005) notes the actions of the state and its disciplinary practices to institute conditions of progress and modernization that should soon materialize occur in a context where Latin American indigenous people have begun to show a “lack of discipline”. Some protest the pillaging of their resources and their dependence, while others protest their meagre share of the model’s benefits (Castro 2005:126). And even though Mapuche people have adopted some of environmentalist’s discourses against plantations, it is still unclear whether indigenous people will be excluded as competitors for land or will be included somehow in the forest industry. As Clapp (1998) notes, the forest development model in Chile hinges on the possibilities of Mapuche people to resist the pressure from tree plantations while struggling to retain their land, livelihoods and traditions supporting their identity.

Between Resistance and Subsistence

As Guha (2000) describes in “The Unquiet Woods”, changes in agrarian practices after the imposition of tree monoculture had far-reaching consequences for local communities. In contrast to agrarian rules and boundaries, forest use and access has been traditionally regulated by informal arrangements depending on kinship, seasonal harvests, weather conditions, etc. Mapuche’s economic organization and traditional practices were curtailed as access to forest products and pasture became regulated by private forest companies. Commercial plantations need a special landscape division into blocks which must be closed for growing and maintenance. This closure to people and ranching is seen by the industry as key to successful production, particularly for protection from fire. However, these measures have been critical for Mapuche families, who are now forbidden of using fire for their agricultural practices and waste management. Mapuche people usually cross boundaries from one property to another to harvest fuelwood, mushrooms, edible and medicinal herbs, nuts, berries as well as hunting, specially when there were income shortages or harvest failures. These practices are also now restricted by both the drastic changes in the local environment and regulatory conditions enforced by forest guards.

The consumption of wild foods has been interpreted as an adaptive strategy for periods of seasonal, other irregularly episodes long term catastrophic shortages of cultigens (Etkin, 1994). Other studies about agricultural systems also refer to these wild plant foods as “hidden harvest”, a concept which also embraces their cultural, ecological, and nutritional roles in local and regional food security (Scoones et al., 1992). The act of gathering wild foods generally can be construed as adaptive since, in those expeditions, people learn about their local ecologies. This adaptive strategy is not only part of their diet but also subsistence economy. As Smith-Ramirez (1994) describes, these practices are part of the silent economy of Mapuche communities, in which harvesting non-wood forest products is vital for their subsistence economy as well as their diet. Evidently, the restricted access had a tremendous impact on their livelihoods and this met with stiff resistance from Mapuche communities and led to organized actions in response to the difficulties created by the expansion of tree plantations. This has been noticed by program officers working in the area.

I don’t think this conflict was triggered by the agitation of a few. This is not merely political...the Mapuche people was certainly encroached among tree plantations, marginalized and disposed of their resources. Forest companies are in fact blameworthy, because they slowly built an hostile relationship with the locals; fencing their woodlots, placing guards and dogs, prohibiting the entrance of people to gather fuel wood or herbs...they detached them from their land (local agriculture program officer from an NGO).

Mapuche organized to resist but also to subsist. Several Mapuche communities have organized using various resistance strategies. One interesting case showing both the symbolic and material character of these strategies is what has been called “productive occupations”. These are pacific strategies where several communities including women, children and hundreds of families take over land, cut tree plantations, then plague the fields and plant them with traditional crops such as potatoes, maize and wheat. Several families move to these lands during the day and leave in the night and other just take them over permanently. According to the movement this is a way of justifying the robberies of wood and the illegal occupation of agricultural lands that belong to them. It is a symbolic way of showing their discontent but at the same time a mean of subsistence of families that need their land to subsist. The use of symbolic crops and the emphasis in the significance of agricultural practices for Mapuche communities has been also accompanied by recent environmentalist’s discourses regarding food security, the protection of biodiversity, etc. and some of these communities have endorsed in new projects that aim to recuperate native seeds and maintain “organic forms of production”.

In contrast to activities surrounding agricultural production, forest industry is seen as an invasive activity, which gives no space for their people and their culture. As Badilla puts it the advance of pine and eucalyptus plantations seems to constitute the 'advance of a green army'¹³,

'History is repeating itself. In the past it was the indigenous peoples who suffered the rape of their lands; and now we are seeing the same with the rural population'... While a factory model of monospecific industrial plantations is being promoted, native Chilean forest resources, which are of benefit to the majority of both present and future Chileans, continue to be ignored or pillaged, since managing them in a sustainable way is not in the economic interests of a small, powerful minority based both in Chile and abroad.

According to forest companies they have been erroneously targeted as the counterpart of a conflict between forest companies and the Mapuche people when it is the government who should resolve the Mapuche problem as a societal problem. In their view M problem is the result of endemic poverty, unemployment and lack of education and the only way to overcome their marginalization is assimilating them to the rest of society but not giving them back the land. The forest sector has emphasized that disputed lands are no longer apt to be cultivated with traditional farming. In their view, Mapuche should be incorporated in forestry activities as small entrepreneurs associated to large companies. Timber Corporation chairman José Ignacio Letamendi categorically stated: “On no pretext and under no circumstances will we return the land to the Mapuche who are incapable of cultivating it”¹⁴

Politics of Land Restitution and the development agenda

Between 2000 and 2004 (President Lagos’s term in office) 230.000 hectares have been transferred to indigenous people, 80.000 hectares of which occurred in the VIII, IX and X Regions. This amount consists of purchases and public land trust transferred though land regularizations. Only in the last decade, the government has invested more than US\$50 million through the FTAI, Indigenous Water and Land Fund, in buying land and creating special programs for indigenous people.

¹³ Equipo, 1993 in *Pulping the South: Industrial Tree Plantations in the World Paper Economy*, Ricardo Carrere and Larry Lohmann)

¹⁴ Punto Final, March, 1999.

Despite these promising statistics, the FTAI process is advancing slowly in comparison with the existing demand, and is still under-funded. Therefore it has been not possible to extend it to all the areas where it is needed, and this has led to dissatisfaction among indigenous population or internal conflicts in some cases. This problem is exacerbated by the mismanagement of funds within CONADI, particularly regarding anomalies in the purchases of lands for Mapuche communities. Cases of corruption among agents of CONADI, lawyers involved in the land transactions, and real estate agents have been denounced. According to some informants, Mapuche individuals have been contacted by CONADI's personnel and asked to occupy certain fundos in order to accelerate the purchases. In return, they are offered 10% of the selling price, while another percentage goes to other parties involved in the transaction. Mapuche organizations have also contested the mechanisms used by the government to allocate resources for this program. The lands in question have not been put through expropriation, even though forest companies and large farmers suspiciously obtained them during the military regime. Instead of restoring them legally to the communities, CONADI has bought land above market prices, even duplicating the original value, and allocated these expenditures as operational costs.

Mismanagement problems have also been attributed to the bureaucracy behind the FTAI program and the high expectations held within the communities. As an external fund, the financial management has to be carried out by different governmental agencies (CERPLAC and MIDEPLAN) and therefore tasks are duplicated. As an example, one of the requirements to launch the program was the elaboration of community analysis and beneficiaries/needs assessments, which have already been done by other studies and governmental agencies. Similar problems will be encountered by a new fund arriving from the European Union, with an environmental and productive focus, to be spent in the IX region. According to MIDEPLAN personnel, two million dollars alone will be spent on the diagnostic process, even though there are thousand of existing reports about what needs to be done in the IX region. In addition, the administration of the program becomes inefficient as approval for expenditures have to be signed by different governmental offices, delaying and doubling –up any bureaucratic process.

Besides the shortage of funds for buying land, there has been arbitrariness in the selection of beneficiaries. Political rather than technical criteria drive the distribution of land to indigenous communities. This works against developing social policies that correspond to local needs and that can be self-sustaining. Political negotiation over land is influenced by three main circumstances:

- *The conflict profile of the community.* The objective is to appease those communities that initiate conflict and hence threaten the “internal security of the state,” producing instability for regional investments, particularly for the forest sector. The government has emphasized in the media that there will be no negotiation with communities that employ violence in land disputes, but in practice the most radical and conflictual communities are the ones prioritized for negotiations (usually conducted in secret) to resolve land questions.
- *The political affiliation of Mapuche leaders.* During the military regime, different Mapuche community organizations became affiliated with different political parties and party factions. Despite the efforts made by Mapuche organizations to maintain their own agenda, they have often been forced to toe party lines. Only a few Mapuche organizations played a significant independent role in the highly politicized time of the democratic transition. One example was the National Council of Indian Peoples of Chile, which encompassed 27 Indian groups exerting concerted pressure for constitutional change. Five other Mapuche NGOs were involved in a more developmental role. According to Mariman (1994) it was these NGOs that

began to bring together the existing Mapuche organizations toward the end of 1989 in order to educate and mobilize the Mapuche nation. As indicated by a CONADI official Mapuche political activists and communities that worked against the military dictatorship together with the current government (Concertacion coalition) have been in the top list of beneficiaries of CONADI's Land Fund Program.

- *The symbolic meaning of land.* Communities do not always demand lands that they inhabited historically, rather seeking to claim emblematic sites where a long-standing conflict between the communities and large landowners has taken place for the last decades, such as Fundo Rucananco, Fundo El Rincon, Fundo Alaska and Fundo Sta Rosa, to mention a few. As land is frequently endowed with a cultural significance, its recovery can be an important aspect of reasserting a lost patrimony. This reclaiming process is motivated by the desire to reconnect with an idea of the land which is guarded and cultivated in collective memory. Land compensation represents an outlet for the restorative nostalgia that ends up reconstructing symbolic spaces and homeland in an attempt to conquer time and break the territorial hegemony that forest companies have imposed in their ancestral territory. The symbolic meaning of these lands can also be denoted by the fact that after transfers are completed people immediately change the name of these places, usually from Spanish-catholic names to Mapuche traditional names, hanging woodcraft signs at the entrance.

Limitations and obstacles of state responses to indigenous demands

In addition to the irregularities in land purchases, there are more fundamental problems in the way the government respond to indigenous demands. In particular, the state has demonstrated significant limitations in its willingness to integrate the socio-economic and cultural needs of indigenous groups with its programs and policy.

First, the homogenizing character of the constitution and the refusal of the state to recognize the nation's indigenous populations as distinct peoples -or as a "pueblo"-, has perpetuated a political climate that facilitates or even promotes assimilation. Consequently, efforts to create effective policies are hampered by their inability to truly integrate considerations regarding Mapuche ideas of development, family, education, production, etc. As José Andrade, MIDEPLAN sub-secretary, has commented:

"the problem is that the public institutionalism is not ready for these matters...governmental instruments are too rigid to look after indigenous issues, instruments are not pertinent. People from INDAP work with the communities the same way the work with any other campesinos (peasants), therefore they can't take action pertinently". (J. Andrade, MIDEPLAN'S sub-secretary).

A second problem impeding the success of state policy toward indigenous peoples is its centralized approach to social policy. Both local government agencies and communities in the south feel not only geographically distant from the government's "headquarters" but also politically marginalized. Policies are developed and implemented from Santiago, with little flexibility in the delivery process for local variations in program delivery. Community leaders are usually forced to travel to Santiago in order to seek solutions for their demands. Furthermore, the centralized character of social planning is exacerbated by the lack of open and transparent processes of negotiation.. Finally, tied to this centralization and lack of transparency is the exclusivity of many government policies that target only certain types of communities for aid. This can produce competition between communities for government money. For this reason, many Mapuche leaders view state initiatives as tools employed by the state to divide communities.

In the case of the Program Origenes, financed by the IDB (Inter-American Development Bank), the government appears to have attempted to remedy some of these problems. Program officers were appointed to serve as a link between communities and the program, and to facilitate effective participation processes to articulate community needs and aspirations as a basis for planning the delivery of assistance. However, while many communities felt marginalized from the program others raised high expectations of the financial support they would get and at the end the program became basically monetarized; discussions were essentially negotiations over what each member of the community would get. This resulted not only in a crisis within the program - its participatory mechanisms, its goal, the management, the internal logistics, etc- but created internal conflicts in the communities. According to some community member who benefited with the program, the negotiations over these funds generate competence among potential beneficiaries dividing the communities.

Beyond the problems with the participatory structures of government programs, it is important to highlight how the conditions imposed in the context of state programs have also disrupted traditional organizational structures. As Castro (2005) notes, rural communities and their networks have been weakened or divided as a consequence of the Indigenous Law itself, which conferred upon CONADI the right of designating “indigenous communities,” a legal status needed in order to receive economic aid from the Development Fund, through “special credit plans, capitalization systems and aid grants” (Art.23, Indigenous Law). This law requires the constitution of indigenous communities to comprise a minimum of ten people of legal age (Art. 10, Indigenous Law); this has meant that the members of a rural community who oppose government policies have refused to constitute such “rural communities.” Consequently, only some people in the community receive benefits, generating deep divisions and conflicts within the community itself. Indigenous associations, which according to the law are “voluntary groups . . . integrated by at least twenty five indigenous” (Art. 36, Indigenous Law) operate in the same way. Moreover, in order to initiate land negotiations, government’s institutionality requires the appointment of a president, who is to represent the community as a “functional chief” instead of the traditional lonko. This institutionalized state indigenism has created a new leadership which replaces traditional structures, while enabling new leaders to assume authority over some lands with historical or fictitious authority that in turn subordinates them to political parties (Castro, *ibid*).

Despite the potential for generating intra-communal conflicts, that seems to be inherent in government programs, communities do have urgent needs, and as a result generally accept government assistance. Because of the problems outlined above, however, this participation is marked by a profound Mapuche distrust of the CONADI, other government institutions and certain political parties’ militants. Almost everyone I spoke with and interviewed during the fieldwork expressed a significant level of distrust. Open spaces for participation seem to be few in number. This situation creates significant problems for indigenous leaders, intellectuals and activists, who seek to challenge the dominant political and economic system even as they are forced to become embedded within it. A number of Mapuche professionals who work with communities emphasized this point and said they were in the difficult position of having no option but to take work with the government and then face being discredited. Some are called “come-panes” (bread-eaters) among their fellows—a pejorative term referring to those Mapuche who work in governmental agencies, including health facilities, universities, etc. while preaching for the Mapuche cause. This apparent conflict of interest is particularly derided by old radical Mapuche leaders who make a living from subsistence agriculture and portray some of the young indigenous leaders as disloyal. Young Mapuche activists, on the other hand, are usually able to take advantage of their studies to support the movement with their jobs and academic skills. They

are aware of the limitations of working “within the system,” but think it is the right place to be in order to make structural changes.

Traditional leaders question young leader’s involvement in the public system and also their political tactics. These different positions within the movement, and different political strategies, are a clear demonstration of the heterogeneity within local communities and the social movements. Keeping a common agenda among the different organization is challenged not only by age differences or spatial location (urban rural) but also by the influence of their own networks. As a former member of the Coordinadora Arauco Malleco pointed out,

“the break-up of the movement was a consequence of other issues. What happen is that some sectors of the Coordinadora, with much more extreme positions, took control of the organization and started to make decisions about who will serve and who won’t. They were mainly urban people (from here and from Santiago) rather than from the rural areas. If you notice, most of the traditional lonkos of the Coordinadora in Traiguén aren’t with them.

Interesting, when asked about other organizations within the movement, a sentiment of respect and solidarity emerge as the rule. Even within organizations that have recently divided, members make a clear distinction between friendships and their role in the movement. When a former leader of this organization was asked about the reason of internal fragmentation, particularly about the “Communities in Conflict of Collipulli”, he responded:

Some people said they betrayed the movement ...that they sold themselves. And that’s wrong, because I was also a member of the Coordinadora at that time, we founded it with Victor and other people and we always agreed that the negotiations would be a matter of each territorial area. That means, if land restitution was discussed, it was stupid not to sit down with the government and talk about the transfer of those “fundos” (former member of Coordinadora Arauco-Malleco).

The third factor hindering state responses to indigenous demands, which is related to the problem of centralization and lack of transparency, is a lack of capacity building and inter-sectorial coordination among different governmental organizations to deal with indigenous issues. According to the sub-secretary of MIDEPLAN, “Inter-sectorial coordination is a drama because each institution feels certainly very competent and therefore not open for suggestions from other agencies”. On the other hand, when Mapuche people go to the health service, agricultural agency or other state agency they are immediately referred to CONADI as if we were the only ones who have to deal with anything that has to do with a Mapuche”.

The government has addressed some of these issues and is working on new institutional mechanisms that may help to incorporate the specificity of indigenous needs in other governmental agencies. The National Institute of Agricultural Development (INDAP), for instance, has committed to create an “origen” instrument, precisely to address the specific productive requirements of Mapuche communities, which are usually different from those of other rural (campesino) communities.

Likewise, land restitution policies set up by the government to acquire land for indigenous people basically provide for private ownership of pieces of land but not for the return of former communal land. The various sectoral laws facilitate and protect the registration of private property rights over resources that have traditionally been communal property. These issues become more complicated when they concern access to underground and other resources, such as water and coastal resources. As stated in the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people in Chile submitted by Mr. Rodolfo Stavenhagen (2003), under Chilean legislation the regulations governing water, the subsoil and maritime and lake resources are completely independent of those governing land ownership [and

the productive use to which they may be put] and the rights to “ownership” and “use” may be granted freely by the State to anyone who applies for them. Under this system, concessions for most of the springs and streams in indigenous areas have been granted to third parties, including the owners of forest plantations. Likewise, many concessions have apparently been granted for mining exploration and production on indigenous land. This situation also affects communities living on the coast or beside lakes, who are facing the loss of their traditional right to extract resources from the sea.

A fourth problem and key for the long-term sustainability of these programs, is the lack of environmental criteria in the FTAI Land Recuperation Program implemented by CONADI. The FTAI Land Recuperation Program, implemented by CONADI, became highly politicized, without considering sustainability-based criteria for the lands to be purchased or transferred, or developing a strategic participative plan for resource management, transfer of technology and productivity improvement. 92.6% of the restored land receives no financial or technical assistance inputs, and as a result is under-utilized. Only 12.000 hectares have been assisted by the PAP (Programa de Apoyo Predial) a technical support program established by CONADI for the VIII, IX and X regions. Lack of support has impinged on the effective productivity of these lands and economic development for the beneficiaries. This situation has forced many families to make use of the remaining forest for commercial purposes or to build their own houses. In an even greater irony, others have left reclaimed land in search of new jobs or have rented the land to those who own the necessary technology and agricultural inputs. When assistance is available, it is often incompatible with Mapuche traditional practices. According to documents obtained from Fundación Instituto Indígena, which implements PAP projects, 74 of the 84 lands transferred by CONADI in the IX region and included in the PAP program and only few are for agricultural purposes. 38% of these are considered lands that are particularly suitable for forestry or have degraded soil, and although these may be productive, harvest cycles may take up to 20 years, in contrast to Mapuche productive and economic practices, which are usually annually based and self-consumption oriented. On the other hand, lands considered for potential agricultural and livestock use often turn out to be unproductive because of other variables such as soil quality, water scarcity and lack of irrigation systems.

An additional problem experienced by Mapuche communities that are selected to participate in the state's land redistribution program is that communities are not necessarily offered land close to the areas they already inhabit, and hence may be obliged to move to different climatic or topographic zones, also leaving behind important social networks. Furthermore, in many cases families delay their moving because of the difficulties of making arrangements for transportation, productive resources in the new site, and access to different health centers and schools. The difficulties experienced by families in adapting to there new environments are particularly pronounced when conditions force them to change their traditional forms of production (e.g. from cattle raising to wheat planting). While many of CONADI's agents in the field are aware of these problems and would like to offer



Picture 2. Terrains in Loncomahuida alto, Collipulli, are highly eroded and the difficult topography only allows the use of animal traction

assistance, their mandate does not allow them to do so. Budgets and work loads are defined for the purchase of land and not for obtaining the relevant pre-purchase “ethnographic data” (to insure that the land purchased matches people’s needs) or for providing post-purchase support. Only after MIDEPLAN’s last report¹⁵ regarding the FTAI program and productive development in transferred lands, CONADI ceased buying afforested lands. Even though they do not represent the majority of lands purchased by CONADI, these lands involve high productive costs which have proved to be unsustainable for the communities.

The project dependency dilemma. Coerciveness and cooptation of assistance programs.

As it is happening in other countries indigenous policies are based on endless negotiation process where indigenous people become more involved in the political web of bureaucracy or vice versa. Some of these negotiations involve the use of compensatory mechanisms and tradeoffs in the ways of farm machinery, schools for ceasing political mobilization compensatory mechanisms implementing possible solutions to their problems. The role of NGOs and consultants engaged in these new state programs (development programs) became in some instances merely recruiting “community members” for the acquisition of new funds. However as this process is led by bureaucrats community members and particular the powerless get limited benefits and perceive this process as cooptive, paternalistic, manipulative and counter to their interests.

Recent work inspired on Foucauldian’s ideas of “governmentality” reveal the two sides of participatory discourses used by development programs (Foucault 1991; Shore and Wright, 1997). The essence of this critique is the coercive power of discourses that encourage subjects to accept the legitimacy of the existence and actions of state institutions and their concomitant strategies. Miller & Rose (1993, pp. 78-82) suggest that governmentality is apparent in the way the state institutions operate. The governmentality approach is especially useful to analyze the ongoing transformations of the welfare state that are linked to the development of new "neoliberal" forms of subjectivity associated with the welfare-to-work policies that target disadvantage social groups, or in this case, indigenous people. As Cooke and Kothari (2001) note the rhetoric of participation and empowerment used in development programs, promising empowerment and appropriate development, have the danger of co-opting people to participate in a predetermined agenda.

Indigenous people in Chile had become increasingly dependent on government funding over the past twenty years. When reviewing government policies regarding indigenous people it is noticeable that elements of these programs and practices combine to result in the exercise of a particular kind of power over people and natural resources. It is this same source that funds an “indigenous elite” in the form of salaries and grants, and that supports families through welfare policies and assistance programs. The exercise of power can become pervasive in development programs James Ferguson (1994) especially when many of these policies work to extend bureaucratic power over new state 'subjects', and do so precisely by avoiding issues of power. Power is exercised in a manner that effaces its application. Hence, power takes on the guise of assistance.

Policies toward indigenous peoples in Chile, as in other Latin American countries, are based on endless negotiations, where indigenous people become more involved in the institutional bureaucracy of social and development programs launched by the state. Development has been tied to forms of public assistentialism which can be understood as political patronage systems embedded in indigenous development programs. In the Mapuche case these programs, including

¹⁵ Informe de Síntesis. Fondo de Tierras y Aguas Indígenas. Ministerio de Planificación y Cooperación. Corporación Nacional Indígena

the land restitution fund, are expected to reduce conflict by improving the standard of living in these communities. However, simple assistance often conceals the broader political utility of such programs, which facilitate the inculcation of the ruling national ideology at the local level while disarticulating grassroots movements.

Political alliances and negotiations have been part of survival strategies, often implying different forms of co-optation and a consequent reduction in the capacity of grassroots organizations to influence social policy. In Chile, negotiations between indigenous groups and the government have been characterized by passive forms of paternalistic clientelism¹⁶, in which machinery, technical support or the construction of community centers or schools is exchanged for the demobilization of radical political elements. This form of clientelism is described by Durston (2002) as bureaucratic and technocratic, but has clearly political impacts, among other things serving to sow conflict between communities, the state and private forest and agriculture landowners.

In the Mapuche case political power is also exerted through several interventionist state policies and development programs. These forms of interventionism are based on rules, norms and procedures which give authority to bureaucrats or technocrats to design programs that would benefit indigenous communities, as personal favors to their clients, while appeasing and solving political tensions.

In many cases the use of interventionist and assistentialist programs effectively deviate the attention from more crucial issues, like the constitutional recognition of indigenous people, and centers its attention in the acquisition of funds for more programs and projects. Little (2005) describes this fever of “projectism” as a specific modality of development whereby daily activities undertaken by indigenous peoples, such as the defence of their territory, the production of food and political organization, need to be “translated” into a project format for their subsequent financing by a governmental program. Nonetheless, it is important to highlight that processes of empowerment and cooptation are not new for indigenous leaders and therefore need to be understood within this dynamic of give-and-take. Indigenous peoples’ willingness to apply for project grants indicates a desire to participate in the development process and gain direct access to its benefits, but is also requires that they play by the rules of projectism.

Even though these trade-offs take place in some communities, there is also the potential that these programs create a politically charged arena in which relations of power are worked out and reassessed rather than being depoliticized (Doolittle, 2003). Most of the Mapuche leaders I interviewed recognized the importance of using diverse political strategies- including a community based front, the government front, and the international front. They are also sensitive about the socio-economic difficulties faced by many Mapuche families. Rural Mapuche, recognizing the hopelessness of achieving rural prosperity in conditions of crowded and overexploited lands, may increasingly have other priorities like clinics and schools, and may expect that their children can escape the dead-end of subsistence farming. In many instances, rural to urban migration is the silent testimony to the fact that rural people cannot be expected to be interested in programs whose outcome will be the institutionalization of subsistence farming. This is particularly reinforced by indigenous development programs, farming assistance, and credit programs which only propagates the interests of the forest industry.

¹⁶ According to Forewaker (2001) clientelism refers to the relationship between patron and client, and, by extension, to systems of political power that are constructed and reproduced through webs of patron-client relationships that depend on individual exchanges of protection and favour for loyalty, support, and votes.

“Miracle projects” and the professionalization of development

Indigenous peoples not only have to deal with nation-state but with multilateral organizations like the World Bank, IDB, and transnational corporations which approach them looking for their consent to local investment and resource exploitation projects. Because of the asymmetrical power relationships at work, indigenous people are subject to new forms of governance in which multinational institutions hold great influencing over policies and initiatives that affect indigenous communities. Many of these projects for infrastructure and extractive industries are now coupled with coercive programs that come as aid and loans that absorb indigenous communities into the scenario of dependence, indebtedness, and business associations that could have adverse consequences.

In addition to government, multilateral, and corporate actors, international and national NGOs also have an influence on development policy in indigenous communities. NGOs repeat the same patterns of governmental developmental policies, incorporating into existing political and economic systems and building on old models of governance (Brosius, 1999; Ferguson, 1990). Development aid and programs are usually constrained by organizational structures, donor funding, knowledge premises, project designs and budgets which limit access to sites, controls labour supply for project activities and transform local political organization. I will discuss below some of the constraints these factors impose.

For funding purposes, NGOs have to establish strong ties with donors, and this can often lead to the cooptation of grassroots initiatives, and NGOs missions, by institutional agendas established in developed countries (Mc Daniel, 2002). Concepts such as forest certification, sustainability, gender equity and community-based development have been embraced by international aid agencies and almost forced onto communities. As Fisher (1997) points out, what began as protest against top-down development practices has resulted in the paradoxical situation of top-down participatory and community-based development projects forced onto communities through NGOs because of their dependence on outside funding.

The imposition of international agendas has been exacerbated by the crisis faced by Chilean NGOs following the return to democracy. Prior to 1990, the primary role of NGOs was to resist the military regime. With the return to a democratic rule, however, NGOs have been required to assume a different role: one of poverty alleviation, local economic and social development and environmental sustainability. In many cases their legitimacy and efficiency has been questioned, as they were not structured and staffed in such a way as to be able to perform these roles effectively. Furthermore, although democracy has not necessarily translated into solutions for many of Chile's basic institutional and political problems, the nation has been held up as the successful model of neoliberal economic policy, leading to a rapid decline in international financial aid flows. This has forced many NGOs into a re-conversion process in order to adapt to sporadic funding and governmental approvals to implement projects funded by multi-national donors. Some had to change their agendas and mission while others have turned into regulated financial intermediaries or government contractors. International donors, like the Global Environmental Facility (GEF) or the United Nations Development Program (UNDP) cannot underestimate the role of democratic regime in their political decisions. Consequently, NGOs have to attain government support to access international funding.

International loans translate into local credit programs which are also conditioned. Credit and assistance programs offered by INDAP, SAG and CONAF, are aimed at increasing yields and production levels of the basic agricultural commodities and promoting the functioning of “traditional agriculture”. However, these programs are very conducive to the intensification of

agriculture by means of the use of improved or hybrid seeds, fertilizers, herbicides and pesticides. Credit agencies determine what seeds are to be used, what type of fertilizers, and even the contractors and suppliers. Consequently, Mapuche farmers become indebted with these credit agencies. Given the poor quality of the soil, production levels are often low, and making the repayment of credits difficult. Consequently, Mapuche farmers have been stricken by the vicious circle of dependency on ever more expensive chemical inputs, indebtedness, falling prices, and the environmental degradation that has accompanied the introduction of high input varieties of crops.

Mandatory contracts are signed by the farmer as legal recipient of the government subsidy and the amount is paid directly by INDAP to the consulting firm. These contracts stipulate that INDAP is delegated the tasks of directing, monitoring and controlling the service provided by the consultant and of paying accordingly. The extensionist gets paid in accordance with the number of activities to be carried during a specific period of time. Supervisions over these activities and time schedules are in effect, however little attention is paid to more substantial issues such as the effects of the technical assistance on production and income or the long-term sustainability of these projects.

Budgets are also constrained by the approval of funds to be released from the capital and subject to time schedules where funds have to be released before the administrative year ends. Thus, the imposition of conditions by donors, credit programs or program officers not only is unsustainable in the long-term, they also increase administrative costs, which could be spent instead in benefit of the community. This can be exemplified with projects that involve the purchase of equipment. Part of the negotiations undertaken by MIDEPLAN and one community in the IX region specified the acquisition of agricultural machinery. This purchase was financed by INDAP and Orígenes and administered by a local consultant firm, which had pre-arranged the transaction with particular dealers at elevated prices. In the same area another project was established as part of the PAP (Programa de Apoyo Predial), which mainly consists of financial assistance for development projects on recently acquired plots. In this case, one of the communities applied for reforestation with native species. Arrangements for the delivery of seedlings were made by the extensionist with tree nurseries outside the local area. These plants were transported in small compressed bags and did not survive the adaptation process. According to the beneficiaries of the program, they tried to use local plants for the reforestation process, but arrangements were done in advance by the consultant without their opinion. Trees were planted but the monitoring of these projects was absent.

Reforestation with native trees has not been successful and the government by and large encourages conversion of native forest into exotic plantations. In 2003, 13 million dollars were allocated towards Forestry Security bonds. This instrument was created by the Fundación Chile together with the major Wood Corporation (CORMA), the Development Corporation CORFO and the Ministry of Agriculture. Within the framework of this program, CONAF has established a strategic plan which aims to incorporate forest activities in the production system of small forest owners. This program basically encourages more 'efficient' industrial-scale production and encourages the plantation of exotic species (pine and eucalyptus). The program is known as "trámite fácil" (easy business), which operates in connection with INDAP. It offers credits by establishing contractual relations between small owners and large forest companies or with the Bank. CONAF determines which land is apt for afforestation purposes and then it deals with the credit. Of a total of 76.162.2 ha. afforested through this program, more than 13% are owned by indigenous people.

The government has gradually increased funds towards forestation program for small scale landowners¹⁷. Only last year the government earmarked more than 30 million dollars¹⁸. The aim of CORMA is to incorporate 2 or 3 million hectares into the bargain. In Chile, small-scale subsistence farmers control 1.48 million hectares of forest in 279 family units (Pena, 2000) and only in the IX region there are 400 thousands hectares owned by small forest owners. The ambition for CONAF is bigger as they have declared that more than 2 million ha in hand of small forest landowners is apt for forestation purposes and that could contribute to the forest sector.

Chile is already working on a management and financing project that seeks to bring small owners into the formal economy. This is called the “Forest securitization” by small owners obtain annual benefits for timber producing forest plantations. This is possible through a financial tool which works as follows¹⁹:

- Creating the company that will manage the system.
- Small-and middle-sized owners hand their land over to the project under a “deed of usufruct”.
- The management company makes a deal with private forest companies so that they afforest the land with competitive technology and, simultaneously, establishes a contract in which they commit themselves to buying timber at market prices in the future.
- The management company provides an annual payment to the landowners through securitization. In addition, the latter will: receive subsidies for afforestation, recover land and other actions; be able to supervise plantations, get forestry jobs and receive part of the income from timber sales, when the forest matures for harvesting.
- For their management, forestry companies will get paid a part of the timber when harvested, and have the first purchase option through a contract. As they have control over the timber, they will be able to increase the supply of their industries with no need to buy land.

Indigenous organizations consider this programs and policies another way of introducing exotic plantations y indigenous communities and farming areas which will only benefit forest companies²⁰. They also perceive these programs as a concealed strategy that may prevent large companies from acquiring new lands and instead annex small lands. All this subsidized by state incentives and policies; however harvests will be controlled by already monopolized national companies and the international market, which will end by increasing the acquisitive power of large forest companies.

According to McDaniel (2002), conflicts over budgets and agendas as well as the “professionalization of development” have led to less concern with grassroots’ problems, and more pursuit of self-interest among developmental organizations. The Chilean state, particularly agencies concerned with social investment and socially oriented productive investment, has also

¹⁷ These are individual or group owners who are characterised by small agricultural production systems as well as indigenous communities. Basically this category is determined by the pertinent authorities of the Ministry of Agriculture, which has to accredit the owner as such. Under INDAP criteria, small farmers have: (i) a farm of under 12 HRB (basic irrigated hectare) (ii) assets less than 3,500 UF (US\$104,000); and (iii) agriculture as their main income source, regardless of land tenure arrangements.

¹⁸ <http://www.agricultura.gob.cl>

¹⁹ This project has been initiated by Fundación Chile, an autonomous, publicly and privately funded organization that undertakes technological transfer. The project is at an experimental stage on over 7,000 hectares which do not correspond to usufruct rights with independent owners but which were acquired directly by the managing company. In addition, the management company is already holding negotiations to incorporate the financing of carbon transactions to enhance the project.

²⁰ Accessed at <http://www.mapuexpress.net/?act=news&id=346> (June 2, 2005)

facilitated the professionalization of community development. A significant number of former NGO professionals now work in governmental agencies, hence increasing the ties between NGO and government agendas. These professionals (extension agents and program officers) also become entangled in the competitiveness for new donors and recognition from their colleagues in the race for development projects, projects which do not always represent communities' interests but rather reflect the personal idealism of project developers. One of the professionals interviewed noted that "NGOs are always in search of the "miracle project" and they somehow experiment in these communities. First it was the flowers, then lupin grains, ecotourism, and so on... they all want to bring their own panacea".

The bureaucratic culture and personal idealism involved in development projects is tied to a market logic that rarely works for the communities. When projects do catch hold, it is generally in marginal ways or only in the short-term. One of the main problems is that the logic behind market oriented resource management is not adequate for indigenous communities. Mapuche communities generally rely on diversified modes of production that help them to cope with the poor conditions and size of the land they are left with after two hundred years of dispossession. On average, the lands allotted to them by the State during the eighties after the division of their communal lands, were of 5.36 hectares per family (with no extras for sons or daughters) and the average number of persons that were living in each of these allotted lands at the time was of 6.3²¹. In addition, the VII and IX provinces show high degrees of erosion, often due to difficult topographical conditions and the intensification of land use due to poverty, which has significant consequences for Mapuche communities' ability to maintain their subsistence economies. Despite this fact, agricultural policies and related technology discourages diversification and the use of traditional agricultural practices.

In fact, current policies and programs are based on privatization and individualization of plots accompanied by systematic and intensive exploitation, with the aim of modernizing and commercializing agriculture in Mapuche communities. INDAP policy in fact contains program mechanisms established to support "specialized business". These mechanisms have supported a series of "miracle projects" that have been promised as the answer to rural indigenous poverty. Some examples include the production of flowers bulbs in Tirua, the commercialization of pre-fried potatoes in Temuco or the commercialization of legumes in Lumaco. In a majority of cases, these projects have proven to be unsustainable in the long term. In an interview with an extension officer he said:

when government agents reach the communities the message is 'you have to specialize, you need to do business'. ... Today you can't choose if you want to enter the market, they obligate you and on their conditions. If you want credit you need to intensify your crops, use fertilizers, hybrid seeds, pesticides, etc. If we had laws regarding administrative and political responsibility, I'm sure we could have millionaire lawsuits against all public agencies, because what they've done is terribly irresponsible. There's no miracle project in the agro, neither with strawberries nor with the flowers business...

Most of the funding arrives from Europe, particularly Germany (GTZ), the Dutch Program (Projecto Holandes) and the Belgian Development Agency (FOS) but projects have lasted only during the intervention period and failed in general. (Program Officer from a local NGO)

As mentioned before, projectism associated with indigenous development programs also runs the risk of creating internal conflicts within and between indigenous communities because it injects

²¹ In Jose Bengoa, Los Mapuche. Comunidades y Localidades en Chile, 18.

huge amounts of money without a participative strategic plan. As a result, social and economic programs are not equally distributed within the community, and in the long term can destabilize the organizational functionality of the community. The application process and management of these projects, particularly those managed by the Origenes Program and governmental agencies such as INDAP, can provoke major changes in cultural values, in leadership patterns, organizational structure and in political relations. According to Feliciano Cayul from the community Ignacio Quepil II “CONADI has played a role in the division of the communities, giving preferential treatment to groups that create problems, to the detriment of families that peacefully try to meet their needs”²². Similarly, one NGO officer alleged that this kind of community disarticulation is an intentional aspect of government policy.

This mechanism divides the community and generally benefits one extended family and their relatives, leaving the less empowered families without a take after negotiation is done. During my fieldwork I visited several communities who benefited from the FTAI and Origenes and I could verify some of these problems. One Mapuche women in Collipulli described this as communities being subject to the wishes of the new owners; particularly those who led land negotiations or project fundings,

“What was accessed and used communally is now taken by one family, a new large farm owner (terratenientes) who negotiated in the name of all of us but later became like dictators. The president of the association now owns the manor house, he has the truck and keeps control of all that we obtained during negotiations, he decides who can we use the machinery, who can harvest and what can be harvested, who can take wood, water... he leaves us with nothing but more work to feed our families”.

Given the internal conflicts that can arise as a result of land negotiations, some communities have even opted to hire people from outside (including non-indigenous people) to carry out production activities and harvests, avoiding this way any possible organizational conflict amongst themselves.

Final discussion

One of the most serious long-standing problems affecting indigenous peoples in Chile, especially the Mapuche, relates to land ownership and territorial rights; however, issues surrounding access to and the management of natural resources has been overlooked. As we can deduce from this case, land restitution can not be reduced to a technical process of physical land transfers, but rather employ a holistic approach of integrated sustainable development. State’s land policies have more the character of assistance rather than restitution and accordingly do not integrate other issues, such as constitutional recognition of indigenous peoples, effective participation in land use plans, access to natural resources, and the protection of cultural rights, including the right to pursue development goals that are culturally appropriate.

Until now, governmental programs have focused on productive plans without strategies oriented towards the sustainable management of natural resources. In most cases, land programs lack resources to ensure that claimants or beneficiaries make use of land productively after acquisition and there is little co-ordination and cooperation between different agencies and ministries.

Thus far, the last 5 years of land negotiations and consecutive indigenous development programs has given an opportunity to assess, evaluate and strengthen the impact of these policies, both from an indigenous perspective as well as from the government’s point of view. CONADI has

²² La Segunda, 22/07/2003

recently commission a study to evaluate challenges facing all aspects of land restitution program and the findings show some of the problems already mentioned in this paper. However, other areas still need to be considered in order to realize long term objectives of these programs and policies, particularly with reference to external pressures and the intrusion of global markets in this newly reallocated land.

Given the pressure from the forest industry and the decline of the agricultural sector in the region most of these lands are classified now, and without a choice, as only “suited or apt for forestation purposes”. And, if we consider that most of the forest land for production purposes is privately owned and another portion is claimed by indigenous communities the land market for forest companies to expand is limited. Therefore, the incorporation of small farmers and indigenous lands in their programs clearly states the interest of the government to comply with forest industry needs at the expense of indigenous communities and poor peasants. CONADI’s director has also stated their interest in implementing joint venture systems between indigenous communities and forest companies, similar to the Canadian experience.

For the most part, the public system is fully advocated to promote the plantation of exotic species among indigenous communities and farmers without considering the long term effect of this production system for their economic, social and natural livelihood.

The results from my fieldwork show that both resistance strategies used by indigenous communities and the consequent responses from the government are relatively unplanned. Both the state and Mapuche organization (in response to public policies) have focused on the land question leaving some gaps in terms of the sustainability of Mapuche social and environmental livelihoods. For the Chilean government, restitution has focused on assistance programs and provision of land plots rather than entailing some recognition of injustice. Thus, the land question is basically translated in monetary terms without taking into account the protection of the cultural rights of indigenous communities and the right to achieve their own ideas about development.

The Mapuche case and its responses to public policies also illustrates a strong trend that seems to be emerging within indigenous movements. Most of these are new indigenous organizations which are growing rapidly and are setting the pace for future changes in the relations between Nation States and Indigenous peoples. And if, on one hand, many of these organizations reveal a Western bureaucratic structure – with non-traditional leaders, indigenous extension agents, lawyers and accountants, on the other, the specific content of these organizations is moving towards an ethnic direction, promoting what has been called a new phase of ethnodevelopment. Nonetheless, as mentioned in this paper, it is important to highlight that processes of empowerment and co-option are not new for indigenous leaders but rather need to be understood within the dynamic of give-and-take. Indigenous peoples’ willingness to apply for project grants indicates a desire to participate in the development process and gain direct access to its benefits, but it also requires that they play by the rules of projectism which, as noted, has several evident consequences.

Finally, I want to comment on the challenges faced today by both indigenous movements and nation-states to embrace multicultural politics in a neoliberal context. In the Chilean case, and across Latin American countries, democratization and political liberalization has provided new opportunities for civil society actors to participate in and contest state processes (Yashar 1998). At the same time, neoliberal policies significantly altered the economic and social contexts in which those actors are struggling. According to Postero (2005) indigenous people respond to these changes in different ways. In some cases, they cooperate with neoliberal governments, taking advantage of the political openings provided by new programs while in others, they simply

endure the changes along with everyone else. This offers some contradictions for the Mapuche movement, so much so that multiple political divisions have and will likely continue to emerge. Without a united organization to defend the Mapuche' general demands, the state has been able to adopt a strategy of co-opting certain leaders and selectively negotiating with certain organizations.

The historical complexity of indigenous land seizure, discrimination and poverty plus modern conceptual frameworks of identity and territoriality challenges not only nationalistic governments like Chile but also the internal dynamic of indigenous movements. As Mariman (2005) notes, Mapuche people are recreating and reformulating new forms of struggle to confront present contradictions. New indigenous movements are aware of the pitfalls of ethnic essentialism and therefore have developed new ways to intervene in local government. While demanding self-determination and ethnic recognition they confront pressures and conditions imposed by state intervention and the global market in ways that affect communities' organization and life. It is not neoliberal reforms and policies but neoliberalism as an ideological system that primes today and its corresponding authoritarian democracy which leaves resistance movements in the dilemma of a multicultural neoliberalism. The fact that governments are turning towards multicultural politics in Latin America is also accompanied by neo-liberal economic policies is not contradictory (Hale, 2005). As Hale (2006) notes, powerful political and economic actors use what he calls 'neo-liberal multi-culturalism' "to affirm cultural difference, while retaining the prerogative to discern between cultural rights consistent with the ideal of liberal, democratic pluralism, and cultural rights inimical to that ideal".

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