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The Mapuche and Chilean State: An Analysis of the State Reaction to Mapuche Protests

A Thesis

By

©2020

Mckenna Elizabeth Gossrau

A thesis presented in partial fulfillment of the requirements for completion of the Bachelor of

Arts degree in International Studies

Croft Institute for International Studies

Sally McDonnell Barksdale Honors College

The University of Mississippi

Oxford, Mississippi

Spring 2020

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## ABSTRACT

The history between the Mapuche and Chilean state is long and complex. Since 2000, the conflict between the state and Mapuche has periodically drawn wider public attention as well as public demands for change. In this thesis, I look to examine how the Chilean state has reacted to the demands of the Mapuche since 2000. Mapuche activists have protested violently and peacefully against state policy that has left many rural Mapuche impoverished and landless. This project assesses the impact of protests on state-Mapuche policy. The project also examines how deeply entrenched neoliberal fiscal policies of the state play a central role in shaping policies and privileging major business interests.

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## **CHAPTER 1: INTRODUCTION**

The killing of Mapuche farmer Camilo Catrillanca in November 2018 by antiterrorist police was a flash point in the conflict between the Mapuche and Chilean state that has been ongoing for centuries. Catrillanca was riding his tractor to his home near Ercilla, a town in the Araucanía region of Chile at the center of the Mapuche heartland, when antiterrorist police approached him, suspecting that he had taken part in a car theft. After turning the tractor around, Catrillanca was shot at by police from an armoured vehicle and killed. While police initially claimed they had not been wearing cameras at the time of the incident, it was later revealed the events had been recorded but the video was purposefully destroyed. The death of Catrillanca led to widespread protests in both rural and urban parts of the nation, and brought attention to the conflict in the Araucanía and Bío Bío regions of Chile, regions with many rural Mapuche residents. This event brought scrutiny to the militarization of these two regions. In the months before Catrillanca's death, the Mapuche community where he lived was raided almost daily by military police, including 4 times in the 10 days preceding Catrillanca's death, once coming in firing with automatic weapons (Bonney 2018).

In the eyes of the state, this violence has been necessary and provoked. One of the Mapuche's main goals in the Araucanía and Bío Bío regions of Chile is the return of their ancestral lands. For some organizations, though not all, the way to reach this goal is through violence. Masked individuals have firebombed logging trucks of the companies who own the land and the farms of the non-Mapuche individuals in protest against the usage of their ancestral land, as well firebombing of churches (Linthicum, Poblete 2018). According to state reporting, between 2013 and late 2018 there were 920 arson attacks, 924 armed confrontations, 509 attacks

on the police and 542 roadblocks. The state has responded to this with what it views as justifiable violence against Mapuche communities in south-central Chile (Bonney 2018).

This ongoing violence begs the question of how the state has responded to the demands of the Mapuche over time. While some Mapuche organizations have attempted to gain lands back through violence, many organizations have acted peacefully to have their demands met. This leads to the question of how and why the state has reacted. Have there been events that have led to legislative change? Or has this been prevented by larger business interests and their involvement in the state? These smaller questions have led me to the question this investigation looks to answer, which is from 2000 to 2018, how has Chilean state policy towards the Mapuche changed, and what factors have led to this change?

To help understand the importance of this question, it is pertinent to know the demands of the Mapuche and why these demands are so important. In the present day, the Mapuche population of Chile is about 1.3 million people, and while most reside in cities, the largest portion of rural Mapuche live in the Araucanía and Bío Bío Regions of Chile (IWGIA). It is in these regions the traditional Mapuche nation has resided, expanding into parts of Argentina. It is for this reason the biggest and most prominent demand is the return of land. Land is central to the Mapuche peoples distinct worldview. In fact, in Mapudungun, the Mapuche language, *Mapu* means space/land and *che* means people/pure people, giving the significance of the word Mapuche "people of the land" (Smeets 2008). Land holds such value to the Mapuche because of its value in conducting rituals and being a sacred space. The two most common sacred spaces are burial grounds or *eltun* and a sacred ritual space known as *rewe*. The *rewe* are located in the center of *ngillatuwe* ceremonial grounds, where *ngillatun* is performed (Di Giminiani 2013).

This close relationship with the land means that for many Mapuche, their identity exists in the land. The *ngillatun* is a ceremony that links the members to their community or *lof*, the community to the land and the living with the dead ancestors. For those groups that currently cannot perform these activities due to land requisition throughout history, this frequently feels like a disruption of natural balance that can be catastrophic to the community and its relationship with the land. Furthermore, an integral part of Mapuche society is the role of the *machi*, a spiritual and community leader as well as healer. It is the *machi* that can produce natural remedies from plants that are found on the lands in Mapuche territory (Ray 2007). As the Mapuche have lost lands over time, they have lost access to these plants further removing their sense of connection to the land. This explains why the Mapuche have fought so long and hard to have their ancestral lands returned to them.

While this profound connection with the land is part of the reason the Mapuche have fought so hard for land rights, there are also economic factors at play. In 2011, nearly 22% of people in the Araucanía region lived in poverty, the highest rate in the nation (de la Maza 2014, 352). The high level of poverty makes land important as well, as land can provide an income to Mapuche communities through farming and agriculture. When this land is taken from communities or is used by tree plantations the ability to advance economically is removed. This also provides incentive for the Mapuche to fight for their lands back, as it can give the opportunity to advance economically.

This investigation has several parts. First and foremost, it is important to understand the historical relationship between the Mapuche and the state, going back to the 19th century. This provides the context that is necessary to understand the current conflict and why each party

responds in the way that it does. The theories of path dependency and critical junctures will then be used in conjunction with one another to determine how reactive the Chilean state has been to Mapuche demands based on the data collected. The collected data includes the number of conflicts that have occurred, legislative changes made by the Chilean Congress, as well as budget changes that impacted indigenous communities. This data will be used to analyze if there is a relationship between increased conflicts and change in policy, both legislative and budget policy. These pieces of data correlated can help give an answer to the research question posted, and show the relationship between the state and Mapuche across time.

## CHAPTER 2: BACKGROUND

To understand the current conflict this paper aims to analyze, it is prudent to analyze the history that exists between the Mapuche and Chilean government. The history is long and complicated and an understanding of this history helps us understand the grievances the Mapuche have with the state and their reactions to state incursions on their land. Additionally, it helps give context for the reaction that the government has to the Mapuche, both now and historically. Both of these factors can give a more holistic picture of the current problems and conflicts that each group has with the other, and the policy created by the Chilean state to help them address what they view as "the Mapuche problem".

The Mapuche are an indigenous community in southern South America, residing in what is now Argentina and Chile. They were never defeated by the Spanish during the conquest, expelling Spanish forces from their territory in 1598. This led the Spanish to recognize the Mapuche as an independent nation, signing the pact of Quilín in 1641, guaranteeing Mapuche independence south of the Bío Bío River in Chile (Carter 2010). Eventually, Chile gained independence in 1810, and by the mid-nineteenth century Chilean settlers began entering Mapuche territory. This process of immigration and the entrance of railways to the region was known as the "Pacification of the Araucanía" which culminated in the military defeat of the Mapuche in 1883 (Carter 2010). The Mapuche were pushed into communities in the Araucanía portion of Chile, which is still where most rural Mapuche live (de la Maza 2014). After this, the Chilean state made no attempt to create a *mestizo* (mixed) national identity that mixed Chilean culture with Mapuche culture. The Chilean state wanted the Mapuche nation to submit, and to assimilate and eliminate them as a distinct culture (Haughney 2006). After their military defeat,

the Mapuche were moved to *reducciones* (reservations) as Chilean settlers moved onto their lands, leaving the Mapuche with approximately 5% of their original lands (Arturo, Quiñones and Pehuen 2019). These reservations granted land titles to the remaining members of Mapuche society, which ultimately divided families and subordinated and stigmatized the Mapuche (Carter 2010).

Beginning in the early 20th century the Mapuche demanded their lands back as their ancestral lands continued to be sold to landowners or taken through violence and fraud (Haughney 2012). In the first half of the century, the government passed laws that were touted as protectionist of Mapuche lands, but in practice promoted more territorial fragmentation and removal of Mapuche land from Mapuche landholders (Arturo, Quiñones and Pehuen 2019). As the country became more polarized in the 1960s between the left and right, Mapuche organizations became more partisan but were all united in the common goal of drafting a proposal for a new indigenous law. While the government of President Eduardo Frei Montalva (1964-1970) instituted Agrarian Reform Laws, these laws generally did not apply to the Mapuche and limited the amount of land they regained (Carter 2010). During the Agrarian Reform, the Mapuche moved away from attempting "peaceful integration" into Chilean society and moved towards protests and land demands to be heard by the state when their lands were dispossessed. This continued into the Allende years (1970-1973) as well as a move to more violent tactics (Carter 2010). During this period as well, the Mapuche held two national congresses, in 1969 and 1970, to create a proposal for a new indigenous law. The proposal held demands for protection of Mapuche lands and restoration of lands taken by the Chilean state, facilities for credit and technical assistance, educational scholarships and the creation of a

specific state agency for indigenous development (Haughney 2006). A new indigenous law was passed in 1972 during the government of socialist Salvador Allende, but for many Mapuche this was too late and activism increased. This type of action was not unheard of in Chile in the early 1970s, and political activism was rampant among the peasantry in this period. This unrest soon became too much for some, and as unrest and food shortages grew across the country, the military under the leadership of Augusto Pinochet led a coup on September 11, 1973 which led to a repressive 17 year long dictatorship (Haughney 2006).

The dictatorship repressed any kind of social activism, including the Mapuche activist groups. The military government introduced what many called agrarian counter-reform which was a process of territorial reduction that left the Mapuche with approximately 16% of land that had been recovered tied to Mapuche landholders (Carter 2010). This repression continued and, for some Mapuche, culminated in 1978, with the announcement by Pinochet of Decree Law 2568. This law ended common title to the property in the Mapuche reducciones and meant the reducciones had to be broken up into single land titles for the Mapuche to claim. The goal of Decree Law 2568 was to assimilate Mapuche to mainstream Chilean society, as the military saw the Mapuche as an obstacle to development and the neoliberal economic security of Chile. In implementing a neoliberal model, the dictatorship wanted to commodify resources, specifically those of the forestry sector, whose expansion was being limited by the reducciones. In passing Decree Law 2568, the dictatorship eliminated the problem of the reducciones, and it allowed the neoliberal model to continue expanding (Kowalczyk 2013).

The Mapuche saw this legal change as a direct threat to their way of life and culture, and the law actually sparked a resurgence of protest by the Mapuche communities (Haughney 2006).

The largest Mapuche organization that was formed in response to this 1978 law was the Centros Culturales de Chile, renamed Ad Mapu in 1981. The organization was formed under the umbrella of the Catholic Church, to give it some form of protection against the dictatorship, and its stated purpose was to be an a-political representation of Mapuche interests, although evidence suggests it had its own political agenda. While it was impossible to openly oppose the dictatorship, Ad Mapu and similar groups could oppose specific laws, and did so through letters, petitions and other forms of peaceful protest (Carter 2010). There was a resurgence of the Mapuche movement in the 1980s and when the dictatorship was finally over, the Mapuche worked with the new democratic government (the Concertación) in an attempt to have their demands heard (Haughney 2006).

These same Mapuche organizations that protested the dictatorship were the ones that worked with the democratic coalition of the Concertación when democracy returned in 1990. This cooperation culminated in the Nueva Imperial Agreement, which stated that the government would end the dictatorship's land division law, and also promised to give the Mapuche new constitutional recognition as a people in exchange for Mapuche support of the new government (Carter 2010). Mapuche organizations worked with the new government to create a new indigenous law that would recognize the collective rights of indigenous groups, control over natural resources in indigenous lands, and the right of communities to participate in decisions about development projects that affect their lands. In the Indigenous Law of 1993, almost none of these demands were met (Haughney 2006). The attempt to gain collective rights had failed, although the state did recognize different ethnicities, indigenous communities, associations and individuals, which the dictatorship did not (Haughney 2012). The department for indigenous

peoples development, Corporación Nacional de Desarrollo Indígena (CONADI), was created in the new indigenous law to protect indigenous lands, which many indigenous groups supported. However, it became clear in the mid-1990s that even for the Concertación, the economic interests of the state would come before the protection of indigenous lands and rights with the construction of dams that displaced Mapuche. The individuals and groups who protested against these projects were met with state violence as well (Haughney 2006). Even parts of society who were in support of the Mapuche movement also supported neoliberal policies, such as privatization and competition, and thus delegitimize social mobilization by reporting that it was undermining national interests and creating chaos (Kowalczyk 2013).

In addition to displacing Mapuche and causing conflict for the construction of dams, the state also continued to subsidize the logging industry in the Bío Bío and Aracuanía regions, in an effort to bolster the neoliberal economic model of the state. In 1974, the dictatorship passed Law 701 which subsidized and provided tax breaks for the forestry industry. The law continued to be enforced by the democratic government and was renewed by the Chilean Congress in 1998 to last until 2011. Through funding of the logging industry, the government subsidized the degradation of culture, environment and health in rural Mapuche communities (McKinnon 2016). The two main logging exports, eucalyptus and pine, are environmentally damaging as they are invasive species and limit biodiversity and consume large quantities of water. Furthermore, the logging companies occupy land that belongs to Mapuche communities, which thus face land and water contamination and increasing conflict with the logging companies. As of 2010, approximately 500 communities were in conflict with the logging companies (Carter 2010).

The following administrations of Ricardo Lagos (2000-2006), Michelle Bachelet (2006-2010, 2014-2018) and Sebastián Piñera (2010-2014) provided a continuation of many of these policies. The election of Lagos, a member of the left wing, provided hope that change was on the horizon for Mapuche policies, although this was ultimately not the case. Similarly, the Bachelet administration came into office with big promises to improve the lives of Mapuche and limit state violence but did not follow through in either of her terms as president. There was even less hope to be had during the presidency of Piñera, as he was the first president from the right-wing elected since the dictatorship. His policies looked much the same as other administrations, limiting the hopes of the Mapuche yet again.

During the events of the last several decades, the Mapuche have not been passive players in this narrative. Mapuche communities and organizations mobilize against the logging companies, with demands for their lands back. This has included occupation of farmland and logging plantations by activists, and in some cases arson attacks on properties. Additionally, roadblocks have been used to prevent logging trucks from reaching their destinations (Waldman 2012). Other forms of protest have taken a more peaceful tone, including large scale mass protests in squares in rural towns and cities (Susskind et al 2014). Both the peaceful protests and the violent ones have been met with extreme state repression and violence, which in turn has led to more violence (Jesper 2019).

The relationship between the Chilean state and Mapuche has been tumultuous over the last two centuries. The policies implemented during the early 20th century still have an impact on the Mapuche today, as do the laws implemented by the dictatorship between 1973 and 1990. After the return to democracy in 1990, the new democratic government continued many of the

policies implemented by the dictatorship and eventually used the Anti-Terrorism law created by the dictatorship to prosecute Mapuche activists. The Mapuche have continued their activism to gain their territories back and gain collective recognition, both through violent and non-violent means. This historical context for the current issues in Chile is important to help understand why the Mapuche are committing acts of violence against the state, and why the state has reacted violently back.

### **CHAPTER 3: THEORETICAL FRAMEWORK**

To understand how and when the state responds to Mapuche demands, I employ a theoretical framework that incorporates concepts of path dependence theory and critical juncture theory. The first theory, path dependency theory, is the concept that once an institution has decided to start down a certain policy path it becomes more and more difficult to reverse course as time goes on. The institution may change their path along the way, but the cost, both political and economic, will be too high. Furthermore, certain institutional intrenchments made during the initial choice will prevent the reversal of the initial choice (Pierson 2004). This concept is related to the economic idea of increasing returns. With increasing returns, an institution creates a technology or product which creates a higher and higher payoff as it becomes more prevalent or ingrained in society. Thus, the first to create this technology or product is better off, and with increasing returns, actors have an incentive to continue on the path they have started on. Once this advantage is created it may be entrenched by positive feedback effects that incentivise the actor to continue on that path, and other actors are excluded from the process (Pierson 2000).

These same principles can be translated to politics and governmental institutions. While politics does not necessarily have as many actors like large-scale economies (although it can), it does have a collective action process to which increasing returns likely apply. Politics relies on a collective action backed by a government, and the effectiveness of an individual's actions in a political situation depends on the actions of other individuals, particularly in liberal democracies. Many individual actors, as to not be excluded from the political process entirely, turn to what they expect others to do and do the same thing. It has been shown that despite economic, political and social changes over time, self reinforcing dynamics related to collective action

means that institutions will most likely persist once created (Pierson 2000). This same collective action process is often what prevents change from being made to institutions once they are entrenched. It becomes unattractive for institutions to change drastically because the cost, both monetarily and politically, is too high (Pierson 2004). When an institution is created by the collective action of those who support it, it then applies to everyone including those who do not approve or support the measure. The choice to change paths or exit is often unavailable to those who did not initially approve of the measure, even if that group enters power. While policies can be more easily changed than institutions, it can still be prohibitively costly to change policy (Pierson 2000). Policies that are backed by law and the power of the state indicates to actors what can and cannot be done, and most policies are durable over time (Rose 1990). In this specific case, part of what has been "locked in" is state policy toward the Mapuche, and thus state level change is unavailable and unlikely. What makes it even more unlikely that these policies are going to change is the neoliberal economic model instilled by the dictatorship, codified in the 1980 constitution and then reinforced by the subsequent democratic governments. Although the left-wing democratic governments that were elected after 1990 might not necessarily agree with a neoliberal economic model, they also did very little to change it. Many kept policies made by the dictatorship and previous governments, making the policies even more durable over time.

Furthermore, the power dynamics inherent in politics keeps policies afloat that help the group in power. When the institution or policy initially develops, it empowers one group in favor of another, and then the institution or policy allows for that dominant group to stay in power long term. The empowered group then expands the institution or policy to its advantage, reinforcing

the power of the group as well, creating a cycle (Mahoney 2000). This reinforcement mechanism of power allows for a policy to continue to be implemented and is an important aspect of path dependency theory, because it adds to the idea that it can be difficult to change course once a decision has been made.

Within political life, economic life and cultural life, the policies and institutions created are difficult to change. This is done for two reasons. First, because political actors are incentivized to constrain their successors from making sweeping policy change they themselves would not like. In line with this, the people with the ability to change policy and institutions such as election winners got into power working in the institutions themselves. This also gives little incentive to change the institution as it worked in their favor. Secondly because political actors know that their political rivals may soon be in power and want to safeguard the policies and institutions that have been put into place (Pierson 2000). This second point can be applied directly to the Chilean case. In 1980 during the height of the dictatorship, Pinochet created a new constitution essentially enshrining neoliberalism into the very fabric of the country. This new constitution created a system that was set up to create political deadlock, making it difficult for future governments to undo the policies and institutions created by the dictatorship. This new constitutional order would protect private property and allow the neoliberal system to be protected and stay in place (Navia 2010).

Based on this explanation of path dependency, it appears as though it will be useful to examine the case of the Mapuche and Chilean state between 2000 and 2018, as it can help explain the actions taken by the Chilean state to change (or not) policy. The Chilean state initially began repressing the Mapuche in the 19th century, and that policy has more or less

continued until present-day. Furthermore, the entrenchment of neoliberal policies by the dictatorship may help explain why the democratic government that has been in power since 1990 has been so reluctant to shift away from these policies. The protections put in place by the dictatorship to help prevent change fits directly into the explanation of path dependency, as does the increasing returns the Chilean government receives from continuing the neoliberal policies. Through continued repression of the Mapuche and allowing business interests and projects in the Araucanía and Bío Bío regions to flourish, the government has reinforced previous policy initiatives and thus made it more and more difficult to undo this policy.

To be used in complement with path dependency theory is the theory of critical junctures. In many ways, critical juncture theory attempts to explain when path dependency fails. As defined by Collier and Collier, critical juncture theory is "a period of significant change, which typically occurs in distinct ways in different countries (or other units of analysis) and which is hypothesized to produce distinct legacies" (1991). In other words, a critical juncture can be seen at points where events overwhelm the established institutions and create the possibility for new leaders to emerge and change the structures. These critical junctures are points in time where conditions line up in a way that allows for a divergence from the norm, or the path that has been chosen, to happen. For a critical juncture to be defined as such, it must produce a distinct legacy versus what maintaining the status quo would have produced (Collier and Collier 1991). The critical juncture is where a decision is made, and as time goes on it becomes more difficult to go back on this decision, as in path dependence theory (Mahoney 2000).

It is vital that there is some kind of radical cleavage or crisis that causes a deviation from the norm for something to be considered a critical juncture. These moments of crisis are rare,

often costly and tend to be seen as external to the system and allow for the possibility of drastic change (Djelic and Quack). Examples of these costly and rare crises include the United States Civil War which led to Reconstruction, the Great Depression and the advent of the New Deal and the military coup in Chile. Critical junctures do not necessarily have to be long and drawn out affairs, although they certainly can be. There can be a quick period of policy change that leads to lasting change or it can be a prolonged period of an entire regime that is viewed as a critical juncture. Due to this, the change produced may occur over an extended period of time or happen very quickly. Overall, the critical juncture changes the path the nation is on, creating in one way or another a lasting impact on the institutions or policy. This impact may then be reproduced time and time again, until it is just another part of whatever path the nation is on and essentially becomes part of path dependency theory.

Critical juncture theory has the potential to be applied to the case at hand between the Mapuche and the Chilean state. In many cases, when a policy was created or changed by the state, it was in response to other actions that created a critical juncture. Between 2000 and 2018, whenever the government made a new policy that was a radical change to policy the circumstances were correct for this change to happen, and was a critical juncture. It is through identifying these critical junctures that it can be understood what situation existed for this change to be made.

To be used in conjunction with critical juncture theory is the idea of social movement theory. As in critical juncture theory, social movement theory presupposes that there is a radical change to the political environment. This shift in the political environment allows for the social movement to form, and push its own policy goals in a way that it could not previously (Dugas

2001). The social movement then relies on the creation of organizations, formal and informal, to push these goals. In the case of the Mapuche, one of the most well known groups is the Coordinadora Arauco-Malleco (CAM). The CAM is one of the groups who uses violent tactics to try and achieve their goals (Haughney 2006). Additionally, an aspect of social movement theory is essentially getting the attention of the public and framing issues as legitimate. This has been something the Mapuche have been trying to do for years through their protests. They want the attention of the larger Chilean public, although this attention only comes in times of high crisis, such as the killing of Camillo Catrillanca. The final aspect of social movement theory is collective action. Essentially a group needs to actually do something in an attempt to make change (Dugas 2001). For the Mapuche this is demonstrated in the large scale protests that have been seen for the last few decades. Social movement theory can be used to bolster the idea of critical junctures, as it also requires large scale political change and a group to mobilize to create this change.

Based on this knowledge and in application to the Mapuche I hypothesize:

H1: Since 2000, policy changes by the government followed public pressure and protest by Mapuche organizations demanding policy changes.

And,

H2: State-Mapuche policy will be minimal as change is restricted by influence of business interests due to the entrenchment of neoliberal policies in the Chilean state.

## CHAPTER 4: CASE SELECTION

As stated previously, the case selected for this study is of the Mapuche in Chile between 2000 and 2018. More specifically, I am investigating the conflict between the state and Mapuche in this period, and the impact this conflict had on the policy moves of the state. This period is notable for its place in the historical context of the nation, both past and present. The precedents, both of neoliberalism and Mapuche policy, set by the dictatorships and early democratic governments created an interesting precedent for the following presidents during the period of study. From 2000 to 2018, there were two presidents from the left, and one from the right. Ricardo Lagos, a socialist, served from 2000 to 2006 and Michelle Bachelet, also a socialist, from 2006-2010 and then from 2014-2018. Sebastián Piñera was the first president since the return democracy to be elected from a right-wing party and served from 2010-2014 (and currently in office). As per the Chilean Constitution, presidents cannot serve consecutive terms, which explains why Michelle Bachelet's terms are non-consecutive. Something of note is that she was the first president to be elected twice since 1990.

### *Chile and the Neoliberal Economic Model*

The history the nation has with both the Mapuche and business interests is in part rooted in its relationship with democracy. The socialist policies and government of Salvador Allende left the business community in Chile with a deep mistrust of democracy and they were hesitant about the return to democracy. When the transition to democracy was on the horizon, large corporations were concentrated in several horizontal and vertical conglomerates. These corporations were closely aligned with the armed forces and conservative political powers and considered the greatest feat of the military dictatorship to be the laissez faire economic policies.

This alignment of business to the right wing cause led the dictatorship to create political institutions to preserve business interests and keep them aligned to the right wing (Silva 2002).

The Constitution of 1980 allowed the conservatives to retain some powers, even with the return to democracy. Conservatives were given a majority in the Senate and thus veto power, constitutional amendments required two-thirds majority to pass which allowed conservatives veto power here as well. Additionally, the legislative map was drawn to give conservatives an advantage and the binomial electoral system again gave conservatives a majority (Silva 2002). All these factors created circumstances where businesses felt like their interests would be protected in democracy and where conservatives were confident in their ability to keep power in the government. In transition to democracy, businesses knew private property rights would be protected, and that the dictatorships had weakened unions and labor flexibility, and low taxation (Silva 2002). In short, by 1990 the economic stability and neoliberal policies of Pinochet were entrenched in such a way corporations felt safe in their place in the social order.

In 1990 when democracy formally returned, there was a great fear that the policies of the Concertación would undo all that Pinochet had done, and would thus harm corporations. But through consolidating the policies to protect business, the dictatorship also ensured the democratic government could not threaten business either. The powerful business class imposed constraints on the policies the Concertación could put into place, for fear of alienating business elites and creating internal economic and political problems. More importantly, in forcing the Concertación, which was made up of all parties opposed to the dictatorship from the center-right to far left, the dictatorship and business interests created the circumstances for these different

parties to have very similar economic policies (Barrett 2000). Essentially, parties of the center and parties of the left ended up with policies that truly did not differ that drastically.

Under the first two Concertación governments, they conducted themselves according to the parameters set up by the system. Presidents Particio Alwyin (1990-1994) and Eduardo Frei (1994-2000) kept the neoliberal policies of the government intact for the most part. Ultimately, the policy of the Concertación during this time was one very similar to that of the dictatorship. The government preferred business interests, and did not change much of the economic model. Overall this government favored continuity over change in terms of economic policy. The parties in power felt that this economic model was "right" for Chile (Barrett 2000). Labor reform and tax policy were the most dramatic changes, but even those had to be negotiated with the right wing. Ultimately the tax bill made minimal changes, and the negotiated rates were set at a level that had been approved by business interests. Additionally, business interests were frequently given a hearing in Congress when they demanded it (Silva 2002).

Furthermore, in the 1990s the figure of Pinochet loomed large over the democratic governments. Pinochet himself was the commander-in-chief of the Chilean armed forces until 1998 and was able to exert power through his powerful position in the military. Even after his resignation he was still a senator in the Chilean Congress, a power granted to all ex-presidents in the 1980 Constitution (Weeks 2000). The power inherent in both of these positions allowed Pinochet to still be a very powerful individual in Chilean politics. With the threat of Pinochet hanging over the heads of Alwyin and Frei, there was also less incentive for these governments to change the institutions created by the dictatorship.

The period of study begins in 2000 and these are the conditions Ricardo Lagos and subsequent presidents were met with. It is for these historical reasons and the policies put in place by previous administrations that it seems prudent to study this period. The period of time between the dictatorship and 2000 allowed for the democratic state of the country to coalesce and also created a democratic precedent for Lagos, Bachelet and Piñera to follow. This precedent is what makes 2000-2018 the more interesting starting date for this investigation. It gives a comparison to a democratic government as well as the dictatorship, to determine what kinds of policies have or have not changed.

### *Mapuche History*

The history of the Mapuche-state relations is another reason this time period was chosen as well. Historically, going back to independence, the Chilean government has tried to destroy Mapuche culture and assimilate the Mapuche people into mainstream Chilean society. I wanted to evaluate if this was still true in the 21st century and after the return to democracy. The history of the Mapuche and state both before and during the dictatorship has been detailed above. This relationship was mostly hostile, with very few victories for the Mapuche in terms of their policy desires. Of note is the land that had been taken after the Pacification of the Aracuanía, the land that was returned by the presidency of Salvador Allende and then the same land was taken by the dictatorship again. The policies of the dictatorship left the Mapuche with 16% of the land they had recovered during Allende's presidency. It was then of interest what the democratic government was going to do to either continue or revise the indigenous policy of Pinochet.

The Indigenous Law of 1993 did not provide collective rights to indigenous communities in Chile even though this was one of the provisions lobbied for by Mapuche indigenous groups

upon the return to democracy. Furthermore, the continued efforts to boost the neoliberal model had negative impacts on Mapuche communities. The democratic government soon began giving approval for dams to be built on lands that would displace Mapuche communities. The first high profile conflict that these dams created between the Mapuche and the state began over two dams created on the upper Bío Bío River. Both were placed on historical Mapuche territory. In 1996, the first, Pangué, began operation on the Pehuenche lands and 100 people were displaced (Susskind et al. 2014). A World Bank study on this dam completed in 1997 determined that the dam had considerable negative impacts on the Mapuche culture, "which was facing a process of cultural destruction that inevitably would lead to the extinction of the Mapuche as a social group" (Carter 2010). The second dam, Ralco, was much more notable, as it flooded 3,500 hectares and displaced 675 people, of which 500 were Mapuche (Susskind et al. 2014). Due to the 1994 environmental law that had been passed by the democratic government, citizens could comment on proposed projects but the final decisions were made by cabinet level ministers appointed by the president. Thus, while both dams were met with extreme protest from indigenous and non-indigenous groups, they were ultimately implemented by the government (Haughney 2014).

During the Frei administration (1994-2000) there were increasing numbers of protests by Mapuche against the dam projects and the logging companies mentioned earlier. This led to dramatic clashes between the Mapuche and the state, often leading to violent oppression. The administration equated national security with the protection of large corporations, and the Mapuche protests were a threat to national security, which the government used as a reason to aggressively crack down against the Mapuche (Haughney 2014). This period is when the Chilean

government began using the Internal Security of State Law, or Anti-Terrorist Law, to punish Mapuche activists for their actions. This Anti-Terrorist Law allowed for harsher punishments against the Mapuche activists who were protesting violently against the Chilean occupation of their lands (Arturo, Quiñones and Pehuen 2019).

These choices to continue criminalizing Mapuche groups and legislating over the protests in the creation of dams are an interesting comparison to what the subsequent democratic governments of Lagos, Bachelet and Piñera did. In having the ability to see the legacy left by both the dictatorship and the first 10 years of democracy, it gives a point of comparison to see how many policies have been kept path dependent and how many have been new changes.

## CHAPTER 5: THE IMPACT OF PROTESTS

While there have been forces, namely corporations, working against the Mapuche in their quest for change, that is not to say the Mapuche have been wholly unsuccessful. There have been periods of time where large scale policy change has occurred not only from the government, but also from the business interests in the Bío Bío and Araucanía regions. To understand these changes in policy by government and business interests, this chapter will be an examination of the critical junctures these entities have found themselves in, which have allowed for a change in policy. This is an attempt to assess the validity of the hypothesis that large scale protest by the Mapuche leads to large scale policy change in favor of the Mapuche and their goals of land reform. To evaluate this hypothesis I have found two cases where Mapuche interests did prevail, and protest actions were successful. These cases will demonstrate that it is possible for policy change to be made in certain situations. I then evaluate what, if any, correlation exists between number of conflicts per year and number of legislative changes in that year, as well as number of conflicts per year and the CONADI budget as a percentage of total budget. These two possible correlations can aid in determining if the two cases of successful protest were part of a larger trend, or something outside of the norm.

### *Hydroelectric Project*

In 2006 the Norwegian electric company SN Power announced a series of hydroelectric projects in Panguipulli, located in the Los Ríos Region on traditional Mapuche territory. SN Power proposed, through its subsidiary Trayenko SA, four developments that affected both indigenous and non-indigenous communities (Susskind et al 2014). Shortly after this announcement those who opposed the project, a large number of whom were Mapuche, began

organizing in formal opposition and investigating the company and the project. Over the next year, these opposition indigenous groups consolidated and gained relevance in communities, forming the Liqiñe Commission. These organizations disseminated information to the surrounding communities about the impact the hydroelectric project would have on their homes and livelihoods. In early 2007, a series of legal actions against SN Power and Trayenko SA, as well as protests from landowners, impeded the project from going forward in a timely manner. Employees of Trayenko SA were accused of bad practices, and acting in bad faith, when attempting to study the lands that would be impacted by these four hydroelectric projects. During this time, the Liqiñe Commission and other opposed organizations participated in letter writing campaigns to the president, cabinet ministers and deputies to express their rejection of the projects (Schöneberger and Silva 2009).

In October 2007, Trayenko SA began transporting equipment to three locations to further the process of beginning these projects. The inhabitants of these areas were not alerted to this change, and were only made aware of it due to hearing transport helicopters during the night. Within two weeks, the contractors had to remove this equipment as it was located on indigenous lands. However, employees of Trayenko SA continued working in the area in hopes of moving closer to completing the project. In December 2007, communities requested a meeting with the vice president of SN Power for Latin America and were granted this request to voice their complaints about the project. However, once members arrive for this meeting, the vice president is absent and has sent the general manager in his stead. This alternative meeting is rejected by organizers and no one from SN Power meets with protesters. One Mapuche leader, Pedro Antimilla de Coñaripe, was invited to meet with SN Power in Norway in December 2007, a

meeting that was accepted. The meeting was organized by a Norwegian NGO in an attempt to disseminate information about the conflict to the Norwegian public in an attempt to create a negative public opinion of the project (Schöneberger and Silva 2009).

While in Norway, Pedro Antimilla de Coñaripe meets with members of parliament, cabinet ministers and representatives from SN Power. He walked away from these meetings with a signed agreement from SN Power to suspend all activities in the region until a meeting between the communities and SN Power representatives on January 31, 2008. The goal of this meeting was for the affected communities to express their disapproval and rejection of the project. Ultimately, the meeting was not productive. The communities expressed their desire for the water rights acquired by SN Power to be returned to the Mapuche communities. This was rejected by SN Power, who then stated they would be continuing investigations into the feasibility of the four hydroelectric projects (Schöneberger and Silva 2009).

After this failed meeting in early 2008, Mapuche groups and others continued fighting against the creation of these dams. Indigenous and non-indigenous who stood to be impacted by the hydro plants came together to form a united front against SN Power and Trayenko SA, who worked to cause tensions within this group (Schöneberger and Silva 2009). Trayenko SA started what was essentially an ad campaign to try and sell the inhabitants of the impacted communities on the project, promising that it would provide jobs and development in the area. This compensation was not enough to convince community members to support the project and was rejected (Susskind et al 2014).

Ultimately, the continued protest and legal actions by the Mapuche and other community members who stood to be impacted by these hydroelectric projects SN Power halted the project

in 2011 and sold its shares in Trayenko SA to Trans Antartica Energía. One of the reasons for the success of this protest movement is due to the fact that SN Power is a subsidiary of Norway and Norway is a signatory to International Labor Organization Convention 169 on Indigenous and Tribal Peoples (ILO 169). As the name would suggest, ILO 169 protects the rights of indigenous people in signatory states and since Norway is party to the convention, SN Power is held to the convention as well. For this case, the relevant articles of the convention were those that protect the right to their own development, ownership of ancestral lands, rights to the natural resources on these lands, government consultation on projects, and that the consultation must be carried out in "good faith" (Schöneberger and Silva 2009). SN Power recognized that these articles had not been fulfilled when carrying out this project, and thus abandoned it.

This project's failure is one of few examples of Mapuche successfully protesting against a hydroelectric project and halting the completion of said project. In doing so, it has been demonstrated that it is possible to protest and stop a project through large scale organization, legal action and protest. However, a vital point in this policy change by SN Power was due to Norway being a signatory to ILO 169. As explained by critical juncture theory, a vital aspect of a major policy shift is some other deviation from the norm during which the policy has the opportunity to be changed. In this case, one of the factors was the involvement of a Norwegian company that is party to ILO 169 and not another company such as Endesa, a utility company based in Italy that is not party to the convention. Furthermore, the level of protest and pressure put on the government by the Mapuche was another factor adding to the creation of this critical juncture. These two factors combined led to the creation of the critical juncture that allowed for the Mapuche to have their desires met and for SN Power to end the project. The critical juncture

led to a brief change in policy regarding Mapuche land usage and the creation of hydroelectric projects on Mapuche land. However, while brief, this event displays that it is possible for protests to create a change in large scale and far reaching policy.

### *Law 701*

The neoliberal system that Chile currently operates under was instituted during the 17 year dictatorship of Augusto Pinochet. The goal of this system, which was instituted by the U.S. trained "Chicago Boys", was to limit the role of government in enterprise. This changed the structure of labor in the country and led to the "Chilean Miracle" at the beginning of the dictatorship. In instituting the neoliberal reforms, the dictator saw to it that businesses and corporations would have very little restrictions on their endeavors. One example of limited government influence, and even support for business, was the implementation of Decree Law 701 in 1974. Decree Law 701 created mechanisms for companies to acquire state owned land to convert into tree plantations (Di Giminiani 2016). Also included in this law were tax breaks to these logging plantations and subsidies for up to 75% of the cost of starting a tree plantation (McKinnon 2016). Several timber companies took advantage of this and profited, and still do, greatly off the planting of non-native species in southern Chile. This was detrimental to the small farms owned by Mapuche, the environment, and labor in the region. When democracy returned in 1990, the new government kept many neoliberal policies in place, including renewing Decree Law 701 in 1998. While the law did have some modifications in 1998 to allow for small scale farmers to be the beneficiaries of this law, it was mainly utilized by large scale corporations (Di Giminiani 2016).

These concessions granted to logging companies had a drastic impact on the industry and its impact in southern Chile and therefore on Mapuche lands. When the law was enacted about 320 thousand hectares were used for the forestry industry, in 2007 this number was 2.1 million hectares (Tricot 2007). By 2019 the number had expanded to more than 3 million hectares that were being used for tree plantations which accounted for 97% of forestry exports. The most common trees to be farmed are the non-native eucalyptus and pine trees (Langman 2018). The impact the tree plantations have on the land is almost immeasurable. Inadequate planning and execution of the plantations has harmed biodiversity, caused soil erosion and limited water access in the area. These are not the only negative impacts on the region. While the logging companies have promoted the idea that the industry would bring development to the south of Chile, that has not been true as the region has the lowest human development indicators in the country (Salas et al 2016). Additionally, research has shown that the larger the logging plantation in a community, the higher the poverty rate (Langman 2018).

These negative impacts on the land are among the many reasons the Mapuche have protested so heavily against the logging companies. The logging companies are perpetrating these acts against the environment on Mapuche land and for the Mapuche using the lands "incorrectly" in the eyes of the Mapuche. In the course of creating forestry plantations, the companies have eliminated the forests that are sacred to the Mapuche and destroyed some plants that are vital Mapuche rituals (Langman 2018). The forestry companies have also perpetuated a cycle of poverty in Mapuche communities since they do not provide jobs to the surrounding communities, and limit access to water for small scale farms. For these reasons, the Mapuche have protested both violently and peacefully against the logging companies. There have been

dozens of instances of individuals and groups supportive of the Mapuche cause setting fire to logging trucks and farm equipment. Peaceful protests have included occupying logging companies land and protests in city and town squares (Slattery 2016).

In 2012 Decree Law 701 was up for renewal as a two year extension of the law passed in 2010 was set to expire. This proposal of extension was met with strong opposition from the Mapuche and environmental groups in Chile. The Mapuche and environmental groups worked together in the past to protest the Ralco Dam project in the 1990s and continued to work together in the 21st century (Carruthers and Rodriguez 2009). Ultimately, this extension of Decree Law 701 did not pass, and this failure is credited in part to the Mapuche resistance and protest of the extension. In addition, ILO 169 had an influence on the resistance to the renewal of Decree Law 701. In 2008, Chile became party to this convention, and thus had to follow the articles put forth in the convention. One such article has to do with indigenous consultation, which Decree Law 701 did not comply with (Susskind et al 2014). For these reasons, the bill to renew Decree Law 701 did not pass into law and Decree Law 701 formally expired on December 31, 2012 (CONAF). The combination of these factors, both the signature of ILO 169 into law and the continued pressure by Mapuche and environmental groups, created a critical juncture in which a policy was changed. This critical juncture led to the elimination of this policy that had been in place for nearly 40 years that had a negative impact on the Mapuche and environment. Again, the pressures by the Mapuche groups led to the change as it did in the situation of the hydroelectric project, indicating that it is possible for the government to react to protests from its citizens.

Both the case of the failed hydroelectric project and failed passage of Decree Law 701 indicate that it is possible for critical junctures to exist in Chilean politics. The cases represent

critical junctures that created large scale change for Mapuche policy; the failed dam prevented the displacement of hundreds of families and Decree Law 701 had a positive impact on both the environment and Mapuche communities. The changes exemplified by these case studies fit my hypothesis that the Mapuche protests have caused some change in policy, as they have successfully created critical junctures. Additionally, they represent a relationship between large scale protests, number of protests and policy changes for the Mapuche. These two cases demonstrate the validity of the idea of critical junctures as well, as they indicate that events can coalesce to create change.

### *Quantitative Analysis*

To support my case studies that indicate the government is responsive to Mapuche demands in certain circumstances, I have run some basic quantitative analysis using conflict data, legislative changes and CONADI funding as a percentage of total budget. The conflict data is from the Mapuche Data Project and I refined it to be more useful to my needs. I eliminated irrelevant years of data and their own categorization system that was not relevant to this project. Furthermore, I limited the data to just the number of conflicts, and did not include specific dates or type of conflict for the purpose of this analysis. Ultimately I ended with data that simply included the number of conflicts by year. For the budgetary data, I found the budgets of the Chilean government from 2000 to 2018 on the Chilean Ministry of Finance website and determined the percentage of the budget that is dedicated to CONADI each year. Finally, for the legislative data I limited the search to just laws that include the word "indígena" then went through each individual law and determined which laws had a direct effect or impact on the

Mapuche communities of Chile. I excluded laws that impacted other indigenous groups in Chile and not the Mapuche as it was not pertinent to my research question. This exclusion was based on the Aracuanía and Bío Bío regions not being mentioned in legislation and being specific to other regions. Other legislation specifically mentioned other indigenous groups, such as the Rapa Nui, that were not the Mapuche and were thus excluded from my research. I recorded the legislation number, the date it was enacted and a brief summary of what that piece of legislation was intended to do.

Figure 1

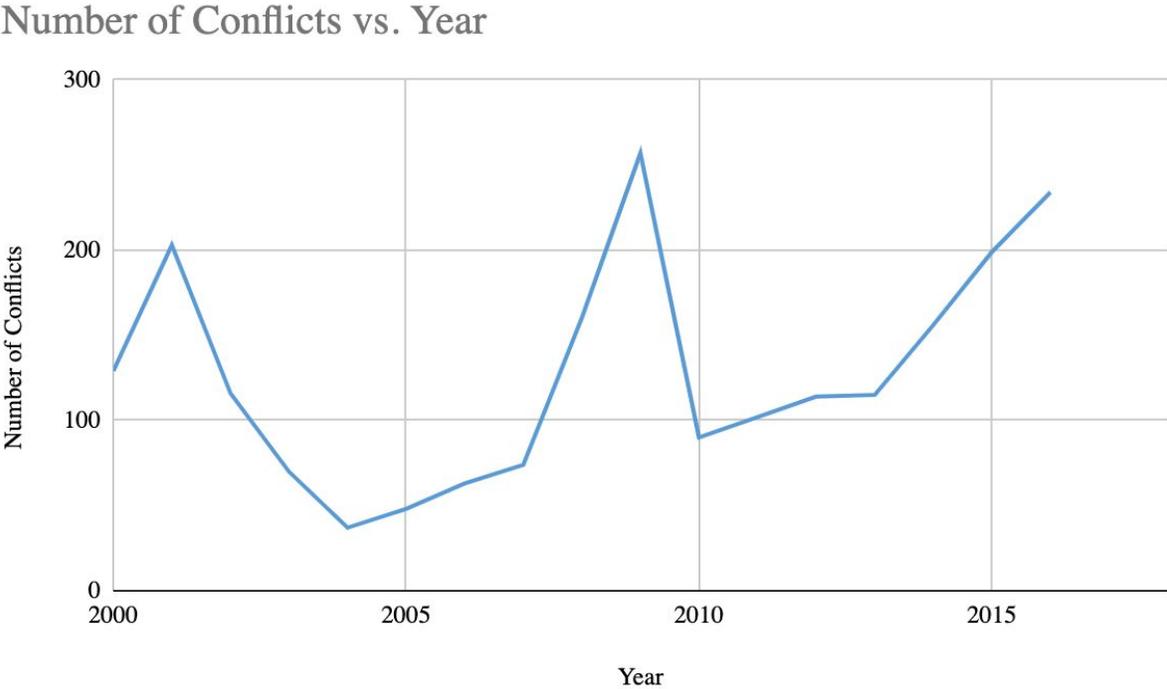


Figure 1 shows the conflict data in its broadest form by simply showing the number of conflicts that have happened by year. Overall, Figure 1 indicates that the number of conflicts by year is in no way steady and has varied wildly over time, with the lowest years of conflict being

2004 and 2005 and the highest levels of conflict being 2009 and 2016. In 2009, the number of conflicts peaked at approximately 250 conflicts, and in the lowest year, 2004, there were approximately 50 conflicts. This data demonstrates both the volatility and high number of conflicts between the state and Mapuche. Additionally it indicates that the conflict has been contentious. The trends of the graph show that there has always been a lot of conflict, with the lowest year still reporting approximately 50 events of conflict.

Figure 2

### CONADI Budget as Percentage of total Budget by Year

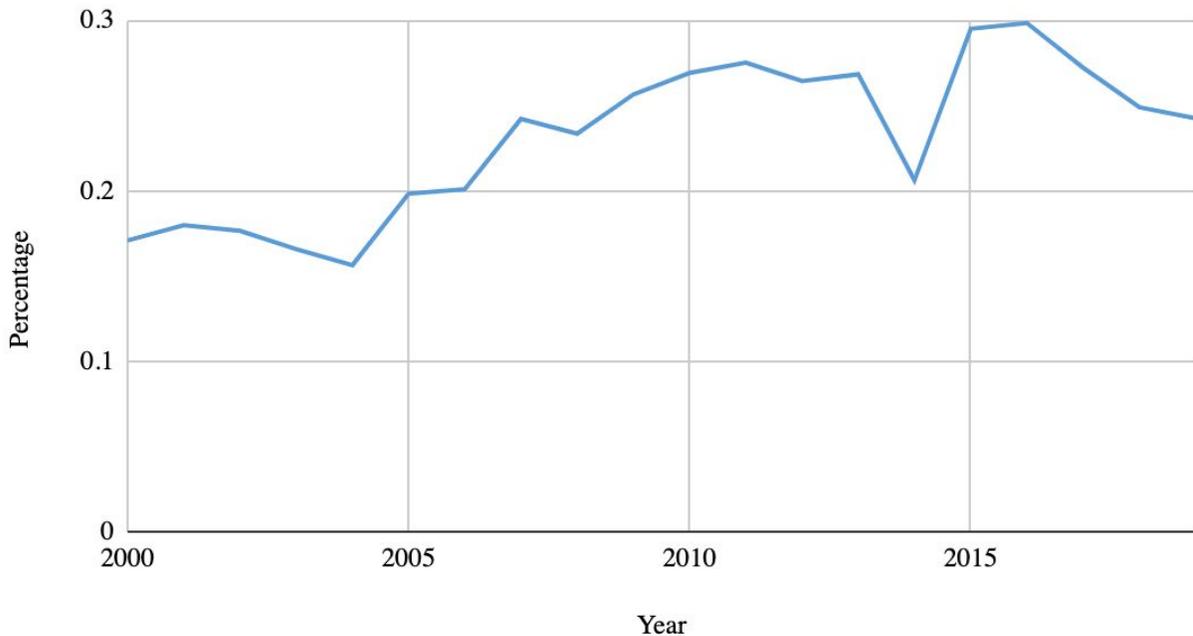


Figure 2 shows the budget allocated to CONADI as a percentage of the total budget over time. Overall, the percentage did not fluctuate much more than 0.15% over the period of study. The lowest point comes in 2004 at about 0.15% of total budget and the highest point comes in 2015 with the CONAI budget equaling approximately 0.3% of total budget. While this may seem

like a small change, the total as percent total budget nearly doubled in this 11 year period between lowest and highest point. So although the percentage of the budget given to CONADI is small, it has increased by a sizable amount (yet has remained small). Additionally, overall the budget trends upward, with an exception for 2014 where there was a sharp decrease. This trend upward indicates that at some level, the government is responding to Mapuche by providing CONADI with more funding. Again, while these are small fluctuations of total budget, it is still a notable amount of funding changing year to year for an organization that serves a notable portion of the nation.

Figure 3

### Number of Legislative Changes vs. Year

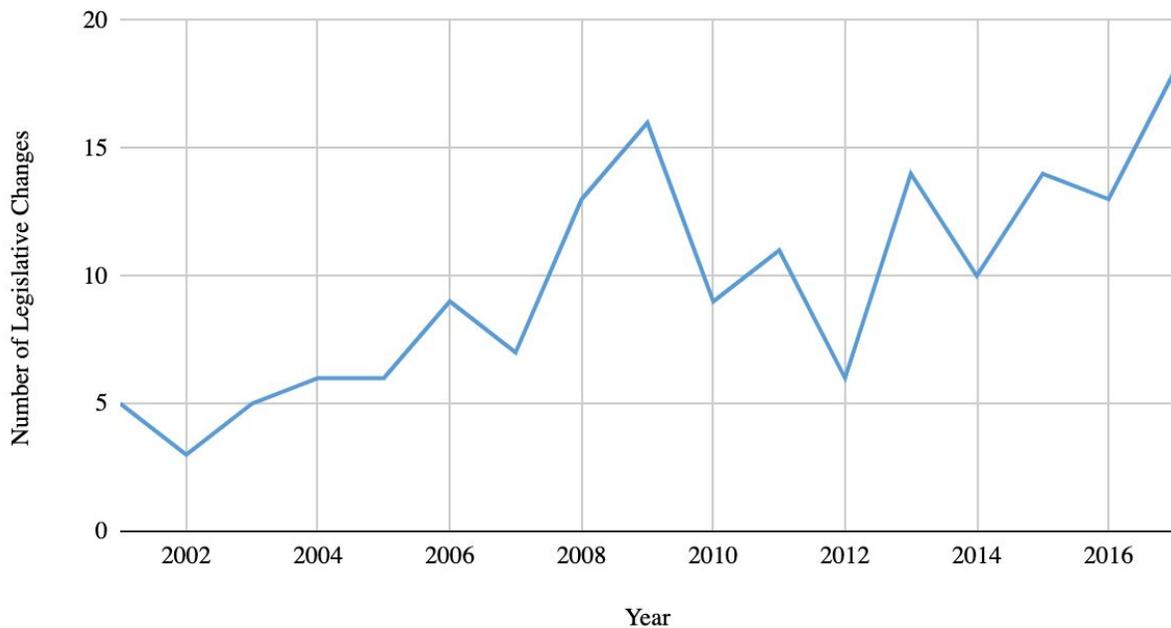


Figure 3 holds data relevant to the dependent variable, the total number of legislative changes per year. In this specific figure, year is the independent variable with the number of

legislative changes being the dependent variables. Figure 3 shows just how up and down the state-Mapuche relationship has been over time, this time demonstrated through the change in laws. The year with the highest number of law changes was 2017 with 18 changes, followed closely by 2009 with 16. The year with the fewest number of changes was 2002 with just 3 changes in the whole calendar year. Overall, the number of legislative changes trends upwards for the first 9 years, decreases sharply, then generally trends upward again.

While just by looking at Figures 1, 2 and 3 it may be difficult to determine what each has to do with the other, the correlation coefficient can demonstrate if there is a notable relationship between each variable. The correlation coefficient between the number of legislative changes and the number of conflicts is 0.32. While this number does not indicate a particularly strong relationship between the two variables, it does indicate that there is a relationship of two that should not be discounted. This correlation coefficient does provide notable evidence that the Chilean state responds to the Mapuche protests and conflict. Next, the correlation coefficient between the budget changes and the number of conflicts is 0.44. This indicates a moderately strong relationship between the two variables, and that to help respond to the Mapuche the Chilean state has increased the budget of CONADI after times of high conflict and protest. The strongest correlation coefficient is that of the relationship between the CONADI budget and change in legislation at 0.66. This indicates a fairly strong positive relationship between the two variables and that as the CONADI budget went up there were also changes in legislation that impacted the Mapuche. Furthermore, it indicates that as more CONADI funding was given, the law was changed in a more favorable way for the Mapuche. These correlation coefficients demonstrate that there have been times of critical juncture, such as the two case studies above,

that the Chilean government has decided to make legislative changes. It should be noted that due to the small sample size of only 17 years, one should be hesitant to read too much into these results. Overall, the correlation between these three variables indicate evidence but not overwhelming evidence that the government appears to respond in the legislative and budgetary process to the Mapuche conflict and protest.

Based on the case studies of a hydroelectric project, Decree Law 701 and the qualitative analysis of legislative changes, budgetary process and conflict data, there is evidence that the Chilean state is responsive to the protests of the Mapuche. While the quantitative data does not provide overwhelming data through the correlation coefficients, it does provide evidence that should be taken into consideration when evaluating the Mapuche-state relationship. The two case studies provide specific examples of when the Mapuche were successful in getting the government to change policy after protests. This data provides support for the hypothesis that there have been critical junctures where the Chilean state has made a change in the policy path it is on when pressed enough by Mapuche protesters. These critical junctures were created by the correct set of circumstances, in many of these cases it was protests, and led to the policy change by the government.

Overall both the quantitative data and case studies presented add support to the theories presented above. The Chilean state was on a path dependent model, with many policies staying the same for the Mapuche since the return to democracy. The state had already undertaken several hydroelectric projects since 1990, and continued to do so into the 2000s and period of study. The withdrawal of the SN Power hydroelectric project broke the trend of path dependency, as the circumstances created a critical juncture for a change in policy. Decree Law

701 had been in place for decades, with both the dictatorship and democratic governments continuing to renew it which supports the theory that Chile was on a path dependent model for these policies. But in 2012 the situation was created for the legislature to not renew Decree Law 701, again supporting the hypothesis that the relationship between the state and Mapuche does have the ability to change and that critical junctures can be created to change it.

## CHAPTER 6: INFLUENCE OF BUSINESS INTERESTS

While it has been demonstrated that the Mapuche have had some success in protesting to cause legislative changes and put a halt to hydroelectric and logging projects, there have been many more cases where the Mapuche have failed in their attempts. One of the largest entities working against the Mapuche is large corporations and businesses. Many of these companies have vested interest in the Bío Bío and Araucanía regions of Chile and thus have come into direct conflict with the Mapuche. This chapter will be an analysis of how corporations have worked against the Mapuche to protect their own monetary interests in Chile to test the hypothesis that businesses have been successful in thwarting Mapuche attempts at change. To test this, I first examined the lasting power of the neoliberal economic model in Chile which was instituted by the dictatorship in the 1970s. Then I examined a specific case study to demonstrate the power that business has in influencing legislation in a way that is negative for the Mapuche. These will all serve to support the idea that Chile is still on a path dependent model, with short periods of change scattered throughout as was demonstrated previously.

### *Chilean Neoliberal Economic Model*

The economic policy of the Chilean government is one that was set up to be unfavorable to the Mapuche people. The favor placed on economic success over the demands of the Mapuche for land rights has gone hand in hand with continued repression and prosecution of Mapuche protesters. This system was instilled first by the dictatorship but was continued and reinforced by the subsequent democratic governments after 1990. When Augusto Pinochet came to power with his military junta in 1973, he quickly instituted a neoliberal economic model in which the state had little involvement in business practices. The goal of this neoliberal restructuring as described

by the government was to eliminate the government from the business sector and in doing so allow for as much individual freedom as possible to Chilean citizens since they now had a free market to choose goods from. The junta wanted the individual to be able to choose their own path in the world, with no one path being perfect for each person. In short, the government wanted the free market to reign and used the logic of freedom to justify these actions. This change drastically restructured the economic model of Chile and after the short lived Chilean miracle of the 1970s the economy took a tumble in 1981-1982, only to recover in the mid 1980s (Carruthers 2001).

When the Chilean Constitution of 1980 was written and passed by a referendum held under undemocratic conditions, the dictatorship was able to entrench the neoliberal model into the constitution itself. With the way the constitution was written, the dictatorship ensured that even if leftist parties came into power under democratic conditions, protections for private property would remain, as would the neoliberal model itself (Navia 2010). This free market system was so ingrained in Chilean economic and political life that upon the return to democracy in 1990, the newly elected democratic government had little choice but to continue with these policies. However, as time went on in the 1990s and early 2000s, no government made substantive attempts at changing this economic model. The continuity of neoliberalism can be explained by a variety of factors: the desire for the democratic government to maintain foreign investment and confidence; business elite sympathetic to the military who did not want to see higher taxes; and the desire of the democratic government to not antagonize the military and thus the business elite (Murray 2002).

Furthermore the first president under democracy, Patricio Alwyin, inherited a less than ideal economic situation with widespread unemployment and poverty and wanted to address these problems before addressing large social problems. To combat this economic issue, the government instituted a system to relieve these problems while still existing within the neoliberal model (Navia 2010). The subsequent presidency of Eduardo Frei maintained many of the same neoliberal policies as President Alwyin and equated economic development with the protection of national security. In 1998, Decree Law 701 was renewed, which allowed the government to subsidize the forestry industry for 20 more years (Di Giminianni 2016). This action sparked large scale protests by environmental groups and the Mapuche, starting a trend that would carry on into the 21st century of preference being given to business over people. Additionally, it was during this time that protesting Mapuche began being prosecuted by the Anti-Terrorist Law, a policy that continued into the following administrations. The use of the Anti-Terrorist law signaled to the Mapuche and others that national security was equated with protection of industry (Haughney 2012). It is due to this decision to retrench neoliberal economic policies during the early years of the return to democracy that it became increasingly difficult for the presidencies of Lagos, Bachelet and Piñera to move away from these changes and is ultimately what created a path dependent economic model. By indicating that the democratic government was synonymous with neoliberal policies, the increasing returns of the model created less and less incentive for a change.

Upon reaching the presidency of socialist Ricardo Lagos in 2000, the first year of analysis, neoliberal macroeconomic policy had been firmly entrenched, however Lagos promised to bring more social issues to the stage. He said that the state "should be as large as socially

necessary" and promised to bring education and poverty reduction to the forefront of his presidency. However, these were mostly empty promises as he was quick to remind the public that the macroeconomic stability of the nation takes precedence over all other policy agendas (Murray 2002). Both Frei and Lagos characterized the hydroelectric projects on Mapuche lands that were approved during their administrations as necessary for national security and economic development. This comes after a 1994 law in which consultation with impacted groups is promised even if the final decision comes at the cabinet level (Haughney 2012). These statements made by both Frei and Lagos again demonstrated the government cared more for the protection of neoliberal policy than the right of the Mapuche and others, retrenching the idea even further and making it more difficult for subsequent administrations to change.

Lagos continued to reinforce the idea that transnational corporations were more valuable to the state than its own people and returning land to the Mapuche. As Mapuche protest of logging companies continued to grow between 2000 and 2006, Lagos continued what the Frei administration had started in using the Anti-Terrorist law against the Mapuche. In doing so, Lagos indicated yet again that the economic stability provided to the nation by the logging sector was too valuable and any threat to it was a threat to the entire nation and its security (Haughney 2012). The government continued to open markets to foreign investment especially in indigenous territories. In an attempt to offset this poor relationship with the Mapuche, the government created the Commission for Historical Truth and New Treatment to recommend a new state policy for indigenous people (Waldman 2012). The organization recommended a constitutional amendment recognizing indigenous people, ratification of the International Labor Organization's (ILO) Convention 169 on Indigenous and Tribal People, and a reparations fund, but the

administration did not adopt any of these recommendations (Haughney 2012). This dismissal of these recommendations can partially be attributed to the strength of the policies implemented by previous administrations making the incentive for Lagos to change policy low, adding to the idea that Chile is on a path dependent track in its policy regarding both economic models and relations with the Mapuche.

In 2006 socialist Michelle Bachelet was elected president for a four year term with a pledge to reform indigenous policy in a way her predecessors were unable to. In 2008 the administration was successfully able to ratify ILO Convention 169 on Indigenous and Tribal Peoples whose major tenant was mandatory free and informed consent of all projects that were to take place on indigenous lands. This brought the hope that the government would take the demands of the Mapuche people more seriously when there were protests regarding land usage, but yet again economic policy was put before citizens' demands. During the Bachelet administration there was the continued support for logging corporations and an additional hydroelectric project in the Bío Bío region (Haughney 2012). Additionally, even while espousing support for the indigenous groups, the Bachelet administration continued to violently repress Mapuche activists, and 3 activists were killed during her time in office (Waldman 2012). The government continued prosecuting indigenous citizens under the Anti-Terrorist Law (Haughney 2012).

In 2010, Sebastian Piñera was inaugurated as the first right-wing president since the military dictatorship. The Piñera administration continued along a neoliberal pathway, continuing the policies of his predecessors and instituting new ones that furthered the neoliberal model. The government inherited a poor economic situation after the economic crash in 2008 and promised

to attack weak economic growth rates and further privatize businesses in hopes to boost the economy (Leiva 2012). During a period of protest by students due to the inequality that exists in the education system, Piñera chose to double down on the privatization and save the neoliberal system as it was. Furthermore, the government doubled down on support for hydroelectric projects angering Mapuche groups and others who stood to be impacted (Larrabure and Torchia 2016). The Piñera administration also continued to use the Anti-Terrorist law against Mapuche activists. (Haughney 2012). In an attempt to offset these actions, Piñera created the Plan Araucanía to promote social and economic development in the Araucanía region to help pay off what the administration recognized as a "historic debt" to the Mapuche. While this plan did ultimately decrease poverty in the region, it did not do enough for many Mapuche to meet their demands (Jesper TVEVAD 2019). This attempt to appease the Mapuche while still supporting the neoliberal policies that ultimately hurt the Mapuche was nothing new and something done by all previous governments.

Michelle Bachelet was elected for another four year term beginning in 2014. Upon entering office, she pledged to not use the Anti-Terrorist Law against the Mapuche. This was quickly opposed by business interests, who voiced their opposition for this policy and the Bachelet administration did ultimately prosecute Mapuche using this law (McKinnon 2016). This event indicates just how much sway corporations have due to the entrenched neoliberal system where business investment is more important than respecting the rights of Chilean citizens. Furthermore, Bachelet continued to subsidize the logging industry, and promised to do so until the end of her term in 2018. Upon announcing this, Bachelet said the logging industry was a vital pillar to the national economy that was important to protect for national security (McKinnon

2016). This again sparked protest by the Mapuche who were displeased with this support as it continued the degradation of the natural forest and resources on Mapuche lands and for Mapuche communities.

Over the nearly 30 years since the return to democracy, the democratic governments have continued to reinforce the neoliberal economic model instituted by the dictatorship. In doing so, they have created policy that puts these economic interests above the interests of their own citizens, including the Mapuche. This continued reinforcement over decades of placing such a high value in corporations has led to the nation being on a path dependent model where it is becoming increasingly difficult to change economic policy as time goes on. As demonstrated earlier, it is not impossible to create some changes that have benefited the Mapuche. On the whole each subsequent government has continued emphasizing the economic model that equates economic success with national security without regard to how this affects the Mapuche. In refusing to deviate from the neoliberal model as time goes on the entrenchment of this policy goes deeper and deeper, making the cost of drastically changing policy away from free markets almost insurmountable.

### *ILO 169 Implementation*

A case that demonstrates the influence that business has in the government, and also the government's unwillingness to move away from neoliberal free market policies is with the implementation of ILO Convention 169 on Indigenous and Tribal Peoples (ILO 169). The convention was created in 1989, but did not pass the Chilean senate until 2008. It entered into force in 2009. Upon the treaty being ratified in 2008, the nation then had to work to make its legal framework fit with the parameters outlined in the articles of the convention. The major

tenant of the treaty involves consultation with indigenous people to be carried out when an activity directly impacts the indigenous group. Consent then must be freely given for the project to proceed, predicated on the fact the community is informed of the legal rights. For many human rights groups the amount with which the convention has been entered into force is lacking, and does not do enough to protect the rights of indigenous people (Horvath and Romero 2014). There was much debate about through what means and how widely the Chilean system could implement ILO 169 while still being constitutional. In an attempt to make the Chilean legal framework fit ILO 169, Chilean legislation proposed the Código de Conducta Responsable (CCR) or Code of Responsible Conduct. One of the largest problems many government officials saw with the convention was the use of the words "pueblos indígenas" (indigenous peoples) as this would imply the granting of self-determination to the Mapuche and other indigenous groups, something the Chilean government did not want to do as doing so would be unconstitutional; while the constitution could have been modified, the political will to do so was not there. However, the Constitutional Court of Chile determined that the text did not require such self-determination and the government could move forward with implementing the convention (El Mercurio 2008). This lack of desire to modify the constitution to be more favorable to indigenous groups in Chile is a continuation of the apathy displayed with the passage of the indigenous law in 1993. In both circumstances, the Chilean government was hesitant and ultimately did not grant self-determination to indigenous groups. This choice by the government is a further example of path dependency, and how difficult it is for the Chilean government to change policy once a certain path has been started on.

Furthermore, some government officials and members of the Chilean elite had concerns regarding the impact implementing the CCR would have on business interests on indigenous lands. The ILO Convention conferred rights to indigenous people of all the lands that have been historically occupied by ancestors, not just lands on which they currently reside. It also states that the government must adopt procedures within the legal framework to resolve land claims by the indigenous people as they arise (Susskind et al. 2014). Due to these requirements, the CCR included requirements for businesses to consult the indigenous communities that would be impacted by business activities, monetary compensation in case of transfer, as well as share the benefits the building projects may have on the communities they are in (Pascal 2009).

Concerns arose among some government and business officials when it became clear that in following these regulations almost 9 million hectares of land would be impacted. The right-leaning think tank Libertad y Desarrollo published figures estimating that 2.7 billion dollars of investment were under environmental evaluation, and in adding rules where the impacted indigenous people would have to be consulted, this number would only rise (El Mercurio 2009a). This information was then used by some groups and individuals to demonstrate why enacting the CCR would actually be harmful to the indigenous groups it was created to help. It was argued that the barriers to investment would be too high and thus would prevent businesses from investing in indigenous areas and defeat the purpose of passing the ILO 169 and CCR. Business interests also expressed concern about the requirement to consult with the indigenous people in addition to the environmental consultation already in place (El Mercurio 2009b). The president of the base minerals division of BHP, a mining company in Chile, was quoted as saying that this additional obstacle of consulting with the indigenous people was, "without a doubt a matter of

concern" (El Mercurio 2009b). These business interests had an impact on the eventual decision of the government to discontinue the implementation of the majority of the CCR before it went into effect in late 2009. The government stated that the rejection by "various sectors" of the CCR led to this decision as it would be an obstacle to the development of investment projects (Vial 2009). Ultimately deciding to mostly scrap the implementation of the CCR, the government was showing preference for business in a concrete way. This action fit with the preset policies from past presidencies and further reinforced the neoliberal models, making it challenging to change and driving the neoliberal model deeper into the Chilean system.

Through choosing the limit the implementation of ILO 169 as well as not passing the CCR, the Chilean government showed favor to the business sector over the Mapuche and other indigenous groups. This event is a concrete example of the path dependent policy track the government has been on since Pinochet and the return to democracy. Each subsequent government since 1990 has continued with policies that favor business and either ignore or minimize the demands of the Mapuche. As time has gone on the governments have less and less incentive to change policy, as is demonstrated by ILO 169. The evidence supports the hypothesis that the business interests in Chile have enough power to limit the governmental response to Mapuche demands.

## **CHAPTER 7: CONCLUSION**

Before analyzing the impact that both protests and business interests have had on policy in Chile between 2000 and 2018, I hypothesized that there would be policy changes after protest and pressure by Mapuche groups that would be restricted by the influence of business interests on Chilean legislation. In my investigation, I compiled data regarding the number of conflicts, law changes, and budget data, as well as information regarding the influence of business interests on changes in policy. This data had led me to conclude that though the Mapuche have on occasion created the proper circumstances for the Chilean state to be responsive in terms of legislative changes. The qualitative data I compiled provided notable statistical evidence for the responsiveness of the state. The qualitative analysis demonstrates the influence corporations had on the legislative process, through the way the Bachelet administration chose to implement ILO 169 as well and the continuity of economic policies from government to government. Overall, although the state has positively responded to Mapuche protests with policies that are advantageous to the Mapuche, business interests typically contest those policies, resulting in the defeat or roll back of the pro-Mapuche policies.

Many of the issues faced by the Mapuche are ones the greater Chilean public have faced since October 2019 when large scale protests broke out and as of March 2020 have not ended. Since October 2019, Chile has been in a state of upheaval and mass protest that was catalyzed by a rise in metro prices in Santiago. While initially the protest of high school students on Friday the 18th of October was simply the students hopping turnstiles, it quickly turned into looting and arson in the capital and the government declaring a state of emergency in the capital. These protests led to the suspension of the fare hike, but this did not end the unrest. Ultimately the

government of President Piñera deployed the military to the streets, bringing up memories of the violent dictatorship that ruled in Chile for 17 years as this was the first time military had been deployed since the dictatorship (Bonney 2019). To make matters worse for the government, in an address to the people, Piñera said “We are at war against a powerful enemy, who is willing to use violence without any limits” (Bonney and Krauss 2019). This statement was very incendiary and upset the people greatly, both of the left and right.

In many ways, this fare hike was simply the straw that broke the camel's back. When asked, many protesters say they are protesting against the stagnation of wages, the education system and simply the systematic inequality that exists as part of the Chilean system (Sajuria 2019). The income inequality in Chile ranks among the highest in the Organization for Economic Cooperation and Development (Sajuria 2019). While the Piñera government did act to eliminate a hike in electricity costs, increased minimum wages and pension benefits and also raised taxes on the wealthy, this was not enough for the protesters. The people want broader structural change and a new constitution. They do not believe that what has been done by Piñera is enough to solve the deep structural problems. These structural issues are ones that the Mapuche faced for decades, and continue to face on a more extreme level. The Araucanía region is the poorest in Chile, with 17.2% of the region living in poverty compared to the 8.6% national average (Arturo, Quiñones and Pehuen 2019). The Mapuche have also wanted structural change to improve their own lives, but have been unable to achieve this due to their relatively small numbers. Now the greater Chilean public has the same issues and are coming out in droves to protest the government.

Throughout the turmoil up until spring 2020, the state has responded with extreme violence against protesters. As of February 1, 2020 at least 27 people had died due to violence during the protests and looting. The nation has also seen a rash of eye injuries due to rubber bullets being fired at the faces of protesters by the Chilean police force called the Carabineros. By the end of 2019, the police had been blamed for several deaths, over 2,000 hospitalizations and over 6,000 arrests of protesters. Piñera has stood by the police clampdown against protesters, stating that it was necessary to maintain order (McDonald 2019). The state has also been holding protesters using the internal security of state law. Since the beginning of the unrest, Piñera said that the law would be used against those who "incited, organized or participated" in the protest actions that have caused damage. As of December 2019, the government had confirmed that 78 cases were being investigated with relation to the security of state law (McGowan and Kozak 2019).

The treatment of protesters during this time of civil unrest is nothing new to the Mapuche. This is the treatment they have been receiving from the state for decades, with much of the same logic used to justify the state actions. The militarization of Santiago as well as other major cities is something many non-indigenous Chileans had not seen since the end of the dictatorship, but for the many Mapuche in the Aracuanía and Bío Bío regions it has been a common occurrence. After the death of Camillo Catrillanca in 2018 and the protests that followed, the state violently repressed these protesters in the same way the non-indigenous Chileans are being repressed during the 2019-2020 conflict. Notably, during this time public support had mostly been with the state as the only people being oppressed were the Mapuche (Krausova 2019). Furthermore, non-indigenous Chileans are now being prosecuted under the

security of state law, which has been used against the Mapuche for decades. The linkage between the suppression of the Mapuche since 1990 and the suppression of Chilean protesters in 2019 and 2020 that now includes non-indigenous Chileans makes analyzing the case of the Mapuche worthwhile.

The analysis I have undertaken about the Mapuche and their relationship with the state can be helpful in analyzing the violence and uprisings that the wider Chilean populace is currently facing. The Mapuche have been facing violence from the state for decades, as well as prosecution by the Anti-Terrorist law. The wider Chilean population is now facing the same issues. Furthermore, my analysis regarding the path dependent policy of the state can give insight into the actions the state has taken since fall 2019 and why they have reacted in such a way. Conversely, the same can be said for my critical juncture analysis regarding how policy is changed and what caused this change.

Overall, the situation of the Mapuche in Chile is poor and their protests against the government led to widespread state violence in the Araucanía and Bío Bío regions. The state has at times been responsive to Mapuche demands, although business interests have frequently swayed the government in policy as well and with much greater force. Moving forward, the issues of the Mapuche will continue to be worth analysis, as it gives insights into the functions of the Chilean state. It will also be useful in analyzing the conflict that began in 2019 and as of spring 2020 is still ongoing. An examination of the Mapuche movement within the scope of the 2019 Chilean conflict is also one of worth, and I believe the analysis I have put forth here is a good starting point for that analysis.

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