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Resistance
The Case of Pilmaiquen - Chile

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Introduction

Having watched the news regularly recent years, following updates about horrible attacks on civilians in public spaces in France, Syria and Turkey among other countries, it is difficult to imagine that in Chile, a well-known developing country in its second decade under democratic recovery and economic prosperity, with no officially recorded terrorist attacks in international media, would have any larger problems with terrorism. However, during this last decade, the Anti-Terrorism Law 18.314 (from 1984) established by the former military dictator Pinochet (1973-1989) has been used frequently in imprisonments and legal processes e.g. in 2010 alone, forty individuals were imprisoned under anti-terrorism law (Richards, 2013: 212). The law in question is argued to have been an attempt by the military regime to constitutionalize criminalization of political opposition (Fernández Droguett & Ojeda Cisternas, 2015: 268; Richards, 2013b: 36).

The law became prominent as a measure of repression against the first resistance movement against a hydropower project on Mapuche territory called *Ralco*, according to Campos-Muñoz (2014). *Ralco*, emerged as a result of the government dismissing and replacing indigenous directors of CONADI, the only supposedly representative government organ of indigenous peoples, with a single non-indigenous director, after they had rejected the project (Campos-Muñoz, 2014; Correa & Mella, 2010: 300-301).

The replacement and approval of the project resulted in protest through occupation of the area and resistance towards realization of the construction, without any success (ibid). Harsh repressive government response followed in the form of police brutality and the first cases of government usage of the anti-terrorism law for

imprisonments (Aylwin et al, 2014: 432). This conflict also took place under the same period (beginning of the 90s) in which the government revised the anti-terrorist law to include arson in terrorist offences, which often is used as a warrant ground in imprisonments nowadays (Correa & Mella, 2010: 311-314). Arson was added since timber plantations that dehydrate and disrupt eco-systems in surrounding areas, have been set on fire as measure of protest and direct prevention of intervention on ancestral territory (Richards, 2013: 81).

Still, many incidents and practices in conflicts remain unreported without truthful publicly available statistics, Richards (2013) emphasize this problem stating that staged crimes by Chilean public and private actors, and sabotage by Mapuche actors are difficult to pinpoint (Richards, 2013: 84, 96). What could be said is however that they do occur on both sides, with the distinguishing feature being the lack of evidence and partial usage of the anti-terrorist law one-sidedly on politically active Mapuche individuals that have raised their voice (Ibid).

Despite international criticism, the law is continuously exclusively used to prosecute politically active individuals from Mapuche communities involved in conflicts with the state over ancestral territory (Fernández Droguett & Ojeda Cisternas, 2015: 268; Correa & Mella, 2010: 302). International organizations such as the Inter American Court of Human Rights (established by The Organization of American States, OAS), the UN Committee for Elimination of Racial Discrimination (CERD), and Human Rights Watch (HRW) among others, have reacted to the misuse of the anti-terrorism law and recommended the Chilean government revise the law as well as to stop the usage of it on indigenous people (Fernández Droguett & Ojeda Cisternas, 2015: 268-269; Richards, 2013: 126, 222-223; HRW, 2010).

Implementation of the ILO Convention 169 on the rights of indigenous peoples, ratified in 2008 in Chile, has also to date been insufficient particularly in terms of the right to prior consultation, and Mapuche communities remain unrepresented in the bodies responsible for taking decisions affecting them (Aylwin et al, 2015: 204).

The persistence and capacity of organizations and communities to mobilize and visualize territorial conflicts on a national scale through increased spread of land occupations, as means of protection and

recuperation of ancestral territory, have made landowners, lumber companies and politicians raise demands on the government to harden its position against them (Campos-Muñoz, 2014; UNPO, 2016; Correa & Mella, 2010: 302). In 2013 alone there were 37 similar conflicts connected to territory (Cuadra Montoya 2014: 147).

Private landowners' organizations have also emerged as a form of organized response to resistance movements. Multigremial del sur as an example, an association formed by landowners in the south of Chile, wrote an open letter this year in October to seven embassies of European countries informing them of the existence of "terrorist groups" (referring to Mapuche groups in resistance) in the south of Chile, demanding the respective governments control" the support of terrorism from NGOs and human rights organizations of their countries" (Paislobo: 2016-10-26; Díaz, 2016). Thus, there is an extensive normalization of referring to the political work of resistance undertaken by communities as terrorism in Chile.

The irony of referring to human rights organizations as supporters of terrorism enforces the argument of that utilization and normalization of the law in legal procedures, and on national media discourses, is one of the most important ways in which Chilean public and private actors de-legitimizes the political work of members of Mapuche communities to protect and recuperate ancestral territory with repressive regulation.

It is a political problem that touches upon limitations of Chilean democracy since a legitimate democratic order rests on how well it reflects the will of its citizens (Mörkenstam, 2016). Thereof, a continuance of marginalization and criminalization of a nation group challenges the legitimacy of the state's jurisdiction right, and self-determination along with territorial rights becomes a crucial way to recover a legitimate political order (Mörkenstam, 2016: 204-205).

The legal power of the Chilean state, is here argued to have like many other states with a colonial history, been constructed on serious historical injustice marginalizing, disrupting and repressing the Mapuche people. What's lacking is an official recognition and understanding of the political work of communities in resistance and how it is constrained within the contemporary context that renders it a subject off the public record.

The Pilmaiquen conflict mirrors this problem-dynamic of historical injustices on which the contemporary legal power in Chile rests, resulting in regulation, obstruction and criminalization of communities' political work, while their territory and central spiritual and cultural sites remain under the ownership of others, now protected under Chilean law as private property and under threat to be destroyed by development projects.

Political work of resistance

Background of the conflict

The exclusion of representative Mapuche communities in decisions on projects affecting their ancestral territories, and repressive power dynamics conditioning limited alternatives for influencing politics in the Chilean public sphere, has resulted in the undertaking of measures adjusted to the political climate. Measures of resistance against ongoing intervention on ancestral territories are being developed to reach out and gain a voice beyond the institutions denying it. In other words, the measures undertaken publicly exposes the problem and question the legitimacy of the current political order. In the Pilmaiquen conflict the internationally most known measure has been to spread knowledge for support among institutions such as the indigenous Sami-parliament, NGOs, and civil society.

Chile has in contrast to other Latin-American countries failed to recognize the Mapuche in its constitution even though they constitute the largest pre-European nation in Latin America and historically have maintained their national borders the longest of indigenous peoples in the region (Aylwin et al, 2014: 426, 468; Nauhelpan, 2016: 5).

Territorial borders remained until the *Pacification* in the end of the 19th century, where the Chilean state defeated uprising Mapuche communities and consequently mixed and placed families in small territories called *Reductions* while expropriating and usurping parts of their territory (Richards, 2013: 40-43; Gerber et al. 2016: 63; Correa et al. 2012: 2; Correa & Mella, 2010: 297-298).

Only in 2008 did Chile ratify International Labor Organization (ILO) convention 169 on Indigenous and Tribal Peoples, which recognizes indigenous rights to consultation, territory and self-governance (Richards, 2013: 111). This convention is however not very often respected in decisions affecting them (Aylwin et. al, 2014: 425, 438).

There exists a need to revise a juridical framework that guarantees protection of spiritual spaces on ancestral lands (Jerez Bezenberger,

2015: 39). The usage of anti- terrorism law mentioned above, under which preventive imprisonments of activists and leaders can occur, and weak energy governance favoring investment interests over indigenous consultation procedures, are key issues in this matter (Richards, 2013: 111, 213; Aylwin et al, 2014: 438; Fernández Droguett & Ojeda Cisternas, 2015: 268). Today conflicts continue to take form over land-disputes and development projects disrupting ecosystems on ancestral lands (Amnesty International, 2015-16; Boccara, 2002; De la Maza, 2014; Richards, 2013).

National law *No. 19.253* from 1993, is the first law to address indigenous concerns and has an official purpose of protection, promotion and development of indigenous people (Aylwin et. Al, 2014: 459).

It still on the other hand consolidates a policy of recognition based on individual rights, ignoring collective rights, hence, claims of autonomy and territory are criminalized since they transgress the political range of neoliberal democracy and national integrity (Boccara & Bolados 2010; Fernández Droguett & Ojeda Cisternas, 2015: 270).

The national indigenous law in other words, conforms under a western economic model, where economic progress and established legal frameworks of the military regime based on the *Chicago Boys'* economic policy strategy of privatization and free market principles are central (Bauer & Catalán, 2016: 193; Aylwin et al, 2014: 430-431). The ILO 169 convention on the other hand, also contains a bias towards existing states that enables them to take decisions against indigenous interests when they clash, since the state has an ultimate decision making right according to the norm of national integrity (Mörkenstam, 2016: 213). In this sense, self-determination and territorial rights are key to avoid possibilities of being run over in vital decisions affecting communities.

Recognition of Mapuche territory and autonomy is a contemporary contested issue, reference to them as a social group is often made in terms of poverty and class, social programs are often advocated as a solution for elevating troublesomely low socio-economic conditions (Richards, 2013: 154; Correa & Mella, 2010: 303). Another approach in this lineage of policy-making by the center-left government in recent years has been multiculturalism, which has recognized

Mapuche identity to the extent that it does not question national development projects, ethno-tourism has among other remedies been used to legitimize a market-oriented usage of cultural identity while other demands of land and autonomy have, as mentioned, been criminalized (De la Maza, 2014: 84-94; Fernández Droguett & Ojeda Cisternas, 2015: 270, 274-275; Richards, 2013: 101-102).

De la Maza (2014) highlights this issue by referring to the way the government organ CONADI generally has been seeking to assimilate communities into the Chilean collective. Demands of collective rights have so far been ignored, instead projects such as “Mapuche tourism” has been implemented as a way of achieving socio-economic development among the rural Mapuches, who constitute the section of society with least financial resources, which simultaneously renders the government control of an accepted commercial usage of their identity (De la Maza, 2014: 84-94).

The Chilean government has thus taken on a dual approach in these concerns, first by creating programs and policies that respond to needs that could be construed as related to development or diversity, and second, to penalize actions that favor principles of autonomy, self-governance and territorial control (Richards, 2013: 101). In sum, a dichotomy of “the good” and “the bad” (terrorist) Mapuche has taken form in the public sphere, in which “the bad” is automatically implied in communities that keep their identity as a people related to territory with demands in the same line.

Moreover, when it comes the energy investment projects, elite interests are prominent in energy governance decisions due to the legal frameworks and privatization of the energy sector implemented during the military regime, resulting in the states weak governance role (Aylwin et. al, 2014: 450). Connections are often drawn between families owning *fundos* (large scale land properties) and investment companies, as well as having leader positions in national media companies and political and legal institutions (Richards, 2013: 106-107, 139).

According to Aylwin et. al (2014) when compared to other states in the region, Chile ranks very poorly in terms of its legal frameworks and policies concerning the protection indigenous rights against development projects like hydro dams, common features are lack of adequate consultation with the directly affected communities, lack of

compensation for damages caused, and absence of mechanisms to ensure that affected communities can participate in benefits that projects generate (Aylwin et al, 2014: 468).

In 2014, more than 30 hydro projects were pending approval by environmental authorities in the Bío Bío river Los Ríos regions, an area within *Wallmapu* (Mapuche ancestral territory) (Aylwin et al, 2014: 459). In addition, former president Piñera's administration's 2012 energy strategy states that a national goal is to increase hydropower to 45-48% of the country's energy matrix by 2024 (it currently represents 35% of total energy produced) (Aylwin et al, 2014:442).

Furthermore, current president Bachelet has issued a series of executive Decrees that expanded the areas in which power plants can be placed to include "almost anywhere" (Ibid). The administration of president Bachelet has in spite of their promises made little progress in reinforcing ancestral territory and the right to participation in decisions affecting them (Aylwin et al, 2015: 207).

Police officers have even killed two Mapuches involved in conflicts under Bachelet's presidency, not to mention several other assassinations during other presidencies (Werken Noticias, 2017-01-02). Imprisonments with lack of evidence and due process have been noted, even children have been abused and illegally detained (Fernandez Droguett & Ojeda Cisternas, 2015: 268-269, 274; Lopez, 2014). Hence there is no sign of any progress in resolving the contentious situation which makes it an important area to spread knowledge of.

Pilmaiquen conflict

The hydropower project in the river Pilmaiquen was initiated by the hydropower company Pilmaiquen S.A, and the Chilean government, later on the Norwegian company Statkraft bought 98% of Pilmaiquen S.A.s' shares (Aylwin et al, 2015: 209; Statkraft A.S., 2015). The project was approved in defiance of the Chilean ratified UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the ILO Convention 169, with respect to the article of the right of affected communities to participate in decisions affecting them (UNOHC, 2016).

The area which would be directly affected by the dam is a larger sacred ceremonial site of the Mapuche *Williche* (southern Mapuche people) with high importance to their national, cultural and spiritual survival as a people since its inhabited by the guardian spirit *Kintuante* (Correa et al. 2012: 3).

It has been used for centuries as a ceremonial meeting place, where a cemetery in which ancestors have been buried is located, and it is also a place where medicinal herbs grow (Fernández Droguett & Ojeda Cisternas, 2015: 273). The dam-construction project will flood and destroy the ecosystem of this complex if actualized, and a key issue is that the land in beginning was expropriated and bought under usurious circumstances from one or two individuals under the Pacification period (mentioned above) (Correa et. al, 2012: 3; DATW, 2013; Opal Press, 2016). Communities in the surrounding area now live in reduction properties, which are the smaller territories that families were placed in under that same period.

Earlier in 2009 when the hydropower project in Pilmaiquen became public knowledge, people started undertaking collective actions such as demonstrations, community meetings, ceremonies, marches, and reached out to social media networks to raise awareness and report on the consequences of the intervention of hydropower on the river and its sacred spaces (Fernández Droguett & Ojeda Cisternas, 2015: 273). In 2011, the owner of the land property in question, cut about twenty ancient trees that were part of the sacred complex by order of the then

water right owning company Pilmaiquen S.A. (Jerez Bezenberger, 2015: 34; DATW, 2013; Mapuexpress).

It was an action of trying to circumvent inconvenient resistance, since by cutting the trees the guardian spirit would no longer exist to communities, instead it triggered them to directly respond in occupation of the sacred territory to make sure no more damage was done (Fernández Droguett & Ojeda Cisternas, 2015: 274; Mapuexpress).

The repression of the state was immediate, community members were arrested, this included the *Machi* (spiritual leader) who has a central role in the resistance against the project, among 5 others detained (Fernández Droguett & Ojeda Cisternas, 2015: 274).

In 2013 the same Machi was arrested again during a raid, without a warrant on her property and after 4 months she was sentenced to 61 days in prison for concealment, followed by house arrest (Ibid; ADN, 2014-11-20). The charge was arson, a majority of the evidence was not presented to the prosecuted even though the antiterrorism law was not used at this arrest, and their lawyers even requested suspension of the case (DATW, 2013).

“No one took us seriously, they only know repression. There were several brutal evictions by the police. More than five times with a lot of police officers. Last time was in 2014. They then staged a crime, PDI (Policia de Investigación) and ANI (National Intelligence Agency) spied on me, openly and did a specialized police investigation. Suddenly they just came early one morning at dawn without any legal warrants and raided my house, they even detained my patients” (Quote from the machi in the resistance movement)

As a result, community members have on several occasions expressed their unwillingness to collaborate with state authorities and negotiate with the company due to abuses from governmental institutions, widespread mistrust, and their total disapproval of any intervention on the ceremonial complex (RIEDPM, 2016, Public Announcement 2016-07-13).

In May 2016, the 35 communities in resistance decided to send out a spokesperson to several European countries with the objective of denouncing the current owner Statkrafts' intervention in their territory.

The spokesperson held speeches in a variety of institutions, one of them being a meeting with the Sami Parliament for support, and one speech was even held in Statkrafts' main building (Latinamerikagrupperna, 2016; RIEDPM, 2016). The Sami Parliament responded with their support and denounced Statkrafts' operation on their territory (Opal Press, 2016).

Almost three months later in mid-august, the hydropower project was put on temporary recess by the Environmental Superintendence (SEA) due to lack of consultation, based on a complaint filed by communities two years earlier (Werken Noticias, 2016-15-07; Briones, 2016). Nevertheless, there still exist possibilities for the project to proceed and be fulfilled. Previous conflicts with underlying territorial claims as ground issues, such as *Ralco* (2004) (stated above) support this claim (Aylwin et al, 2014: 432).

The approval and construction of the two dams in Ralco occurred despite the flooding and resettlement of approximately 500 individuals and strong opposition from communities (ibid). The pulp company CELCO in Mehuín (2004-2006) is another example of conflicts in which corporations end up as winners.

Even though the project of pipeline construction with the purpose of emitting toxic waste in Mapuche territory was on temporary recess, the project was fulfilled after the company started negotiating with some communities with "advance payments" causing internal conflicts and approval of a few on the project (Cuadra Montoya, 2014: 150). This illustrates why the intermission of the dam project in Pilmaiquen should not be seen as a major progress to look back on, and why political work of resistance towards intervention on ancestral territory continues to be relevant.

Previous Research

In the political science field research on this topic is scarce, especially when it comes to explaining subjectivities of individuals directly involved in conflicts. A few scholars have written academic documents as reports related to the issue of Pilmaiquen where territorial, spiritual, cultural and human rights are problematized in relation to history (Correa et al. 2012; Jerez Bezenberger 2015).

Scholars analyzing the relationship between Mapuche and the Chilean state in general most often discuss the contemporary political climate as conditioned by historical processes dating back to colonial rule (Boccaro, 2002; De la Maza, 2014; Richards, 2013; Fernández Droguett & Ojeda Cisternas, 2015). For instance, Richards (2013) mentions collective memory, and the ways in which narratives of Mapuche and local elites are reflected in remembrances of either continuous struggle for territory or justification of land ownership, which is reflected in systematic racism and *epistemic privilege* on the Chileans point of view (Richards, 2013: 34-38).

Epistemic privilege is a concept often used to explain racism and oppression against Mapuche in Chile, based on the assumption that the political-economic system was built on knowledge claims that marginalized indigenous ways of knowing (bio-centrist perspectives on nature and collective rule) (Quijano 2000, in Richards 2013: 93).

Connected to epistemic privilege and ongoing colonialism is the idea that the Mapuche historically and until today were and are anti-progress in economic terms, and that the region constituting their land is “the suicide belt” where work and economic progress do not flourish, which has been, and still is used to justify occupation of their ancestral lands (Richards, 2013: 57). The word suicide is used since it represents a belief of that European settlers and Chileans were killing

themselves by allowing the Mapuche to have land (Foerster & Montesino, 1988, in Richards, 2013: 38, 57).

A trace of it in today's Chilean society is that the issue of whether ancestral lands of the Mapuche were illegally usurped does not enter public policy agendas, instead authenticity of communities making claims is often questioned, and links are often made between economic prosperity of projects in areas now reclaimed by communities.

That is, the fact that land owners and companies are profiting from their land properties is understood to make communities "want to reclaim the land" (Richards, 2013: 92-93). An important point to be made in response to this is that since Chile is undergoing a democratization process with a new indigenous law paving way for new demands to take place on public policy processes, it could be argued that voices are raised towards recognition of historical abuses and territorial rights as a part of the democratization process the country is going through (Richards, 2013b: 35-36).

In fact, during the whole of Chilean history (its state form of existence) different types of resistance movements against land occupation have evolved adapted to its context, e.g. prior to the state coup many Mapuche leaders and communities were part of the leftist movement under an agrarian label (Richards, 2013b: 35). And later on, Mapuche organizations supported policies towards the return of democracy given that their right to self-determination would be recognized, which later on did not happen (Campoz Muñoz, 2014).

Hence, research explaining conflicts related to Mapuche communities cannot be separated from history, as political oppression and existing hierarchical relationships stem from ongoing land occupation and delegitimization of political demands (Nahuelpan, 2016: 9-10).

Although there are varieties of views in different Mapuche organizations and communities, there are common features on how resistance is characterized (Richards, 2013a: 233). These are; the states criminalization of resistance towards decisions and policies that threaten their existence as a people in terms of environmental degradation and destruction of key sites of identity and culture, where collective memory of historical events of cultural genocide and land usurpation renders a notion of ongoing colonial and dictatorial

oppression relevant. In relation to this, Fernández Droguett and Ojeda Cisternas (2015) state in accordance to Veres (2014) that,

“if at the beginning of the Chilean Republic national expansion was highlighted by the arrival of settlers in the area to expand agricultural and livestock frontiers, today the presence of multinational timber and hydroelectric power, are the expression of this new form of territorial occupation” (Veres, 2014 in, Fernández Droguett and Ojeda Cisternas, 2015: 269).

Fernández Droguett & Ojeda Cisternas (2015) uses a Foucauldian perspective of governmentality, to demonstrate how the body of Machis’ are used for disciplining Mapuche spirituality to conform in a neoliberal idea framework when communities reclaim ancestral land and actively work against state and company interests to preserve their sacred territories, as in the case of the former raid and imprisonment of the machi involved in the resistance in Pilmaiquen (Fernández Droguett & Ojeda Cisternas, 2015: 274-275).

Boccaro (2002) problematizes the lack of political representation which is argued to have led to what he calls the rise of “spirit politics” in general among communities in Chile distinct from euro-centrism present in Chilean policy making (Boccaro, 2002: 286). He argues that re-formation of old organizations drawn upon collective memory, as for instance the “council of elders” among other practices, have emerged (Boccaro, 2002: 297).

On a theoretical level, Mörkenstam (2016) presents three main arguments to which issues of ongoing territorial occupation stemming from colonialism come to the fore and can be problematized. The first argument is corrective justice based on historical injustice, which in large terms is connected to the second argument of freedom as non-dominance since the power-relationship established by colonization enables the state to capriciously intervene and disrupt their traditional way of living (Mörkenstam, 2016: 204-206).

These arguments then relate to equality between individuals within different cultures in which equal freedom and opportunities as the dominant culture should be ensured (Ibid: 209). Within this logic, demands of the right to territory due to historical injustice, and

institutionalization of self-determination needs to be elaborated between equal parts and not by one dominant part such as the state (Ibid: 214-215). And right to territory and self-determination comes to be the foundation upon which communities are able to act as legitimate political authorities with equal opportunities as the rest of society to live under their own chosen circumstances.

The communities in resistance in Pilmaiquen do not have legal ownership rights to the sacred ceremonial territory of Kintuante, even though the “purchase” of this land property was initially not made by agreement of all communities, rather it was made with one or two individuals during the Pacification period and later on with “fence moving” (Correa et al, 2012: 2-3; DATW, 2016). A process in which fences were moved little by little.

The initiative to protect and reclaim the territory began as a result of the hydropower project and its threat to destroy the sacred complex (Ibid). In this respect this article departs from this assumption of that territorial dispossession prevails as a base for injustice, inequality and repression.

Those territorial demands are necessary and in Tuhiwai Smiths (1999) words, that the marginalized position of indigenous peoples throughout history has had “dire consequences in the contemporary forced incorporation within the world’s marketplace, and in turn requires the mounting of new forms of resistance” (Tuhiwai Smith, 1999: 24). Examining the case of Pilmaiquen enable a bottom-up explanation and enhanced knowledge of how prevailing western epistemic privilege in the Chilean society regulate and condition political work of communities in conflict, and the political alternatives that emerge as only options in a context based on marginalization of indigenous ways of knowing as a historical process present in today’s Chile.

Understanding the context of the conflict

In a speech given by the spokesperson visiting Stockholm from communities in resistance protecting the Pilmaiquen river, references were made to the state as an ongoing colonial oppressor ignoring not only their demands, but also their form of social organization as legitimate political authorities,

“We are not Chileans we are Mapuche... The state, law and politics are grounded- and driven by money, and corporations seeking economic development, we do not want our own state or our own government with *one* leader- it is not in our culture... we do not want to form a political party for it cannot represent us” (Speech in Stockholm, 2016-05-18)

Economic growth as a goal pervading Chilean governance is perceived as a persisting imperialist occidental agenda currently trespassing and destroying ancestral lands. And the fact that traditional cultural authorities are not recognized makes it near impossible to negotiate properly under the state’s legal institutions. Thereby, the modern neoliberal development policy in terms of export-oriented reformations implemented under the Pinochet dictatorship, can be understood as the “contemporary manifestation of historical practices and policies that have long left Mapuche demands for land and other rights and resources unaddressed” (Richards, 2013: 71-74).

The centrality of economy in neo-liberal models of governance in general, according to Boccara (2002), poses constraints to what and whom is to take place in policy processes (Boccara, 2002: 287). Thus, there is no room for bio-centrist demands in these models. Indigenous movements’ goals and logic in this sense, often directly contrast with those of the neoliberal project which in turn is founded upon legacies

of a racial/cultural hierarchy stemming from colonialist societies (Richards, 2013: 101-102). Neoliberalism is here understood as an occidental notion of development in line with ideas of economic growth and civilization pervading the historical conquest, that often conflict with indigenous demands. This is not to say that all Mapuche communities and individuals in general experience the same marginalization, it is merely a reference to communities involved in resistance movements towards development projects on ancestral territory.

Under which circumstances these resistance movements must emerge can be better understood under the concept of institutions where social facts according to culture, identity and collective history are main components giving meaning to actions. According to March and Olsen (1989) institutions are central for understanding the role of values and collective choices in politics (Peters, 2012: 25).

In understanding evolvement of political work of individuals with repressed voices, institutions conditioning the coordination of action need to be examined. The institutional complex is in this paper limited within the concept of colonialism, more specifically within ongoing colonial dispossession, as a framework describing social reality, where outsider territorial occupation is a social fact shaping the political work of resistance.

Thereby, institutions provide meaning- to action, e.g. illegitimate possession of territory makes territorial recuperation relevant, in which the point of connection is drawn. Nonetheless, by understanding and explaining how political work of resistance is motivated and formulated, by analyzing the institutional processes and conditions that explains why these actions are necessary politically speaking to produce a desired effect.

Looking in to how the actions of resistance are motivated has contributed in revealing the institutions and practices that poses the underlying problem for solving conflicts. This has also lead to a description of the consequences that oppressive state practices such as, vulnerability for terrorist accusations and police vigilance (anti-terrorism law and following institutional practices) as an example; have on communities' political authority, which will be elaborated further down in the discussion.

Conditionalities in the political work of resistance

There are two principal lines of political work undertaken as resistance towards the project, the first is under the concept of **visualization**, and the second is under **territorial protection and recuperation**. Those two lines are interconnected under the institutional framework of ongoing colonial dispossession as a contemporary social fact. Protection and territorial recuperation is a part of the political work under this fact while visualization of this fact is equally necessary as much as it constitutes a distinguishable measure from this line of work.

Measures of resistance against the project

Territorial protection and recuperation are under two major events, one of which is ongoing at present in the case of Pilmaiquen. The first is the protection and recuperation of the ceremonial complex, which has been the process lasting until present. It started off in 2011, and is today under control and usage of communities in resistance. As mentioned in the background, this work commenced when ancient trees were cut down on the ceremonial complex. After several brutal evictions and detainments, community members kept coming back until these evictions stopped. They have now constructed a *ruka* (traditional house) which they actively use in maintaining control over the territory as well as to demonstrate activity and importance of the space.

The second major event is the recuperation process in Lumaco Bajo in 2014, a process that ended in the beginning of 2015. The dam is planned to be constructed a few kilometers upriver on the fundo Lumaco Bajo, which is owned by a non-mapuche. On a smaller section, in between the river Pilmaiquen and this fundo, lies an isolated reduction property (division stemming from the pacification period explained above) belonging to the *Marriao Collihuinca* community, which until present do not have access to a public road other than through “trespassing” the fundo property. The community furthermore constitutes part of the resistance against the hydropower project.

In 2014, before the project was on temporary recess, community members and supporters began a recuperation process in which they from this reduction started occupying parts of the fundo, the recuperation lasted to the turn of the year 2015. During the process, video announcements were made and published as diffusion of information in line with the visualization work 1.

Visualization covers all work aimed at legitimizing the political work that the resistance against this project implies, which have taken form as diffusion of information of the conflict on three levels; local, national and international. On a local level, it has meant political forums, community meetings, authorized paintings on walls, spreading of flyers, and education of language and culture, independently from governmental subsidies to avoid control and meddling.

On a national and international level, it has meant appeals and complaints to courts and authorities, public announcements, protests, manifestations, participation in reportages and spreading knowledge through interviews. This is also an ongoing line of work. Below follows a general description of the measures taken so far.

A complaint stating the illegality of the consultation processes with its documents of consent on the project by the former owner company Pilmaiquen S.A., later on transferred to the present owner Statkraft, was filed to the Environmental Superintendence on the 30th of April 2014 (Public Announcement 2016-07-13).

The complaint was not accepted until the 11th of July 2016, in which it was judged that the documents of consent did not conform to the ILO convention 169 and that the project would be under temporary recess

(Ibid). It was during this period, under which the complaint had not yet been accepted, as the recuperation in Lumaco Bajo took place.

One appeal filed through the Chilean National Institute of Human Rights (INDH) to the court of Valdivia concerning the protection of children and overuse of violence by police officers in the recuperation process in Lumaco Bajo was made by the end of 2014.

As well as another appeal by the INDH to the same court against police officers for using excessive violence and shooting one of the community members in the face, resulting in the loss of an eye. And lastly, one international appeal to the Interamerican Court of Human Rights have been made, a process taking place at present, in which the Machi with respect to her imprisonment filed the appeal through a NGO since she was not allowed to leave the country.

On the 15th of April in 2015 community representatives tried to hold a dialogue with the intendant of Los Ríos municipality without success². A few days later the head building of Pilmaiquen S.A. was occupied, an action undertaken in protest for the lack of adequate response from the government and representatives of the company.

The building was occupied as a result of the management leaving and refusing to hold dialogue with them as community members entered their offices (ibid). It all ended within a day with police officers detaining 10 persons, and releasing them the same evening without any legal formalization of the detainment.

Later on, the same year representatives of 37 communities expressed their disapproval of the project in a public meeting with representatives of the contemporary project owner Statkraft (Public Announcement, 2015-12-04). And in 2016 a spokesperson was sent to several European countries to elucidate the situation in which communities in resistance find themselves in to the company Statkraft and civil society actors. During these events, numerous manifestations, protests and meetings have taken place in different cities in Chile.

To summarize, the political work of territorial protection and recuperation have been undertaken side by side with visualization on three levels, local, national and international, under which a variety of methods have been used aiming at publicly elucidating and explaining the conflict.

How is the political work motivated?

This section is divided into the categorization used for the measures taken. First, motivations behind actions of visualization will be explained and demonstrated with statements from individuals involved, this will be followed by an explanation of motivations behind actions of territorial protection and recuperation. Three principal conditions acting as motives could be distinguished within the framework of ongoing colonial dispossession. These are, illegitimate deprivation of territory, illegality of consultation processes, and cultural and spiritual connection to territory. What is argued here is that the lines of political work undertaken is aimed at demonstrating the illegitimacy of public and private actors' practices under the Chilean legal framework through visualization, and direct assurance of their continued existence as a people with the cultural and spiritual components that it entails through territorial protection and recuperation

Why is visualization important?

The fact that the territory was usurped in the first place is supported with reference to historical research and documentation made by Correa et al (2012), which states that,

“the space in which the house of Kintuante is located was object of transactions between individuals, and subtracted of the Mapuche domain, although the Mapuche families continued making use of it until the present time” (Correa et al, 2012: 3).

The second condition referred to is the ILO convention 169, on the right to consultation and protection of sites of cultural and spiritual meaning, which was not respected at the beginning of this conflict when authorities approved the project under false consent³,

“The company (referring to the former owner Pilmaiquen S.A.) had formed official documents in which allusion to the public consultation was made but without adherence to the ILO Convention 169” (Interview with a community member)

The two conditions de-legitimizes the legal rights of outsiders to the territory in question, thence the right of the company to implement an extractivist project on that territory. Thus, the practices under the legal framework of the Chilean state of private property and water rights along with the anti-terrorist law becomes illegitimate due to the ongoing violation of their rights as a people it entails,

“The political system and its laws are criminal... they are occupying our land and repressing us still. Their laws and their democracy are criminal, they are destroying our nature” (Interview with a community member)

Furthermore, the violent confrontations with heavily armed police officers when they protest and outright militarized brutal evictions when they occupy territories to preserve their rights, is something that all individuals I discussed with saw as a serious issue obstructing their political work of preventing intervention and spreading knowledge of the illegitimate practices against them. One of the forums which I observed was also under this specific headline stating direct opinion and understanding of the role of the state and its authorities, “The Chilean state: protector of corporations, destroyer of Wallmapu”. No one with whom I spoke to saw reasonable opportunities or expressed a positive stance of using governmental authorities to their benefit in this process. This statement was made in regard to CONADI which as mentioned in the introduction, should be the representative organ of indigenous communities,

“They had (previously) emphasized that communities in opposition did not exist, and later on they only visited to area to document their existence” (Interview with a community member)

CONADI is generally perceived to function as an internationally legitimizing governmental organ for development projects on their territories. Governmental authorities and the state in general is rather something to work against since they constitute key components in the ongoing occupation of ancestral territory,

“The institutions that should function for and ensure the protection and defense of places of cultural connotation keep out the conflict, thereof, we denounce the Chilean state who is the one who approves these projects...” (Interview with a community member)

Lack of representation and denial of the work of communities in resistance as the work of legitimate political authorities is therefore acknowledged as a motive for knowledge diffusion. The Chilean state as the protector of economic interests under an anthropocentric view of natural resources which clashes with their own biocentric view through which the connection to territory is based on, brings to the fore the importance of gaining legitimate political authority,

“They are part of the same system, a capitalist extractivist system... they call the nature resources and they support repression, it's the same colonialism” (Interview with a community member)

This statement was made when asked what the interviewee thought of governmental authorities. The fact that the same territorial dispossession and marginalization continues by reference to the two to the ILO convention 169 and the historical research on land titles mentioned above, is the overarching meaning to which the political

work of visualization is articulated against. An objective of self-determination and the territorial rights that it implies becomes a necessity,

“This is a struggle that must come from within our own communities external to the state and its authorities, the outsiders will never listen to us or take us seriously. That is why we have to take necessary measures and recuperate what was taken from us, what is denied to us” (Interview with a community member)

Why territorial protection and recuperation is necessary?

Territorial protection and recuperation, that is, preventing interference and destruction of the territory in question is fundamental to the work of visualization as it ensures their continued existence as a people. There is no point of resistance if interference and destruction already has occurred. At the same time, visualization is vital to legitimize this line of actions as political work to Chilean society that generally depicts resistance as criminal,

“Before we were the masked terrorists, now a school is going to visit and educate about the recuperation. Before no one dared to come near us, now that we have spread more knowledge we gain more support” (Interview with a community member)

Jerez Bezenberger in her report on “Damages and contraindications of imprisonment of spiritual authorities Mapuche” (2015), written and elaborated at the request of ancestral authorities involved in the defense of Kintuante in Pilmaiquen, explains the centrality of this area to the Mapuche Huilliche (Jerez Bezenberger, 2015: 7). It also serves as the third principal condition to which motives are connected. Here, it is stated that the importance of the territory is larger than in governmental authorities’ official recognitions, it stretches from

Argentina to communities in Los Lagos and Los Ríos region: Maihue, El Roble-Carimallín, Lumaco, Lago ranco, Río Bueno Mantilhue, San Juan de la Costa in the province of Osorno, and other communities in Araucanía (one of Chile's 15 regions) (Jerez Bezenberger, 20015: 15). Although the following description below merely constitutes a brief explanation from an external point of view, it serves to simplify the meaning of the territory to outsiders.

The territory represents a fundamental core of the spirituality of communities and has been used for centuries as a central meeting place for ceremonies. Ancestors have been buried there with a specific purpose of allowing their spirits to travel through underground water sources out to the river. It is in this way that the spirits are able to find their path and thereafter can be reborn again⁴,

“... that life philosophy would disappear at the moment when that dam is constructed – that’s what the winkas (outsiders) do not manage to understand, and it’s one of the fundamentals of why we struggle today in Pilmaiquen” (Ibid: Quote from the machi)

“The natural course of the river cannot be altered with because it kills our people” (Quote from a community member⁵)

The spiritual and cultural components of the identity as a people is in this sense strongly connected to territory. The ceremonial complex is central to cultural and spiritual life, which henceforth is what constitutes their identity. It serves as a third condition along with the historical injustices of territorial usurpation and illegality of consultation processes to de-legitimize extractivist practices of public and private actors on their territory and explains the necessity of actively working against it through territorial protection and recuperation. The fact that the project already had been approved illegally, and communities in opposition was not officially acknowledged, made territorial protection key in political work of

resistance. The recuperation process in the fundo Lumaco Bajo, was explained by reference to territorial usurpation,

“This territory was stolen, he could not buy it. He knew all the laws and fixed it, now he says that he has everything written perfectly, that the people sold it. But it did not happen, they fooled people who could not read or write, and they kept adding more squares to their property continuously. That’s how they came to own this land” (Quote from a community member⁶)

Direct prevention of the initiation of the construction with the objective of safeguarding their rights by gaining control over the territory, in which the project is planned to be built, was also stated as a reason behind the process. It was stated in interviews, observations and self-produced videos by individuals involved in the resistance. In a public announcement in June 2015 an enunciation of this process as legitimate self-defense was made,

“We express that under poverty, land reduction, daily repression and threat of our sacred spaces we are in our legitimate right to recover our territory and exercise self-defense against the invading winka.” (Public announcement, 2015-06- 10)

This statement concerned both the process in Lumaco Bajo as well as the ceremonial complex, within which the ceremonial complex, as mentioned remain under the control of communities in resistance at present. When asked how the project would affect and mean to one of the community members, this answer was provided,

“A cultural genocide, since in this place lies our spirituality, our culture, the Mapuche identity is found here, and it is not something we are willing to lose, there is no monetary value for that, we are ready to do everything for the defense and non-construction of the dam” (Interview with a community member)

Other video material referred to by community members in resistance gave similar statements following this line of thought,

“Today, what is left for us is to defend and recuperate the territory to be able to keep existing as Mapuche” (Quote from a community member⁷)

As mentioned, the connection to ancestral territory that communities have is the fundamental asset through which they can continue to exist within their identity as Mapuche Huilliche. Chilean public and private actors are in this sense the foundation of threats of destruction and annihilation of their existence as a people.

To directly prevent realization of this threat, protection of the territory is crucial. And since threats still prevail and negotiations and impact assessments still are being processed, due to the fact that land and water rights remain under the ownership of the company, recuperation of the territory becomes necessary and politically legitimate with reference to the historical usurpations and lack of adherence to ILO convention 169,

“We want our rights back to our territory, the water and all that identify us as a people, what is occurring now is a cultural genocide” (Quote from a community member⁸)

The practices of outside actors are thence illegitimately continuing an order of assimilationist strategies, imposing an ultimatum of either to conform under Chilean law and practices that threatens to obliterate the components of identity that are left, and leave territorial demands behind, or to be criminalized.

This leads to an inevitable external positioning of the political work undertaken by communities from politics to crimes, which demonstrates the continuance of western epistemic privilege in practices under the legal framework that enables a continued marginalization and criminalization of the political work undertaken in resistance.

It also demonstrates the relevance of explaining these actions under the perception of colonial dispossession where ongoing territorial deprivation is a fact through which demands must be outspoken, orally, scripturally and physically. Thus, motivations behind this line of work is to keep existing as Mapuche Huilliche with all territorial and political rights that it entails, which directly puts the legitimacy of Chilean authorities in question. Hence the necessity of the work of visualization enacted for territorial protection and recuperation.

To sum up, three principal conditions which act motivating of measures undertaken in political work of resistance can be distinguished. Firstly, ongoing colonial dispossession by the historical research demonstrating usurpation of the territory.

Secondly, the lack of adherence to ILO convention 169, which deprives communities a minimum right of consultation, and lastly the threat of destruction of the last fundamental components, that identify the Mapuche Huilliche as a people distinct from the Chilean collective.

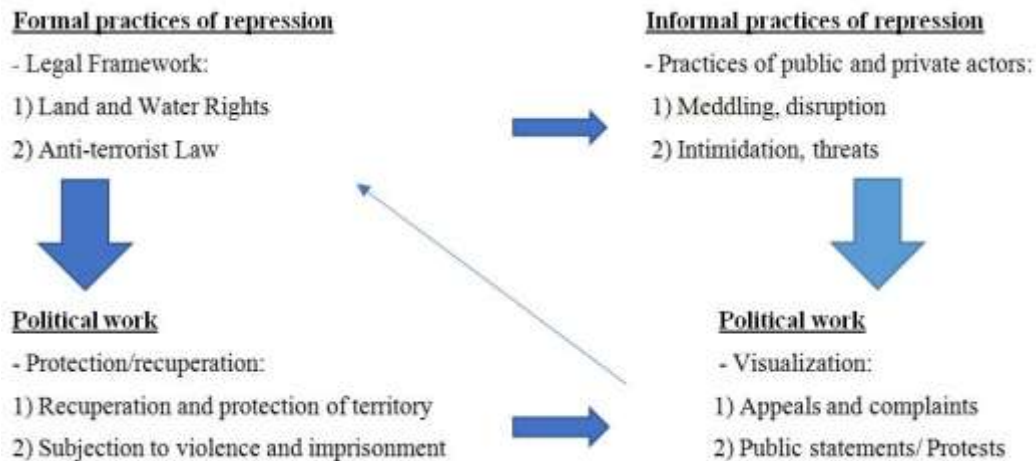
These motivations render legitimacy to the political work undertaken in line with territorial protection and recuperation, and simultaneously constitute the main motivations behind the political work in line with measures of visualization.

What institutional processes condition the political work of resistance?

Visualization and territorial protection and recuperation are under two principal institutional processes. I have chosen to limit the institutional processes to be described under the categories formal/informal which describes the formally legal and informally illegal conditions in the Chilean societal context. In the two processes lies four components, these are formal practices of repression/ informal practices of repression which interacts with and simultaneously condition formal political work/informal political work. These have been developed to simplify and explain the underlying problem of this conflict.

The first institutional process conditioning alternatives of action is formal practices of repression by public authorities through the legal framework which enable usage of measures under the anti-terrorist law, and which furthermore coheres to laws of land and water rights. The second institutional process is characterized by informal practices of repression where meddling and disruption of the resistance movement occurs as well as intimidation and threats by both public and private actors. These two processes interact with political work undertaken by communities.

The institutional processes are demonstrated on the following table 1.1.



Formal practices of repression are constituted by the legal framework and its following practices that juxtapositions the political work of resistance under protection and recuperation as criminal actions. Simultaneously these formal practices of repression, the legal framework with pertaining land and water rights, along with the anti-terrorist law, is what constitutes the foundation to which protection and recuperation becomes relevant, since land and water rights were acquired under usurious circumstances without acknowledging Mapuche communities as legitimate political authorities to consult as equals.

In this respect, the only option is not to conform under Chilean law and public proceedings since it would have resulted in destruction of the ceremonial complex, but also since the Chilean legal framework is what enables the threat to their existence in the first place.

In this manner, the formal practices of repression is directly connected to the political work of protection/recuperation, forming an institutional process articulated against the ongoing territorial occupation, where protection and recuperation of territory becomes vital while at the same time repressively un-acknowledged as political actions. Therefore, the following subjection to violence and imprisonment as part of the political work.

Furthermore, the anti-terrorist law enables intimidation and disruption of resistance by public law enforcers, thereby the arrow pointing

towards informal practices of repression. A variety of examples of these practices were provided by gathered material.

Testimonies of these practices were expressed with reference to appeals to public courts on violations of human rights, and individual experiences of employees of the company and the fundo owner, threatening and assaulting community members while police officers were present, silently watching. Several interviews and observations support this fact.

The first observation made on the protest taking place in Valdivia enforce the argument of this widespread perception of law enforcers under the legal framework of the anti-terrorist law, using intimidation measures in safeguarding a legal framework which favors economic interests of public and private actors, since the main exclamations in the protest were directed at the law, the territory and police practices.

It ended up with patrol wagons surrounding the protestors, first filming them as means of intimidation, and later on approaching them fully equipped with shields and batons scaring and pushing them away from the streets.

Moreover, one person emphasized intimidation measures by police officers performing identity controls on their own properties as well as flying helicopters over the territory on low ground. And on the 6th observation made, while visiting the Lumaco area, another person discussed the fact that her neighbors take photographs and call police officers by spotting the mere presence of individuals involved in the political work of resistance, even though they do not enter on these peoples' properties.

The discussion was brought up since we had met one of these neighbors outside of the person's house on the road. Moments after that discussion, when leaving the house, a police car showed up on the public road, stopping us for an id-control and very thorough questions on the purpose of our presence there.

This demonstrates the partiality of the police officers using means of intimidation as prevention under the anti-terrorist law, since there was no crime reported and it was an area on the country-side with scarce human activity. The legal framework is thereby what directly makes territorial protection and recuperation necessary while it also enables informal practices of intimidation and threats.

Informal practices of repression are constituted by intimidation, and disruption as stated above, but also by meddling and threats which is hard to distinguish between public and private actors since collaboration often occurs. What is referred to here is the negotiation between the private company, with an unrepresentative part of communities under supervision of governmental authorities, thus the lack of adherence to ILO convention 169, resulting in disruption of resistance and threats to their territory.

Furthermore, it demonstrates the coherence of supposedly representative organs such as CONADI (who first emphasized that there were no communities in opposition) to investment companies, and their conformance under government policy of economic development rather than communities' demands.

The political work undertaken in this regard are complaints as the one filed to the Environmental Superintendence, and the appeals to national and international courts, as well as public announcements, participation in reportages and interviews, speeches on public events, meetings, forums and manifestations. This directly connects informal practices of repression to the formal political work of visualization demonstrated in table 1.1.

The main issue of coherence and collaboration between public actors such as CONADI, the police authority and public courts, with private actors such as the hydroelectric company Statkraft and fundo owners, is a common perception of the everyday reality that visualization is aimed against.

The illegality of consultation processes is implied under the informal practices since statements from persons involved in the resistance tells that juridical communities were constructed by the former company for the objective of approving the project. This was stated in answering the question about the main issues to tackle at present,

“The constant meddling of the company in communities in favor of the project, some of these communities (pro-project) was created by the previous company (Pilmaiquen S.A.) in order to obtain greater support, this in exchange for financial support, taking advantage of the economic necessities that is lived within our territory” (Interview with a community member)

Furthermore, the legal document (RCA N.3744/2009) filed by the National Environmental Commission to the Environmental Superintendence, which served as base for the approval of the project, were written and supported by signatures of individuals that where meant to demonstrate participation in public consultation meetings, but were later on used as evidence for approval (Public Announcement, 2016-07-13).

This statement is strengthened by the fact that first obstacle was getting public authorities to recognize that there existed Mapuche communities opposing the project, which, as mentioned, was a two-year process under which other informal measures had to be taken to directly protect the territory from intervention.

It further enhances the importance of knowledge diffusion since their actions of territorial protection and recuperation where and still are criminalized by public authorities and national media which paints a picture of “criminals and terrorists”. Outside supporters involved in the political work also started off with spreading knowledge on the conflict,

“We started with propaganda, visibility is important; there is much ignorance and lack of understanding” (Interview with an outside supporter)

Thus, visualization is a matter of public legitimation of their political work to denounce the legal framework and its following repressive practices of police authorities, public courts, and financially powerful private actors. In fact, three references where made to Multigremial del sur, which as stated above in the introduction section, recently sent an open letter to several embassies of European countries explaining the existence of terrorist groups and the financial support they receive from NGOs and human rights organizations from their respective countries.

The organization’s open letter demonstrates the extreme levels to which communities in resistance can be described openly in Chilean

society as means of informal repression, where visualization as political work becomes vital.

Political work is in this respect connected to both formal and informal practices of repression since they are intertwined. Visualization measures where motivated by the three conditions which first and foremost renders the land and water rights protected by the Chilean legal framework illegitimate, hence the arrow pointing towards formal practices of repression.

Nonetheless, despite the temporary recess, there still exist negotiations between a smaller unrepresentative part of communities causing disruption, threats and intimidation according to all community members with whom I spoke with. On several occasions during observations and interviews was the issue of negotiations with pro-project communities being brought up.

Thus, the fact that the territory remain under the company's ownership is itself a problem since they can continue negotiating with neighbors and in this sense, incorporate internal conflicts as a way of disrupting opposition. A woman spoke of directly being threatened to be beaten by one of those neighbors while visiting the cemetery. Another woman spoke of suspicious activities in the area,

“The company come and gives people fertilizers and seeds in exchange for signatures
- Do they show in any way that they are from the company?
- They don't show it, but you can tell because they are from the city” (Interview with community member)

In the public meeting with representatives of 37 communities and Statkraft, it was explicitly stated that 37 communities disapprove all forms of intervention on the territory and that communities thereby close the dialogue (Public Announcement, 2015-12-04).

Having that event in mind, in the forum which I observed, it was mentioned that now during the temporary recess the company is proposing an assessment process to investigate possible impacts and hopefully continue the project in the future, in total ignorance of the fact that an evident majority of representative communities already

have stated their opposition against all types of intervention on the sacred territory. In this way, the legal framework allows informal practices of repression by both private and public actors resulting in continued threats.

Political work under territorial protection and recuperation are as explained connected to the illegality of land and water rights, and consultation processes as well as the threats that public and private actors perpetuate regarding the territory.

The three conditions referred to renders measures under this line of political work as only options, and what follows from these measures are as mentioned, subjection to violence and imprisonment. Examples of the subjection to violence and imprisonment are provided by statements from the recuperation in Lumaco Bajo and the raid and imprisonment of the machi when territorial occupation of the ceremonial complex started.

During the recuperation in Lumaco bajo, a man lost his eye when police officers shot him with a rubber coated bullet, and two children were abused and detained inside their own property when they were at home. This fact was supported by interviews, observations and publicly available appeals by the Chilean institute of human rights (INDH). Private actors, organizations formed by land owners is said to have supported police officers during these events, since they were seen lending their vehicles to them in this occasion and videos of the process shows that private vehicles were used.

Afterwards, living conditions for individuals within the community Marriao Collihuinca deteriorated, their children were harassed and controlled, their backpacks were checked when they were going to take the school bus since they had to “trespass” the fundo owner’s property, and the owner threatened the family to send social services if they found out that the children were not going to school (Discussions with community members and supporters).

An elderly person also spoke of harassment by police officers sent by the fundo owner. This person had been accused of hitting animals and destroying their water bowls even though the person in question is sick with limited body mobility, the harassment is perceived to be a way of tiring and put down any aspirations to continue another recuperation process.

With respect to these events, public defenders are often not preferred since they are perceived to have their limitations when it comes to being political and openly criticize laws and practices of public authorities. One public defender was even dismissed in a juridical process under the anti-terrorism law, concerning another conflict, for being too politically partial since she previously had been spotted and recorded in a protest march.

This in turn, goes hand in hand with visualizing the political work in this conflict and constitutes a part of the work that needs knowledge diffusion in order to be legitimized, which is why an arrow from the political work of territorial occupation points towards the work of visualization.

Conclusion

In summary, the underlying problem formulated by individuals involved in the political work of resistance towards the project has centered on the principal conditions behind the lines of measures taken so far under visualization and territorial protection and recuperation. The formal and informal practices of repression that are intertwined are core points of connection to actions taken.

These practices regulate communities' demands of not only internationally recognized human rights, but also to solving the underlying problem of this conflict which has proven to be the illegitimate ongoing colonial dispossession of their ancestral territory, their right to self-determination and to be respected as legitimate political authorities to prevent outside actors from capriciously intervene with threats towards central spiritual and cultural components. In other words, the illegality of consultation processes first brings forth an underlying issue of the lack of representation of communities as legitimate political authorities on their own terms. Moreover, the deprivation of territory demonstrated the second issue of the lack of territorial rights. And third the cultural and spiritual connection to territory actualizes a direct threat to a continued existence as a people.

By viewing the institutional processes conditioning the political work of communities in resistance against the project from their own lived experience it is inevitable to agree that they are not under any circumstances treated as legitimate political authorities with equal, or reasonable opportunities to influence decisions in a public formal manner under current circumstances.

Thus, it has also demonstrated how their political work is necessary for protecting and preserving their right to be, and to be able to define themselves as a people, as well to actively work against historical injustices which at this moment deny them their right to ancestral territory. Understanding these lines of measures as political work within the institutional processes from which they emerge is

furthermore a way forward to enhance knowledge of the limitations of Chilean democracy, as it is based on historical and contemporary injustice resulting in denial of political legitimacy and continued territorial dispossession to this day,

“What occurs today with *Comuneros* Mapuche (community members) is something they have already heard from their grandparents, and these in turn from theirs” (Correa & Mella, 2010: 304).

How the political work of the communities in resistance towards the hydropower project in Pilmaiquen is perceived and motivated by individuals, has served not only to describe the political context that makes territorial rights relevant, but also to question the current legal framework and its following practices of public and private actors in the Chilean state.

Drawing from Mörkenstam’s theory it is argued that by demanding rights to the territory that have been deprived, and elucidating the historical and ongoing injustices under the Chilean legal framework, this political work illuminates the limitations of the current political order to solve the conflict, “self-determination is from this perspective a way to regain a legitimate political order” (Mörkenstam, 2016: 204-205).

It follows from an understanding of that if communities are continuously marginalized and superseded by majoritarian decisions from the publicly elected government, there does not exist a legitimate authority to which the state can be ascribed (Ibid). The formalization of right to self-determination can therefore neither be a question exclusively up for the existing state to decide since it goes against the principle of sovereignty, it has to be done by acknowledging communities as equal political authorities on equal terms (Ibid: 214-215).

In regard to this, the topic of the study connects to conflicts between Mapuche communities and their formed organizations in resistance towards extractivist projects all around Chile and the problem-dynamic which conditions resistance work. Analyzing these possibilities of enforcing and institutionalizing self-determination on

communities' own terms and conditions independently from existing governmental authorities, could serve as a first step towards making territorial protection and recuperation a legitimate line of political work without subjection to violence and imprisonment as it currently implies.

The aim was to describe the underlying problem in the Pilmaiquen conflict in Chile through the lived experiences and motivations behind the political work undertaken by Mapuche communities and supporters in resistance against the hydropower project, which still is under informal negotiation processes and formal assessments of being approved and actualized by the company in question.

It has explained the actions taken under two lines of political work constituted by visualization and territorial protection and recuperation. These two lines of political work was motivated under three principal conditions which narrows down to an underlying problem questioning the legitimacy of the legal framework rendering land and water rights external to communities' decision-making authority, not to mention the anti-terrorist law which has served as means to brutally obstruct the political work undertaken by means of intimidation, subjection to violence and imprisonment.

The findings have demonstrated and described two institutional processes of relevance in this issue, the formal and informal practices of repression and the responses of political work undertaken. This revealed the problematic conditions that make political work necessary while at the same time rendering this line of political work as crimes.

In this sense, results have contributed to the academic research field by proving how an argument of self-determination and land rights under the theoretical framework ongoing colonial dispossession continues to be relevant to this day. It has also proven how questions of self-determination, territorial rights and historical injustice are central components of solving these issues. How the legal framework and its following practices constrains and disrupts legitimate organized resistance is suggested as a topic for future research, in which possibilities for enforcing communities' political authority independently from established governmental authorities should be examined.

Notes

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<https://www.youtube.com/watch?v=JaVRp8KvnrY&t=5s>
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- 5 2014-11-24, “Machi Millaray Huichalaf, Defensora del Ngen Mapu Kintuante”, “Machi Millaray Huichalaf, Defendor of the Ngen Mapu Kintuante”, Length: 16 minutes, URL:
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- 6 2014-11-24, “Machi Millaray Huichalaf, Defensora del Ngen Mapu Kintuante”, “Machi Millaray Huichalaf, Defendor of the Ngen Mapu Kintuante”, Length: 16 minutes, URL:
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- 8 2015-01-13, “Grave represión en recuperación territorial en Lumaco Bajo *Pilmaiken Resiste*”, “Serious repression in territorial recovery in Lumaco Bajo * Pilmaiken Resist*”, Length: 16 minutes, URL:
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- 9 2014-11-24, “Machi Millaray Huichalaf, Defensora del Ngen Mapu Kintuante”, “Machi Millaray Huichalaf, Defendor of the Ngen Mapu Kintuante”, Length: 16 minutes, URL:
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Showing my face and openly raising my voice against this project has meant criminalization. Media paints a picture of criminals and terrorists. But it has also meant stigmatization, imprisonment, raids in my home, evictions from the sacred complex, staged judicial processes. All persons involved in resistance experience this criminalization

Quote from a person in the resistance movement

Chile represents a state with democratic deficits concerning the rights of indigenous peoples to political representation in decisions and policies that affect their social, spiritual and cultural lives. Although this is a general issue in Latin American countries, the Chilean state is an extreme case due to their usage of anti-terrorism law on indigenous Mapuche communities.

The aim of this book has been to explain the problem of the Pilmaiquen conflict from the point of view of Mapuche communities in resistance. The conflict concerns a planned hydropower project in a river on ancestral territory, which in turn have been responded by communities in an undertaking of a variety of measures to prevent the dam from being constructed.

This conflict mirrors the general problem-dynamic among communities in conflict with the state, land owners, and investment companies all around Chile. This article departs from an understanding of that the resistance is and should be understood as political work against ongoing colonial dispossession of territory, and marginalization which currently poses threats to central components of cultural and spiritual life. The author highlights the continued relevance of political work towards de-colonization, as well the arguing that in order for Mapuche communities to be able to safeguard their right to ancestral territory, self-definition and protection of arbitrary interference, - self-determination and territorial rights becomes central.

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