

Testing Democracy's Promise: Indigenous Mobilization and the Chilean State

Patricia Rodriguez and David Carruthers

In the late 1980s, following decades of authoritarianism and political violence, Latin America experienced a wave of transitions to democratic rule and social peace. Indigenous groups were prominent among the social sectors taking advantage of new spaces for political expression and dissent. By 1992, on the 500-year anniversary of the European conquest, indigenous organizations across the Americas had mobilized to demand the basic human and civil rights that their peoples have been denied for centuries. Striving to fulfil liberal-democratic ideals, reform-oriented governments in Latin America responded to indigenous protests with a variety of initiatives to grant constitutional recognition, improve the quality of citizenship, create opportunities for self-determination, and increase local control over land and natural resources. These reforms have created new opportunities for indigenous peoples, but have also exposed contradictory agendas and sharpened conflicts in many places, including southern Chile, ancestral home of the Mapuche Indians who are the focus of this study.¹

Chile's restored democratic government sought to create laws and institutions in the early 1990s that would improve on a history of troubled relations between the state and indigenous peoples. State officials reached out to historically marginalized indigenous populations, promising to incorporate their demands into the formal policy realm. While some Mapuche leaders remained suspicious, others took leading roles in this process, hoping that indigenous rights, recognition, and self-determination might also yield resolution to longstanding land and natural resource claims.

This paper chronicles the dilution of that promise, revealing the ruling coalition's attempts to instead implant its own policy priorities within a newly-created state institution, the CONADI (National Corporation for Indigenous Development). In practice, Mapuche demands for land and resource rights clashed with regional development schemes and the powerful financial interests behind them. When calls for indigenous recognition generated political opposition, the governing coalition seized control of the agenda, aggressively undercutting CONADI as an arena for dialogue. Policymakers employed wedge politics in Mapuche communities, promoting an entrepreneurship agenda among cooperative leaders, while forcefully criminalizing the militant actions of others. This approach widened the cleavages between the state and the Mapuche, exacerbated tensions between the Mapuche and private businesses, and worsened existing divisions among Mapuche communities. Still, Mapuche leaders continue to seek opportunities for true reform, challenging and engaging the state and its institutions. This evolving relationship between the Mapuche and the Chilean state presents a vital test of the quality of contemporary Latin American democratic consolidation.

The paper proceeds in four parts. The first offers a brief historical background, emphasizing the land usurpation underlying today's conflicts. The second describes the new laws and institutions that brought both great hope and grievous disappointment to Mapuche communities. The third section, based on field research in Chile from 1998 to 2006, offers empirical illustration of the ruling coalition's policy agenda in practice, analysing a set of important land, resource, and institutional conflicts. The paper concludes with an assessment of the prospects for renewing the promise of indigenous political participation in coming years.

People of the Land

The Mapuche history is one of fierce resistance to Incan, Spanish, and Chilean forces. Following the military conquest in the region known as Araucanía from 1860-1883, the government formed nearly 3,000 reservations, tasking Christian missionaries with evangelizing, educating, and integrating the indigenous population. These assimilationist policies challenged their cultural integrity and left them politically excluded and marginalized (Degarrod 1998). Early twentieth century governments further subdivided and distributed Indian lands to white colonists, eventually pushing the Mapuche onto about five per cent of their original territory (Muñoz Ramírez 2005). This land usurpation was culturally and economically devastating, dispossessing many families altogether, and pushing others onto small plots of the least productive land. It also deepened distrust of the country's political centre, removing the Mapuche farther from national politics (Mallon 2004).

Presidents Eduardo Frei Montalva and Salvador Allende promoted ambitious national land reforms; by 1971 their governments had restored nearly 70,000 hectares of usurped lands to indigenous ownership. Indigenous agricultural cooperatives also thrived, strengthening solidarity, pride, and optimism among indigenous families (Mallon 2004, 121). Still, the reforms proved largely incapable of reversing the historical legacies of land injustice and political marginalization in Mapuche territory.² Frustrated indigenous leaders turned increasingly militant, organizing land seizures, strikes, and protests (Repetto 1997, Mallon 2004).

General Pinochet's military coup brought land restoration to an abrupt end, shifting policy priorities toward the radical neoliberal agenda of his 'Chicago Boys'. In 1979, the military government issued Decree 2.568, which opened thousands of Mapuche territories to subdivision and privatization. Eager to promote market development in the Araucanía, the government extended concessions, subsidies, tax breaks, and favourable terms of investment to timber companies (Repetto 1997, Saavedra 2002). The land law entitled indigenous families to no more than six hectares, and prohibited traditional communal forms of land use (Aylwin 2004). The regime employed strategies of paternalism, clientelism, and manipulation, dispensing favours, pitting Indian groups against one another, and leveraging heavy state repression against Mapuche leaders who refused to cooperate. Nevertheless, some Mapuche forged resistance networks with a variety of civil society organizations, including the Catholic Church. Several NGOs (non-governmental organizations) offered workshops and legal advice, and launched initiatives in agriculture, fishing, and rural development. One important initiative was the Mapuche Cultural Centres (1978), which focused on cultural, socio-

economic, and political issues within communities. These forums would provide an important base for new Mapuche organizations in the 1980s.³

In 1988, as General Pinochet's national plebiscite shifted the terrain of opposition back to the electoral arena, Mapuche leaders voiced longstanding demands for land justice and political rights. The centre-left opposition coalition, the *Concertación de Partidos por la Democracia* (Coalition of Parties for Democracy), embraced indigenous issues during the campaign. Presidential candidate Patricio Aylwin's *Acuerdo de Nueva Imperial* (New Imperial Pact) promised that a Concertación government would address ancestral land disputes, and ensured constitutional indigenous rights. While some Mapuche leaders were suspicious, others joined the coalition and campaigned for the Concertación. They understood the Pact as a commitment to be treated fairly and taken into account in exchange for their electoral support (interview with Herrera 1999).

The Promise of Democracy

With the Concertación's electoral victory and the restoration of democratic rule in 1990, resolution to Mapuche social and land injustices seemed at hand. Indigenous leaders who supported the New Imperial Pact were rewarded with the opportunity to negotiate the mechanisms for returning usurped lands to Mapuche communities. This dialogue proceeded under the framework of the *Comisión Especial de Los Pueblos Indígenas* (Special Commission for Indigenous Peoples, CEPI), created by the Aylwin government in May 1990 to coordinate a new state relationship with indigenous communities. Embodying a discourse of 'co-participation,' CEPI consisted of ten indigenous representatives, ten government representatives, and a three-person directorate nominated by the president. The CEPI was charged with crafting legislation for a new indigenous law, developing constitutional recognition for indigenous peoples, and securing Chilean ratification of International Labour Organization (ILO) Convention No. 169, concerning Indigenous and Tribal Peoples in Independent Countries (interview with Herrera 1999).

The Indigenous Law and the CONADI

In 1993, the Chilean Congress passed the Indigenous Law (*Ley Indígena* 19.253), representing the culmination of CEPI's work and the promise of a new era of political participation and justice for Chile's indigenous peoples. The law called for the creation of a new institution to promote indigenous cultures and development. The CONADI (National Corporation for Indigenous Development) would bring indigenous groups directly into the state as agents of their own political futures. Given the history of land injustice, the congress also created a Land and Water Fund (*Fondo de Aguas y Tierras*) for buying and transferring lands back to indigenous communities. After so many decades of betrayal and broken promises, it is easy to imagine how CEPI, the Indigenous Law, CONADI, and the Fund generated high hopes and great expectations among many indigenous people.

The objective was to create a venue in which indigenous people could express their own ideas about how their communities should develop. Lines of action would include the promotion and defence of political rights (recognition and repre-

sentation), education, economic development, territorial restoration, access to water, development of human resources, preservation of indigenous culture and identity, and strengthening civil society. During his inauguration as its first National Director, Mauricio Huenchulaf said, 'CONADI must support an initial process of development, but in the future indigenous groups must decide themselves on their own development. CONADI will also embrace the missions of dignifying the original peoples, stimulating their participation, and contributing to tolerance and respect for ethnic differences' (*Diario Austral* 1994a).

To its creators, CONADI would sustain the co-participatory spirit of New Imperial and CEPI, transforming the relationship between indigenous groups and the state. The executive council would consist of eight indigenous representatives, eight non-indigenous representatives, and a national director appointed by the president. The council would also reflect the population distribution of Chile's main indigenous groups.⁴ CONADI's indigenous councillors were eager to assume an even larger role than indigenous participants had played in the CEPI. They wanted direct and open dialogue with indigenous communities about land, technical support, productivity, and regional development.

For the first time in Chile's history, its indigenous people could select representatives from their own communities to sit in a powerful national institution designed specifically to articulate their interests and respond to their concerns. Many indigenous people viewed CONADI's participatory character as a long-overdue victory after years of sustained activism. Indeed, leaders and citizens alike adopted a proprietary sense, thinking of CONADI as an institution of their own (interview with Herrera 1999). Indigenous leaders emerged ready to take advantage of new opportunities to make a difference. According to Indigenous Councillor José Santos Millao, 'I will be 100 per cent behind our communities, and I will not give in so easily when the intention [of political participation] is for us to make concessions to the government' (*Diario Austral* 1994a).

A Bumpy Road Ahead

Despite this initial euphoria, other indigenous leaders remained sceptical about the sincerity of the Concertación's promises and the authenticity of representation. Trouble was evident even before CONADI's inauguration, when congress was considering the Indigenous Law. Furious debate ensued over constitutional recognition, as well as procedures for consultation with indigenous communities affected by development projects. In a last-minute legislative manoeuvre, a group of senators from the right eliminated those provisions from the final draft in 1993, marking a blow to indigenous aspirations, and watering down the spirit of the law (Sznajder 2003, Bengoa 2002).

Serious concerns also owe to Chile's historic traditions of political centralism and elitism (Loveman 1979, Garretón 1989, Oxhorn 1999). The law granted President Aylwin unilateral authority to select interim indigenous councillors to serve from CONADI's launch in early 1994 until the first council elections in May 1995. It also granted him the power to appoint the national director and three of the non-indigenous councillors. Moreover, the other five non-indigenous councillors held cabinet positions in the Ministries of Agriculture, Education, National Patrimony,

Planning and Development, and the General Secretariat of the Government (Haughney 2006, 91).⁵

Verticalism was first openly manifest in a dispute over the location of the headquarters, with executive officials lining up for a national institution centred in Santiago, and indigenous leaders promoting Temuco, the principal city of Araucanía. With the dispute ongoing, councillors were not able to assume office by the inauguration date (*Diario Austral* 1994c). Resolution ultimately involved the creation of a multi-tiered institution, with the national CONADI in Santiago, positioned in the powerful executive-branch Ministry of Planning and Development (MIDEPLAN), and two regional sub-directorates – Iquique in the north and Temuco in the south.⁶ Situating the agency in MIDEPLAN raised additional concerns about its independence and capacity for implementation, particularly for policies that would require cooperation with other ministries.⁷

Sceptics also worried about the power of MIDEPLAN and other executive offices to influence policy decisions through their budgetary authority. As early as August 1994, Director Huenchulaf and his staff complained about insufficient resources to enact meaningful land redistribution. Huenchulaf anticipated that a serious programme for resolving land conflicts would require at least 14 billion pesos, but congress had only granted 3.5 billion for the entire 1994 CONADI budget, less than half of which would be available for land purchases or subsidies to land-poor indigenous peasants (*Diario Austral* 1994d). The bulk of the budget was destined instead to administration, infrastructure, services, technical support, soil productivity, and education.

One Mapuche group, the *Consejo de Todas las Tierras* (All Lands Council) denounced the manipulation of the nascent CONADI by party leaders and executive-branch officials. The fact that MIDEPLAN would organize the coming elections for indigenous councillors represented an unacceptable degree of central control. When the election took place in May 1995, the *Consejo* charged fraud and mismanagement, blaming the low turnout (under 40,000 of about 600,000 eligible indigenous voters) on poor organization and withholding of essential information (*Diario Austral* 1995).

CONADI'S Broken Promise

When CONADI launched in 1994, differing expectations about its democratic promise were evident in indigenous communities. While some leaders voiced concerns about executive control of the agenda, others hoped it would pave the road to more authentic citizenship for Chile's indigenous peoples. Mapuche families hoped for educational opportunities and material improvements, and long-overdue redress of historical claims of land injustice. Over time however, those hopes gave way to deepening disappointment, a bitter sense of betrayal, and ultimately opposition, protest, and political violence. When indigenous demands ran counter to industrial and development interests, state agencies and policies perpetuated the Pinochet-era pattern of siding with the private companies against the expressed interests of indigenous communities. In the eyes of Mapuche and other Indian leaders, the promise of democratic co-participation deteriorated into a cruel fraud.

Hydroelectricity and industrial forestry provide telling demonstrations of this

pattern, and have been flashpoints for the sharpest conflicts. ‘Megadevelopment’ initiatives pushed by powerful international corporations, landowners, forestry companies, and energy development consortia have deepened the polarization and divisions within Mapuche communities, and thrust CONADI staffers into the middle of long-simmering conflicts. Brief analyses of these controversies reveal important lessons about the forces at play within CONADI, and the challenges that confront the larger quest for indigenous rights, recognition, and justice.

The Ralco Conflict

Concertación governments have shared and pursued Pinochet’s economic programme for the region, which rested on a chain of hydroelectric facilities in the Upper Bío Bío River Basin. In 1990, the National Electricity Company (*Empresa Nacional de Electricidad, S.A.*, ENDESA) began construction of the first dam, the Pangué. Its construction generated substantial controversy, including a discourse of ‘ethnocide’ and an eventual denunciation by the President of the World Bank. However, because Pangué was well under way before the Indigenous Law or CONADI existed, those new protections and participatory mechanisms were not put to the test. That test would come, however, when ENDESA (now privatized and under the control of a Spanish industrial consortium) pursued a second dam, Ralco.

Mapuche leaders were determined to oppose the Ralco dam.⁸ It would bring massive ecological disruption, the destruction of indigenous villages and livelihoods, and the inundation of historic Pehuenche territories (the Mapuche subgroup that inhabits the highlands). In 1997, ENDESA began to negotiate the eviction and relocation of hundreds of Pehuenche families. The negotiations divided the communities, with some families signing relocation agreements, and others asserting they would never give up their ancestral territories.

As Pehuenche resistance captured the nation’s attention, indigenous leaders hoped to flex their new muscles in CONADI. The project could not go forward without the agency’s approval, and its co-participatory structure seemed to provide an ideal space to express their determined opposition. However, in April 1997, President Frei nipped that opposition in the bud by removing Ralco opponents from their CONADI offices, including the Temuco regional Subdirector, the lead CONADI attorney, and Director Huenchulaf. Upon his renunciation, Huenchulaf grimly predicted the disappointments to come:

I became an obstacle to the implementation of a political-economic path that does not take into consideration the damage it can signify to the indigenous population... Those in government who believe that this institution is simply another instrument for the state to accommodate a diversity of interests are wrong... [the president’s intervention] will only provoke an end to the pact between the state and indigenous peoples (*Diario Austral* 1997).

The firings did not stop CONADI councillors from voicing opposition to Ralco; they were outraged to discover that ENDESA commenced construction in early 1998 without awaiting CONADI approval. President Frei’s newly appointed national director, Domingo Namuncura, denounced the limitations on CONADI’s

decision-making and implementation authority, and endorsed closer involvement with Pehuenche groups, giving legal advice and blocking fast-track approvals of ENDESA's land-exchange agreements (Haughney 2006, 122).

The next showdown came in July 1998, when two government councillors (appointed by President Frei) joined their indigenous colleagues opposing Ralco. Frei demanded their immediate resignations and replaced them with councillors sworn to vote in favour (interview with Vives 1999; Namuncura 1999a, 39). In early August, the council was set to make its ruling, with the indigenous councillors opposed, the government councillors in favour, and the deciding vote in Director Namuncura's hands. When the president learned of Namuncura's intention to vote against the permits, he requested his resignation just hours before the vote. Once again, executive intervention trumped representative democracy to secure the project's approval (Namuncura 1999a). A month later, over the strenuous objections of the indigenous councillors, the president installed the first non-indigenous National Director, Rodrigo González, who predictably voted approval. Following Namuncura's departure, González's CONADI began authorizing the relocation agreements.

Tensions sharpened again in March 2000, when the government authorized ENDESA's plan to flood 3,500 hectares of Mapuche land, including two villages. Several indigenous representatives quit the Ralco working group, and CONADI's indigenous councillors refused to participate in council meetings between February and May 2000. They continued their attempts to stop the relocations, boycotting votes on land agreements and appealing to the courts, but to no avail (Haughney 2006, 144). In September 2003, the few holdout families finally acquiesced in exchange for money and land.⁹ By the end of 2003, all Pehuenche families were relocated and the dam was complete.

The Ralco conflict sheds light on the dramatically different visions that state officials and indigenous communities held of CONADI. For the government, CONADI should avoid political entanglement altogether, and should serve instead to facilitate a larger economic agenda of promoting market and entrepreneurial opportunities in indigenous communities (Haughney 2006). In April 1999, Secretary General of the Government Claudio Huepe said that the 'objective of the CONADI is to act as a development agency, not as the representation of the indigenous world' (quoted in Haughney 2006, 138). That assertion runs directly counter to the prevailing belief among many indigenous leaders that CONADI was conceived precisely as a venue for their long-denied political expression.

For indigenous people across Chile, Ralco generated bitter disillusionment. Revealing vestiges of an enduring, autocratic style of politics, the executive had 'usurped' and 'de-indianized' 'our CONADI,' and reconfigured it as a development agency rather than an entity for indigenous voice (interview with Namuncura 1999b). The process dealt a devastating blow to CONADI's credibility, and shattered the government's promise of a new era of political recognition and participation. With formal, institutional avenues of representation severely delegitimized, Namuncura believes militancy, protest, and radicalization were inevitable (interview 1999b).

The conflict also exposed the profound divisions within indigenous communities. Historic patterns of paternalism and manipulation further divided Pehuenche

families, who could not hold a united front. Indeed, the plight of the families garnished uneven support from other Mapuche groups, revealing even deeper fault lines within the larger Mapuche movement (Haughney 2006, 100).

Forestry and Land Conflicts

Industrial forestry has long been a government priority and a powerful economic force in southern Chile. Incentives under Pinochet's Decree Law 701 (1974) included heavy subsidies for companies to establish forest plantations on former Mapuche lands acquired through privatization. Forest plantations received 75-100 per cent direct government funding during the dictatorship, and Concertación governments, dedicated to the export-driven economy, have continued the subsidies (Grass 1999, Maggio 2007). Timber products account for a high percentage (34 per cent) of the country's overall exports, second only to copper (Maggio 2007). Many indigenous leaders view timber officials and workers as outsiders who are just as culpable as the Chilean state for the usurpation and destruction of their territories.

After the dictatorship, Mapuche leaders immediately pressed the Concertación for the restoration of ancestral lands and for mechanisms to prohibit forestry companies from continued territorial acquisition. Frustrated by the government's lack of response and its ongoing dedication to timber subsidies and concessions, the more radical groups (such as the *Consejo de Todas Las Tierras*) reactivated the protest and land-seizure strategies of the 1970s. Aylwin's government was quick to react against the militant turn, vigorously employing the same Anti-Terrorist and Internal Security Laws that Pinochet once used to silence his political opponents.¹⁰ By 1992, the government had imprisoned 144 Mapuche land protestors, setting a cynical tone for the restored democracy (*Diario Austral* 2000a; Haughney 2006, 72).

In spite of these bitter turns, some Mapuche leaders continued to hope that the new Indigenous Law and CONADI would provide legitimate mechanisms for land devolution. As the prime institution responsible for designing public policy in indigenous communities, CONADI attempted to address the problems via the Land and Water Fund. One of the first test cases involved 3,000 hectares in the community of Lumaco (IX region), which historically belonged to two Mapuche *caciques* (chieftains). After the conquest, relocations, and privatizations, the lands eventually became holdings of one of the largest forestry companies, Forestal Arauco. In 1997, the descendants of the caciques (85 families) initiated the land recovery through the CONADI Funds. The owners of Forestal Arauco fought back in the courts, bringing the process to a standstill. Frustrated families occupied the plots and interrupted forestry operations. Hostilities climaxed in December 1997, when Mapuche militants intercepted and burned three logging trucks. The Frei government arrested twelve Mapuche activists and imprisoned them under the anti-terrorism law. Land conflicts erupted throughout the southern region. By September 1998, 15,000 hectares were under dispute between 473 indigenous families and several forestry companies.¹¹

In the face of this stalemate, government strategies took two distinct forms, one reflecting the priorities of the executive cabinet, and the other coming from within CONADI itself. Our research reveals starkly different institutional visions between the government and CONADI staffers regarding the agency's objectives and mis-

sions. CONADI staff routinely felt pressure to fall in line with Concertación priorities. One CONADI official stated:

The Ministry of Finance pressed us to tell them about the economic return of such and such land devolution, when what we evaluated were the sociological and anthropological links between a community and a plot of land, the moral nature of the reparation... in principle, it was the same to us if [the indigenous] got the land and did not do anything with it (interview with Mansilla 2004).

MIDEPLAN was also intricately involved in land conflict decisions, because it controlled the budget allocations to CONADI and its Funds. MIDEPLAN Minister Germán Quintana made regular press announcements to address the crisis, calling for a national consensus on indigenous issues, and assuring the public that CONADI would have sufficient money to satisfy Mapuche land demands (*Diario Austral* 1999a). However, MIDEPLAN directives clearly gave preference to economic prerogatives over Land Fund allocations. In the midst of the intense conflicts of 1998, MIDEPLAN increased CONADI's budget to 8 billion pesos; however, only 2.9 billion were allocated for resolution of southern land conflicts (*Diario Austral* 1998a).

With a limited budget for land dispute resolution, CONADI staff found themselves increasingly unable to deliver on government assurances. With the intensification of conflicts, executive interventionism became more commonplace, increasing confusion about and within CONADI. On the one hand, the agency was responsible for establishing order by imposing a 'ceiling' on the number and intensity of land claims (Llancaqueo 2005, 98). This order implied a tough stance on the part of the government and CONADI. In 1998, Frei's appointment of Rodrigo González triggered bitter opposition from Mapuche leaders, who asserted that he had no credibility. The disputes divided the CONADI Council, generating a four-month rupture (August through November 1998) between the government councillors and the indigenous councillors. CONADI was by now so discredited that one Mapuche organization, Ad Mapu, announced the formation of a parallel indigenous commission to keep the agency in check (*Diario Austral* 1998b).

On the other hand, CONADI was still tasked with finding resolutions to land conflicts, whether indigenous communities viewed its director as legitimate or not. In the midst of pressures from both the executive and the indigenous communities, CONADI staff members (anthropologists, sociologists, and attorneys) managed to define, albeit somewhat informally, their overall objectives for the resolution of land conflicts. They hoped to establish close contact with communities, particularly as negotiators of financial settlements between indigenous communities and forestry companies. In the eyes of its staff, this diplomatic posture distinguished it from other state institutions involved in land disputes, particularly those concerned with maintaining security. As one CONADI staffer explained:

Many times we are able to negotiate with communities that are in conflict, establishing what the price of the land will be... In many negotiations, we also get the help of the indigenous councillors; they are a crucial help. But many times, we have direct orders from the president that we must keep the noise down in the most conflictive communities... We understand that our struggle is

permanent, we compete with intelligence agencies... we try to take control so that [the conflict] is not addressed with the involvement of police forces. This is hard. These are divided communities, without a central organization (interview with Mansilla 2004).

One government strategy for solidifying relations with indigenous communities was to strengthen technical, entrepreneurial, and cultural development projects. In January 2000, CONADI announced an investment of \$900 million pesos for small irrigation projects in twenty indigenous communities in the Araucanía (*Diario Austral* 2000b). Other small projects included job creation and the restoration of degraded soils. However, evidence suggests that the rhetoric and aspirations were not matched by a consistent financial commitment. According to CONADI figures, only 12,000 (7.4 per cent) of the 164,000 hectares of land distributed to Mapuche communities between 1994 and 2001 had been targeted with follow-up subsidies and technical support from government sources (Rodríguez, Alvares, and Palomera 2002).

In 2001, the government announced the creation of *Programa Orígenes*, an integrated development project and entrepreneurship programme for indigenous people, which included a US \$130 million investment in association with the Inter-American Development Bank. Although the programme envisioned community development programmes (in horticulture, artisan workshops, and cattle-raising) which aimed at enriching economic and cultural life, critics charge that the *Orígenes* programme lacks meaningful participatory mechanisms, reproducing classic verticalism (Vera et al. 2004, 44).

While reaching out to responsive Indian leaders, CONADI officials also encountered growing resistance from other Mapuche groups. Mapuche leaders of differing political persuasions adopted a variety of pressure tactics. When families succeeded in recovering land, some leaders demanded that the companies pay indemnities or leave the plantations intact. CONADI's conflict resolution strategies were limited by executive orders. In early 1999, confrontations at another major forestry company, Forestal Mininco, turned violent. Mapuche organizations threatened more protests and land invasions if CONADI did not promptly restore their lands. CONADI negotiated the devolution of 59 hectares with leaders in the communities of Juan Loncoyán and Traiguén (*Diario Austral* 1999b). The indigenous councillors denounced the agreement, alleging that Mapuche communities 'are not asking for 59 hectares, they ask for much more; this is not a concrete solution' (*Diario Austral* 1999c). Although land occupations were making national headlines, government officials denied that Mapuche discontent was widespread. CONADI officials echoed the government's assertion that the violent groups were not representative, but also recognized that they had significant mobilization power (interview with Agurto 2003; interview with Mansilla 2004).

The executive branch, however, addressed the violent conflicts forcefully, with police and military deployments. Among the targeted groups were the *Coordinadora Arauco-Malleco* (CAM), a group that had split off from the Communist Party (CP), and the *Consejo de Todas las Tierras*, led by Aucán Huilcamán. According to a CONADI official, the 'visible faces within these movements were dealt with solely by the Ministry of Interior, the police, and the judiciary' (inter-

view with Mansilla 2004). During a period of intense government repression in August 1999, one of the leaders of CAM, Victor Ancalaf, went into hiding, and denounced the lack of guarantees against abuse of power and the use physical force by police forces (*Diario Austral* 1999d). With land takeovers, equipment sabotage, arson, police brutality, and political imprisonments continuing into 2000, a group of Mapuche leaders (including Huilcamán) accused the government of militarizing the region. Mapuche organizations staged numerous roadblocks and protests against CONADI in Temuco and Santiago. Prosecutors blamed indigenous leaders for threatening armed mobilization. These accusations further divided the increasingly fractured Mapuche movement. Indigenous CONADI Councillor Hilario Huirilef denounced the militants and insisted that indigenous groups were open to peaceful dialogue. However, Frei refused to meet with indigenous representatives to hear Mapuche demands. To many Mapuche, Frei's position represented a government stance in favour of wealthy landowners and corporations, and against the interests of indigenous peoples.

Further Institutional Failings

While land invasions and the Ralco relocations of Pehuenche families grabbed media attention, CONADI struggled with an array of additional political, organizational, and logistical problems. Its second national election in November 1999 was marred by low turnout, registration errors, missing ballots, and abuses of power that ultimately drove more wedges into the Mapuche movement.¹² One candidate (Hilario Huirilef) charged two councillors (Francisco Chodiman and José Millao) with improper use of CONADI resources for their re-election campaigns, and Aucán Huilcamán accused some councillors of making pacts with MIDEPLAN officials to ensure their re-elections (*Diario Austral* 1999g). Ironically, in the end the process was little more than a non-binding consultation; President Frei simply designated the eight councillors of his choosing, irrespective of electoral results.

Appearances of impropriety further eroded confidence. In October 1998, Congressman Eugenio Tuma accused the agency of mismanaging the Land and Water Fund, arguing that it was overpaying for territories destined for redistribution (*Diario Austral* 1998c). In July 1999, a congressional oversight agency's investigation (*Comisión Investigadora de la Cámara Baja*) found that several staff members were engaged in illegal practices between 1994 and 1997, including false receipts for land sales, tax evasion, and falsified spending documents (*Diario Austral* 1999h). In May 2001, a CONADI attorney (Andrea Reyes) alleged irregularities in the land redistribution process. Another investigation into the Land Fund alleged that some CONADI officials had received commissions for the overvalued sale of lands between 1997 and 1999, though they were eventually cleared of all charges.¹³

Tensions with political parties also widened divisions between CONADI and indigenous communities, and among rival Mapuche leaders. As confrontations grew increasingly violent, some party leaders defended indigenous claims, while others denounced militant tactics. Although many leaders belonged to parties, the relationship became more distrustful (Haughney 2006). In the words of one Mapuche leader:¹⁴

We have realized that since the year 1978 forward, when the cultural centres were formed, the political parties have divided the Mapuche organizations, since each one of them took a part of those centres. That [period] marked the beginning of a lack of coordination, a disarticulation of the indigenous movement (*Diario Austral* 1999i).

By the late 1990s many indigenous people saw the institution as irredeemably tainted by partisan manipulation. One of the congress' most vocal supporters of indigenous demands (Representative Tuma) said in a July 1999 interview that CONADI's outcomes were so one-sided in nature that the entire architecture should be reconsidered:

CONADI should become an exclusively statist technical organization that could function in unison with another indigenous entity that would resemble an indigenous parliament. That is the only form of legitimate representation of the demands of these peoples, since its hybrid character today enables the opinions of the government always to take precedence over those of indigenous community representatives (*Diario Austral* 1999g).

Conclusion: The Renewal of Hope?

Ricardo Lagos assumed the presidency in March 2000, promising more responsiveness than his predecessors to indigenous demands. He increased CONADI's budget and distributed 50,000 hectares of land (*Diario Austral* 2000c). He raised the number of indigenous councillors (to eleven), and created three new posts for indigenous leaders to report directly to him, producing the institution's first indigenous majority. He launched the 'Historical Truth and New Deal Commission' (*Comisión Verdad Histórica y Nuevo Trato*) to make recommendations for indigenous constitutional recognition and self-determination. Because the Senate again rejected ratification of ILO Convention 169 in April 2000, the Commission represented 'the effort by the government to define a project that incorporates the demands of indigenous groups about recognition, as a kind of "halfway" between national integration and recognition of autonomy and territorial independence' (interview with Krauss 2003).

Despite these promises, Lagos's term saw few concrete policy advances. In 2003, after three years of deliberations under the leadership of former-President Patricio Aylwin, the Truth Commission issued its report, urging the congress and the president to pass legislation recognizing the constitutional rights of indigenous peoples.¹⁵ Though the legislation received publicity, the Senate refused to pass it.¹⁶ The report generated intense debate in Araucanía. Southern landowners expressed a fear of Balkanization, asserting that self-determination provisions would generate more radical conflicts and a 'dismemberment of the Chilean state' (Rohter 2004). The *Consejo de Todas las Tierras* denounced the report as 'assimilationist,' since it omitted the theme of institutional responsibility for the usurpation of ancestral lands (*Diario Austral* 2003).

Although CONADI received a loan of US \$88 million from the Inter-American Development Bank (IADB) and another budget increase (to 17.8 billion pesos) in 2001, its mechanisms for land devolution and conflict resolution failed to resolve

land and natural resource claims. In May 2002, Forestal Mininco sold a major holding, Fundo Alaska, 'convinced that they could no longer exert normal control over the land, due to the constant occupations, fires, and other disturbances inside their property' (*La Tercera* 2002b).

From the standpoint of Mapuche communities, Lagos' government continued to intervene on behalf of the companies. For example, in March 2001, sociologist Jaime Andrade (appointed as chief government negotiator in the province of Malleco) negotiated a deal perpetuating forestry company operations in the region. When indigenous groups claimed they should receive the land with the trees still standing as a symbol of the historic debt owed to indigenous people, the companies refused to sell. When Andrade rose to the position of MIDEPLAN Director, he sponsored CONADI agreements granting land to dozens of Mapuche families, but requiring relocation to other regions of the country far from ancestral Mapuche territory (Alvarez 2003).

Another major blemish on Lagos' policy record was the continued use of the anti-terrorism and internal security laws to imprison Mapuche protestors. Initially, he sought diplomatic alternatives, including an amnesty agreement between the government and the *Consejo de Todas las Tierras* before the Organization of American States (OAS) (*Diario Austral* 2000a).¹⁷ However, by the end of his term (2006), the Lagos administration had processed hundreds of Mapuche activists under the provisions, and several Mapuche leaders remained in prison charged with terrorist activities.¹⁸ The plight of Mapuche 'political prisoners' has persisted as a rallying cry for indigenous and human rights activists, including international support organizations such as Amnesty International and Human Rights Watch.

In a March 2002 interview, historian José Bengoa, one of the most-respected architects of the Indigenous Law and a founder of CONADI, presented a scathing assessment of the institution and its shortcomings:

CONADI is an institution that has been left behind. It is a new entity, without much history, and it possesses a very limited mandate to confront a phenomenon of such complexity as the construction of a hydroelectric plant. No one thought that the land devolution system would end up serving to remove people from their places for the construction of such a facility. The land devolution system was included in the Indigenous Law for individual and private cases, not for massive cases in which 100 families are removed from their lands... The biggest mistake by authorities has been to let the company negotiate with the Pehuenche families without the intermediation of any authority figure (Rojas 2002).

Five years after Bengoa's denunciation, however, promising reform currents within CONADI signal new possibilities that might yet yield more viable solutions to indigenous issues in the long run. One positive indicator is the rapidly growing presence of indigenous representation in the higher echelons of the institution. For an agency that has suffered a mighty loss of credibility, a remarkable number of Mapuche representatives still see prospects for CONADI to someday realize the aspirations of its birth.¹⁹ In 2006, for instance, one of the most renowned indigenous women's leaders, CONADI Councillor Isolde Reuque Paillalef, assumed the Directorship of the Temuco CONADI. Although she responds to the National Di-

rectorate, the presence of a popular indigenous leader at the head of the regional CONADI in Mapuche territory represents a significant victory.

CONADI reformers have also launched a number of important restructuring initiatives at levels below the Council and the Directorate. Individual staffers have tried to overcome scepticism and establish new relations with Mapuche community leaders. For instance, an anthropologist in CONADI's Indigenous Development Department explains the new role his department can play in indigenous communities: 'CONADI is working to establish new leadership and those [radical leaders] who seek autonomy do not agree with this path. We are emphasizing entrepreneurial skills, within the sphere of the family, to boost their development. That is what we are trying to build on, through more extensive, direct contact with community leaders' (interview with Agurto 2003). A staff member in the Land and Water Department emphasized similar attempts to maintain direct contact and dialogue at the community level (interview with Vidal 2003). These kinds of contacts might help CONADI officials to better comprehend the ideas, demands, and propositions of some Mapuche community organizations.

Another development that may offer hope for improved relations between indigenous groups and the state has been the campaign to elevate local human rights and indigenous issues into the international arena. In the midst of the conflicts of 1998-1999, a delegation of indigenous leaders went to the Human Rights Commission of the United Nations to present evidence of police abuses, disappearances, and political imprisonments. Because of these efforts, the UN Special Commissioner for Indigenous Rights, Rodolfo Stavenhagen, has repeatedly asked the government to pursue all efforts to find solutions to land conflicts and to avoid imprisonments of the Mapuche (*La Tercera* 2006a).

Mapuche links with international indigenous and human rights organizations and activists might also strengthen their hand in dealing with the state and with Chilean and international companies that operate in their territories. In March 2006, four Mapuche leaders imprisoned since 2001 (for setting a fire on land owned by Forestal Pidenco) launched a prolonged hunger strike. The hunger strike again brought international attention to Chile's human rights record. In response, President-elect Michelle Bachelet declared her determination to ban the use of anti-terrorist and internal security laws against Mapuche protestors. Since taking office, she has proposed a legislative initiative to eliminate threats to property from the anti-terrorist law (the rationale for most Mapuche imprisonments).²⁰ And in April 2007, President Bachelet's office announced a 'new indigenous policy' to focus on enhancing indigenous political participation, granting constitutional recognition, pressing for congressional authorization of ILO Convention 169, and promoting new initiatives to support urban migrants, indigenous women, education, and culture (MIDEPLAN 2007). At the time of this writing the legislation has not yet been presented, but perhaps she will find the political will to succeed where her predecessors have failed.

The story of the Mapuche struggle to secure land restoration, citizenship, and socio-political rights in democratic times has been both hopeful and sobering. While liberal reformists sought to create institutional mechanisms to grant constitutional recognition, self-determination, and a voice in regional land and development policies, initial hopes faded in the shadow of administrative problems, verti-

calist intervention in decision making, and serious divisions among Mapuche leaders and communities, both within and outside of those institutions. Still, in spite of betrayals and setbacks, indigenous groups continue to pursue resolution to their demands with strategies of dialogue, negotiation, mobilization, alliance building, and the quest for political agency. Mapuche land and natural resource conflicts are centuries in the making, but Mapuche communities and their advocates will continue to press the Chilean state to fulfil its democratic promise.

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Patricia Rodriguez is Assistant Professor of Political Science at Ithaca College. She teaches courses on social mobilization in Latin America, indigenous and comparative politics, and political sociology. Her research focuses on the policy outcomes of protest and political interactions of land-related movements in Brazil, Chile, and Ecuador. She recently published 'With or Without the People: The Catholic Church and Land-Related Conflicts in Brazil and Chile,' in F. Hagopian, (ed.) *Religious Pluralism, Democracy, and the Catholic Church in Latin America: Social Change, Religion, and Politics in the Twenty-first Century*, Notre Dame IN: University of Notre Dame Press, 2008. <prodriguez@ithaca.edu >

David Carruthers is Associate Professor of Political Science at San Diego State University. He teaches courses on Latin American politics, environmental politics, and comparative politics. His research has centred on popular movements, environmental politics and policy, and indigenous and rural politics, especially in Mexico and Chile. Recent research has explored environmental justice in Latin America, such as the article 'Environmental Justice and the Politics of Energy on the US-Mexico Border,' *Environmental Politics* 16(3), June 2007: 394-413, and the edited volume *Environmental Justice in Latin America: Problems, Promise, and Practice*. Boston MA: MIT Press, 2008. <dcarruth@mail.sdsu.edu>

Notes

1. Chile's main indigenous groups include the Aymara, Colla, Quechua, Rapa Nui, Yamana, and Atacameños. The Mapuche are the majority (98 per cent) of the indigenous population. The 2002 census counted 604,000 Mapuche, 4 per cent of the national population (*Informe del Programa de Derechos Indígenas* 2003).
2. Most landowners could produce titles and demonstrate sufficient productivity, so the state could not legally expropriate and return the vast majority of ancestral Mapuche lands (Mallon 2004).
3. Contemporary Mapuche organizations such as Ad Mapu, Nehuen Mapu, Sociedad Calfulicán, Choin Folilche, Lautaro, and others were formed out of the Mapuche Cultural Centres (Repetto 1997).
4. The eight indigenous councillors include representatives from five main groups: Mapuches (4), Atacameños (1), Rapanuis (1), Aymaras (1), and one urban indigenous leader (1).
5. Leaders from one Concertación party, the Christian Democrats (PDC), wanted the president to appoint a PDC candidate to the directorship (Victor Painemal). Another Concertación party, the

Party for Democracy (PPD) insisted on their candidate. Aylwin broke the deadlock by granting the directorship to Mauricio Huenchulaf, an indigenous leader with ties to the PPD, and granting the sub-directorate to Painemal (*Diario Austral* 1994b).

6. There are six additional Offices of Indigenous Affairs in other cities in indigenous regions throughout Chile, including Easter Island (Rapa Nui).
7. For instance, CONADI officials have been shut out of critical decisions by the National Environmental Commission (CONAMA) concerning land and resource issues in indigenous territory (Caruthers and Rodríguez 2007). Similar problems have been documented in other MIDEPLAN agencies, such as the National Women's Service (Servicio Nacional de la Mujer – SERNAM) (Franceschet 2005).
8. For complete accounts, see Morales et al. (1998), Namuncura (1999a), Universidad ARCIS (2000), and Baquedano (2004).
9. Nicolasa and Juan Quintremán, famous symbols of Pehuenche resistance, closed a deal with ENDESA in December 2002, securing 77 hectares and 200 million pesos each (Alvarez 2002). In September 2003, with the dam 90 per cent complete, the last four holdout families settled under the same conditions, plus 1,200 more hectares to distribute among their twelve children (Guzman and Morales 2003).
10. Especially the 1984 Anti-terrorist Law (No. 18.314) and the 1958 Law of Internal Security (No. 12.927), which Pinochet stiffened in 1975. See Loveman and Lira (2000).
11. According to an attorney for several indigenous groups (José Lincoqueo), the actual number of disputed hectares was closer to 400,000 (*La Tercera* 1998).
12. In spite of generous eligibility rules, only 18,994 votes were counted (out of an expected 70,000 – 80,000). In the community of Padre Las Casas only 16 per cent of 5,000 registered voters actually cast their votes (*Diario Austral* 1999e). The councillor receiving the greatest support (Huirilef) garnished a mere 1,500 votes (*Diario Austral* 1999f).
13. In July 2002, an investigation by the prosecutor's office in Temuco (ordered by MIDEPLAN Minister Alejandra Krauss) cleared CONADI officials of all corruption charges (Palomera 2002).
14. Alfonso Reiman, president of Asociación Mapuche Ñanchucho de Lumaco.
15. The complete report can be found at <http://www.serindigena.org>.
16. In the latest attempt by the Concertación to pass legislation regarding constitutional recognition in January 2006, politicians from two main right-wing parties again blocked the legislation (Cubillos and Rendic 2006).
17. The agreement involved the 1996 Supreme Court decision condemning 144 representatives of the *Consejo de Todas Las Tierras* to 510 days in prison for land occupations in October 1992. In March 2001, Frei's government decided not to implement the agreement, and Aucán Huilcamán took his protest to the Inter-American Court of Human Rights (*Diario Austral* 2001).
18. The precise number is difficult to pin down, depending on how one defines 'political prisoner' and what legal provisions led to the convictions. Mapuche activists assert that the Frei and Lagos governments jailed 500 Mapuche protestors using the laws (*La Tercera* 2006b). A scholarly report found only four imprisonments during Lagos' term (in addition to those remaining in prison from Frei's term), but 210 Mapuche protestors processed under the laws (Seguel and Bonnec 2004, 354). A recent report cited 'more than 20' remaining in prisons in 2007 (Zibechi 2007, 1).
19. A glance at the list of directors of various levels and in different offices within CONADI on the institution's website (www.conadi.gov.cl) reveals a predominance of Mapuche and other indigenous surnames.
20. The proposed amendment leaves threats to life, physical integrity, liberty, and public health intact (*La Tercera* 2006a, Viena 2006). In her first year in office, President Bachelet adopted less sympathetic language, arguing that international human rights advocates misunderstand the situation and that the Mapuches remaining in jail are not political prisoners, but violent criminals. For information about ongoing efforts to address the imprisonments, see www.meli.mapuches.org and www.observatorio.cl.

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