

Standards versus Reality: FSC Certification as an Area of Conflict between Mapuche Issues and the Forest Industry

Clara vom Scheidt
December 2021

[Zwischen Anspruch und Wirklichkeit: Die FSC-Zertifizierung im Konflikt-
feld zwischen den Anliegen der Mapuche und der Forstwirtschaft in
Chile]

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Clara vom Scheidt¹

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Abstract:

[Industrial forestry – the majority certified with the FSC sustainability seal - dominates the landscape in southern Chile, the traditional settlement area of indigenous Mapuche people. A change in values towards sustainability within forestry companies based on FSC contrasts with a consolidation of the conflict through breaches of FSC standards in land rights.]

Key Words: FSC Certification, indigenous, field of conflict, land rights, Chile, Mapuche

Zusammenfassung:

[Industrielle Forstwirtschaft – zum Großteil mit dem Nachhaltigkeitssiegel FSC zertifiziert – dominiert die Landschaft im südlichen Chile, dem traditionellen Siedlungsgebiet von indigenen Mapuche. Ein Wertewandel in Richtung Nachhaltigkeit innerhalb von Forstunternehmen durch FSC stehen der Verfestigung des Konfliktes durch FSC-Standardbrüche im Landrecht entgegen.]

Key Words: FSC Certification, indigenous, field of conflict, land rights, Chile, Mapuche

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1 Introduction

1.1 Problem and research question

Countless paper and wood products sold in Europe show the FSC seal: furniture, construction timber, composites, packaging, paper and newsprint, household and sanitary products and waste-paper. In 2016, around 17 percent of the wood harvested from plantations worldwide was FSC certified². The Forest Stewardship Council (FSC) promises sustainable forest management that is "environmentally sound, socially acceptable and economically viable"³.

Consumers can also find FSC-labelled products from Chile, where the forestry industry is highly controversial. Monoculture plantations of eucalyptus and pine cover more than 2.3 million hectares in Chile, about half of them in Araucanía and Bío Bío together⁴. The territorial conflict with the indigenous population in these regions, which has existed since colonization by the Chilean state, has intensified due to the expansion of industrial forestry. Since Pinochet's dictatorship in the 1970s, the cultivation of the introduced species *Pinus radiata* and *Eucalypto globuli* has been promoted with high state subsidies. To this day, the land dispute remains largely unresolved, and Mapuche communities complain that the effects of the plantations threaten their natural livelihoods and the preservation of their way of life. Time and again, the latent conflict breaks out in protests and violent clashes between Mapuche and state or forest company security forces. Despite harsh criticism of the social and ecological shortcomings, the majority of forest plantations in Chile are currently FSC-certified (as of Dec. 2019)⁵.

This raises the question to what extent the sustainability standards of FSC can be reconciled with the ongoing criticism of the FSC-certified plantations by indigenous and environmental organizations. The aim of this paper is to understand a possible discrepancy between the FSC claim and the reality on site with the focus on the influence of FSC certification on the prevailing conflict between Mapuche and forest companies. The research question is: "To what extent does FSC certification affect the field of conflict between Mapuche and forest companies in Chile?"

² FSC 2017.

³ FSC 2020.

⁴ INFOR 2018b.

⁵ FSC-Chile 2020.

1.2 Structure

The first step is to understand the area of conflict between the concerns of the Mapuche and industrial forestry in Chile. First, categories of conflict field analysis according to Friedrich (2015) and Saretzki (2010; 2018) will be introduced, which will then be used to examine the conflict field. Then the two collective conflict actors are described in terms of their history, current situation and world view (section 3). A very detailed look at the historical processes is required to be able to grasp the context of the current conflict situation. This opens up the multifaceted nature of the conflict with which FSC is confronted in Chile. Subsequently (section 4), the current relationship between industrial forest enterprises and Mapuche is examined. This is primarily characterised by changed environmental conditions triggered by industrial forestry, which in turn have socio-economic, cultural and spiritual effects on Mapuche communities, among others (section 4.1). The Mapuche protests directed against this and the way the state in turn deals with the protests are described subsequently (sections 4.2 and 4.3). The political and legal framework of the conflict area is then outlined (sections 4.3.2 and 4.3.3). The categories of conflict analysis presented at the beginning are then used to analyse the conflict area in a summarized form – first without the influence of FSC certification – (section 4.4). After a presentation of the FSC in its origins, objectives, and functioning structure (sections 5.1 and 5.2), its influences on the various aspects of the conflict area are analysed (section 5.3). Finally, reasons for a partial discrepancy between standards and implementation – between claim and effectiveness on site – (section 5.4) and possible actions suggested (section 5.6).

1.3 Methodological approach

The presented bachelor thesis is based on an in-depth literature analysis, which is supplemented by interviews used as oral sources. Some of the interviews were conducted during a journey by the author in central and southern Chile between February and April 2017. The other part was conducted at the UN Conference of the Expert Mechanism on the Right of Indigenous Peoples (EMRIP) in Geneva, Switzerland, in 2017. The study of the topic and the excursions took place in the context of the university seminars "Culturas indígenas en America Latina. Proyecto de cooperación con comunidades Mapuches"⁶ and "Los Derechos de los Pueblos Indígenas de América Latina en el Sistema de las Naciones Unidas. Seminario en Honor el Déci-

⁶ "Indigenous cultures in Latin America. Cooperation project with Mapuche Communities", lecturer María del Carmen Suñen Bernal, seminar at Leuphana Universität Lüneburg, Germany, spring semester 2015 and autumn semester 2016.



mo Aniversariode la Declaración de las Naciones Unidas sobre Derechos de los Pueblos Indígenas"⁷ at the Leuphana University Lueneburg, Germany.

In the interviews, a small group of people from different positions in the field of conflict are heard: a Mapuche environmental activist, as well as a lecturer from a Chilean University specialising in indigenous environmental conflicts, a Mapuche farmer living in the countryside, a Mapuche artist, a Mapuche singer, and an employee of one of the largest forestry companies, with a position on sustainability issues, and a Mapuche medicine woman, a 'Machi'. In Geneva, Alberto Pizarro, the former director of the National Corporation for Indigenous Development, CONADI, was interviewed. In order to maintain the safety of the persons, all names were changed to their occupation (except Pizarro due to explicit agreement).

The literature used includes primary sources, especially for the description of the FSC (documents and website), and academic literature as well as newspaper articles and website posts. In the description of the field of conflict, the literature stems from Chilean, German, and international university research, and in the analysis of the influences of the FSC mainly from more recent Chilean research. German and English literature was used mainly for linguistic reasons.

The literature availability in Chilean research on the area of conflict between the forest industry and Mapuche is judged as quite broad by the author. The author Noelia Carrasco Henríquez (2015, 2016), who researches the cultural-anthropological dimension of forest certification in Chile at the Universidad de Concepción⁸ deserves special mention here.

To answer the research question, the present paper (above all in Chapters 5.4., 5.5, 5.6) is strongly based on a study by Millaman and Hale (2016), which, among other things, is based on extensive interview work with Mapuche and forest industry representatives and examines the effects of FSC certification on the conflict situation. Comparable extensive interview work was not possible in the context of this bachelor thesis. The added value of this work lies in insights that stem from looking through the theoretical lens of the conflict analysis on their findings as well as a broad presentation of the field of conflict as a basis. The author sincerely hopes to contribute to clarity and mutual understanding, and a development towards preserving and elevating the wellbeing of all people affected by the conflict as well as the natural environment.

⁷ "The Rights of the Indigenous Peoples of Latin America in the United Nations System. Seminar in Honour of the Tenth Anniversary of the United Nations Declaration on the Rights of Indigenous Peoples", lecturer Dr. Cristina Blohm, seminar at the Leuphana University Lueneburg, Germany, spring semester 2017.

⁸ Carrasco Henríquez 2015, 88.

1.4 Demarcation of research scope and definitions

1.4.1 Industrial forestry

In the context of this paper, the term ‘forestry’ does not refer to the management of native forest, but, unless otherwise indicated, to the cultivation and management of *forest plantations*. By the FAO, ‘plantation forest’ (2018) is defined as planted forest that is intensively managed. One or two tree species are planted at regular intervals and are of uniform age. The definition includes short term rotation plantations for the production of wood products and excludes forests planted for environmental reasons or forest created by planting or sowing and resembling naturally regenerating forest⁹. In contrast, according to the FSC (FSC 2016), natural forest is forest in which the majority of tree species are native species. Native species are species and subspecies etc. that live in their natural range (past or present) and dispersal potential without the direct or indirect influence of humans. In addition, natural forest shows typical characteristics in "complexity, structure, and biological diversity including soil characteristics, flora and fauna"¹⁰. Moreover, in this work, the term ‘forestry’ always refers to industrial forestry characterised by large-scale and mechanised method of cultivation. It is usually carried out by larger companies and must be distinguished from smaller plantations by private individuals. In the forestry sector in Chile, it is almost exclusively the cultivation of the species *pinus radiata*, and *eucalyptus globulus* in the form of monoculture plantations.

The former, English Monterey pine, is a pine species that occurs naturally in California, USA, and the Mexican Islands, mainly in a Mediterranean climate¹¹. The second is a fast-growing eucalyptus species from Australia¹².

Due to their introduction to Chile by humans, the two species are often referred to there as exotic species in distinction to native species¹³.

⁹ FAO 2018, 5. Orig.: “Planted Forest that is intensively managed and meet ALL the following criteria at planting and stand maturity: one or two species, even age class, and regular spacing. Explanatory notes: Specifically includes: short rotation plantation for wood, fibre and energy; Specifically excludes: forest planted for protection or ecosystem restoration.; Specifically excludes: Forest established through planting or seeding which at stand maturity resembles or will resemble naturally regenerating forest.”; FSC with similar definition (FSC 2016, 20).

¹⁰ FSC 2016, 20.

¹¹ Mead 2013, 16.

¹² FAO 2007.

¹³ Carrasco Henríquez/Salas 2016, 155.



1.4.2 Indigenous population

In 1989, the International Labour Organisation (OIT) adopted the Indigenous and Tribal Peoples Convention (ILO-169), which came into force in 1991. In this convention, indigenous people are defined as descendants of peoples who inhabited a country or region before colonizers settled there and who have maintained all or a part of their own social, cultural, economic and political institutions to this day. The self-identification of the people as indigenous is also of central importance¹⁴. In this understanding, Chile's indigenous law, Ley Indígena 19.253 of 1993, defines a person as 'indigenous' in principle if he or she has at least one indigenous parent (whereby the type of descent is irrelevant, i.e. adopted children of indigenous parents are also legally treated as indigenous). Parents are regarded as indigenous persons if they are descended from original inhabitants of certain areas (see Art. 12 1-2); or they have at least one indigenous surname (whereby an originally non-indigenous surname is treated as indigenous if it can be proven that it has been used by indigenous people since the third generation); or they practice (parts of) the way of life, customs and religion of the respective ethnic group or whose spouse is indigenous and if (in both the latter cases) the person simultaneously identifies himself/herself as indigenous¹⁵.

Apart from the Mapuche, the largest of the eight indigenous peoples in Chile in terms of population size, there are Aymara, Atacameños, Quechua in the north of the country, among others, as well as the Rapa Nui on the island of Rapa Nui and, in small numbers, Kawashkar and Yagán in the deeper south¹⁶. In the present work, the focus lies on the Mapuche who live mainly in the south of Chile, in the regions Araucanía and Bío-Bío¹⁷.

The question arises why this work only focuses on the situation of the indigenous and not on the entire Chilean population in interaction with the forestry companies. First of all, it can be said that an examination of the effects of forestry on the non-indigenous population is certainly equally justified. From there, the history

¹⁴ ILO, Art. 1.1.b, 1.2 Orig.: "regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions [...]. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply".

¹⁵ Ministerio de Planificación y Coordinación Orig.: „a) Los que sean hijos de padre o madre indígena, cualquiera sea la naturaleza de su filiación, inclusive la adoptiva; Se entenderá por hijos de padre o madre indígena a quienes descendan de habitantes originarios de las tierras identificadas en el artículo 12, números 1 y 2. b) Los descendientes de las etnias indígenas que habitan el territorio nacional, siempre que posean a lo menos un apellido indígena; Un apellido no indígena será considerado indígena, para los efectos de esta ley, si se acredita su procedencia indígena por tres generaciones, y c) Los que mantengan rasgos culturales de alguna etnia indígena, entendiéndose por tales la práctica de formas de vida, costumbres o religión de estas etnias de un modo habitual o cuyo cónyuge sea indígena. En estos casos, será necesario, además, que se autoidentifiquen como indígenas".

¹⁶ Stavenhagen 2003, 1–2.

¹⁷ Emmerson 2014, 5.



of the Mapuche unlike that of the non-indigenous population is characterized by massive land expropriation, from which forestry enterprises still profit today (chapter 3.2.1). In addition, the preservation of Mapuche culture depends even more intensively on an intact nature (see chapter 3.1.3.), which makes them more vulnerable to habitat changes caused by forestry management and the use of forest resources. The Mapuche are therefore particularly affected and vulnerable to industrial forestry in their surroundings and have a more conflictual relationship with the forestry companies which is not present to the same extent between the companies and the Chilean population (see chapters 3.2.1 and 4.2.).

2 Theoretical framework: dimensions and categories of conflict field analysis

Categories and dimensions of conflict field analysis are used to look at the conflict between concerns of the Mapuche population and the forestry industry. The present study is based on a compilation of single categories and dimensions of the conflict field analysis by Friedrich (2015)¹⁸, which is based, among others, on the multidimensional conflict field analysis of environmental and technological conflicts by Saretzki (2010)¹⁹. Through its application and adaptation to an environmental conflict field, Friedrich's compilation provides a suitable theoretical framework for this work.

Friedrich defines conflicts as the "opposite of consensus"²⁰ and as "processes of confrontation or dispute based on contradictions or incompatibilities in the thinking or actions of those involved"²¹. The author points out that conflicts are never static, but rather dynamic, and can therefore never be definitively defined. Conflict can be generated by social structures and individual subjects, both of which are interrelated²². In the following, the five dimensions of conflict field analysis are presented^{23,24}:

1st Dimension: Conflict actors

(a) *characterisation* of the actors

(b) the number of parties to the conflict: *Dyadic conflicts* with two conflict parties and *triadic conflicts* with three conflict parties

¹⁸ Friedrich 2015: „Das Konfliktfeld gesellschaftliche Naturverhältnisse am Beispiel von Agro-Gentechnik“.

¹⁹ Saretzki 2010, 33–53. „Umwelt- und Technikkonflikte“.

²⁰ Friedrich 2015, 39.

²¹ Ibid, 17.

²² Ibid. 41-42.

²³ Ibid. 44-50.

²⁴ Partially rearranged: In Friedrich (2015), "conflict regulation and management" represents the fourth dimension, "conflict effects" the fifth dimension. Due to the logic in the structure of the analysis (Section 4.4), these two dimensions have been exchanged in their order.



(c) types of relations between the conflict actors: *institutionalised/formal* or *non-institutionalised/informal*

2nd Dimension: Conflict issues

- a) description of possible conflict *objectives and causes*
- b) types of conflict: *Interest* or *value* (normative) conflicts: The source of conflicts of interest is scarce goods or positions which both conflict partners value equally and wish to obtain or retain; the source of value conflicts is the incompatibility of the conflict parties' opinions on values and truth, their hierarchisation and application. The different causes lead to different conflict dynamics and strategies of conflict management. Often, value and interest conflicts are intertwined²⁵.
- c) conflicts as a 'contradiction' with irreconcilable positions and interests (in German: 'Widerspruch'), or a 'conflict' that also arises from the former interactions ('Widerstreit')

3rd Dimension: Conflict conduction

- a) *latent* or *open/manifest* conflicts: While in both types of conflict the conflict parties are opposed to each other, conflict action only occurs in the case of open or manifest conflict, whereby the manifestation of a latent conflict into an open conflict is usually preceded by an (self-)organizing process of the conflict parties.
- b) choice and intensity of the *means* used and the *power relations* expressed by them; by defining power as the possibility to enforce one's own will against others, the more powerful party to the conflict may control the conditions under which the conflict is carried out, therefore it can be an asymmetrical conflict; promises and threats can also be significant signs here, because they already show the possibility of enforcing one's will in the perception of a difference in power.
- c) *institutionalized* or *not institutionalized* conflict resolution

4th Dimension: Conflict effects

- a) social assessment of conflicts as *legitimate* or *illegitimate*
- b) perception of the conflict as a *disturbance* or as *a means of achieving goals*
- c) changes in the *social relationship* between the conflict parties
- d) changes *within the conflict parties* as a result of the conflict

²⁵ Due to the high relevance of the distinction between conflicts of values and conflicts of interest in the field of the conflict examined, Willems 2016b in turn based on the conflict typology of Vilhelm Aubert (1963, 1973), is consulted here in addition (Willems 2016b, 11).



5th Dimension: Conflict regulation and management

- a) a final resolution of a conflict, or a settlement that eliminates individual elements of the conflict but not the entire conflict; for settlement, the recognition of the opposites and agreement on rules of the game are necessary.
- b) forms of ending a conflict: victory/ defeat, compromise, and reconciliation; chances of compromise depending, among other things, on the construction of the conflict as a 'contradiction' or 'conflict'.

3 Conflict actors

In order to introduce the field of conflict as the object of research in this paper, the following two chapters introduce the central collective conflict actors, Mapuche population (with focus on the Mapuche living in rural areas) and industrial forest enterprises. Looking at the historical retrospective is highly necessary in order to first contextualize the complex interrelationships of today's conflict field appropriately. Afterwards, the consideration of the current situation is elaborated, followed by the respective views and concepts of the environment.

It should be made clear at the outset that it is difficult to speak of "the" conflict actor Mapuche since this is not a uniform group, but rather the communities can have different problems, and the individuals have different political positions and strategies for dealing with social and economic challenges. Similarly, of course, it is not possible to assume a uniform forest industry, as there can be different attitudes and behaviour in one single company as well as across companies in the industry. Nevertheless, according to the scheme of conflict analysis, an idea of the group characteristics primarily based on historical development and behaviour is given. Other actors in this field of conflict, such as forest product consumers, intermediaries, NGOs, the media, etc., cannot be dealt with in detail due to the limited scope of this work. (The role of the state as a regulating actor is described in Chapter 5.3, following the conflict issues.)



3.1 Mapuche population in rural parts of Southern Chile

3.1.1 *About the history of the Mapuche population*

The Mapuche populated a large area in the south of today's Chile and Argentina, the so-called *Wallmapu*. That part of the original territory east of the Andes (which before the foundation of the states was a natural but permeable border) in today's Argentina, is called Guluche, the western side, in today's Chilean state, Puelche^{26, 27}.

Before the arrival of the Spaniards, the Mapuche lived mainly from gathering and hunting, but also from agriculture and cattle breeding^{28, 29}. Due to the distribution of the Mapuche over a wide territory with different vegetation and climates, different economic orientations and territorial identities developed. The Lafkenche, Mapuche on the Pacific coast, fed themselves mainly on fish and seafood (from Lafkén, the sea), while the Pehuenche, Mapuche in the Cordillera of the Andes, fed on the seeds of the Araucaria tree (Pehuén). The Nagche come from the Chilean valley and the Huilliche from the south, around Osorno³⁰.

However, these territorial sub-groups were involved in cultural and economic exchanges with one another, while political control was decentralized³¹. The distinction between territorial sub-identities is still present today to a certain extent³².

The Spanish colonizers who advanced into present-day Chile in the 16th century were initially unable to subjugate the indigenous Mapuche population because of their vehement resistance. In several treaties, such as the Treaty of Taphué of 1825, the Spanish Crown recognized the Mapuche as a separate nation with an autonomous territory stretching from the Bío-Bío River to the island of Chiloé in the south³³. This phase lasted from 1550 to 1883 and is also known as the "period of Mapuche resistance"³⁴. At the end of the 1840s, the

²⁶ Millaman/Hale 2016, 26f.; Mapuche Umweltaktivist März 2017, 1. paragraph.

²⁷ However, the Andes as a certain natural boundary did not represent a separation for the Mapuche population. Rather, the Mapuche Pehuenche culture developed here, fulfilling an important function of communication and trade (Millaman, Hale 2016, 27).

²⁸ Montalba-Navarro 2004, 22f.

²⁹ Potatoes, maize, quinoa and chili were cultivated and, among other things, squid, pumas and birds were hunted (Montalba-Navarro 2004, 22f.). With the arrival of the Spaniards, new animal species such as horse or sheep, and plant species such as apple and cherry, oats and wheat, and the use of tools such as metal spikes were brought to the region (ibid., 25).

³⁰ Stavenhagen 2003, S. 5; Millaman/Hale 2016, 16, 25.

³¹ Montalba-Navarro 2004, 23ff. Millaman/Hale 2016, 25.

³² For example, a Mapuche painter presented herself like this: „I am ... Mapuche Lafkenche, from the Ocean side“. Orig.: „Soy [...], Mapuche lafkenche, de la zona del mar“, artist in doc. Mapuche in Chile 2017, 0:02.

³³ Torres-Salinas/Azócar García/Carrasco Henríquez et al. 2016, 121; Lomoth 2007, 167f.; Mapuche activist march 2017, 1. paragraph.

³⁴ Montalba-Navarro 2004, 20.



Chilean state began the military occupation and settlement of the Mapuche territory³⁵. The young Chilean state generated a military invasion of the wallmapu - simultaneously with the Argentinean military in the puelmapu -, which lasted until 1883, breaking numerous treaties with the Mapuche people. Under the official title 'pacificación de la Araucanía', which ironically means "pacification of the Araucanía", the Mapuche were massacred, and their political and traditional structures destroyed. On the Argentinean side, this led to the deliberate destruction of Mapuche spiritual authorities. During this phase, the Chilean state violently appropriated more than 90 percent of Mapuche territory and resettled the Mapuche population in so-called reduction areas ('reducciones'). Thus - like the name evokes- the Mapuche settlement area was reduced at the end of the 19th and the beginning of the 20th century from approximately five million hectares to the present 500,000 hectares.³⁶

The reduction areas were areas of land intended for several families, for which the heads of families or community leaders, 'lonkos', received land titles, the so-called 'títulos de merced'³⁷. In the communities in the reduction areas a drastic impoverishment began which was accompanied by the suppression of the indigenous culture and forms of organization. The indigenous language, culture, own administration, and own authorities were forbidden, important religious spiritual places were taken. "Every social, cultural and political organization is broken"³⁸. The processes of expropriation and political and economic oppression were justified by a "racist institutional discourse about the need to civilize the barbarians"³⁹. The Chilean government declared the remaining land to be state land and awarded it to Chilean military and, in agreement with European governments, to German, Swiss, Italian, and Dutch settlers who then immigrated from Europe to Chile to cultivate the land⁴⁰.

Together with the resettlement of the Mapuche to the reduction areas, the Dirección de Asuntos Indígenas del Ministerio de Tierras y Colonización pushed for the division of the communities. In 1953, the institution recognized the existence of the indigenous communities, but their rights were not clearly defined⁴¹. Before the resettlement, the division of the land of a community to the different families of a 'lof' by the Lonkos had been common practice, but only for agricultural use. This right of use had been passed on within the families via the paternal line. There had been no private land ownership⁴². While the focus had previously been

³⁵ Biblioteca Nacional de Chile - Memoria Chilena: 2018.

³⁶ Mapuche activist march 2017, 4. paragraph.

³⁷ Alberto Pizarro, ehem. Leiter der Corporación Nacional de Desarrollo Indígena (CONADI), in Chile Juli 2017, 1. paragraph.; Mapuche activist march 2017, 4. paragraph.

³⁸ Mapuche activist march 2017, 4. paragraph.

³⁹ Millaman/Hale 2016, 167.

⁴⁰ Torres-Salinas/Azócar García/Carrasco Henríquez et al. 2016, 121.

⁴¹ Rahausen 2003, 57.

⁴² Rahausen 2003, 62.



on joint responsibility for the land, the concept of private and individual land ownership was now being implemented in the course of the resettlement in the reduction areas⁴³. Under the idea of a "'redressing' of the property situation within the Comunidad"⁴⁴ a congruence of ownership and use of the land should be established. According to Rahausen (2003), the division into individual land ownership was equivalent to a "dissolution of the Comunidad"⁴⁵. Land ownership certificates, the so-called 'títulos de merced', were issued to the community leaders, 'lonkos' and 'caciques', who had to distribute the land to the families of the communities. Between 1931 and 1949, however, some areas were also divided up by administrative decree without the involvement of the community members. By the end of the 1960s, however, these divisions were far from being carried out in all municipalities. From the 1960s onwards, such processes of dividing up municipal areas were only allowed to be carried out if one third of the population of the municipality demanded it⁴⁶.

In addition to the diverging ideas of land ownership and land use, two different world views also came together in the selection of the reduction areas: While for the Mapuche the 'comunidad' is understood more as a 'community' and is characterized by family structures, traditions, ancestry and 'spiritual community', the same word 'comunidad' for the Chilean authorities merely represented a certain area of land that was inhabited by Mapuche. In the Chilean institutions, there were hardly any realistic ideas about the priorities in the Mapuche communities. They therefore chose the boundaries of the reduction areas according to purely geographical criteria⁴⁷.

The socialist government of Salvador Allende from 1970 onwards officially recognized the existence of different cultural identities in Chile for the first time. Although the idea of incorporating the Mapuche into the Chilean state was retained, under Allende it was no longer to be achieved by splitting the communal land, but by rural development in the course of an agricultural reform. Mapuche began to organize themselves more politically during this period, joining unions and peasant associations (which created a class identity) or founding Mapuche organizations. Many Mapuche began to embrace their indigenous identity and use it to make political demands⁴⁸.

The land reform resulted in the expropriation of many large landowners and the transfer of land to Mapuche⁴⁹. However, this was done not so much because of their indigenous ethnicity and therefore as a repa-

⁴³ Rahausen 2003, 57.

⁴⁴ Rahausen 2003, 61.

⁴⁵ Rahausen 2003, 59.

⁴⁶ Rahausen 2003, 59f.

⁴⁷ Rahausen 2003, 62.

⁴⁸ Brey 2020, 65.

⁴⁹ Lomoth 2007, 53–55.



ration for the annexation of their territories, but rather as a redistribution of land to the general rural population, of which Mapuche were also a part⁵⁰. By 1973, some 70 000 hectares had been returned to Mapuche. However, this was not always done together with the granting of binding land titles⁵¹.

In 1973 Augusto Pinochet came to power in a military coup and established a dictatorship. The military regime abolished the land reform and declared the land returned to Mapuche as illegal expropriation. Mapuche and smallholders were expropriated from their recently obtained land and the land was returned to the previous owners or resold through the institution of the Agrarian Reform Corporation⁵². In this way, a large part of the land ended up in the hands of forestry companies. The changes made by the Allende governments, which had only partially responded to the needs of the indigenous population, therefore lasted only briefly⁵³.

In addition to the loss of the land that had just been restored under the agrarian reform, the Mapuche lost land in the reduction areas due to their further parcelling out and the conversion of collective to private ownership. A 1987 regulation made the consent of a single person in a community sufficient to trigger the parcelling out of a community. According to Rahausen (2003), sometimes, Mapuche who were in conflict with other members of the community, particularly made use of it⁵⁴. However, non-Mapuche who lived in the area also took advantage of this arrangement, as the ethnicity of the parcellers was remarkably often ignored. The first problem was that after such a partition the legal status of the land as indigenous land and its owners as indigenous people expired. After strong protests, this regulation was revoked, but the parcelling of land generally remained possible and after the process, the validity of the *títulos de merced* expired. As a result, Mapuche who felt that they had been treated unfairly by the redistribution (for example, because they were not present at the time of the decision) could no longer invoke it as the legal basis for collective land ownership. The privatized areas were now free to the general land market and were no longer secured for indigenous interests and were therefore restricted to indigenous people as owners. Often neighbouring large landowners benefited from the re-survey⁵⁵.

Between 1979 and 1986, 59 percent of all *comunidades* were parcelled out, which also resulted in a massive loss of land⁵⁶. The 1,739 reduction areas that were parcelled out during this period lost a total of 28,622 hectares of land. Since the land area of the *reducciones* which had been individualised between 1931 and

⁵⁰ Mapuche activist march 2017, 6. paragraph.

⁵¹ Lomoth 2007, 55.

⁵² Rahausen 2003.

⁵³ Brey 2020, 65.

⁵⁴ Rahausen 2003, 60.

⁵⁵ Rahausen 2003, 61.

⁵⁶ Rahausen 2003, 62.



1971 increased slightly, the total land loss of the indigenous reduction areas due to the process of parceling out 22,738 hectares in the period from 1931 to 1986 is as follows⁵⁷.

In the subsequent political phase of the Concertación de los Partidos por la Democracia from 1990 to 2010, the issue of indigenous rights gained in importance in the public debate alongside women's rights, youth, and the environment. In recent years, national policy towards the Mapuche has been contradictory⁵⁸.

3.1.2 About the current situation

Mapuche live in Chile today mainly in the center south of the country, the XIII to X. region, between the Pacific coast and the Andes as well as in and around the capital Santiago. Regarding the population size of the Mapuche, census and estimates differ. The 1992 census yielded a total of 928,060 Mapuche⁵⁹, while the 2002 census registered only 604,349 Mapuche throughout Chile⁶⁰. The total number of people identified as indigenous in the latter was 4.6 percent of the total population⁶¹. In contrast, the 2012 census recorded 1,508,722 Mapuche in Chile. It is based purely on auto-identification, and a registration with CONADI, the National Ministry for Indigenous Development, was not a prerequisite⁶². The most recent re-calculations for 2017 showed a figure of 1,745,147 Mapuche, representing 79.8 percent of the indigenous population and 9.9 percent of the total population⁶³.

Within the Mapuche people of Chile, as described in the previous chapter, there are subgroups, or local, territorial sub-identities ('butalmapu'). The traditional point of reference for families is the lof, which can be translated as 'extended family' or 'community'⁶⁴.

Traditionally, political control of Mapuche communities has been decentralized, with elements of hierarchy and equality. Traditionally, political leadership and representation is primarily the responsibility of the 'lonk-os', the leaders of a lof. The office is passed on according to family line and in rare cases according to personal abilities. Furthermore, the Machi is an authority in the communities. She has knowledge of traditional

⁵⁷ Rahausen 2003, 62.

⁵⁸ Carrasco Henríquez 2011, 3f.

⁵⁹ Instituto Nacional de Estadísticas, 69.

⁶⁰ Mires Aranda 2005, 12.

⁶¹ The UN Special Rapporteur based himself on these figures in 2003 and assumed that the total number of indigenous people in Chile was only just under 700,000 (Stavenhagen 2003, 5).

⁶² Instituto Nacional de Estadísticas 2012, 172, 340f.

⁶³ Instituto Nacional de Estadísticas 2018, 16.

⁶⁴ Atallah 2016, 93.



medicine and healing methods and conducts the religious ceremonies⁶⁵. It is estimated that between 140,000 and 400,000 Mapuche in Chile still speak their original language: Mapudungún⁶⁶.

Often Mapuche families, who live as small farmers in the countryside, produce vegetables and herbs for self-sufficiency or for sale. Often there are also fruit trees on the farms and some families have specialized in the production of berries, also for export, among other things, in the context of state-funded development projects. Goods made of wool such as sweaters, gloves, or 'mantas' (traditional ponchos) as well as bowls or baskets made of wood or plant fibers are sold (sometimes) by middlemen at the markets in the cities. Animal husbandry often consists of chickens, sometimes sheep, more rarely pigs, cattle, or dairy cows. For the Lafkenche, the Mapuche on the coast, fishing and gathering seafood still is an important source of food, for the Pehuenche, the Mapuche in the Andes, the gathering of piñones, the seeds of the Araucaria tree. Furthermore, collected wood is often essential for cooking on wood stoves or open fireplaces⁶⁷.

In his 2003 report, the UN Special Rapporteur Stavenhagen assessed the situation of indigenous peoples in Chile as marked by "vulnerability and extreme poverty"⁶⁸. The living standards of the indigenous population in Chile are below the national average, measured by various human development indices. At the time of the report, the poverty rates among the indigenous population, at 35.6 percent, were far higher than among the non-indigenous population, at 22.7 percent⁶⁹. On average, the income of indigenous families is half that of non-indigenous families. According to UN figures, the illiteracy rate in 2003 was also more than twice as high as in the non-indigenous population and particularly high among women and children. On average, indigenous children attend school 2.2 years less⁷⁰. Only 58 percent of indigenous people in Chile had access to running water and 65 percent to electricity at the time of the UN report⁷¹.

Despite growing efforts on the part of the government, the UN Special Rapporteur noted continuing discrimination against indigenous peoples in Chile: "the indigenous population is still largely ignored and excluded from public life as a result of a long history of denial of the economic exclusion by the majority of the population"⁷². He also states that "the land owned by Mapuche is over-exploited"⁷³. Stavenhagen (2003) also at-

⁶⁵ CONAF 2011, 19.

⁶⁶ Zúñiga 2007, 8.

⁶⁷ Rahausen 2003, 76.

⁶⁸ Stavenhagen 2003, 19.

⁶⁹ Stavenhagen 2003, 2f.

⁷⁰ Stavenhagen 2003, 8.

⁷¹ Stavenhagen 2003, 8.

⁷² Stavenhagen 2003, 2.

⁷³ Stavenhagen 2003, 9.



tests to systematic discrimination in access to health care. For example, child mortality in indigenous communities is above the national average⁷⁴.

Within the last few years there have been slight changes in Mapuche's relationship with Chilean society. For example, the integration of traditional and conventional medicine as bi-cultural medicine is being promoted⁷⁵. A significant proportion of the Mapuche population lives in and around Santiago de Chile, often in relative poverty⁷⁶.

3.1.3 Mapuches' view on their environment⁷⁷

The Mapuche culture is characterized by a worldview based on beliefs, values and traditions that give great importance to the earth and nature. Mapu-Che means translated "people of the earth" ('gente de la tierra'). The relationship to "mother earth" ('ñuke mapu', 'madre tierra') as a whole and to the land they live in - especially if it has been inhabited for many generations - is a central component of the identity and way of life. 'Mapu' therefore means more than just "land" in the sense of a land area, but also "homeland", "territorium" and "earth"⁷⁸.

The social organization of Mapuche traditionally runs as described primarily through the 'lofs', to which several families belong. The organization in the 'lofs' includes the 'lof che', the social interaction and cultural expression, the 'lof mapu', the relationship of the family with the territory. The identity of the Mapuche people is thus derived from their relationship with the other members of the 'lof' and, at the same time, very centrally, from their relationship and interaction with nature. 'Az che' describes the personality and identity of the members of the lof. 'Az mapu' is the traditional set of rules that defines a respectful interaction between man and nature⁷⁹.

"The earth is a unity with all its living beings and its richness (air, soil, water and earth); in the Mapuche world view, the concept of the separation between soil and subsoil, waters, plants, animals and their products does not exist, they are all part of the Mapuche territory"⁸⁰

⁷⁴ Stavenhagen 2003, 8.

⁷⁵ Stavenhagen 2003, 3.

⁷⁶ Emmerson 2014, 5.

⁷⁷ As a non-Mapuche person, I disclaim in the beginning of this section that all information shared is regarded with great respect. It is presented what has been gathered through reading as well as listening to the persons interviewed.

⁷⁸ Herrmann 2005, 10f.

⁷⁹ Millaman/Hale 2016, 29.

⁸⁰ Sánchez Curihuentro 2001, 34. Orig.: „la tierra es una unidad con todos sus bienes y riqueza (aire, suelo, agua y subsuelo); no existe en la cosmovision Mapuche el conception de division del suelo y el subsuelo, las aguas, las plantas, los animals y sus productos, son parte del territorio Mapuche“.



"There was a law, which was the fourteenth law of az mapu, and it required that in order to cut down a tree, you must have planted two trees a year before. Only then could one cut down a tree. Now they have felled as many trees as they wanted, so the state of the earth is now as it is."⁸¹

'Xiful moyen' describes the Mapuche concept, which could probably be described as an analogy to the Western idea of biodiversity. It includes "all forces"⁸² to which man is only a part of it.

In the Mapuche faith, great importance is attached to the story of the creation of the earth, which is told in different variations depending on the region and has been passed on orally through the generations. Common to all versions, however, is the idea that the "creative gods"⁸³ or god⁸⁴ - 'chau ngenechen' - gave every element of the created nature a 'ngen'⁸⁵. 'Ngenechen' are to be understood as spiritual beings or forces that inhabit flora and fauna as well as rivers, mountains, rocks, or the wind as "masters" or "owners" and are responsible for their protection⁸⁶. The divine and spiritual power of the 'newen' and the 'ngen' create the connection and coordination between the two worlds of experience of Lof che and Lof mapu. Lomoth describes Ngen as "numen who are connected with natural phenomena"⁸⁷. Their mission is to protect and preserve life, to provide for the "well-being and existence of the elements of the forest of their responsibility in the context of the respective ecological niches"⁸⁸. Consequently, the forest does not belong to human beings, but to the 'creating gods' or 'gods of the divine'. It follows that Mapuche, according to their traditional beliefs, cannot see themselves as 'masters' of the nature. They can only be 'masters' of what they have grown or raised themselves, such as fruit trees or domestic animals⁸⁹.

The traditional names of a few *ngens* are presented in order to get an impression of the great variation. *Ngen Mapu* is the protecting spirit of the earth, *Ngen winkul* are the guardians of the mountains or volca-

⁸¹ Singer o.S. in Dok. Mapuche in Chile.

⁸² Izquierdo/Stecher 2014, 1. Orig. "Todas la fuerzas".

⁸³ Grebe Vicuña 2000, 3. Orig.: "dioses creadores".

⁸⁴ In their religion there is a central heavenly deity, who sometimes appears as a divine couple or family of four: father (Kuse or Chaw), mother (Fücha) and their children (üllcha and weche) (Lomoth 2007, 79) or according to Inostroza Romero (n.d.): mother Ñuke, son Wentru and daughter Domo). Together they form a unity in themselves (Ngenechen). Sometimes the father of the divine family is emphasized, then he is addressed in the singular (Chaw ngenechen). The idea is that the Mapuche family live the values of the divine family in life, such as the peace and wisdom of the parents and the will to live and strength of the children, in order to experience harmony. Individuals, too, should strive for the different values within themselves in order to establish a balance of polarities and to achieve self-realization (Inostroza Romero o.J., 196).

⁸⁵ The scientific description of the Ngen as part of the Mapuche religion only began in 1971 by the author quoted here (Grebe Vicuña 2000, 1).

⁸⁶ Grebe Vicuña 2000, 3. Orig.: „espíritus dueños de la naturaleza silvestre“; according to CONAF: "Espíritu poderes sobrenaturales que protejen un lugar específico, fuerzas erspirituales que protejen sus espacios" CONAF 2011, 19.

⁸⁷ Lomoth 2007, 76.

⁸⁸ Grebe Vicuña 2000, 3 Orig.: "bienestar y continuidad de los elementos silvetres a su cargo en los contextos de sus respectivos nichos ecológicos".

⁸⁹ Grebe Vicuña 2000, 4.



noes, *Ngen-ko* guards the water and *Ngen-mawida* the native forest⁹⁰. There are even more specific distinctions, e.g. for small or large mountains (*Ngen-füta-winkul/Ngen pichi winkul*); running waters (*Ngen trayen-ko*) or the sea (*Ngen lafkén*) or the different tree species of a forest. The fire is inhabited by *Ngen-kütral*, the wind by *Ngen-kürëf*. Depending on the direction it blows, the wind also has a more or less positive character⁹¹. Besides these elements or larger units of nature, the animals of the forest also have a *Ngen* (*Ngen-kullin*), the birds (*Ngen-üñëm*) and the medicinal herbs (*Ngen-lawén*), as well as the paths made by the animals⁹². The animation of the world thus goes far beyond the flora and fauna in the traditional Mapuche concept. The *Ngen*, as guardians of the individual elements of nature, have powers that help to maintain the ecological balance. They require a respectful attitude in dealing with them and with nature, as well as reciprocity of interaction, i.e. a balance of giving and taking. Gratitude, reverence and sacrifice to nature and the gods play a major role.

If man does not treat the *Ngen* and thus the elements of nature that inhabit them with reverence and respect and thus disregards the code of conduct that protects and preserves the environment, they can become threatening and cause diseases⁹³. For example, the belief in the *Ngen* prevents excessive exploitation of natural resources and contamination of nature⁹⁴. CONAF now also recognizes the Mapuche's special relationship with nature:

"In the Mapuche world, the components of nature such as the earth, the forest, the waters, the fauna and the biodiversity have an important place in the culture. The relationship between man and nature helps to satisfy religious, spiritual, medical, economic and cultural needs."⁹⁵

From the existence of the *Ngen* arises the understanding of a living, holy nature and the respect that is shown to nature or is demanded in the rules of the *Az mapu*. Thus, Mapuche often stress that they ask for permission before taking, using, or killing anything from nature.

"I am Mapuche when I respect a river: when I cross it, I ask for permission. I have this respect when I realize that the air around me has the same right to exist as I do. I can say that I am Mapuche when I realize that if I have to cut a plant, I cut it out of necessity, not out of bad intention."⁹⁶

⁹⁰ Grebe Vicuña 2000, 4; CONAF 2011, 19.

⁹¹ Wind from the south has a positive connotation, since it means prosperity and lack of rain; wind from the east brings rain or drought after crossing the Andes and is therefore ambivalent; the west wind coming from the sea announces "bad weather" (Grebe Vicuña 2000, 5) and rain; and wind from the north also has a negative connotation, since it brings "storms and destruction" (ibid.). (Note: This direction is also negatively occupied by the invasion of first Incas, Spaniards and the Chilean military from the north).

⁹² Grebe Vicuña 2000, 5.

⁹³ Lomoth 2007, 79.

⁹⁴ Grebe Vicuña 2000, 4.

⁹⁵ CONAF 2011, 3.



The belief in the presence of the *ngen* thus implies the traditional environmental code of conduct characterized by great respect for nature. This has led, among other things, to settlement outside the native forest, the holding of traditional customs such as *nguillatún* within the forest and the promotion of ecological balance⁹⁷. In part, this has also led to the view that the earth is not necessarily cultivated intensively. One interviewee said: "The Mapuche thinks differently. He believes that you shouldn't cultivate the earth as much because the earth is like you"⁹⁸. Grebe sees the *Ngen*, or Mapuche perception of the *Ngen*, as the guarantor of the balance of the entire ecological system⁹⁹.

In addition, there are very special places, often rocks or similar, which are perceived as sacred and which are said to have special powers. Medicinal herbs found in their vicinity therefore have a strong healing effect. The places are worshipped, and offerings are offered to them¹⁰⁰.

The forest also has a particularly high value in the culture. According to Grebe, many Mapuche believe that when a god from heaven visits the earth, his preferred place is the native, thousand-year-old forest where he/she takes refreshment. Thus, Mapuche feel "in an intense way the sacred presence"¹⁰¹ in the forest, and entering the forest sometimes becomes for them a "mystical experience that brings them closer to their gods"¹⁰².

"The Mapuche thus feels that the earth is moving and turning under his feet. The whole forest swings. These are the effects of the divine presence in an environment saturated with supernatural forces. The virgin forest, thousands of years old, is thus the cathedral or church of many Mapuche believers."¹⁰³

The machis use this energy of the Wallmapu nature for their healing work¹⁰⁴. According to the interviewed Machi (2017), healers need daily contact with nature in order to be "balanced, [with] the sea, the sun, the wind, the water, with all that is our nature"¹⁰⁵. She makes it clear that the original nature, like native forest, has a different energy, a different value than that of a human being: "It is beautiful to plant a plant here

⁹⁶ Malerin März 2017, 1:04. Orig.: "Yo soy Mapuche cuando digo que yo respeto un río, que yo cruzo y pido permiso. Yo respeto cuando me doy cuenta que el aire tiene tanto permiso de andar al lado mio como yo. Yo puedo decir que soy Mapuche cuando me doy cuenta que si voy a cortar una plantita, la tengo que [...] cortarla por necesidad no por una maldad".

⁹⁷ Grebe Vicuña 2000, 6.

⁹⁸ Singer o. S. 2017: Dok. Mapuche in Chile. Orig.: "El Mapuche tiene otro pensamiento. Cree que la tierra no hay que tanta cultivarla, porque la tierra es como uno".

⁹⁹ Grebe Vicuña 2000, 1.

¹⁰⁰ Lomoth 2007, 79.

¹⁰¹ Grebe Vicuña 2000, 6.

¹⁰² Grebe Vicuña 2000, 6.

¹⁰³ Grebe Vicuña 2000, 6 Orig. „El Mapuche siente entonces que la tierra se mueve y gira bajo sus pies. Se cimbra todo el bosque. Son los efectos de la presencia divina en un ambiente saturado de potencias sobrenaturales. Pues el bosque virgen milenario es la catedral o iglesia de muchos mapuches creyentes".

¹⁰⁴ Machi 2017, 0:47. "And when a machi doesn't have the part of nature, being close to nature, working with her hostage [...] with her Wallmapu energy is very strong". Orig.: "Y cuando una machi no tiene la parte de la naturaleza, estar cerca de la naturaleza, trabajando con su rehue [...] con su energía del Wallmapu es muy fuerte".

¹⁰⁵ Machi 2017, 0:28. Orig.: "Para estar equilibrada junta al sol, el viento, el agua. Todo que es naturaleza de nuestra tierra".



and there... It is very beautiful! But it is not the same nature as the one Chau left behind. Because there is the power, there is the energy. There is everything"¹⁰⁶.

In summary:

- The concept of the *Lof mapu* shows: Mapuche derive their identity in large part from their bond and interaction with their land. It is the foundation of their culture.
- In addition to the divine in the sky, the central heavenly deity¹⁰⁷, the Mapuche believe that the divine also manifests itself on earth, in the Nature.
- The animation is not limited to flora and fauna, but includes all parts of nature, thus also water, earth, stones etc.
- The *Ngen* as a sacred presence in the elements of nature are the authorities in nature, not the people. From this grows great humility and respect for nature.
- From the perception of the *Ngen* follows a sense of responsibility of Mapuche to maintain the ecological balance and to interact with nature in a reciprocal way of give and take.

Mapuche worldview today

The religious view is still practiced today in communal ceremonies like the Nguillatún¹⁰⁸ and in personal prayers¹⁰⁹. Despite the process of acculturation into the Chilean society during the time of resettlement in the reduction areas and the more subtle displacement of the last years by Evangelical free-church denomi-

¹⁰⁶ Machi 2017, 4:29. Orig.: "Es bonito que, devolver una planta aquí, alla ... o sea. Es muy bonito! Pero no es la misma montaña que *chau ngenechen* dejó. Porque allí está la fuerza, allí está la energía. Allí está todo".

¹⁰⁷ In their religion there is a central heavenly deity who sometimes appears as a divine couple or family of four: father (kuse or chaw), mother (fuecha) and their children (üllcha and weche) (Lomoth 2007: 79) or according to Inostroza Romero o.J.: mother Ñuke, son Wentrú and daughter Domo). Together they form a unity in themselves (Ngen echen). Sometimes the father of the divine family is emphasised, then he is addressed in the singular (Chaw ngenechen). The idea is that the Mapuche family live the values of the divine family in life, such as the peace and wisdom of the parents and the will to live and strength of the children, in order to experience harmony. Individuals should also strive for the different values within themselves in order to establish a balance of polarities and to achieve self-realisation (Inostroza Romero, n.d.: 196).

¹⁰⁸ Rurally living Mapuche 2017, 9:25 in Doc. "Mapuche in Chile". "The Nguillatún is a Mapuche ceremony [...] it is an organization of authorities that is directed by a lonco, by a machi who is in charge of organizing the Nguillatún [...] They meet, they thank God in this case, they thank Nchau ngenechen for all the things that he has given him, and in this case for example if there is a drought or a lot of rain they ask so that it doesn't rain or so that it rains and if there is nothing they ask for it in gratitude. ...] They kill animals and eat them". Orig.: „el Nguillatún es una ceremonia Mapuche [...] es una organización de autoridades que va dirigida por un lonco, por una machi que esta a cargo de organizar el Nguillatún.[...] Se reúnen, piden gracias en este caso a dios, a Nchau ngenechen por todas las cosas que le ha dado, y en este caso por ejemplo si hay sequía o mucha lluvia ellos piden para que no llueva o para que llueva y si que no hay nada lo piden agradeciendo. [...] Se matan animales y se comen".

¹⁰⁹ "The Mapuche used to get up super early, for example at five o'clock in the morning he would get up and attack the earth. For example, he spoke in his language thanking the earth, he asked for thanks to Nchau Ngenechen for the things he gave him, for the fruits he gave him" (Rurally living Mapuche 2017, 6:00 in Doc. "Mapuche in Chile). Orig.: "el Mapuche antes se levantaba super temprano, por ejemplo a las cinco en la mañana el se levantaba y agradecía a la tierra. Por ejemplo el hablaba en su idioma agradeciendo a la tierra, pedía gracias a Nchau Ngenechen por las cosas que le daba, por las frutas que le daba".



nations and the Chilean school system, many Mapuche communities kept their religion and traditions alive¹¹⁰. Currently, in contrast to the ongoing repression, a certain rediscovery and revival of the culture and the performance of religious rituals can be observed¹¹¹.

However, it is important to note that not all Mapuche in Chile have internalized the indigenous world view or live out traditional cultural and religious practices. In many cases, the Chilean way of life found its way into the indigenous communities and Mapuche who moved to the cities adapted themselves partially or completely to the dominant Chilean culture. Thus, individuals and communities find themselves between modernity and tradition. Today, communities and individuals still cultivate traditional values and lifestyles or adopt 'modern', Western or Chilean concepts with varying degrees of intensity¹¹². Also, the connection of many Mapuche to the Evangelical free-church denominations partly led to the suppression of the Mapuche religion and world view. In some communities with a predominant Mapuche population, Spanish is spoken, a Christian religion is practiced, and conventional medicine is used. In other communities, traditional rituals such as Nguillatún are held, Palín is played instead of football and Mapudungún is spoken, the Machi is seen as the primary medical care and the Lonko is recognized as the governing body. Therefore, one should be warned against generalisations. The two scenarios can be imagined as extreme poles on a continuum between tradition and modernity, in most communities, elements of both cultures can be found¹¹³. Many Mapuche combine elements from both cultures, for example by going to the Nguillatún and to church¹¹⁴. Romero's field research in the eighth district describes Mapuche houses and huts equipped with televisions, refrigerators, mobile phones, and cars, as well as large woven frames, traditional silver jewelry, and ornaments on Mapuche fabrics¹¹⁵. Romero speaks of the challenge many Mapuche face in preserving their identity, which is crucial for their quality of life, and being integrated into Chilean society¹¹⁶. Through the repression, the penetration of external influences, the clash of different cultural influences, Rahausen (2003) states: "The community as a cultural and religious reference point is eroding"¹¹⁷. From the outside, culture is

¹¹⁰ Grebe Vicuña 2000, 2; Rahausen 2003, 81.

¹¹¹ Rahausen 2003, 81.

¹¹² Rahausen 2003, 85.

¹¹³ In terms of their members' ways of thinking and living, the municipalities can be structured in a more homogeneous (the majority rather modern or traditional) or heterogeneous (some very traditional, some very modern) way. The latter situation sometimes leads to internal tensions (Rahausen 2003: 84ff.).

¹¹⁴ Rahausen 2003, 84ff.

¹¹⁵ Inostroza Romero o.J., 198.

¹¹⁶ Inostroza Romero o.J., 199.

¹¹⁷ Rahausen 2003, 165.



often either romanticised or discriminated against as backward. In recent years, Mapuche concepts of biodiversity *ixofil* and local law have been revived¹¹⁸.

After an in-depth look at the historical development, current situation and the Mapuche perspective on their habitat, the next section is devoted to Chilean forestry as the second main actor in the field of conflict.

3.2 Industrial forestry in Chile

Until the mid-19th century, the Araucanía was still referred to as an "impenetrable forest"¹¹⁹ making up most of the territory. The temperate rainforests in the south of Chile are often described picturesque, with a high abundance of animal and plant species¹²⁰. Since the occupation by the Chilean state until today, the landscape has undergone fundamental changes, resulting in a highly degraded environment, including a process of desertification. In official economic policy discourses, the Mapuche poverty, the growing population, and the agricultural practices of the Mapuche are often cited as the reason for a "technical backwardness"¹²¹. However, Montalba-Navarro (among others) assumes industrial forestry production as the root cause of environmental degradation¹²².

¹¹⁸ Rahausen 2003, 165.

¹¹⁹ Montalba-Navarro 2004, 20.

¹²⁰ Montalba-Navarro 2004, 23.

¹²¹ Montalba-Navarro 2004, 20.

¹²² His research focuses on the historical-ecological aspects of landscape change from the point of view of knowledge, ecology and production methods (Montalba-Navarro 2004, 21).

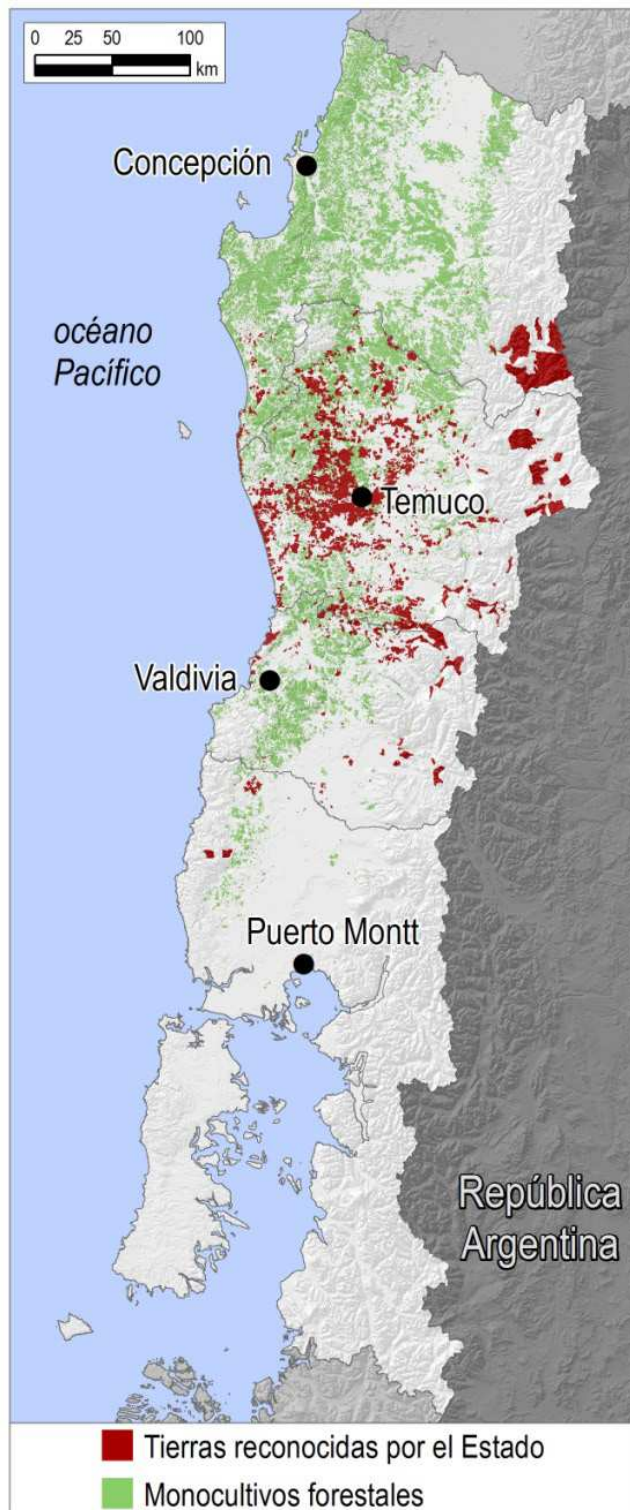


Figure 1 (Torres-Salinas, Azócar García, Carrasco Henríquez, Zambrano-Bigiarini, Costa, Bolin 2016): Forestry monocultures (in green) and Mapuche communities recognized by the state.



3.2.1 *The history of the forestry industry*

In order to understand the current conflict between the forest companies and Mapuche, it is necessary to take a look at the historical origins of forestry, its importance in the Chilean economy, and its interaction with the state and the population. Historians broadly divide the development of Chile's industrial forestry into two phases: From 1930 to 1974 under state leadership and from 1974 until today led by the dynamics of the neoliberal market¹²³. The destruction of forests began much earlier, however, with the occupation and settlement of southern Chile by European and Chilean settlers.

Uncontrolled deforestation and fire clearance during colonisation

At the end of the 19th and beginning of the 20th century, European immigrants, so-called 'colonos', and Chilean settlers destroyed thousands of hectares of native forest in the course of settling in the Chilean south. They burned forest to make room for housing and agriculture. The slash-and-burn agriculture produced fertile arable land for a few years, and by deforestation they obtained wood as a cheap raw material¹²⁴. Mapuche also made the forest usable by logging or slash-and-burn, but according to the lecturer of the Universidad de Chile interviewed, at a "much more reduced" rate and scope, "never at the level of destruction"¹²⁵. They took trees in a more targeted way, certain types of specific places, at a certain age, while the immigrants "burned everything to make a profit"¹²⁶. Within a generation, the deforestation and extensive farming led to an ecological crisis: flooding, drought, and erosion in the southern regions¹²⁷. In public policy, however, the forest use by Mapuche was often equated with that by the colonos¹²⁸. Soil erosion led to the loss of cultivable and grazing land, which landowners with large plots of land were better able to compensate for, while small farmers, indigenous and non-indigenous, were often faced with ruin due to ecological degradation. Some sold their land to large landowners and started working as farmhands on their land¹²⁹. Others, smallholders with forested land, saw themselves forced to extract as much value as possible from their forest in the face of the threat of land loss to big landowners¹³⁰. They took firewood and construction timber, cleared the forest, or granted logging licenses to sawmills and logging companies. As Miller Klubock (2014) concludes: "Necessity and uncertainty forced the southern smallholders hungry for land into an increasingly

¹²³ Torres-Salinas/Azócar García/Carrasco Henríquez et al. 2016, 121f.

¹²⁴ Miller Klubock 2014, 302.

¹²⁵ Profesor de la Universidad de Chile 13.03.2017, 0:13.

¹²⁶ Ibid.

¹²⁷ Miller Klubock 2014, 302.; Torres-Salinas/Azócar García/Carrasco Henríquez et al. 2016, 122.

¹²⁸ Profesor de la Universidad de Chile 13.03.2017, 0:13.

¹²⁹ Miller Klubock 2014, 302f.

¹³⁰ Miller Klubock 2014, 299.

destructive relationship with the forests"¹³¹. It can thus be said that at the end of the 19th and the beginning of the 20th century large areas of native forest were already being destroyed by colonizing settlers, which among other things drove indigenous smallholders to exploit their forest in a destructive way. It also becomes apparent that unequal power relations between small farmers and other, larger landowners already began at that time.

State control of forest use and afforestation with monocultures

After the *laissez-faire* government, which approved slash-and-burn and deforestation of the native forests until the 1920s, a political upheaval occurred at the latest with the world economic crisis in 1929¹³². The economy, previously based on the export of agricultural goods and ores from the mines, collapsed, resulting in mass unemployment¹³³. In order to counteract the economic crisis and at the same time the ecological degradation, the Chilean government relied in the following years on the development of industrial forestry, which was to replace the mines of the north as a source of national prosperity¹³⁴.

The exotic species Monterey pine or *pinus radiata* promised rapid economic profit due to its short growth cycles compared to native tree species, as well as a more rapid enhancement of the soil through erosion control. In contrast to the finite raw materials of the mines, the cultivation of wood as a renewable resource was seen as a "sustainable economy"¹³⁵. According to the view at that time, monoculture plantations were therefore ideally suited for the eroded areas, but also for mountainous or rocky soils that were not suitable for agriculture anyway¹³⁶. The wood was used for building construction, coal mines, other wood products, and the extracted cellulose for paper production¹³⁷.

With reference to European and North American forestry science, the Chilean state invested in the following years in the development of industrial forestry, which was propagated as the driving force behind the economic upswing¹³⁸. Landowners who planted pine plantations on their small to medium-sized plots of land

¹³¹ Miller Klubock 2014, 299.

¹³² Miller Klubock 2014, 120.

¹³³ Lomoth 2007, 92. Exports fell by 60 percent, imports even by 75 percent (ibid.)

¹³⁴ Lomoth 2007, 92.; Miller Klubock 2014, 121.; The strengthening of the internal market, in the course of an "inward development" ("desarrollo hacia dentro" (Lomoth 2007, 92)) as a reaction to the slump in exports, the state achieved, according to Lomoth (2007), an "import-substituting industrialization" (Lomoth 2007, 92), which lasted until 1973, for greater independence from the world market, primarily through the development of forestry, which it promoted with state-owned companies, partly in cooperation with private firms, and protective tariffs, with the goal of substituting previously imported goods. Miller Klubock (2014), on the other hand, sees no clear shift from an export to an import orientation of the Chilean economy, as in the future products from forestry were both exported and used for domestic processing (Miller Klubock 2014a, 121).

¹³⁵ Torres-Salinas/Azócar García/Carrasco Henríquez et al. 2016, 122.

¹³⁶ Miller Klubock 2014, 125.

¹³⁷ Ibid, 122, 125.

¹³⁸ Ibid, 121. "forest and forestry took on an increasingly prominent role in fantasies of national development".



were motivated by the image of modern, rational, and productive patriots, "forestry pioneers"¹³⁹ who helped to make Chile the country with the most extensive tree plantations in Latin America and its economy grow again¹⁴⁰.

In 1931, the state passed a forest law, 'Ley de Bosques', that regulated the deforestation of the native forest and encouraged the establishment of tree plantations with tax breaks¹⁴¹ and subsidies¹⁴². In addition, state forest reserves and national parks were established and a "forest guard" was created to control the implementation of the law as part of the 'carabineros'¹⁴³. At that time, already 25,000 hectares of plantations of *pinus radiata* had been created by the private sector since the first industrial plantation around Concepción in 1907¹⁴⁴. Despite the state financial support, it was mainly the private sector that profited: since industry, native forest areas, plantations, sawmills, paper and cellulose factories remained largely in private hands it was them who gained the profits, which Klubock (2014) describes as the "irony" of the forestry development after 1930¹⁴⁵.

In the following years (1932 - 1952), commercial forestry was at the centre of Chilean agriculture and economic policy¹⁴⁶. State investments were made through government-administered pension funds through which capital of public employees and industrial workers were used to establish pine plantations in order to generate pensions from the annual income¹⁴⁷. The state authority for the promotion of industry CORFO, *Corporación de Fomento de la Producción* (since 1939), also promoted the afforestation with pine trees and the establishment of sawmills and their cooperation by granting loans to private landowners and forestry companies¹⁴⁸. CORFO also founded a national consortium, *Concorcio Nacional de Productores de Madera*, to support timber producers with loans, transport infrastructure, and marketing strategies¹⁴⁹. Exports went to the neighbouring Latin American and some European countries¹⁵⁰. In the 1950s, CORFO built the first state-owned paper and cellulose factories, which further increased the government's interest in a secure supply of

¹³⁹ Miller Klubock 2014, 120.

¹⁴⁰ Ibid, 119.

¹⁴¹ Lomoth 2007, 92f. "tax exemption of property and inheritance for 30 years in case of reforestation of cleared areas".

¹⁴² Lomoth 2007, 92f. Miller Klubock 2014, 121.

¹⁴³ Miller Klubock 2014, 121.

¹⁴⁴ Lomoth 2007, 52.

¹⁴⁵ Miller Klubock 2014, 122. Orig.: "The irony of forestry development in Chile after 1930 lay in the central role played by the state in sponsoring an industry that, on the whole, was privately owned and whose profits were privately enjoyed".

¹⁴⁶ Ibid, 122.

¹⁴⁷ Miller Klubock 2014, 122.

¹⁴⁸ Ibid, 123f.

¹⁴⁹ Miller Klubock 2014, 124. Together with the state railroad company and private investors, the Sociedad Impregnadora de Madera to supply domestic and external markets with timber for railroad tracks (1947); and the Exportadora de Maderas de Chile (1941) to promote the export of Chilean timber, which more than quadrupled between 1941 and 1949.

¹⁵⁰ Miller Klubock 2014, 124.



wood as a cheap raw material¹⁵¹. Due to the harvesting cycles of up to two decades and the usually relatively low capital of agricultural producers, state subsidies were also considered necessary (among others by the *Caja de Colonización Agrícola*)¹⁵².

In the 1930s and 1940s, the landscape of Chile's southern provinces¹⁵³ changed fundamentally - from land that had previously been mainly grazed and used for agriculture, but had been severely degraded and eroded, to vast areas of pine plantations, which were intended to halt erosion and drive Chile's industrial development with raw materials¹⁵⁴.

It is thus clear that already in the first half of the twentieth century, the expanding monoculture forestry sector was decisively supported by state funding, it was advertised as a sustainable solution to the ecological and economic crisis, it acted as a hope for national economic impetus and was based on close interdependence and cooperation between the state and the private sector. While in economic terms, the propagated sustainability of industrial forestry was in some respects successful (in terms of increasing production, profits, and exports), it became apparent in the following years until today that it also created new socio-ecological problems¹⁵⁵.

During the period of the socialist government of Salvador Allende from 1970 onwards, state activity in forestry intensified further. In the course of the agricultural reform, large landowners were expropriated, land was returned to Mapuche, and state investments were made in forestry¹⁵⁶.

State subsidies and privatisation under Pinochet dictatorship

With the military coup in 1973 and the dictatorship of Augusto Pinochet, the orientation of the Chilean economic system changed fundamentally. A neoliberal, export-oriented economic policy replaced the socialist economic policy of Allende¹⁵⁷. The military regime under Pinochet relied on "world market-oriented specialization"¹⁵⁸ and thus the promotion of individual branches of industry with resources from mining, fishing, fruit growing, and forestry. In the forestry sector, the privatisation of the formerly state-owned (-shareholdings) companies at favourable prices and the public auction of three million hectares of land were

¹⁵¹ Lomoth 2007, 93.

¹⁵² Miller Klubock 2014, 123.

¹⁵³ Ibid, 118. „Extraordinary ecological changes in Chile's southern provinces – particularly in Ñuble, Concepción, Bío Bío, Auroauco, and Malleco – during the 1930s and 1940s”.

¹⁵⁴ Miller Klubock 2014, 120.

¹⁵⁵ Miller Klubock 2014, 122.

¹⁵⁶ Lomoth 2007, 93.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid, 113.



conducted, some of which had been expropriated from the large landowners under Allende and given to Mapuche. The beneficiaries of these processes were mainly forestry companies¹⁵⁹.

Nevertheless, the state did not leave forestry fully to “free market” mechanisms. Private investments in monocultural plantations of non-native species were supported by high state subsidies. These are anchored in the decree D.L. 701 in 1974, the “Law for the promotion of forestry”, *Ley de Fomento Forestal*¹⁶⁰. The decree stipulated, among other things, that landowners were to receive a 75 percent subsidy for the first afforestation of cleared land and were not allowed to be expropriated¹⁶¹. Only from this point on, the expansion of the plantations took place in an “invasive”¹⁶² manner. The area under cultivation of the plantations and the export of wood products increased rapidly, as a result¹⁶³. Originally, it was officially aimed at the reforestation of degraded land, but areas of native forest were also cleared for plantation cultivation. Meanwhile, forestry workers suffered from dismissals without notice, non-payment of wages, and lack of organization in trade unions¹⁶⁴. During the economic crisis of 1982–1985, several large national financial groups associated with Chilean forestry companies went bankrupt¹⁶⁵. Subsequently, foreign investment in Chilean forestry increased

¹⁵⁹ Lomoth 2007, 94. Gentes 2004, 12.

¹⁶⁰ Miller Klubock 2014, 270. Gentes 2004, 12.

¹⁶¹ Lomoth 2007, 94.

¹⁶² Carrasco Henríquez 2015, 3.

¹⁶³ Miller Klubock 2014, 270.

¹⁶⁴ Miller Klubock 2014, 270. Under the dictatorship, the rights of forestry workers were severely restricted: The 1979 Labor Code, introduced by Chicago boy José Pinera to make labor markets more flexible, banned unions and made summary dismissal the rule. Even in the first democratic phases of government, however, the situation improved only marginally. Still only very few workers were employed on a permanent basis, but rather as temporary part-time workers. This was the case for three-quarters of the workers at the end of 1990. The large forestry companies hired a large number of subcontractors, each of whom employed forest workers without permanent employment contracts and dismissed them without notice after a few months, thus circumventing any organization of the workers in unions and wage negotiations. Participation in trade unions declined during the 1990s (Miller Klubock 2014: 276). In addition, the growing mechanization of labor, for example through the introduction of chainsaws, led to a rapidly declining demand for labor. Whereas forty to sixty people were needed for the same work before the dictatorship, in the 1990s there were only two to fifteen. The decline in jobs in the forestry sector weakened the organization and influence of the unions. Until 1973, the unions' demands were primarily oriented toward better access to land and natural resources in order to be able to run a small-scale agriculture and forestry business, which Allende did to some extent. However, the legal changes under the dictatorship led to a shift of workers away from small-scale peasant production toward a proletarian working class that had migrated to the cities and traveled through the South in search of work. Thus, in the 1980s and 1990s, the plantations of the transnational corporations transformed the small farmers into workers of the modern forest industry which, however, were not so much a new, organized working class, but rather exposed to precarization (Miller Klubock 2014a, 277).

¹⁶⁵ Miller Klubock 2014, 70. During the recession of the early 1980s, the Pinochet dictatorship was forced to take over the heavily indebted and insolvent oil company COPEC (Compañías de Petróleos de Chile). The former largest private company in the country and its financial conglomerate Cruzant-Larraín (“financial empire” (Miller Klubock 2014: 270)) had numerous subsidiaries, including the forestry companies Celulosa Arauco and Celulosa Constitución, which consequently came under the ownership of the state – contrary to its market-liberal ideology. In 1986, however, COPEC was privatized again. The Angelini Group bought COPEC and its subsidiaries, repaid the debts by means of a debt-for-equity swap with the New Zealand timber company “Carter Holt Harvey” (which took over 30 percent of the company, US-American International Paper Company took over 20 percent).



(from \$350 million in 1985 to \$800 million in 1989) and continued to grow under the transitional democratic government in the 1990s (debt-for-equity swaps)¹⁶⁶.

In the late 1980s, Japanese, but also US and Chilean companies began to invest in woodchip production. In the Region de los Lagos (V. region), wood was taken for this end from the native forest as well as tens of thousands of hectares from eucalyptus plantations, for which often immense areas of native forest had to be cleared. Thus, the production of woodchip fibre in Chile for further processing into short fibres for high-quality copy paper rose explosively from zero production in 1986 to over four million tonnes in 1995. The boom in turn incentivized to a rapid spread of eucalyptus plantations south of Valdivia, which further threatened the native forest¹⁶⁷.

The boom in woodchip production and eucalyptus plantations led to an increased public debate about the loss of forests. Environmental organisations such as the *Comité Pro-Defensa de la Flora y Fauna, Committee for the Protection of Flora and Fauna* (CODEFF), criticised the practices and the newspaper *El Diario Austral* also denounced the loss of forests¹⁶⁸. A report by the Central Bank's Environmental Accounting Department described the role of forestry companies in the loss of native forest in the late 1980s and early 1990s. Under pressure from the government of the day, of Eduardo Frei, the central bank was forced to distance itself from the report, and a second report with much smaller figures was subsequently published¹⁶⁹. Transnational paper companies from Canada, the USA, New Zealand, Japan, and Switzerland purchased tree plantations and areas of native forest and built woodchip and cellulose factories, often in joint ventures with Chilean capital¹⁷⁰. Due to the low wages of the forest workers and loose environmental regulation, the production costs of Chilean forestry in the 1990s were between 30 and 50 percent lower than those of Scandinavian countries and the USA¹⁷¹.

In the following reign of the *Concertación de los Partidos por la Democracia*, which marked the transition from dictatorship to democracy, forestry development accelerated further with growing integration into the global economic market¹⁷². Between 1989 and 1997 the value of exported forest products tripled. The neoliberal and thus economic growth-oriented model of forestry of the dictatorship was maintained and industrial forestry companies were only marginally restricted by law¹⁷³.

¹⁶⁶ Miller Klubock 2014, 270.

¹⁶⁷ Miller Klubock 2014, 271f.

¹⁶⁸ Miller Klubock 2014, 272ff.

¹⁶⁹ Miller Klubock 2014, 275.

¹⁷⁰ Miller Klubock 2014, 270.

¹⁷¹ Miller Klubock 2014, 271.

¹⁷² Miller Klubock 2014, 297.

¹⁷³ Miller Klubock 2014, 270, 275, 296.



A legislative initiative for a "Native Forest Law"¹⁷⁴ that would restrict the clearing of native forest and promote its sustainable management failed due to the resistance of the financial groups of forest companies and the right-wing opposition in the national congress¹⁷⁵. However, individual members of the centre-left coalition who wanted to prevent a restriction of the free market and thus foreign investment through environmental regulations also resisted. Only 18 years later, in 2010, the law on the native forest was passed¹⁷⁶. Instead of the legal restriction of the forest industry, efforts were made to integrate Mapuche into forestry production in the face of emerging protests (see Chapter 4.2). Through reforms of Decree 701, subsidies for the cultivation of pine and eucalyptus have now been extended to small farmers, both indigenous and non-indigenous. Reforestation with these tree species has been supported by the state, in addition to financial subsidies through the allocation of pine and eucalyptus seedlings, fencing materials, and technical training¹⁷⁷. The political goal was to promote the economic development of the communities, often impoverished and with degraded soils, while at the same time securing cheap raw materials for pulp production for the larger forestry companies. In most cases, the small farmers sold the harvested timber to the paper and cellulose factories of the large forestry companies, which thus benefited from the cheap raw material. In some cases, the sale was organized in contracts between municipalities and companies¹⁷⁸.

Such government programmes, such as the "Campesino Forestry Programme"¹⁷⁹, were judged ambivalently by Mapuche. On the one hand, Mapuche benefited from new land and subsidies from CONAF for tree planting and fencing. On the other hand, this was accompanied by increased government regulation and control, which limited the Mapuches' autonomy and access to the forest they had used for generations¹⁸⁰. For example, the taking of firewood and the grazing of livestock was often prohibited. Complaints from the Mapuche people argued that such regulations were stricter for them as small farmers than for the big landowners (who fenced in their land and thus evaded the supervision of CONAF inspectors) and deprived them of the basis of their subsistence economy (as for example in the case of the community of Bernardo Ñanco in Lonquimay)¹⁸¹.

¹⁷⁴ Miller Klubock 2014, 273.

¹⁷⁵ The bill provided for the extension of subsidies from Decree 701 to the management of native forest, with the state assuming 75% of the costs of sustainable harvesting and the regeneration of degraded forest, and a restriction on the conversion of native forest into plantations (Miller Klubock 2014, 273).

¹⁷⁶ Miller Klubock 2014, 274.

¹⁷⁷ Miller Klubock 2014, 284.

¹⁷⁸ Miller Klubock 2014, 274, 285.

¹⁷⁹ Miller Klubock 2014, 284.

¹⁸⁰ Miller Klubock 2014, 282.

¹⁸¹ Miller Klubock 2014, 284.



Moreover, the small farmers soon became aware of the negative ecological effects of the plantations, even on the smaller plots of land. Mapuche reported dried up springs and soils after several years of cultivation, as well as erosion after the harvest of the trees. The governmental training included methods for harvesting the remaining species. Native species such as *maqui* (used for jam, fruit liqueur and medicinal use), vegetables and forage crops for their livestock were lost. In the first decade of the 21st century, Mapuche (for example in the Panguipulli region) turned away from pine and eucalyptus plantations and instead asked CONAF to support them in reforestation with native species¹⁸².

Thus, industrial forestry with monoculture plantations remained politically unrestricted and neither the Mapuche demands for ethnic and territorial self-determination nor for sustainable forest use were comprehensively realized¹⁸³. At the same time as destroying native forest and thus important resources for Mapuche communities, the state restricted the access of Mapuche (or the population in general) to native forest in the process of establishing national parks and natural reserves. The temperate forests as a magnet for ecotourism should be as untouched as possible and not be used by the local population¹⁸⁴. Previously uses as pastureland or for collecting firewood or plants were forbidden to them. Similarly, Mapuche are often excluded from private eco-tourism projects and national parks¹⁸⁵.

Instead of a sustainable use of native forest, the Chilean state therefore pursued a two-track strategy in which the promotion of industrial forestry which went hand in hand with monoculture plantations on the one hand, and strict nature conservation in the form of closed forest reserves - partly for eco-tourism - on the other. Both limited the Mapuche's access to the forest and its resources on which they had depended on for generations¹⁸⁶.

3.2.2 The current situation

Increase in area

The *Instituto Forestal* (INFOR), under the umbrella of the national Ministry of Agriculture, annually publishes a report on the situation of forestry in Chile. Within the framework of a *Programa de Actualización Permanente de Plantaciones Forestales*, data from its own surveys are used. Especially in the area of small and

¹⁸² Miller Klubock 2014, 284f.

¹⁸³ Miller Klubock 2014, 295.

¹⁸⁴ Miller Klubock 2014, 296.

¹⁸⁵ Miller Klubock 2014, 285. In Neltume around Panguipulli, for example, the new owner of a former forestry area built a luxury tourism complex for the Chilean upper class and foreign tourists (Klubock 2014: 269f.). The private owner's idea is that of a "virgin landscape free of human inhabitants" (ibid.: 285); local communities and former forest workers are not included (ibid.).

¹⁸⁶ Miller Klubock 2014, 298.



medium-sized landowners the numbers are based on satellite images and statistical estimates (resulting in an uncertainty of 5.7% of the data; likewise, young plantations of 0-3 years in the case of eucalyptus and 0-5 years in the case of *pinus radiata* cannot be adequately recorded by satellite images). Also data from larger forestry companies with which INFOR is contractually linked is used (Arauco, Mininco, Masisa, Tierra Chilena¹⁸⁷)¹⁸⁸.

INFOR estimates the area of forest plantations in Chile at 2,414,000 hectares in 2017, of which around 1,391,000 hectares are planted with *pinus radiata* and 860,000 hectares with eucalyptus¹⁸⁹. (However, the area used for plantations is estimated to be slightly higher, at 3,113,943.2 hectares in total - 1,886,000 hectares for pine, 1,040,000 hectares for eucalyptus¹⁹⁰.) Native forest is estimated to be around 14,633,778 hectares in 2017¹⁹¹. Mixed forest amounts to 179,124.6 hectares. In total, the area of forest is estimated at over 17.9 million hectares in 2017¹⁹². The proportionally largest areas of native forest are located in the regions of Los Lagos (2,827,426.4 hectares), Aysén and Magallanes, while the total largest areas of forest plantations are in the regions of Maule (634,893.5 hectares), Bío Bio (1,255,890 hectares) and la Araucanía (632,289 hectares)¹⁹³. In all three regions, as well as in others, there was an increase in forest plantations between 2006 and 2016¹⁹⁴.

¹⁸⁷ The *Bosques Cautín* forestry company, for example, is missing here. The impact this has on the data situation cannot be assessed in this paper.

¹⁸⁸ INFOR 2018a, 29.

¹⁸⁹ INFOR 2018a, 3.

¹⁹⁰ INFOR 2018a, III, 14.

¹⁹¹ INFOR 2018a, 14.

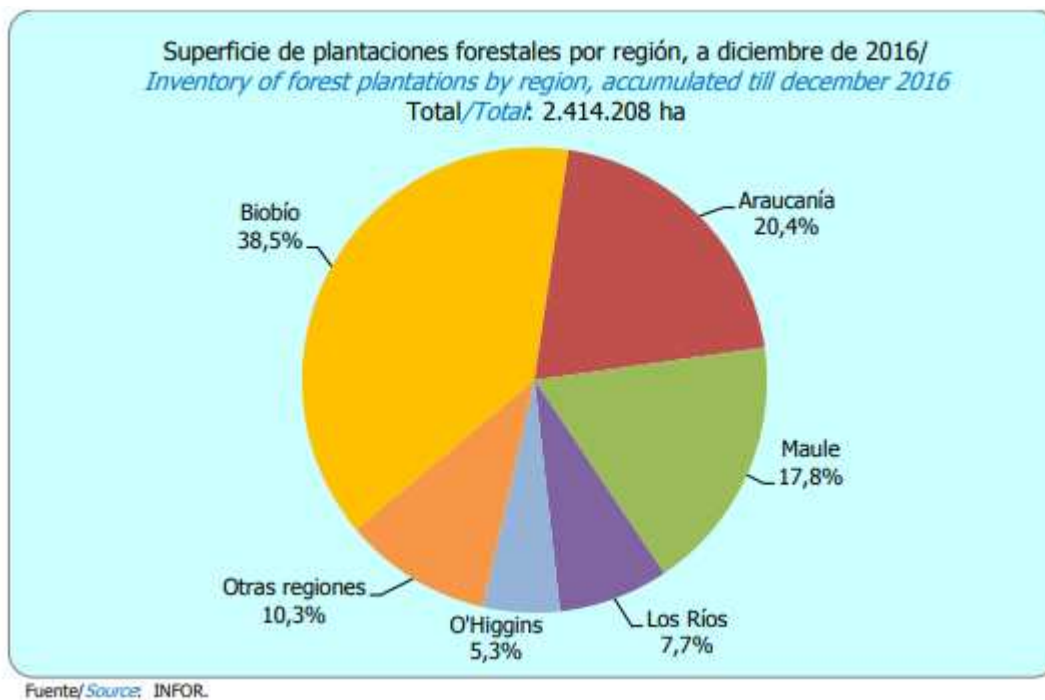
¹⁹² INFOR 2018a, 13.

¹⁹³ INFOR 2018a, 14.

¹⁹⁴ INFOR 2018a, 19.



1 Area of forest plantations, until Dec. 2016 (INFOR 2018: 20)



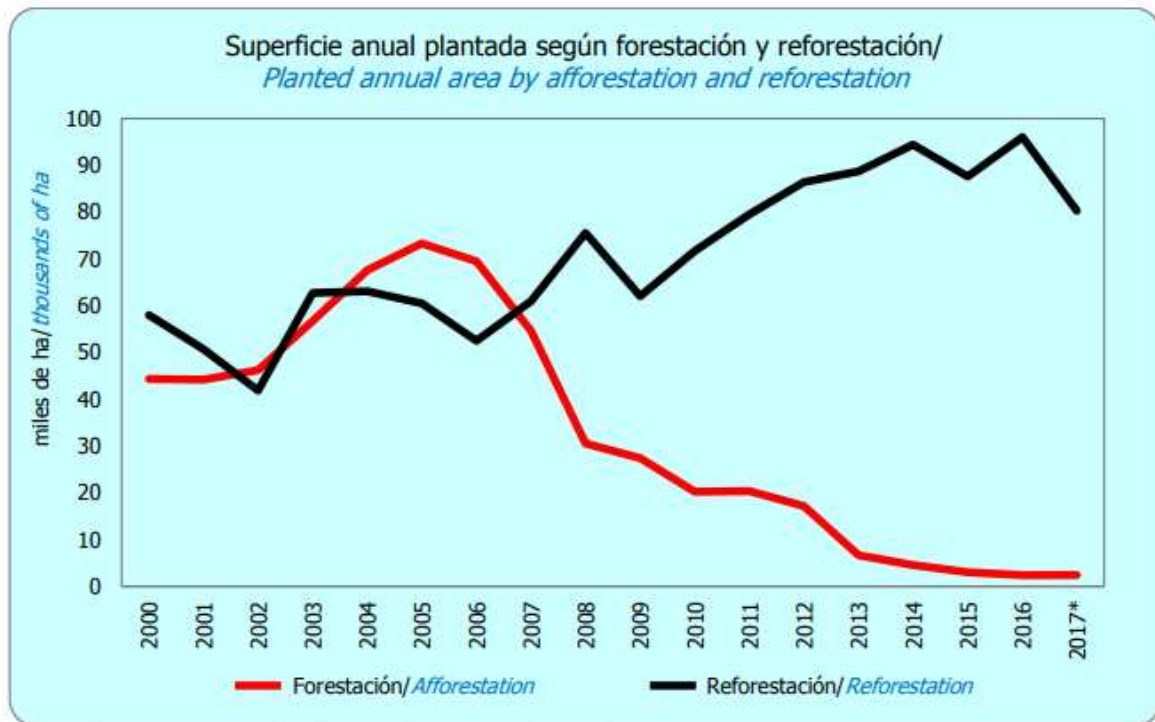
2 Area of forest plantations by regions, until Dec. 2016 (INFOR 2018: 20).

An overview of the annual plantation areas in the forest sector shows an almost continuous upward trend for the total area since 1978, as well as decidedly for pinus radiata and eucalypt¹⁹⁵. The total figures start in 1978 at 711,912 hectares, the majority of which at that time consisted of pine species (640,721), the re-

¹⁹⁵ INFOR 2018a, 18.



mainder being classified under "other species". Eucalypts are only recorded from 1980 onwards, starting at 33,200 hectares¹⁹⁶. Interestingly, the area of pine species fluctuated in the decade from 2000 to 2009 but the share of its area increased only marginally in the balance with other species, and even declined slightly in the years from 2010 to 2016. By contrast, the area of eucalyptus species almost doubled between 2000 and 2009 and continued to rise in the years thereafter¹⁹⁷.



Fuente/Source: INFOR, con cifras de CONAF/INFOR using figures of CONAF.

*: Cifras 2017 preliminares/Preliminary 2017 figures.

3 Area planted annually by afforestation and reforestation (INFOR 2018: 33)

The forest fires in Chile at the beginning of 2017 destroyed an area of 570,000 hectares according to INFOR, of which 49.9% was forest plantations, 45% native forest and 5.6% other land surfaces. These were the strongest forest fires in Chile for over a century. The most affected regions were Maule, Biobío and O'Higgins, where large parts of the forest industry are concentrated¹⁹⁸.

Economic significance

In 2017 employment in the entire forestry sector in Chile counted 114,000 people, an increase of 0.4% compared to the previous year¹⁹⁹. In total, there were revenues of US\$5,376 million from exports by the forest

¹⁹⁶ INFOR 2018a, 18.

¹⁹⁷ INFOR 2018a, 18.

¹⁹⁸ INFOR 2018a, 1.

¹⁹⁹ INFOR 2018a, 4.



sector. In recent years since 2005, the forest sector has accounted for between 6.9%²⁰⁰ and 8.7% of national revenues from exports²⁰¹.

The ownership structures of forest plantations are presented by INFOR as follows. Large forest enterprises (min. 30,000 hectares), medium-sized forest enterprises (between 5,000 and 30,000 hectares), medium-sized forest owners (between 200 and 5,000 hectares), and small-scale forest owners (between 5 and 200 hectares). Plantation ownership of less than 5 hectares is not listed, under so-called "'microowners'"²⁰². For Chile as a whole, 22,747 small-scale forest owners, 714 medium-sized forest owners, 11 medium-sized forest enterprises and 3 large forest enterprises are recorded in 2016²⁰³.

4 The field of conflict between Mapuche communities and industrial forestry

4.1 Changes in living conditions for Mapuche communities through the forestry industry

"The areas where there is the greatest concentration of forest plantations are places of collapse, which show the greatest signs of impoverishment, emigration, deteriorating environmental conditions, and have a high Mapuche population".²⁰⁴

In the following, we will consider the extent to which industrial forestry has changed the living conditions of the Mapuche people. The effects of the forest plantations are primarily ecological and in turn have an economic, social, and cultural-spiritual impact on the Mapuche communities.

4.1.1 Socio-economic effects

"The government, the state, or the transnational corporations, the forestry companies say they bring wealth to the country. They bring poverty, poverty they bring us."²⁰⁵

"There is no evidence that [industrial forestry] creates poverty. It is absurd to think that an economic activity can produce poverty, it can't."²⁰⁶

Due to the expansion of forest plantations, the traditional subsistence economy of the Mapuche is being hampered. The local communities, which depend on natural water sources, are threatened by water shortag-

²⁰⁰ INFOR 2018a, 4.

²⁰¹ INFOR 2018a, 6.

²⁰² INFOR 2018a, 30.

²⁰³ INFOR 2018a, 30.

²⁰⁴ Seguel 2002. Orig.: "Las zonas donde existe mayor concentración de plantaciones forestales son lugares colapsados, con los mayores índices de empobrecimiento, de emigración, deterioro ambiental y con una alta demografía mapuche".

²⁰⁵ Imprisoned Mapuche in Resumen.cl 2014, 51:40. Orig.: "Aquí el gobierno, el estado o las transnacionales, los forestales dicen que traen riqueza al país. Traen pobreza, pobreza nos traen".

²⁰⁶ Raga, Präsident der CORMA, in Documentary Plantar Pobreza 2014: 51:00. Orig.: "No hay ninguna evidencia que produzca pobreza. Es absurdo pensar que pro[uce], que una actividad económica produce pobreza, eso, eso no puede ser".



es due to the expansion of the plantations. The water is not available for their own supply - as drinking water, for cooking and washing etc. - as well as for irrigation of their own agriculture²⁰⁷. During the summer months, some communities have to be supplied with drinking water in canisters by the local government, which are brought to the communities by trucks (e.g., Lumaco community²⁰⁸). Smallholders - indigenous and non-indigenous - are often forced to abandon the cultivation of their fields due to the lack of water. In addition to the lack of water, the pesticide input of the forestry industry, due to the resulting loss of insects etc., makes local cultivation more difficult²⁰⁹. Also, the keeping of livestock is partly impossible due to the water shortage²¹⁰.

Due to the difficult access to the forest and the partial prohibition to enter the plantations, the supply of firewood and pastureland is difficult for Mapuche²¹¹. In the past, small farmers were often able to have their cattle graze on neighbouring land owned by large landowners for a fee, but forestry companies often prohibit grazing, which sometimes led to a reduction in livestock herds²¹². The fragmentation of ecosystems and monocultural farming is leading to the disappearance of animal and plant species that can no longer fulfil their function as food or for crafts (weaving, dyeing, or carving) or medicine for Mapuche²¹³. In 2003, the UN Special Rapporteur confirmed that, in addition to the lack of land due to the large amount of land consumed by forestry companies, the fenced-in forest plantations cut off Mapuche access to the forest, which is their livelihood²¹⁴.

Unemployment and poverty as a result of forest expansion

Income sources are lost due to the challenges in the local agriculture. The forest plantations do not compensate for this, because in comparison to local agriculture, considerably less labor is employed²¹⁵²¹⁶ and work is increasingly done mechanically due to increasing mechanization²¹⁷²¹⁸. Moreover, the few jobs are usually filled by subcontractors with specially qualified workers, who usually come from other cities or regions and are only needed during certain periods²¹⁹. "There is not one poor person in the entire commune who has a

²⁰⁷ Stavenhagen 2003, 10.

²⁰⁸ Gentes 2004, 12.

²⁰⁹ Benev Ode/Constantinidis González 2007, 233.

²¹⁰ Montalba-Navarro 2004, 34.

²¹¹ Benev Ode/Constantinidis González 2007, 233.; Lomoth 2007, 151.; Miller Klubock 2014, 289.

²¹² Miller Klubock 2014, 289.

²¹³ Lomoth 2007, 153. Myers/Mittermeier/Mittermeier et al. 2000 Stavenhagen 2003, 12.

²¹⁴ Stavenhagen 2003, S. 10.

²¹⁵ Lomoth 2007, 152.

²¹⁶ Benev Ode/Constantinidis González 2007, 132.

²¹⁷ Miller Klubock 2014, 290.

²¹⁸ Rahausen 2003, 83.

²¹⁹ Miller Klubock 2014, 290.; Lomoth 2007, 152.; Montalba-Navarro 2004, 34.



job in [Forestal] Mininco's camp'" confirms Pascual Pichún from the municipality of Traiguén²²⁰. The Mapuche, who were previously active in local agriculture, are therefore facing increasing difficulties in finding work locally²²¹.

However, being employed by the forestry companies does not automatically mean economic prosperity. Workers in the forestry companies, who work in the three sectors of plantation work, service and transport, and the cellulose industry, sometimes work under precarious conditions. According to the documentary film "Plantar Pobreza", the forest workers are often only temporarily employed and receive wages below the minimum wage. Moreover, the plantations are often far away from the houses and thus from the families. Furthermore, accidents at work are relatively frequent²²².

On the basis of Human Development Index, a clear difference in the economic situation of Mapuche and non-indigenous Chileans was shown. For the example, in the region of Lumaco, where (at the time of the survey) more than 40 % of the community area is used for forestry, the HDI for Mapuche was 0.482, while it was 0.634 for non-Mapuche²²³.

One consequence of the poverty and scarcity of land and natural resources caused by industrial forestry, among other things, is migration from Mapuche to the cities. Pizarro, former head of the Corporación Nacional de Desarrollo Indígena (CONADI), confirms that many indigenous families have had to emigrate to the cities due to the considerable environmental damage caused by forestry, such as the drying up of water bodies. Some Mapuche are forced to sell their land to forestry-producing neighbors. Between 1992 and 2002, for example, the rate of emigration was 8.2 % in Lumaco and 16.4 % in Los Sauces²²⁴. In particular women migrate to the cities to work as domestic helpers, but also young Mapuche migrate. According to Lomoth (2007), this in turn brings socio-cultural effects, namely an increasing distance of the younger generation from their families and thus sometimes also from indigenous culture, which makes it more difficult to preserve and pass on traditional knowledge²²⁵.

The ecological and socio-economic effects described above in turn affect the Mapuche culture and spirituality²²⁶.

²²⁰ Miller Klubock 2014, 298.

²²¹ Lomoth 2007, 152.

²²² Resumen.cl 2014, 45:30.

²²³ Lomoth 2007, 151.

²²⁴ Lomoth 2007, 152.

²²⁵ Lomoth 2007, 152f.

²²⁶ Lomoth 2007, 157.



4.1.2 *Cultural and spiritual impacts*

"We commit crimes against nature. What is not torn out is burned. [...] And what for ultimately? To plant pine and eucalyptus. Thus, our nature is ever more distant to seek, to seek herbs for our brothers and sisters when they are sick, for ourselves."²²⁷

For Mapuche, nature is not purely material, but their spirituality is inseparable from nature and the land. Thus, the interference by the forestry industry in the direct environment of Mapuche is to be understood as an interference in their relationship with nature and consequently with the supernatural. According to the Mapuche culture, the spiritual world of nature is changed by the interventions of forestry and thus the health of places and creatures, as well as of the people living there. With the expansion of the forest plantations, the 'Ngen' withdraw more and more from their places such as springs, streams, stones and it becomes more difficult to get in contact with them. The connection with the spiritual world is thus perceived as more difficult²²⁸. Strictly speaking, one could say that the Mapuche are thus denied the practice of freedom of religion.

Often, sacred, symbolic places such as 'Nguillatún' or 'Palín' fields (Palín is the traditional game of the Mapuche, reminiscent of field hockey) were lost, especially if they were outside of their legitimate land holdings. Also, cemeteries of Mapuche communities, often on hills to be closer to the ancestors, or 300 to 400-year-old burial mounds, where amongst others Machis and Lonkos are buried, were lost or weakened by the expansion of industrial forestry²²⁹.

The displacement of native plant species makes the work of the machis extremely difficult. Among the monoculture plantations – given they are allowed to search there – they no longer find the medicinal herbs they need. To do so, they now have to travel further distances, which makes the work more difficult. There are also Mapuche who grow eucalyptus and pine trees, which is sometimes used as an argument against the credibility of Mapuche Cosmovisión and the criticism of the industrial plantations. Often, however, these smaller plantations are for their own use. They are often less managed, which is why they are sometimes perceived by Chileans as "untidy". It is said that they also can be in harmony with the Az mapu. It depends on the way they are used and on respectfully asking for permission during management²³⁰.

²²⁷ Machi 2017, 1:24. Orig.: "estamos criminalizando nuestra naturaleza. Si no se saca, se quema. Si no se raísa, ... se quema. Entonces para que después? Para plantar pinos y eucalyptus. Entonces cada vez nuestra naturaleza de nuestra tierra esta mas lejos, para buscarlo, para hacerlo lawén, para buscar hierbas para nuestros hermanos que estan enfermas, para uno mismo."

²²⁸ Lomoth 2007, 157.

²²⁹ Lomoth 2007, 158.

²³⁰ Lomoth 2007, 162f.



4.2 Mapuche protests against forest companies

"Here in Chile, the Mapuche are always seen as those who are against progress. But we are not. [...] Here, progress, growth is taking place in such a destructive way. It's not that we are against progress, but we are against the way progress is made."²³¹

4.2.1 *From latent to open conflict*

While political demands by Mapuche have arisen since the Allende administration, it was not until the late 1990s that in some cases violence was used, as a desperate way to make themselves heard²³². At the end of the 1990s, the first major protests and land reclaims by numerous Mapuche communities against the large forestry companies *Forestal Arauco* and *Forestal Mininco* took place, which attracted media attention (including communities in Malleco, Arauco, Bío Bío, Cautín). In various places, members of the communities occupied forestry land, for example in Lumaco and Traiguén in 1997. The two communities made national headlines in the same year when forest machinery and three lorries transporting wood were set on fire and twelve community members were arrested²³³. In the aftermath, numerous occupations of forest land by Mapuche communities occurred in large parts of southern Chile. Some activists tore down fences, surrounded plantations, and obstructed the plantation work. In doing so, they expressed their desperation that the expansion of the plantations was ecologically devastating to their families and their living environment, uprooting them in their way of life²³⁴. Often with the support of political Mapuche organizations such as *the Consejo de Todas las Tierras* and the *Coordinadora de Comunidades en Conflicto Arauco-Malleco*, and arguing with wordings from the international environmental movement, they criticized the ecological consequences of the plantations and demanded the return of land of which they questioned a legitimate ownership in the hands of the forestry companies²³⁵. Consequently, since the 1990s, a social protest movement of the Mapuche has developed in Chile, which, in addition to industrial forestry, is also directed against hydroelectric power plants, wind farms, or salmon farms, depending on the region²³⁶.

Thus, for a large part of the press, the "Mapuche problem"²³⁷ becomes the "Mapuche conflict"²³⁸. Carrasco Henríquez (2011) speaks of a confrontation and accusatory exchange of arguments between the forestry

²³¹ Painter 2017 in Dok. Mapuche in Chile: 28:35.

²³² Brey 2020, 65.

²³³ Miller Klubock 2014, 289.; Millaman/Hale 2016, 10.

²³⁴ Miller Klubock 2014, 2.

²³⁵ Miller Klubock 2014, 287.; Carrasco Henríquez 2011, 4.

²³⁶ Carrasco Henríquez 2011, 4. Miller Klubock 2014, 278.

²³⁷ Gentes 2004, 12.



companies and the Mapuche, which are characterized by different understandings of development, economy, and the use of natural resources²³⁹. In doing so, they showed the dark side of the positive narrative about Chilean forestry in the public debate as the "green engine"²⁴⁰ of strong economic development.

In some forest reserves and national parks, too, land was occupied at the end of the 1990s by Mapuche communities (Curarrehue, Pucón, Villarica) who demanded access to graze their livestock and denounced the negative effects of the parks on their cultural, territorial, and economic rights^{241,242,243}. From 1997 onwards, the latent tensions of the past became an open conflict between Mapuche and the forestry sector and the neoliberal economic model in general in many places.

²³⁸ Gentes 2004, 12.

²³⁹ Carrasco Henríquez 2011, 4.

²⁴⁰ Miller Klubock 2014, 2.

²⁴¹ For example, regarding the Villarica National Park, Mapuche pointed out that for generations they have used to collect seeds of the araucaria tree around the Villarica volcano, piñones, and that the tree has a great symbolic value for them. The conflict escalated when the state - ignoring their land demands - opened the national park to tenders for private ecotourism projects that did not provide for Mapuche participation (Miller Klubock 2014, 286 f.).

²⁴² Miller Klubock 2014, 286f.

²⁴³ Precedent: The first protest of Mapuche against deforestation by industrial forestry companies: The re-legalization of the felling of araucaria, previously considered endangered and protected, under Pinochet in 1987 (under legal pressure from the timber company Galletué) had triggered a new deforestation wave around Lonquimay (cf. Miller Klubock 2014: 278). It was therefore at this place, precisely in the transition period from dictatorship to democracy, that the first Mapuche protest against forestry took place. In 1990, the community of Quinquén occupied Galletué's land affected by the company Galletué and even went to court, supported by CODEFF, to stop the company's deforestation, but lost the case and also had to clear the occupied land. However, the deputy of the new government of the Concertación denounced the court decision and the destruction of the forest, and defended the concerns of the Mapuche community, who had inhabited the land for over a century. In the protest, Mapuche took on the role of the "defenders of the Araucaria forest" (Miller Klubock 2014, 279) at the face of the destructive Galletué, since it was only in the 1960s and 1970s that their political struggles had enabled them to achieve its protected status. They blocked roads for trucks loaded with Araucaria wood and continued to use the forest area to collect the piñones and graze their cattle. However, a different understanding of land ownership meant that this was not seen as land grabbing, but as land use. The community was supported by CODEFF, CEPI (Comisión Especial de Pueblos Indígenas) and the Mapuche organizations *Ad-Mapu* and *Consejo de Todas las Tierras*. The case became a national political issue, therefore the government aimed for the quickest possible solution, which it saw in the creation of a national nature reserve. However, with the argument of protecting private property and the free market for investment security, laws left over from the dictatorship and representatives of industry prevented the project from going ahead. Galletué demanded an "outrageous" (ibid. 280) price of ten million US dollars for the land. The government built up pressure on the company by declaring the valley a natural reserve in a legal decree and banning the exploitation of its flora and fauna. Eventually, the state bought the Quinquén and Galletué plots of land, about 30,000 hectares for US\$6.15 million, and left 11,000 hectares on the company's land while 22,000 hectares were declared a state nature reserve, which was divided among four Mapuche Pehuenche communities. A committee from the four communities was responsible for the management of the reserve, and the communities were granted the rights of use - except for the felling of the Araucaria. In 2007, the community of Quinquén was finally granted the title of Quinquén Valley Land. With the support of the WWF and state authorities, the community of the Parque Pehuenche de Quinquén developed as an eco-tourism project, within the framework of a program of WWF and CODEFF to develop sustainable community management of native forest. The indigenous community is part of the tourist experience and the use of the forest by the community is a priority. The government support also included the construction of infrastructure, schools and houses (Miller Klubock 2014, 278 – 285).

4.2.2 Objectives

The Mapuche's land reclaims follow three lines of argument: Firstly, they refer to land in the reduction areas for which Mapuche (communities) had received land titles from the state, *Títulos de Merced*, and which they have since partially lost to forestry companies (or other large landowners); secondly, the land they obtained under Allende in the early 1970s as part of the agrarian reform, some of which exceeded the area of the former reduction areas, and which they have lost again as a result of Pinochet's counter-reform²⁴⁴; and thirdly, some territorial claims relate to the entire territory of the Wallmapu south of the Bío Bío river, which Mapuche administered as an independent territory in the days of the Spanish Crown²⁴⁵. In some cases, it is land that the Chilean state has officially recognized as Mapuche land, in other cases, it is land that Mapuche have inhabited for generations and that over time has been "taken over" by forestry companies, Chileans or *colonos*²⁴⁶. It should therefore be noted that the conflict, occupations, and land reclamations in some areas go beyond the land and activities of the (FSC certified) forest companies and also concern land inhabited by *colonos*, former European or Chilean immigrants²⁴⁷. Although some Mapuche protests are also directed against *colonos*, the protests are mostly directed against large forestry companies²⁴⁸.

Apart from the land issue, non-governmental organizations such as *Mapuexpress.org* are strongly critical of industrial forestry, which is by and large related to the above-mentioned impacts. They condemn the increasing drought, the reinforcement of forest fires, soil erosion, the impoverishment of communities, minimal employment, and the violation of sacred places. Although most Mapuche communities have been able to maintain their small-scale farming activities despite the difficult conditions caused by forest expansion, the protests that have arisen are also to be seen in the context of growing supply pressures. Increasing population growth, dwindling natural resources, and scarce land have confounded the Mapuche subsistence economy in the communities²⁴⁹. In all the different forms of Mapuche protest, one can also find something called "ecologismo Mapuche", elements of an "alternative policy and sustainable culture"²⁵⁰.

²⁴⁴ Some of the Mapuche had received it as eroded, barren land and, together with CONAF itself, planted plantations. As a result of the counter-agricultural reform under Pinochet, the previous owners got back the land, now planted with pine trees and eucalyptus, thus increased in its economic value. They often sold it on to the forestry companies Forestal Arauco and Forestal Mininco. As a result, Mapuche of the Loncoyán Grande community, for example, occupied a property of Mininco "El Rincón" in the month after the arrests in Lumaco and Traiguén (see above) and felled trees there. (Miller Klubock 2014, 289).

²⁴⁵ Lomoth 2007, 167f.

²⁴⁶ Millaman/Hale 2016, 14.

²⁴⁷ Millaman/Hale 2016, 10.

²⁴⁸ Carrasco Henríquez/Salas 2016, 155.

²⁴⁹ Carrasco Henríquez 2011, 4; Miller Klubock 2014, 287.

²⁵⁰ Miller Klubock 2014, 122.

4.2.3 *Structure of the actor*

Miller Klubock (2014) assumes that the perception as a common ethnic identity as well as the bonding to the land, and historical memory of the repeated displacements of land perceived as illegitimate gave the protest movement its strength. It should be noted that this is not a homogeneous protest movement, but rather encompasses actors and groups with very different strategies and objectives. In addition, the growing international environmental movement in recent years has given a boost to Mapuche protests through alliances with international environmental organizations and a language that identifies social and environmental injustices²⁵¹. The interviewed Mapuche environmental activist said:

“So, you see, these are the consequences of forestry. Water crisis, epidemics, fires... impoverishment in the communities. The places where the largest forestries exist [...] are the places with the highest poverty rate. They do not contribute to development, they do not create many jobs. There are historical conflicts with the communities. They destroy the roads through forestry-related transport with trucks. And on top of that, the state has provided a lot of money to subsidize them. A lot of money from the state for biotechnology, university research, international market studies, repressive police forces to guard their lands from conflicts with the communities, state fire departments, money from the state to stop the spreading fires. There is a lot of state money. [...] So there is an active movement today, not only by Mapuches, but also the Chileans, which is good, who are rising today to say: "Hey, we don't want any more forestry. We want to put an end to this forestry model. We don't want a new comfortable forestry model. Not more forestry, we want to change it. We want to restore the land that was destroyed by the foresters.”²⁵²

4.2.4 *Means and procedure*

Similarly, the degree of cooperation of Mapuche communities with forest enterprises and the state differs, with relations ranging from conflictual to cooperative²⁵³. While some communities demand autonomous self-government, some Mapuche or Mapuche communities participate in state support programs and/or cooperate with forest companies²⁵⁴. Some activists promote intercultural education in their own communities, for example in the form of schooling in Mapudungún, Mapuche culture, and intercultural health care²⁵⁵. In 2005, a political Mapuche party, *Wallmapuwe*, was founded with the aim of creating an autonomous and democratic "Wall-mapu" region²⁵⁶.

²⁵¹ Miller Klubock 2014, 298.

²⁵² Mapuche activist, march 2017, 18:01.

²⁵³ Torres-Salinas/Azócar García/Carrasco Henríquez et al. 2016, 139.

²⁵⁴ Millaman/Hale 2016, 141. Miller Klubock 2014, 122.

²⁵⁵ Millaman/Hale 2016, 14.

²⁵⁶ Brey 2020, 64.



Negotiations and agreements sometimes take place between forest companies and communities ("and if negotiations break down, both sides regroup in preparation for the next round of confrontation"²⁵⁷). In the absence or failure of negotiations or a solution by CONADI, forced evictions often occur, often leading to open, explosive fights between the police and the Mapuche, often young people²⁵⁸.

Land occupations appear in different forms. Some can be seen as a permanent occupation of land with the aim of reviving the natural environment, others as temporary occupations announcing the beginning of land reclaims, and still others as the destruction of crops or other economically relevant goods²⁵⁹. In the Araucanía one can often see signs saying 'Peace for the Araucanía'. Sometimes there are counter-protests by carriers²⁶⁰. International groups in solidarity with Mapuche have taken public action. In 2010, for example, speeches by President Piñera were interrupted in London, Paris, and Berlin²⁶¹.

Hale and Millaman (2016) argue that the violent actions of Mapuche activists (especially against objects), while acknowledging their serious consequences, should nevertheless be seen in relation to previous state violence through land expropriation, physical and psychological abuse, the violation of fundamental rights and the violence through current state repression²⁶². Furthermore, the unequal balance of power between the conflict actors should be taken into account. Furthermore, a differentiation should be made between Mapuche who demand their rights by illegal but legitimate means, and those who commit pure acts of violence²⁶³.

The state's handling of the Mapuche protests and the latent and open conflicts between forest companies and indigenous people will be examined in the next chapter.

4.3 The role of the state as a regulatory actor in the field of conflict

The Chilean state's behaviour towards the Mapuche since the Concertación government until today can be described as contradictory. On the one hand, it has introduced programmes and laws that were intended to strengthen indigenous rights and improve their economic situation. On the other hand, the state reacts to

²⁵⁷ Millaman/Hale 2016, 10 Orig.: "and when negotiations collapse, both sides regroup in preparation for the next round of confrontation".

²⁵⁸ Millaman/Hale 2016, 11.

²⁵⁹ Millaman/Hale 2016, 10.

²⁶⁰ Millaman/Hale 2016, 10.

²⁶¹ Brey 2020, 64.

²⁶² Similarly: "the colonial violence as a historical phenomenon, which possesses a bare and ingrown massiveness, systematics and multiplicity" (Comunidad de Historia Mapuche 2015, 2 in Carrasco et al. 2016, 156). Orig.: "violencias coloniales como un fenómeno histórico que posee una descarnada y encarnada masividad, sistematicidad y multiplicidad".

²⁶³ Millaman/Hale 2016, 152.



the demands and protests of the Mapuche, including those against the forestry companies, by repressing them and criminalising them as "terrorists"²⁶⁴.

4.3.1 *State repression*

"Here in Chile, the Mapuche (in the land question) are portrayed only as terrorists because we are asking for the land, the land that was rightfully ours and where we lived"²⁶⁵.

In a neo-liberal political orientation, the state is generally more strongly in favour of protecting the private property of the large landowners and companies and defends the interests of the forest companies with repression against the Mapuche protest movement²⁶⁶. Economic interests are given priority over the basic needs of the indigenous population, for example according to Brey (2020)²⁶⁷.

The state repression of the protests is particularly evident in the police and military intimidation of protesters, the application of the anti-terror law from the Pinochet dictatorship and the impunity of violent acts by police officers. Some Mapuche communities are no longer just surrounded by wood plantations, but increasingly by police and private security services guarding the plantations and forest works of (among others) Bosque Arauco and Forestal Mininco. Especially in the regions of Arauco and Malleco, the security forces have increasingly used "systematic violence"²⁶⁸ against Mapuche. According to Miller Klubock (2014), beatings, insults, damage to property, and the use of shotguns in the arrest of protesting Mapuche were already taking place in Temelemu in 1999²⁶⁹. According to a 2004 report by Human Rights Watch (HRW), Mapuche have been subjected to humiliation and physical abuse during police operations, be it during evictions from land occupations, community raids in search of suspects, or demonstrations in the cities, especially Temuco. Mistreatment of women and the elderly, especially machis and lonkos, is also not uncommon²⁷⁰. Amnesty International reported in 2013 that several members of the Temucuicui community, including children, were injured by the use of rubber bullets and tear gas when an occupied forest site in Ercilla, Araucanía, was cleared in 2012²⁷¹. The report of the Unrepresented Nations and Peoples Organization (UNPO) to the UN Expert Mechanism confirmed in 2014 a tendency for Chilean police to react "disproportionately"²⁷² to peaceful

²⁶⁴ Carrasco Henríquez 2011, 4.

²⁶⁵ Interviewed painter 2017, in Dok. Mapuche in Chile, 8:34; Orig.: „por aca el tema de las tierras que se vee como somos terroristas porque estamos pidiendo por las tierras que eran las tierras legítimas de nosotros donde vivíamos“.

²⁶⁶ Torres-Salinas/Azócar García/Carrasco Henríquez et al. 2016, 138.

²⁶⁷ Brey 2020, 66.

²⁶⁸ Miller Klubock 2014, 293.

²⁶⁹ Ibid.

²⁷⁰ Human Rights Watch 2004, 4.

²⁷¹ Amnesty International 2013, 2.

²⁷² UNPO 2015, 15.



protests, clearly stating that Chile violates international law on freedom of association²⁷³. Escalating police raids, which became “extremely violent”²⁷⁴ and include the use of tear gas, theft of property, and shooting are named. In 2015, the state invested millions of dollars in increasing police equipment, according to Torres-Salinas et al (2016), in order to further suppress the protests²⁷⁵.

In addition to the militarization of disputed land, the Anti-Terror Law (18.314) from the dictatorship period was increasingly applied against Mapuche activists from the mid-1990s onwards. Under Pinochet, it was used from 1984 against murders, kidnappings, and attacks on police stations by armed political groups²⁷⁶. The government of Patricio Aylwin Azócar (1990-1994), which followed the dictatorship, extended the Anti-Terror Law to include arson of material goods such as uninhabited buildings, fields, fences, and forests. While President Eduardo Frei (1994 - 2000) still mainly used the regular criminal law against Mapuche protests²⁷⁷, President Ricardo Lagos (2000 - 2006) of the Party for Democracy (PPD) began to apply a modified version of the Anti-Terror Law from the dictatorship - in response to growing pressure from the big landowners²⁷⁸. The law still allows for more difficult releases from custody and doubling of sentences for some charges. Evidence and investigations by the public prosecutor's office may be withheld from the defence lawyers for up to six months²⁷⁹. Anonymous testimonies are permitted, which prevent the defence from checking their credibility and refuting them if necessary. The concealment of identity leaves unrecognised possible political intentions, personal reservations, or own previous convictions of witnesses, which would be necessary to validate their statements. False statements could thus remain unpunished. According to Human Rights Watch (2004), the law also reinforces existing prejudices against Mapuche²⁸⁰. Once condemned as a terrorist, one is excluded from holding public office, journalistic activities, teaching positions and participation in trade unions or companies in Chile for fifteen years²⁸¹.

According to the Human Rights Watch's report, seven Mapuche and one pro-Mapuche activist were convicted under the Anti-Terror Law from early 2002 until the report's publication in 2004. They were sentenced to up to ten years in prison for arson or threatening to arson forest companies and large landowners²⁸². Other

²⁷³ Ibid.: „Chile violates international law, which clearly limits any restrictions to peaceful assemblies only for the purposes of protecting public order and the rights of others”.

²⁷⁴ Ibid.

²⁷⁵ Torres-Salinas/Azócar García/Carrasco Henríquez et al. 2016, 139.

²⁷⁶ Human Rights Watch 2004, 3.

²⁷⁷ As well as in three cases the State Security Act of 1958, which was originally introduced against political violence (Miller Klubock 2014, 292).

²⁷⁸ Miller Klubock 2014, 292., Human Rights Watch 2004, 2, 3.

²⁷⁹ Human Rights Watch 2004, 1–3.

²⁸⁰ Human Rights Watch 2004, 4, 5.

²⁸¹ Human Rights Watch 2004, 1–3.

²⁸² Human Rights Watch 2004, 1.



Mapuche were brought to court for belonging to an "illegal terrorist group" (the Mapuche organization Arauco-Malleco, among others, had previously been classified as "terrorist"²⁸³).

Human Rights Watch and other organizations sharply criticize the application of the Anti-Terror Law in the land conflict, since in the international context (for example in international treaties such as the Inter-American Convention against Terrorism) "serious violence against persons"²⁸⁴ is always defined as a decisive characteristic of terrorism, as "the gravest crimes of political violence"²⁸⁵. According to Human Rights Watch (2004), Mapuche actions did not reach this "threshold of seriousness"²⁸⁶ and thus the organization judged the application of the Anti-Terror Law to be inappropriate ("does not fit the crime"²⁸⁷). It would severely curtail the rights of the accused²⁸⁸.

In the past, when individual judges decided against sentencing Mapuche activists under the Anti-Terror Law, the Supreme Court intervened in some cases by dismissing a judge or ordering a retrial²⁸⁹. Thus, the repression of the Concertación government is reminiscent in a certain way of the repression of the Pinochet dictatorship²⁹⁰.

The Inter-American Court of Human Rights found the Chilean state guilty of human rights violations in the treatment of Mapuche on the basis of the Anti-Terror Law and demanded the release of seven Mapuche. It would violate the presumption of innocence and the principle of legality. Furthermore, failure to comply with requirements for due process, equality, and non-discrimination were punished. The cases in the Chilean court were influenced by stereotypes and prejudices²⁹¹.

In 2003, the UN Special Rapporteur called for measures to prevent the criminalization of legitimate protests and demands by indigenous people²⁹².

In contrast to the repressive treatment of Mapuche activists, charges against acts of violence by the police or military are heard exclusively in military courts. In the past, according to Human Rights Watch (2014), military justice has been known to provide lenient sentences or impunity for acts of violence committed under the military dictatorship, or in recent years towards indigenous people. The judges are subordinate to the

²⁸³ Miller Klubock 2014, 292.

²⁸⁴ Human Rights Watch 2004, 3.

²⁸⁵ Ibid.

²⁸⁶ Ibid, 4.

²⁸⁷ Ibid, 5.

²⁸⁸ Ibid.

²⁸⁹ Ibid, 6.

²⁹⁰ Miller Klubock 2014, 293.

²⁹¹ International Federation for Human Rights 30.07.2014.

²⁹² Stavenhagen 2003, 22 "Under no circumstances should legitimate protest activities or social demands by indigenous organizations and communities be outlawed or penalized. [...]. Charges for offences in other contexts ("terrorist threat", "criminal association") should not be applied to acts related to the social struggle for land and legitimate indigenous complaints".

officers of the armed forces and do not necessarily have to be trained as lawyers. Thus, according to Human Rights Watch and Amnesty International, the independence and transparency of investigations and verdicts are highly questionable. Most indictments remain without verdict. For example, in 2009, a military court acquitted a police officer who was held responsible for the murder of a 24-year-old Mapuche man, Jaime Mendoza Collio²⁹³.

The UN Special Rapporteur on Human Rights has criticized the Chilean government for only partially addressing the situation of indigenous peoples by adopting an approach based on welfare or poverty reduction, public order and national security, rather than a genuine recognition of the rights of Chile's indigenous peoples²⁹⁴.

Since 2012, tensions have increased, at least in the Araucanía (Region IX). Francisco Huenchumilla, the first Mapuche intendant in the region, had made political proposals to transform the region's industrial forestry thoroughly and, before taking office, had even spoken of the need for forestry industry to leave the region and return the land to neighbouring communities²⁹⁵. In August 2015, the government replaced him with a representative of the traditional political elite, Andrés Jouannet, which, according to Hale and Millaman (2016), meant a radical change in political strategy in the Mapuche conflict. He sought a solution to the conflict not through acknowledgement of the historical responsibility of the Chilean state, land restitution, and regulation of forestry companies²⁹⁶, but by fighting the symptoms through suppression of the protests by police and military intervention. He also completely negated an inter-ethnic conflict and the legitimacy of Mapuche territorial claims and stigmatizes not only the activists but Mapuche in general as criminals²⁹⁷. During a visit to the Araucanía in March 2018, the current president, Sebastián Piñera, announced the modification of the Anti-Terror Law in response to two arson attacks in the municipalities of Vilcún and Lautaro, which destroyed two houses and two agricultural farms.

Senator Huenchumilla sharply condemned the announcement: "The conflict in the Araucanía is a political problem. This terrible project of the government regarding the Anti-Terror Law seems to be directed at the Mapuche people and criminalizes them"²⁹⁸.

²⁹³ Amnesty International 2013, 2.

²⁹⁴ Emmerson 2014, 7.

²⁹⁵ Millaman/Hale 2016, 11f.

²⁹⁶ Andrés Jouannet in Millaman/Hale 2016, 10: „I do not recognise any territorial claims, absolutely not. The Mapuche are a part of the Chilean people”.

²⁹⁷ Andrés Jouannet in Millaman/Hale 2016, 10 “There is no Mapuche conflict. These people are criminals”.

²⁹⁸ DiarioUCHile 11.03.2018. Orig.: "El conflicto de La Araucanía es un problema político. Este terrorífico proyecto del gobierno sobre la Ley Antiterrorista aparece direccionado al Pueblo Mapuche y lo criminaliza".

4.3.2 *Indigenous policy under the credo of multiculturalism and land restitution*

Complementary to the aforementioned state repression of Mapuche protests, there are state laws and policy programs aimed at strengthening the rights of indigenous people. In the course of democratization after the Pinochet dictatorship, governments sought to change policies toward the indigenous population from a repressive to a protective role²⁹⁹. A 1992 population census, which estimated the number of Mapuche at nearly one million, or one-tenth of the population, increased the relevance of indigenous rights in public debate and the tendency towards intercultural policies³⁰⁰. In addition to several institutional programs by the government and NGOs, the introduction of the 1993 indigenous law ('Ley Indígena') 19.253 should be mentioned here as an important step towards improving the legal situation of the indigenous population³⁰¹.

The indigenous law led to the founding of the national ministry for indigenous development, CONADI (Corporación Nacional de Desarrollo Indígena). Their most important achievement for the Mapuche is the Land and Water Fund³⁰², which is based on Article 20 of the Indigenous Law. CONADI buys land from private persons or companies and redistributes it to Mapuche. By 2002, CONADI had purchased 50,000 hectares of land from landowners and distributed it to 4517 Mapuche families, including land from forestry companies³⁰³. According to former CONADI director Alberto Pizarro, CONADI has given almost 250 million hectares of land to Mapuche by July 2017³⁰⁴. According to Carrasco Henríquez (2011), the Fondo de Tierra y Aguas can partly be seen as a response to Mapuche demands for land restitution³⁰⁵.

In practice, however, implementation is proving difficult in some cases. The process from application to land allocation is often lengthy, with some communities waiting ten to fifteen years to get their applications processed and land allocated. The human and financial resources of the fund are very limited³⁰⁶. Hale and Millaman (2016) state: "It is impossible to rule out cronyism, corruption, and biased intervention on the part of governments in the implementation of these policies"³⁰⁷.

²⁹⁹ Rahausen 2003, 164.

³⁰⁰ Millaman/Hale 2016, 10.

³⁰¹ Carrasco Henríquez 2011, 3.

³⁰² "Without doubt the most significant achievement of the Indigenous Peoples Act" (Millaman, Hale 2016, 13). The two other funds are the Development fund and the Culture and Education Fund (Fondo de Desarrollo y Fondo de Cultura y Educación) (Alberto Pizarro, former director of Corporación Nacional de Desarrollo Indígena (CONADI), in Chile July 2017, 1:06).

³⁰³ Miller Klubock 2014, 291.

³⁰⁴ Alberto Pizarro, ehem. Leiter der Corporación Nacional de Desarrollo Indígena (CONADI), in Chile Juli 2017, 1:58. According to Millaman and Hale (2016), it were 170.000 hectare until 2014. Millaman/Hale 2016, 13

³⁰⁵ Carrasco Henríquez 2011, 4.

³⁰⁶ Millaman/Hale 2016, 14; Stavenhagen 2003, 9.

³⁰⁷ Millaman/Hale 2016, 14.



Moreover, the newly distributed areas are often located far from the original community and do not correspond to the land formerly expropriated from the Mapuche and demanded by them³⁰⁸. Since the 1990s, this has led to the replanting of many communities on these "alternative lands"³⁰⁹ and to the separation of community members from each other and from their land, which sometimes has generational cultural significance for them³¹⁰. In addition, the land allocation is under private ownership, and does not allow for the former communal land ownership³¹¹. The lack of material support for productive use of the land is also criticized in some cases³¹².

In some cases of conflict between Mapuche communities and forestry companies, CONADI intervenes by allocating land to the communities through the Land and Water Fund³¹³. However, some forest companies also refuse to sell land to CONADI to end land occupations, or set disproportionately high prices, delaying, or preventing the process³¹⁴.

CONADI has a dual role in the local conflict situation and finds itself in a "double function"³¹⁵ and "dilemma of action"³¹⁶ between the interests of the state and the indigenous communities. It aims to improve the rights of the indigenous population and, at the same time, as a state authority, is always bound to the political line of the respective government. According to Rahausen (2003), the Chilean public would likely not approve of truly comprehensive support for the Mapuche by the state, and in some cases the state is called upon to take even stricter action against radical parts of the Mapuche movement³¹⁷.

The state has thus partly transferred the problem of conflicting interests, "'political explosives'"³¹⁸, into administration and thus has depoliticized it to a certain extent. Many Mapuche criticize the behavior of the CONADI, some of them sharply. The severe underfunding casts doubt on the credibility of the state's intention to improve the situation of the indigenous people. Thus, after initial hope, Mapuche frustration and a lack of trust in CONADI led to protests and occupations of the CONADI³¹⁹.

³⁰⁸ Millaman/Hale 2016, 10; Miller Klubock 2014, 291.

³⁰⁹ Miller Klubock 2014, 291. Orig.: "tierras alternativas".

³¹⁰ Moreover, the allocation of distanced land provoked divisions and tensions within the community between members who wanted to stay on the existing land and those who wanted to move to the new properties (Miller Klubock 2014, 291f.). Mapuche representatives complained that the separation broke up the identity of the community and weakened its cohesion ("fracturing community identities in terms of relations with an original place [...] weakening the bonds that held Mapuche communities together" (Miller Klubock 2014, 292).

³¹¹ Stavenhagen 2003, 2.

³¹² Millaman/Hale 2016, 13.

³¹³ Millaman/Hale 2016, 10.

³¹⁴ Miller Klubock 2014, 292. Stavenhagen 2003, 9.

³¹⁵ Rahausen 2003, 164.

³¹⁶ Rahausen 2003, 164.

³¹⁷ Rahausen 2003, 164.

³¹⁸ Rahausen 2003, 164.

³¹⁹ Stavenhagen 2003, 2, 9; Gentes 2004, 14; Gentes 2004.



Another political measure through the Indigenous Law is the establishment of "indigenous development zones"³²⁰ (Áreas de Desarrollo Indígena).

Development programs for modernization and economic promotion of regions with a high percentage of indigenous population also included afforestation programs with pine and eucalyptus, often with the support of non-governmental organizations or international development organizations³²¹. The impoverishment and degraded soils, which prevent other agricultural uses, have led to a reorientation of some Mapuche to engage in forestry activities themselves. State subsidies are aimed at attracting more and more smallholders and Mapuche for the cultivation of forest monocultures³²².

According to Miller Klubock (2014), in developing such subsidy programs, the state sought to weaken the increasingly radicalizing political Mapuche movement while simultaneously promoting the development of individual communities in a neoliberal logic³²³. Legal reforms that would restrict forest enterprises have been largely refrained from³²⁴. In addition to the advantages of financial support, Mapuche lost autonomy³²⁵. It is a fine line between the protection of indigenous rights and paternalism by the state. According to Hale and Millaman (2016), these political advances therefore tended to further fuel the protest movement³²⁶. As a result, some communities, especially in the Araucanía, reject state policies towards indigenous peoples altogether.

"The idea is to silence them. What do we do? Well, this Mapuche protests? Let's give him a scholarship. This Mapuche here protests? Let's give him a house. This one's a nuisance? Let's give him a plot of land. That's the idea"³²⁷

The official recognition of indigenous peoples in Chile has been going slower than in other Latin American countries. In 2007, Chile recognized the UN Declaration on the Rights of Indigenous Peoples, which is not legally binding³²⁸. The ratification of ILO-169, the International Labor Organization's Convention on the Protection of the Rights of Indigenous Peoples, was adopted relatively late, in 2008, and came into force in 2009. However, it was an important step by the government towards the official recognition of the rights of

³²⁰ Ministerio de Desarrollo Social y Familia, Gobierno de Chile.

³²¹ Miller Klubock 2014, 282.

³²² Lomoth 2007, 162.

³²³ Miller Klubock 2014, 294.

³²⁴ Ibid, 293.

³²⁵ Ibid, 282.

³²⁶ Millaman/Hale 2016, 13 „Far from suppressing the protest, these new government policies would only serve to deepen the Mapuche movement's resolve".

³²⁷ Mapuche painter 2017 in Doc. "Mapuche in Chile" 2018.

³²⁸ To be found under: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf.



indigenous peoples³²⁹. To date, however, there is still no official recognition of the existence of indigenous peoples in Chile in its constitution³³⁰.

Recent policy initiatives of the second phase of Michelle Bachelet's government (2014– March 2018) include ideas for the creation of a Ministry of Indigenous Affairs, a National Council of Indigenous Peoples, or the representation of indigenous delegates in the national parliament. These initiatives are still viewed with caution by the Mapuche movement, as the degree of autonomy and self-determination of indigenous peoples has been difficult to discern in these ideas³³¹. The current president Sebastián Piñera made efforts in April 2018 to facilitate convictions under the Anti-Terror Law by broadening the definition of "terrorism". He plans to use drones and undercover agents, as well as increased surveillance of telecommunications. He announced this plan in Temuco, the Araucanía, which was by some seen as an affront against Mapuche³³².

4.3.3 *Neoliberal policies in dealing with natural resources*

"You can buy a river, you can buy a whole river, no problem"³³³

In addition to the military and police repression, the state, through legal regulations within the scope of a neoliberal political line, allows for a nearly unrestricted exploitation of natural resources, thereby encouraging the endangerment of the Mapuche's livelihood and supply³³⁴.

In the Chilean law, the ownership and rights of use of a piece of land are legally independent of the ownership and use of natural resources such as water, subsoil, lakes or the sea coast in this area. This leads to the legal acquisition of springs or rivers on indigenous territory by third parties, often forestry companies. As a result, communities are no longer allowed to use the water that has been used for generations³³⁵. This contradicts Article 15 of ILO-169, which states that indigenous peoples have the right to use the natural resources on their land³³⁶. The "legal fragmentation"³³⁷ also contradicts the Mapuche's traditional, holistic understanding of nature. In 2003, however, the UN Special Rapporteur demanded that the Chilean govern-

³²⁹ Millaman/Hale 2016, 12.

³³⁰ IWGIA 2020; Stavenhagen 2003, 17.

³³¹ Millaman/Hale 2016, 15.

³³² Rojas-Kienzle vom 01.04.2018.

³³³ Profesor de la Universidad de Chile 13.03.2017, 4:12.

³³⁴ Millaman/Hale 2016, 12.

³³⁵ Stavenhagen 2003, S. 12; Rahausen 2003, 142. The water resources for instance are bought at the Dirección General de Aguas (DGA) (Profesor de la Universidad de Chile 13.03.2017, 4:50).

³³⁶ "The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources" (ILO 1989, 15.1).

³³⁷ Lomoth 2007, 165.

ment guarantee access to water for indigenous communities³³⁸. Several sectoral laws, such as the Código de Aguas of 1989, allow for the privatization of natural resources, such as groundwater or rivers, which were previously owned by local communities³³⁹. The state precludes municipal management of natural resources³⁴⁰³⁴¹.

In summary, it can be said that the Chilean state, on the one hand, pursues a policy of multiculturalism which is however more oriented towards folklore aspects and refrains from strict control of operating companies for the protection of indigenous rights.

4.4 Analysis and summary: The area of conflict between Mapuche and industrial forestry

In the following, the fundamentals discussed so far about Mapuche, the forest enterprises and their field of conflict in Chile will be structured and summarized with the help of the categories of conflict field analysis introduced at the beginning (by Friedrich 2015 and Saretzki 2018).

1st dimension: Conflict actors

The two main conflict actors are Mapuche (individuals, families, communities, Mapuche organizations, or as a whole people) and the forest enterprises. The two largest forest enterprises, Forestal Arauco and Forestal Mininco, are particularly noteworthy, since they own about 80 percent of the plantation land. Thus, this is primarily a dyadic conflict. However, the conflict between the Mapuche and the forestry sector has been and continues to be significantly influenced by the behaviour of the Chilean state, which is why one can also speak of a triadic conflict. However, the state appears less as an actual conflict actor, but rather as a more or less strongly regulating authority. With the repressions as a reaction to the Mapuche protests, the behaviour of the state can however also be seen as part of the conflict, since it has a decisive influence on the outcome of the conflict. In contrast, the political programs that were presented in the preceding section show that the state plays a role more as an external, regulating authority.

2nd Dimension: Conflict objects

On the one hand, the *conflict of interests* is around the ownership and use of land, with the cause of the conflict being the massive loss of land by the Mapuche through several land expropriation processes (Chapters 3.1.1, 3.2.1, 4.2). The second object of conflict of interest is the sum of the ecological, socio-economic,

³³⁸ Stavenhagen 2003, 3.

³³⁹ Stavenhagen 2003, 12; Profesor de la Universidad de Chile 13.03.2017, 3:50.

³⁴⁰ Torres-Salinas/Azócar García/Carrasco Henríquez et al. 2016, 139.

³⁴¹ In the north, water rights often go to mining companies, while on the coast Mapuche Lafkenches are no longer allowed to fish in their traditional fishing grounds because private companies have bought up sections of the coast. Apparently, the water code and mining rights are preferred to indigenous law (Stavenhagen 2003, 12).

cultural, and spiritual effects of industrial forest plantations, caused by the specific production methods of the forest enterprises. The use of the non-native species *pinus radiatus* and *eucalyptus globulus*, the cultivation in monocultures as well as the use of pesticides, among others, cause negative consequences for the ecosystem, which in turn have negative socio-economic as well as cultural-spiritual effects on the Mapuche communities. In the end, this not "only" threatens their supply of natural resources for life support, but also the preservation of their traditional way of life and culture.

In addition to these conflicting interests, a *conflict of values* can be identified in the conflict field between the Mapuche and industrial forestry. This conflict is based on fundamental differences in the ideas and concepts of the conflicting parties around nature and land and the desired handling of it by humans. They form the basis on which both the actions of the state and the forest enterprises regarding industrial forestry and the perception of the consequences of their actions by the Mapuche are based. The conflict of values can therefore also be seen as the basis of the entire conflict.

The Mapuche view of their surrounding and the understanding of nature implied differs from the general concepts within neoliberal³⁴² economic policy. This understanding of "land which supports life"³⁴³ differs from the Western understanding, also in the situation that positive law, such as land boundaries and property rights, are not in the foreground³⁴⁴. Nature is seen as holistic rather than fragmented, as spiritually enlivened, and always to be respected rather than to be primarily used, materially and productively. As the brief look on the historical development of Chilean forestry showed, the partly euphoric expansion of forest plantations since the beginning of the 20th century was based on an understanding of economic growth and a use of nature that was as rational and technical as possible, and thus perceived as modern (Chapter 3.2.2). Since Pinochet's dictatorship, this has been promoted by a strongly neoliberal economic policy of the state, which subsidizes the forest industry with the goal of economic stability and development. In addition, national laws such as the Water Code create a framework for action by companies, in which nature is perceived and legally treated as fragmentable. It is obvious that this view contradicts the Mapuche worldview:

"There is a contradiction between the indigenous concept of land, which includes all resources - land, water, coasts, subsoil, forest - and the Chilean legal concept, which splits up these elements into different ownership regimes and private concessions"³⁴⁵.

"What is at stake is a clash of rationalities, processes of social construction of the future of the planet and of humanity: on the one hand, a technical-capitalist intervention of life, the commercialization of nature and ecological moderni-

³⁴² "Neoliberalism is an economic policy direction in which the aim is to achieve the freest possible competition for services, which is to be secured by the state. Deregulation is therefore a frequent political measure" (Wirtschaftslexikon.co 2015).

³⁴³ Millaman/Hale 2016, 21.

³⁴⁴ Millaman/Hale 2016, 20f.

³⁴⁵ Lomoth 2007, 165.



zation; on the other hand, territorial connectedness with the environment [...], the social reappropriation of nature and the construction of sustainable societies based on the diverse ecological and cultural conditions of the peoples of the earth"³⁴⁶.

Based on their point of view and perception of nature, Mapuche believe that all elements of nature - from flora and fauna to water, fire, winds, stones, and rocks - are animated and inhabited by spiritual forces. They therefore require respect, moderation, and reciprocity in the relationship between humans and nature (chapter 3.1.3.). On the other hand, companies and the state usually assume a purely material nature, with which the human has an instrumental relationship which should be made as productive as possible. While biodiversity is usually an essential component of a healthy ecosystem for Mapuche, Chilean forestry considers monoculture plantations to be the most sensible way to make nature usable for humans. Native forest has a fundamental and spiritual importance for Mapuche, while corporations are replacing it with introduced species that they prefer due to their faster growth and easier processing. Lomoth (2007) describes it simply as an "instrumental outside view"³⁴⁷ of nature and "'gain through the environment"³⁴⁸, as opposed to the Mapuche "inside view"³⁴⁹, who see themselves as living *in* the environment.

The concept of land also differs. Traditionally, Mapuche understand 'land' as the totality of all interactions and forms of life that take place on a part of land, as well as all the natural elements that are to be found there, in addition to the material soil. They experience their identity and meaning through their connection to the land, which, with cemeteries and burial mounds, also means the connection to their ancestors³⁵⁰. In contrast, Chilean law, which was designed according to neoliberal understandings of nature, and the forestry companies that follow it, tend to view 'land' as land that can be seen and treated separately from the natural resources and the lifestyles and cultural practices of the population living on it. Land is thus relatively arbitrary and interchangeable. The fact that the forestry companies mostly come into the area from outside also results in a low cultural and territorial connection to the respective piece of land. For companies and the state, ownership according to the positive law is the most relevant factor, while for Mapuche, ownership certificates and land boundaries are traditionally less important than the perceived affiliation to the land.

³⁴⁶ Carrasco Henríquez/Salas 2016, 157 Orig.: "Lo que está en juego es un choque de racionalidades, de procesos de construcción social del futuro del planeta y de la humanidad: Por un lado, el proceso de intervención tecno-capitalista de la vida, la mercantilización de la naturaleza y la modernización ecológica; por otro, la territorialización de la racionalidad ambiental, la reappropriación social de la naturaleza y la construcción de sociedades sustentables fundadas en las diversas condiciones ecológicas y culturales de los pueblos de la tierra".

³⁴⁷ Lomoth 2007, 158.

³⁴⁸ Lomoth 2007, 158.

³⁴⁹ Lomoth 2007, 158.

³⁵⁰ Lomoth 2007, 158.



Thus, the conflict parties differ greatly in their values, based on largely irreconcilable, "antagonistic"³⁵¹ contradictions in the logic of understanding nature and environmental perception. Lomoth (2007) describes that the clash of the two world views, a "clash of understandings"³⁵², is often perceived intensively by the Mapuche. The quotes from the interviews also bear witness to this:

"It is important to the Mapuche to protect. He feels part of the earth, he feels part of the trees, the animals. This is different from the way foreigners or Chileans think. They sometimes see the earth as something (purely) material, something to obtain resources from. Mapuche see it in a different way. They feel part of the environment, the water, the balance, the ecosystem, the animals, everything that makes up nature as a whole. They are very interested in preserving the environment for future generations. And that's what the struggle today is all about, the conflict here in the Araucanía has arisen from this, from this unconsciousness of the companies"³⁵³.

Conflicts are, as mentioned in the beginning, always dynamic and so is the conflict of values in a state of change. Rahausen (2003), for example, notes on the Mapuche side the contradictory tendencies of the revival of culture on the one hand and the supersession of the indigenous world view on the other³⁵⁴. Therefore, the view of the living environment cannot be applied to all Mapuche today, and the differences in value between forest companies and Mapuche cannot be considered absolute.

Conflicts of values and interests are closely linked, in most cases, but particularly strong in this case of research. Due to the contrasting world views of the two conflicting parties, a contradiction³⁵⁵ arises at first; only the simultaneous conflict of interests leads to a conflict³⁵⁶. It is likely that the value component fuels the gravity of the conflict over interests³⁵⁷. According to Willems (2016), a pure conflict of interests without value differences between the conflicting parties could be solved more easily by compromise and would be less likely to lead to open conflict^{358,2359}. Thus, the differences in world views and values - besides the issue of historical land expropriation - could be an explanation why, according to the companies, conflicts with

³⁵¹ Lomoth 2007, 157.

³⁵² Lomoth 2007, 157.

³⁵³ Rurally living Mapuche February 2017, 1:16. Orig.: "El Mapuche se interesa mucho en conservar y se siente parte de la tierra, se siente parte de...de los arboles, de los animales. Es diferente a lo que piensa el extranjero, el chileno. Ellos por ejemplo ven la tierra a veces como algo material, algo como para obtener el recurso. El Mapuche lo ve de otra forma, [...] ellos se sienten parte del entorno, de la agua, de todo que envuelve la naturaleza en sí el equilibrio, del ecosistema, de los animales. De hecho, ellos se interesan mucho de conservar el medioambiente para las futuras generaciones. Y esa es la lucha de día de hoy, el conflicto acá en la Araucanía se generó por eso, por la inconsciencia tal vez de las empresas".

³⁵⁴ Rahausen 2003, 81.

³⁵⁵ In German: "Widerspruch".

³⁵⁶ In German: „Widerstreit“.

³⁵⁷ Theoretically, this assumption can be substantiated: "The awareness of speaking for a supra-individual 'right' or value system strengthens the intransigence of each party and mobilizes energies that would not be available for purely personal interests and goals" (Coser 1965: 135 in Friedrich 2015).

³⁵⁸ Willems 2016a, 11–24.

³⁵⁹ "Unless the goals of the parties are completely opposed, conflicts of interest do not usually result in open conflict resolution, but are dealt with in bargaining processes" (Willems 2016a, 11).



non-indigenous neighbours of forest plantations are easier to solve than with Mapuche, namely by way of material compensation³⁶⁰.

3rd dimension: Conflict resolution

This leads us to the conflict resolution. Conflict resolution here is largely characterized by confrontation between the conflicting parties. The conflict about interests and values between forest companies and Mapuche is present in a latent way in many places. This can be seen, for example, in the distrust of many Mapuche towards the forest companies, even by those who do enter cooperation programs with them, and the ongoing, pronounced criticism of the forest industry by Mapuche organizations.

In some places, the latent conflict of values and interests has led to open forms of conflict management and manifests itself in occupations of plantations, their forcible evacuation and disarmament between security forces and Mapuche with firearms or stones, incendiary devices and barricades (Section 4.2.4). As Friedrich (2015) describes³⁶¹, the transition from latent conflict to several open conflicts occurred through the organization of the conflict parties, in this case the Mapuche in political organizations. In contrast to the forest workers and non-indigenous smallholders, the indigenous communities have succeeded in building a growing protest movement against the industrial forest companies since the 1990s³⁶².

The means that are employed in the open conflict resolution hold an extreme imbalance of power between the parties of the conflict. The means used are evidence of great disparities in the availability of material resources. This is reinforced by the fact that the state stands in most cases on the side of the forest companies in the repression of the protests. One can thus speak of an asymmetrical conflict. Thus, Mapuche's choice of means in the protest is also an indication of the lack of successful representation of interests through political representation.

It is remarkable that the state strongly influences the reasons for the conflict and the choice of means (through land expropriation, subsidies for forestry companies, and repression), but is reluctant to resolve the conflict between Mapuche and forest companies (only partially through land restitution via the CONADI). This seems to be primarily based on the neoliberal economic policy framework, which refrains from stricter regulation of companies.

Hale and Millaman (2016) confirm that forest companies exert great influence on the state³⁶³: "Similarly, the influence which the big companies exert on the State - revealed by numerous in-depth journalistic investi-

³⁶⁰ Millaman/Hale 2016, 145f.

³⁶¹ Friedrich 2015, 41f.

³⁶² Miller Klubock 2014, 278.

³⁶³ See for example: Sebastian Caviedes & Andres Bustamante, "El Papel De La Tradición: La Influencia Empresarial Del Grupo Matte".



gations - is a topic which the interviewees preferred to avoid"³⁶⁴. According to Friedrich (2015), power made visible can in turn generate an increase in resistance³⁶⁵.

4th dimension: Effects of the conflict

The legitimacy of Mapuche demands and the violent clashes are a highly controversial issue in Chile. It can be assumed that the majority of Mapuche in Chile consider demands for land restitution and criticism around forestry and state repressions to be legitimate. However, opinions among Mapuche about direct actions of indigenous activists that involve violence are divergent. Millaman and Hale (2016) assume that Mapuche who cooperate with forestry companies distance themselves from such (at least outwardly). The forest companies usually condemn illegal protest actions and land occupations as illegitimate, especially if they result in property damage. They often demand more support from the state in suppressing them. However, the interviews with Millaman and Hale (2016) showed that some representatives of the forest companies consider the Mapuche's demands for land to be legitimate in principle, but that the state, rather than their own companies, is responsible.

The defamation of the Mapuche as terrorists denies their demands any legitimacy. Hale and Millaman (2016) argue - without ignoring the sometimes serious consequences of arson attacks etc. - that the violence used by Mapuche activists should be framed in the light of the previous state violence (in the course of land appropriation and discrimination) and today's state violence (militarization of living space, mistreatment by the police and military, and deprivation of livelihoods due to state-sponsored development of the forestry industry).

There is also a need expressed to differentiate between Mapuche who claim their rights with illegal but legitimate means and those who commit pure acts of violence³⁶⁶. In this way they make a distinction that is often not made in Chilean society. There is often a generalized condemnation of the Mapuche as "violent"³⁶⁷ and "aggressive"³⁶⁸.

However, there is also solidarity with the Mapuche movement within the non-indigenous Chilean society. There is a particularly high level of rejection from Chilean society against protest actions that cost human lives³⁶⁹. In an arson attack, the landowner couple Luchsinger/MacKay with ancestors of Swiss settlers died.

³⁶⁴ Millaman/Hale 2016, 151.

³⁶⁵ Friedrich 2015, 45.

³⁶⁶ Millaman/Hale 2016, 152.

³⁶⁷ Ibid, 151.

³⁶⁸ Ibid.

³⁶⁹ A somewhat outdated study from 1999 (fundacionfuturo.cl) showed that in Santiago 85.7 % of Chileans in Santiago agreed that the disputed lands actually belonged to the Mapuche, 68 % found community occupations legitimate, and 53 %



The case polarized the public debate. Some Chileans speak of fear of violence from terrorist groups in their region³⁷⁰. The case fuelled the general delegitimization of land reclaims and protests of the Mapuche movement by the media, the state, and parts of the Chilean public. While these actors often treat the conflict as a disruption and with a focus on the outbreak, it is only a means to an end for Mapuche to achieve their goals of land restitution and environmental integrity. Vice versa are the causes of conflict a disruption for Mapuche while means to an end for the forest companies a means to an end.

5th dimension: Conflict regulation and management

According to Simmel (1992), of the four possible ways of ending a conflict namely victory, compromise, reconciliation, and "elimination of the object of dispute", the first two play a particularly important role. The ending of a conflict through victory or defeat occurred in individual cases in which Mapuche communities disputed land was returned. In some cases, there are compromises, such as the division of land, in which one part is given to the community while the other part remains in the hands of the forestry enterprise. Often the government works through CONADI to reach a compromise between the two parties to the conflict by purchasing land. It is the goal of a reconciliation of the particular conflict of interests without limiting the power of the forest companies³⁷¹.

It is therefore more a matter of settling the conflict than a fundamental solution of the conflict. The absence of a long-term, mutually satisfactory solution to the territorial conflict, as well as the absence of a restriction by the state on the expansive forest industry and its effects on the communities, created, to a certain extent, a regulatory gap in which the FSC entered.

condemned the government's repressive way of dealing with the conflict in the south of the country. The results of the study could have been different, however, if it had been conducted in the ninth region, the Araucanía, where the direct involvement of the disputes means that rejection of the Mapuche movement in Chilean society can be assumed to be higher (Gentes 2004, 12).

³⁷⁰ "Those of us who have suffered and continue to suffer daily from the violence of terrorist groups that hide behind the Mapuche cause to shoot children, to burn the houses of humble people, to murder, to rape, and who seek to expel Chileans from a part of our country by terror [...]" (Aprais, C, Alejo 19.06.2013). Orig.: „Quienes hemos sufrido y seguimos sufriendo a diario la violencia de grupos terroristas que se escudan en la causa mapuche para dispararles a niños, para quemar casas de personas humildes, para asesinar, violar y que pretenden expulsar por el terror a chilenos de una parte de nuestro país [...]”.

³⁷¹ In 2009, the Bachelet government, for example, bought land from the company to settle the conflict between the community of Temelemu and Mininco (for the Santa Rosa de Colpi property), which it passed on to the community (with the support of the International Development Bank). In return, the community signed a contract with the forestry company that it would sell the wood from the pine plantations, which it will harvest from the land, to the same company. As a solution, the Mapuche community was thus incorporated into the forestry production, which thus gained land, labour and income from the sale of the wood. The company was able to secure a cheap supply of raw material for its cellulose factories. The government was given the social peace they considered necessary for a growing export economy. The dominance of Forestal Mininco was not limited by this (Miller Klubock 2014, 294).



5. FSC in the area of conflict between Mapuche and forestry industry

5.1 The Forest Stewardship Council (FSC)

5.1.1 *Origin*

Frustrated by the slow processes of intergovernmental environmental regulation and the ineffectiveness of boycott campaigns against timber companies, some environmental NGOs realigned their strategies against continuously high deforestation rates in the 1980s and 1990s. They looked for other ways to cooperate constructively with the forest sector in order to work directly with those responsible for forest loss and thus achieve better forest protection³⁷². Environmental NGOs moved from persuading politicians to campaigning towards the voters and people in their roles as consumers³⁷³. The lack of success of constructing a legally binding international forest agreement at the Earth Summit in Rio de Janeiro in 1992 strengthened the perception of the need of such a new approach³⁷⁴. The FSC, as a pioneer, was established as the first forest certification scheme in 1993, followed by several other schemes that were developed until the end of the decade³⁷⁵.

In 1990, a first group of environmental and social organizations, as well as traders and consumers of wood products met in California, USA, with the aim of discussing a system of labelling for sustainably produced wood products. In 1993, the Forest Stewardship Council was founded in Toronto, Canada, as a non-profit organization. 130 representatives from 26 countries - NGOs, forest companies, forest owners, indigenous and forest communities, but no government representatives - decided on standards that would define sustainable forest management³⁷⁶. The organisation was legally constituted in Oaxaca, Mexico, in 1994 and in 2003 the secretariat was moved to Bonn, Germany³⁷⁷.

Although, initially mainly targeted at tropical forests, the certification scheme was expanded quite quickly to temperate and boreal forests³⁷⁸. Forest certification serves different stakeholders' interests: For consumers, impacts of their purchased products become more visible, for forest owners, certification can serve as market access or improving market advantage, and for governments, supporting the introduction of certification

³⁷² Sheppard 2000, 106; Carrasco Henríquez 2015, 94.

³⁷³ Rametsteiner/Simula 2003, 88.

³⁷⁴ Perera/Vlosky 2006, 2.

³⁷⁵ Rametsteiner/Simula 2003, 88.

³⁷⁶ Perera/Vlosky 2006, 4.

³⁷⁷ FSC Chile.

³⁷⁸ Perera/Vlosky 2006, 11 f.



schemes can serve as a soft-policy instrument for more sustainable forest management³⁷⁹. The driving forces behind forest certification were thus environmental organizations, rather than the consumers at the other end of the retail chain³⁸⁰. The augmented costs – through sustainable production and for the certification process – is meant to be passed on to the consumer through relatively higher prices which they are expected to accept based on the sustainability benefit. Information and reputation are therefore the decisive factors in the functional logic of certification based on market mechanisms³⁸¹.

5.1.2 Mission and standards

FSC's *mission* as stated on the website is to “promote environmentally appropriate, socially beneficial, and economically viable management of the world’s forests”³⁸². Environmental appropriateness in forest management according to the FSC assures the maintenance of “biodiversity, productivity, and ecological processes”³⁸³ during the production of timber and non-timber products. Socially beneficial management of forests is helpful to local people and the larger society to enjoy “long term benefits and also provides strong incentives to local people to sustain the forest resources and adhere to long-term management plans”³⁸⁴. The economic viability stems from sufficiency in profitability of the management without “generating financial profit at the expense of the forest resource, the ecosystem, or affected communities”³⁸⁵.

The vision of FSC is formulated as such:

“The true value of forests is recognized and fully incorporated into society worldwide. FSC is the leading catalyst and defining force for improved forest management and market transformation, shifting the global forest trend toward sustainable use, conservation, restoration, and respect for all.”³⁸⁶

Two types of certifications are eligible with FSC: Forest management and Chain of Custody (Coc). The first can only be issued in countries with national FSC standards, and the second is implemented worldwide. CoC certifies that FSC material is separated from non-certified material throughout the supply chain³⁸⁷. In this thesis, certification of forest management stands in focus.

³⁷⁹ Rametsteiner/Simula 2003, 89.

³⁸⁰ Henne 2008, 63.

³⁸¹ Henne 2008, 4.

³⁸² FSC 2020.

³⁸³ FSC 2015a, 6.

³⁸⁴ Ibid.

³⁸⁵ Ibid.

³⁸⁶ FSC 2020.

³⁸⁷ FSC.



FSC standards can be applied to the production of wood, non-timber forest products, protection, conservation, and ecosystem services including carbon sequestration and storage³⁸⁸. The standards of FSC were originally published in 1994, and amended in 1996, 1999, 2001, and lastly in 2015³⁸⁹. The standards are outcome-oriented and performance-based³⁹⁰. The ten normative, international FSC principles (Principle 1: Compliance with Laws, Principle 2: Workers' Rights and Employment Conditions; Principle 3: Indigenous Peoples' Rights; Principle 4: Community Relations; Principle 5: Benefits from the Forest; Principle 6: Environmental Values and Impacts; Principle 7: Management Planning; Principle 8: Monitoring and Assessment; Principle 9: High Conservation Values; Principle 10: Implementation of Management Activities) are generally independent of scale and intensity of forestry activities but it is recognised that the actions for achieving the standards might vary depending on scale and intensity³⁹¹. The different principles and criteria are treated with equal importance and applied jointly to each management unit. The criteria generally apply to the whole geographical unit inside the boundaries of the management unit submitted for certification. Different vegetation types like natural forests, plantations, as well as non-forest vegetation types (requires growing of trees, not agricultural production) are eligible for FSC certification³⁹².

The international principles are to be made compatible with national circumstances through adapted national FSC standards³⁹³, leading to a "quasi harmonization"³⁹⁴. Only after the national adaption are the principles and criteria to be used for audits³⁹⁵. This way, applicability is aimed to be enhanced.

The company or person that holds the FSC certificate is seen as the responsible entity to ensure that the management follows the FSC criteria. The certificate holder is required to ensure that persons or companies that are contracted or permitted to operate in or for the management unit comply with the criteria as well³⁹⁶. FSC does not persist on a 100 percent fulfilment of the principles and criteria as "unforeseen changes in cultural, ecological, economic and social environments may cause occasional failures in performance"³⁹⁷. In order to assess compliance, certification decisions are oriented on the degree to which the management fulfils each criterion, as well as the "importance and/or consequences of failing to satisfy each FSC Criteri-

³⁸⁸ FSC 2015a, 8.

³⁸⁹ Ibid, 5.

³⁹⁰ Ibid, 7.

³⁹¹ Ibid, 8.

³⁹² Ibid, 7.

³⁹³ FSC 2015a, 4.

³⁹⁴ Sheppard 2000, 107.

³⁹⁵ FSC 2015a, 4.

³⁹⁶ FSC 2015a, 9.

³⁹⁷ Ibid.



on”³⁹⁸. Depending on the severity of the violation of a criterion, minor or major Corrective Action Requests (CARs) can be issued by the certification body³⁹⁹.

Three FSC labels are found on the market. First, “100% FSC” is the most important contribution to FSC goals and ensures compliance of the certified forest management units with FSC standards. The second, “FSC Recycled” show that the material stems fully from recycled material. Under the third label, “FSC Mix”, materials from FSC certified forests or plantations are mixed with recycled materials and/or FSC controlled wood⁴⁰⁰.

The FSC certification scheme is a voluntary, market-based instrument. Certification happens through a third-party certification body conducting on-site audits with forestry companies. An audit is defined as a “systematic, independent, documented process”⁴⁰¹ whereby an auditor or an audit team assess the compliance of the company with the standards. After the certification, the company’s products are labelled and can be marketed as such⁴⁰².

The certification body itself is accredited by FSC if it has “formally demonstrated that its established systems are capable of performing a specified type(s) of conformity assessment”⁴⁰³. Assurance Services International (ASI) is an international organisation that is commissioned by FSC and other certification schemes to oversee their certification bodies and therefore ensure reliability of their own schemes⁴⁰⁴.

5.1.3 FSC-Chile

As in other countries, there was criticism in Chile about a lack of an effective legal regulation of forest protection. The approximately 700 existing environmental regulations in Chile are partly contradictory and unclear regarding the responsibilities of the authorities⁴⁰⁵. According to Sheppard (2000), environmental NGOs also play a decisive role in promoting forest conservation in Chile, whether by conducting environmental studies, organizing public protests, shaping public debate through newspaper articles, etc., or through legal ways.

³⁹⁸ Ibid.

³⁹⁹ Ibid.

⁴⁰⁰ FSC.

⁴⁰¹ FSC 2016, 5.

⁴⁰² FSC 2015a, 6.

⁴⁰³ FSC 2016, 4.

⁴⁰⁴ ASI.

⁴⁰⁵ Sheppard 2000, 104.



Finally, some environmental NGOs pushed the introduction of forest certification forward⁴⁰⁶. This was preceded by campaigns calling for a boycott of non-certified Chilean wood. The organizations *Defensores del Bosque Chileno*, *Instituto de Política*, *Fundación Terram*, *Greenpeace Chile*, *Bosque Antiguo en alianza con Ecología Forest Ethics* (USA) published a communication calling for an end to the export of Chilean wood to the USA. In September 2002, an article in the New York Times denounced the destruction of Chilean forests for plantations for timber production for the U.S. market, which served as a further political impetus for a reorientation in Chilean forestry. In response, the two largest Chilean forestry companies promised to comply with the FSC standards or to seek certification. The environmental organizations combined this with the hope of preserving large areas of original forest⁴⁰⁷.

FSC-Chile, as an association of various organizations, individuals, and companies, exists as a "National Initiative" since 2005 and as a "National Office" since 2010. The introduction of FSC in Chile began in late 1998, when a working group of researchers, NGOs, and companies gathered to develop national FSC standards, the "Chilean Initiative of Independent Forest Certification Ltd"⁴⁰⁸.

Based on the changes in the international FSC standards, all national standards had to be revised. In July 2015, Chile began the process of adapting national standards through a *technical committee*. This committee consists of nine persons (one from each chamber) and meets regularly online and in presence in the Chilean cities of Temuco and Concepción. Representatives of WWF, CODEFF and the Universidad de Talca from the Environmental Chamber, CRATE, DAS and the *Fundación Instituto Indígena* from the Social Chamber, and representatives of the forestry companies MININCO, ARAUCO and an individual from the Economic Chamber. Participation in FSC is divided into three chambers, environmental, social, and economic. The size of the chambers is slightly different. Currently (09/2020) the Environmental Chamber has 12 members, the Social Chamber 15, and the Economic Chamber 25 members⁴⁰⁹.

Certification bodies of FSC Chile are currently (09/2020) the following organizations: NEPCon (Naturaleza, Economía y Personas Conectados), GFA (from Hamburg, Germany) Soil Association Certification Ltd. (accredited with FSC since 1996); SGS (also accredited since 1996), SCS (accredited since 1995) and Control Union Certifications (CUC) (originally from the Netherlands)⁴¹⁰.

As of 31st December 2019, 2,331,373 hectares were FSC certified in Chile concerning forest management. In addition to FSC, the forest certifications ISO 14.000 and Pan European Forestry Certification (PEFC) are rep-

⁴⁰⁶ Sheppard 2000, 105.

⁴⁰⁷ Henríquez 2015, 93f.

⁴⁰⁸ Orig.: „Iniciativa Chilena de Certificación Forestal Independiente AG” FSC Chile.

⁴⁰⁹ FSC Chile.

⁴¹⁰ FSC Chile.



resented in Chile. ISO 14.001 was the first to be introduced in Chile, but the FSC quickly gained more influence⁴¹¹.

5.2 The claim - The standards of FSC-Chile

In the following, the Chilean FSC standards, which are decisive for the Mapuche situation, are shown in order to evaluate their compliance in the following chapter.

The first FSC principle stands for compliance with all applicable legal norms. In the first criterion, compliance is required with all national and regional laws, including environmental, forestry and indigenous legislation (P1C1)⁴¹². There must be no signs of violation of the law, which is investigated at a CONAF register (P1C1I2)⁴¹³. Listed as key laws are, among others, the Forest Law D701 and the Forest Act of 1931⁴¹⁴. However, the Indigenous Law of 1993 (Ley Indígena 19.253) must also be taken into account here.

The latter defines indigenous land as land for which indigenous people have obtained ownership rights through the granting of land titles by the state, or as land that they will receive from the state in the future without payment. The former thus refers, among other things, to the reduction areas to which communities were resettled after the 'Pacificación' at the end of the 19th century and for which they usually received land titles (insofar as the land titles are still available today). But also land that was traditionally inhabited or owned by indigenous communities without a title deed is defined as indigenous land, if it is registered as such with CONADI⁴¹⁵.

In its third criterion (P1C3), the first FSC principle stipulates that organizations must comply with binding international agreements in order to be certified. Of particular importance here is ILO-169, the International Labour Organization's (ILO) Convention for the Protection of Indigenous Peoples, which Chile ratified in 2008. To this end, the state must identify what land indigenous own and effectively protect their right to possession⁴¹⁶. A problem here is the vague wording, which leaves open to which period of time the "traditional inhabitation/occupation" refers. For the case under discussion here, it remains unclear whether the land in question is only land on which Mapuche currently live (even without a title deed), or also land on

⁴¹¹ Henríquez 2015, 92.

⁴¹² FSC-Chile 2005, 2.

⁴¹³ FSC-Chile 2005, 3.

⁴¹⁴ FSC-Chile 2005, 2.

⁴¹⁵ Millaman/Hale 2016, 163.

⁴¹⁶ „The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised[...]" (ILO 1989, 14.1). „Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession" (ILO 1989, 14.2).



which their ancestors lived before they were resettled in reduction areas, or land they inhabited under Allende and lost again in Pinochet's counter-reformation. The scope of the articles depends on the interpretation by the controlling bodies of the ILO⁴¹⁷. However, Hale and Millaman (2016) see it as a general consensus that, according to the article, a state-recognized land deed or official registration with state authorities cannot be a prerequisite for the definition of "indigenous land" and thus the legality of claims to ownership for the indigenous population⁴¹⁸. The Inter-American Court of Human Rights (IACHR) in individual precedents of the application of the ILO-169 ruled that the decisive factor for indigenous land ownership is not a state-recognized deed, but its traditional use⁴¹⁹. Just as controversial as the time component is the question of how the geographical extent of the indigenous territory should be limited⁴²⁰. However, in Article 14.1, ILO-169 also stipulates that beyond the area that an indigenous population physically inhabits, they must also be guaranteed access to places that they traditionally use for subsistence (such as here, for example, the gathering of herbs or firewood):

"In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities"⁴²¹.

The Convention also defines indigenous territory as not only the land area, but "the total environment of the areas which the peoples concerned occupy or otherwise use"⁴²². With regard to natural resources on indigenous land, the ILO Convention states that indigenous peoples have the right to use, manage and protect them⁴²³. However, if the state retains ownership of natural resources on indigenous territory, it is obliged to consult with the indigenous population prior to any utilization program to determine the extent to which their interests could be threatened by such utilization. In addition, the indigenous population should, where possible, obtain a share of the profits of the use and be adequately compensated for any damage⁴²⁴.

⁴¹⁷ Millaman/Hale 2016, 164.

⁴¹⁸ Millaman/Hale 2016, 164f.

⁴¹⁹ Millaman/Hale 2016, 165.

⁴²⁰ Millaman/Hale 2016, 165.

⁴²¹ ILO, Art. 14.1.

⁴²² ILO, 13.2.

⁴²³ "The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources." (ILO 1989, 15.1).

⁴²⁴ "In cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, with a view to ascertaining whether and to what degree their interests would be prejudiced, before undertaking or permitting any programmes for the exploration or exploitation of such resources pertaining to their lands. The peoples concerned shall wherever possible participate in the benefits of such activities, and shall receive fair compensation for any damages which they may sustain as a result of such activities." (ILO 1989, 15.2).



The consideration of the above-mentioned legal provisions of ILO-169, which are binding for Chile under international law, suggests the question of what happens in the FSC certification process if the state itself would not respect these rights or if it contradicts them in other legal regulations. The Water Code, for example, which allows private companies to buy a river on indigenous land and thus exclude the population from its use, clearly violates Article 15.1 of the ILO-169. In addition to the ILO-169 Convention, the Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Convention on Biological Diversity (CBD) are also applicable⁴²⁵.

For this purpose, the fourth criterion of the first FSC principle (P1C4) stipulates that in the event of contradictions within national legislation or national laws and the FSC criteria (and through these also compliance with ILO-169) a solution is to be found on a case-by-case basis between the forest enterprise and the certification body⁴²⁶. This formulation leaves it unclear whether in case of doubt, an FSC certificate can still be issued for example in case of a breach of FSC principles that is however in accordance with national laws. This explains Greenpeace's current criticism of FSC, according to which especially in countries with weak environmental or human rights legislation FSC cannot be considered a guarantor of sustainable forestry practice⁴²⁷.

In addition, forestry companies are obliged to publicly communicate their commitment to compliance with FSC standards (P1C6I1)⁴²⁸. Suppliers to a certified company are also bound by the FSC standards, as these must be stipulated in the respective contracts with the forestry companies (P1C6I2)⁴²⁹.

The third FSC principle, which refers directly to the rights of indigenous peoples and reflects the aforementioned rights as anchored in ILO-169, is of the greatest relevance in answering the research question: "The legal and customary rights of indigenous peoples to own, use and manage their lands, territories and resources shall be recognized and respected."⁴³⁰ Customary rights are defined by FSC as follows:

"Rights which result from a long series of habitual or customary actions, constantly repeated, which have, by such repetition and by uninterrupted acquiescence, acquired the force of a law within a geographical or sociological unit"⁴³¹.

The FSC standards thus show (as does Article 14 of ILO-169) that the right to own and use land for indigenous communities goes beyond the purely positive right of the state. Thus, in an inspection of the certification bodies when examining the ownership of land, proof of a state-recognized title deed alone may not suf-

⁴²⁵ FSC-Chile 2005, 5.

⁴²⁶ "The FMP [Forest Management Project] identifies the possible conflicts according criteria 1.4, and they will be solved between the FMP and the certifier..." (FSC-Chile 2005, 6).

⁴²⁷ Greenpeace International 2018.

⁴²⁸ Ibid, 7.

⁴²⁹ Ibid, 8.

⁴³⁰ Ibid, 14.

⁴³¹ FSC 2016, 9.



fice. With regard to forestry, the first criterion of the third principle states more precisely: "Indigenous peoples shall control forest management on their lands and territories unless they delegate control with free and informed consent to other agencies" (P3C1)⁴³².

To this end, forest companies should identify and quantify the total indigenous population on their land or in the area of influence of their forestry activities, using, among other things, plans drawn up by CONADI and local administrative authorities (P3C1I1)⁴³³. Forest management plans are then to be drawn up with the participation of the indigenous population (P3C1I2)⁴³⁴. These plans should document all land and usage claims of the population and should only be implemented if the indigenous community has given its free and informed prior consent (P3C1I3, P3C1I4)⁴³⁵.

Just as important is the second criterion of the third principle, which excludes any reduction and impairment of indigenous natural resources by the forestry enterprise: "Forest management shall not threaten nor diminish, either directly or indirectly, the resources or tenure rights of indigenous peoples"⁴³⁶ (P3C2).

Prior to commissioning, forest areas adjacent to indigenous land should be physically marked with community participation (P3C2I1)⁴³⁷. Any damage caused by the forestry operation on land and resources of the indigenous population such as water shall be evaluated, compensated, and restored. This will be done in agreement with the indigenous community and set out in a document signed by both parties (P3C2I2)⁴³⁸.

The company will also work with the indigenous communities to identify and map sites of special cultural significance. The foresters should recognize and protect them (P3C3)⁴³⁹. This includes sites of significance in an archaeological, religious, historical, economic sense, or other cultural use. The aim is to maintain or improve their protected status and to guarantee the indigenous population free access to them. The identified sites are recognized as part of the *High Conservation Value Areas* (P3C3I2)⁴⁴⁰.

The fourth FSC principle applies to all neighbouring communities regardless of ethnicity: The forestry companies are to "contribute to the maintenance or improvement of the social and economic well-being of the local communities"⁴⁴¹ (P4).

⁴³² FSC-Chile 2005, 14.

⁴³³ Ibid.

⁴³⁴ Ibid, 15.

⁴³⁵ Ibid.

⁴³⁶ Ibid, 17.

⁴³⁷ Ibid.

⁴³⁸ Ibid.

⁴³⁹ "Sites of special cultural, ecological, economic or religious significance to indigenous peoples shall be clearly identified in cooperation with such peoples, and recognized and protected by forest managers" (P3C3) (FSC-Chile 2005, 18).

⁴⁴⁰ FSC-Chile 2005, 18.

⁴⁴¹ Ibid, 20.



As it turned out, the FSC standards set high standards for forestry companies in the field of indigenous rights and sustainability. As a result, many environmental and indigenous organizations and scientists supported the introduction of FSC in Chile. Some academics, for example Benev et al. (2007) also advocated that Chilean forest companies strive for certification and favoured FSC certification because it is recognized at the global level and by numerous non-governmental organizations as well as government agencies⁴⁴².

The first signs that FSC-Chile could be relevant to the Mapuche communities were seen in 2011 and 2012, when Forestal Mininco's certification became apparent⁴⁴³. Previously, the certification did not seem to influence the communities, nor were they involved by the companies.

Some Mapuche objected to the certification. The Mapuche organization *Wallmapu Fuxa Trawun* sent a letter to FSC-Chile explaining the damage caused by the company. The letter, Carrasco (2015) said, showed a recognition by the Mapuche organization of FSC as an authority that indicates the conditions of forestry production, and that they considered its award to be legitimate only if it would have a positive impact on the relationship between the forestry company and Mapuche⁴⁴⁴.

5.3 Between claim and reality: Influences of the FSC on the field of conflict

The question is to what extent this hope and potential of the FSC-Chile to contribute to more sustainable forest management and to positively influence the conflict between Mapuche and forest companies is actually fulfilled. In the following, the implementation of the FSC standards on site will therefore be investigated, and the implications arising from this for the described area of conflict will be analysed.

For this purpose, the study "Chile's Forestry Industry, FSC Certification and Mapuche Communities" by Hale and Millaman (2016)⁴⁴⁵ will be closely referred to. The study is based on the demands of Mapuche authorities, who, in the course of the ongoing certification processes of Arauco and Mininco, turned to FSC International with sharp criticism of the companies' practices. Due to the generally known social and ecological problems of the Chilean forest industry, even from the ranks of FSC doubts about the sustainability of the two companies had emerged⁴⁴⁶.

⁴⁴² Benev Ode/Constantinidis González 2007, 253.

⁴⁴³ Henríquez 2015, 94.

⁴⁴⁴ Ibid, 95.

⁴⁴⁵ In the wake of the criticism, the board of FSC International met with Mapuche authorities in Chile, at the end of 2012. Critique was a perceived lack of "true compliance" (in Millaman/Hale 2016, 5) of the standards by the companies Arauco and Mininco ("[...] forestal Mininco and forestal Arauco which we are convinced DO NOT COMPLY EVEN IN THE SLIGHTEST with these certification requirements" (Mapuche authorities in: dies. 2016, 5).

⁴⁴⁶ Millaman/Hale 2016, 5.

Between June 2015 and August 2016, the interdisciplinary research team assessed the situation in four municipalities in the districts of Araucanía and Bío Bío (Lumaco, Tirua, Galvarino, Traiguén). The municipalities are characterized by a conflictual relationship with the neighbouring forestry companies, which are almost completely FSC certified⁴⁴⁷. The study is based on historical archives, legal documents, scientific and spatial planning data, as well as on numerous interviews with Mapuche authorities, management, and employees of the three largest forestry companies in Santiago, Temuco, and Los Angeles. Their visits to the communities were also accompanied to observe the interaction with the indigenous population⁴⁴⁸. The research findings are supplemented by anthropological analyses by Noelia Carrasco Henríquez (2015, 2016), who conducts research at the Universidad de Concepción on the cultural-anthropological dimension of forest certification in Chile⁴⁴⁹. Furthermore, findings from the interview with an employee, the sustainability officer of a Chilean forestry company is included in the analysis.

In their analysis of the implementation of the FSC standards, Hale and Millaman (2016) warn against generalizations, as the various forestry companies differ in size of land ownership, corporate practices, and the attitude of their management⁴⁵⁰. As described, the area of conflict between Mapuche and industrial forestry in Chile is characterized by a value and an interest dimension (see Chapter 5). First, the influences of FSC certification on the conflict of values are examined below and then the conflict of interests is examined, regarding changes in living conditions and territorial rights.

5.3.1 Influences of the FSC on the conflict of values

Millaman and Hale (2016) found that the certification process by FSC brought about "significant changes"⁴⁵¹ in the rhetoric, culture, and practices of forest enterprises. According to Carrasco (2015), forest certifications give rise to new forms of language in the sense of a currently dominant public rhetoric and social interaction that create a new (corporate) culture. In the transnational context, new ethics of production are being established, which can be described as "economic policies of sustainable development"⁴⁵². The public orientation towards a model of sustainable forestry is exemplified by Forestal Arauco's website: "Sustaina-

⁴⁴⁷ They were also selected based on the representation of three different territorial identities, Lafkenche, Wentche, and Nagche, and the agreement of their authorities, as well as the proposals for resolution of the conflict by the community (Millaman, Hale 2016, 7).

⁴⁴⁸ Ibid, 7f.

⁴⁴⁹ Henríquez 2015, 88.

⁴⁵⁰ Millaman/Hale 2016, 144.

⁴⁵¹ Millaman/Hale 2016, 144.

⁴⁵² Henríquez 2015, 98.



bility is in our nature"⁴⁵³ and the Sustainability Report of 2016: "Arauco's strategy is centered on sustainability managing its operations and maximizing the value of its forestland"⁴⁵⁴. The meaning of sustainability to Arauco reads as following.

"We are a company who produces and manages renewable forest resources and we do this with the best environmental practices, with respect for communities and the people who belong to them, permanent spaces for dialogue and participation, and a commitment for efficiency, all in order to deploy the full potential of our plantations"⁴⁵⁵.

Varying affinity to the new values within the companies

The decision to seek FSC certification is usually a top-down decision within a company to establish sustainability as a new guideline. The interviewed employee reports that the head of the forest company chose FSC and that, according to their perception, all employees are "behind" this decision. "We all stand behind it. [...] Why? Because it is like a mandate. Our General Manager said that we have to be sustainable and that we have to be FSC, so we all have to be FSC. Whether we like it or not."⁴⁵⁶

However, according to the employee, the level of seriousness and determination on a personal level regarding the new values and guidelines differ among employees. The interviewee themselves and many colleagues who represent a second generation in the forestry sector have already undergone a slightly different training and have a different approach and "completely different mission"⁴⁵⁷ than the previous generation. They highlighted a difference between their conviction of sustainable forestry and the attitude of first-generation employees. They may be more reserved about the sustainability mission statement.

"You have to understand that this is a very large company and we are ... [...] Then [after the decision of the managing director] comes the level of personal conviction of these beliefs. In my case, I have a strong belief because I believe in sustainability. I believe that you have to make things better. [...] And you can do them better, you can [...]. But there are still many old school people, there are still MANY old school people [...] There are always people who think it is just a fashion"⁴⁵⁸.

This older generation has often been trained in the same company and has never left it since, while they and their younger colleagues have often been trained outside the company. Following their descriptions, this

⁴⁵³ Arauco.

⁴⁵⁴ Ibid, 8.

⁴⁵⁵ Ibid, 9.

⁴⁵⁶ Employee 2 2017, 7:33. Orig.: "Todos estamos comprometidos con la causa. Ya. Porque? Porque es cómo un mandato. Nuestro líder supremo dijo que nosotros teníamos que ser sustentable y teníamos que ser FSC, entonces todos tenemos que ser FSC. Queramos o no".

⁴⁵⁷ Employee 2 2017, 5:38. Orig.: "una misión totalmente distinta".

⁴⁵⁸ Employee 2 2017, 8:00. Orig.: "Tienes que entender que es una empresa muy grande y somos... hay de todo. No... no, a ver [...] Después viene el nivel de adherencia personal a esas creencias. Ya en mi caso yo tengo una alta herencia porque yo creo en el tema de la sustentabilidad. Yo creo que las cosas, hay que hacerlas mejor [...] y se puede hacerlas mejor, se puede. [...] Pero todavía hay gente de la vieja escuela, hay MUCHA gente de la vieja escuela.[...] Todavía hay gente que piensa que es solo una moda."



new generation has contributed a lot to the change in the forestry enterprises⁴⁵⁹. Accordingly, they noted the relevance of the average age in the respective department⁴⁶⁰.

Similarly, Henne (2008) described that the understanding of FSC standards and their meaning differed greatly among forest workers⁴⁶¹. To what extent values of sustainability have become personal convictions of the employees or are rather to be seen as figureheads of the companies, cannot be clarified in this work.

Varying views of "sustainability" in forestry

Understandings of sustainability often diverge widely. It becomes clear that sometimes very different things are understood by the term "sustainability". According to Henne (2008), the concept is rather "suggestive"⁴⁶² among forest workers since many forest workers are not trained in forestry science or biological environmental protection. The interviewed employee's understanding of sustainability showed a dominance of the economic and social dimension:

"Yes, [...] if you look at it consciously, yes, then [the respective forest company] is sustainable. Because [...] it trains a team of specialists, it works with something renewable. [...] [It] creates jobs, supports the energy supply, we contribute building materials, help in many areas, support education and local development. So, it is a sustainable company"⁴⁶³.

A dominance of the economic dimension is shown in the answer of the employee to the question whether there are ideas for a more sustainable cultivation, which is not based on monocultures and therefore allows more biodiversity: "No, [...] our business is sustainable because it is monocultural. So, as a business. Because it is easily workable. It's like cereals or potatoes or growing strawberries. It's all the same, it's very simple"⁴⁶⁴.

However, on closer inspection, the interviewed employee differentiated the prevailing concept of sustainability: there is sustainability in the sense of "sustentabilidad" and sustainability in the sense of "sostenibilidad". The latter refers to enabling the use of resources over a long-term period of time, including for future generations. The former refers to the long-term preservation of the company as a system⁴⁶⁵.

⁴⁵⁹ Employee 2 2017, 9:48. Orig.: "Y ya esta generación nueva ha ayudado mucha a ese cambio [...] Hay un grupo que salió de la universidad y entró a trabajar en esta empresa y nunca se fue. Pero hoy día ya vemos otro grupo grupo que nos criamos fuera, que entramos a trabajar Arauco cuando se nos abrió oportunidad o nos invitaron a entrar porque quisimos."

⁴⁶⁰ Employee 2 2017, 8:00.

⁴⁶¹ Henne 2008, 34.

⁴⁶² Ibid.

⁴⁶³ Employee 1 2017, 04:00. Orig.: "Si. [...] si tu lo ves a conciencia, si es sustentable. Porque esta armando un equipo de personas, esta formando personas, esta haciendo, trabajando un negocio con algo que es sustentable. [...] aporta trabajo, aporta energía, nosotras aportamos materiales de construcción, aportamos en muchas areas, aportamos en educación, el desarrollo local, entonces es un negocio sustentable".

⁴⁶⁴ Employee 2 2017, 12:28. Orig.: "No, nosotros, a ver, nuestro negocio es sustentable porque es monocultivo. O sea como negocio. Porque trabajarlo es facil, es como tener trigo, o cultivar papa[s] o tener un cultivo de frutillas. Es todo lo mismo, es muy facil".

⁴⁶⁵ Employee 2 2017, 19:44.



Focus on relationship with Mapuche communities as a social dimension of sustainability

Through efforts to comply with FSC standards, there is a shift in values within companies, which in turn affects the relationship with Mapuche communities. The interview partners of Hale and Millaman (2016) from the forestry companies described a change of values within the company due to FSC, especially regarding the attitude towards the indigenous communities. Interestingly, even the employees of Arauco and Mininco spoke of the fact that before the beginning of the certification processes in 2010, the forestry companies were arrogant, "'autistic'"⁴⁶⁶ towards the neighbouring Mapuche communities and had no interest in their welfare. Instead, they were "responding with legal or political battles, and requesting state force against Mapuche protests, instead of resorting to dialogue and consensus"⁴⁶⁷. In the interview, the employee also showed understanding for the lack of trust on the part of the Mapuche in the forest companies:

"There is a problem of trust that I understand. In other words, the way the forest companies that became landowners treated the Mapuche was: 'I come, I do what I want and I don't care about you' [...] that was the way it used to be"⁴⁶⁸.

"The forestry industry in Chile was very abusive, very violent in the beginning towards the communities. [...] They bought the land from them, handed over the money and forgot about them. And the state left them alone on the land, they have no roads, no water, no electricity. And the great companies come, come to reap, come to do their business, they go again and leave them alone again for twenty years"⁴⁶⁹.

According to the interviews by Millaman and Hale (2016) perception prevails that the introduction of FSC certification marked the beginning of a "new era"⁴⁷⁰ in attitudes and relationships with Mapuche communities. They are now more "'pro-Mapuche'"⁴⁷¹. There is hope for an improvement in the difficult relationship with the Mapuche communities and a pacification of the conflict situation that threatens their production. According to Carrasco (2016), forest certification such as FSC has a direct impact on the social relationship between forest companies and the indigenous population:

"[...] international forest certification has a direct impact on the reorganization of social relations in forestry. Even if this does not mean solving the problems that affect the coexistence between Mapuche communities and forest compa-

⁴⁶⁶ Millaman/Hale 2016, 139.

⁴⁶⁷ Ibid.

⁴⁶⁸ Employee 2 2017, 1:50. Orig.: "Hay un tema de confianza que - yo también lo entiendo. O sea el activo trato que tenían las forestales vienen de patron de fundo: vengo, hago lo que quiero y tu me importas nada, [...] eso fue antes".

⁴⁶⁹ Employee 2 2017, 5:38. Orig.: "El negocio forestal en Chile fue muy abusivo, muy violento en el principio para las comunidades. [...] Entonces a ellos les compraron la tierra, les pasaron la plata y se olvidaron de ellos. Y el estado los tiene abandonado en su lugares rurales, no tienen caminos, no tienen agua, no tienen luz. Y llega, estas empresa[s] grandes, vienen a cosechar, vienen hacer su negocio, se van y después los dejan abandonados de nuevo veinte años".

⁴⁷⁰ Millaman/Hale 2016, 139.

⁴⁷¹ Ibid, 144. Orig.: „There was a major change, a before and after [the certification]. Nowadays we are very 'pro-Mapuche': we recognise the claim and the historical debt. There are expectations, and we try to meet with those of everyone." – MININCO Official, 20th October 2015".

nies in Chile, they manage to weave newly formulated intercultural networks, now under ethical codes and a policy in the language and practices of sustainability"⁴⁷².

Thus, almost without exception, the interview partners of the forestry companies describe a transition through the introduction of FSC, which divides the practice of the companies into a "before" and an "after"⁴⁷³, particularly in terms of their relationship with neighbouring Mapuche communities.

Administrative and structural changes within the companies

The changed attitude and interaction with the communities manifest themselves in the internal organizational structure of the companies⁴⁷⁴. FSC requires the establishment of a department within the forest companies specifically for communication with the certification bodies and the position of a *social liaison officer* for relations with the neighbouring communities. Some of the social liaison officers showed great euphoria for the Mapuche culture and a "certain 'discovery' of Mapuche concepts"⁴⁷⁵. Hale and Millaman (2016) describe the euphoria of a social liaison officer from the forestry company Bosques Cautín about his first visit to a Machi⁴⁷⁶. In regions where the majority of the population is Mapuche, the companies are increasingly filling these positions with Mapuche⁴⁷⁷.

Increasing interdisciplinary positioning in companies

The expansion of the perception of and occupation with effects of forest production beyond purely economic aspects is also evident in the increasingly interdisciplinary staffing of forest enterprises:

"Nowadays, forestry companies have not only hired people to cut trees or work with our productive species. Instead, today we have hired a group of anthropologists, sociologists, to better understand and communicate with the communities, the people. We have biologists, zoologists, ecologists who know about biodiversity, who know about ecosystems [...]"⁴⁷⁸.

Institutional racism despite the growing dominance of intercultural discourse

While the political discourse in Chile, as in Latin America in general, tends to recognize interculturality and to make amends for the historical debt to the indigenous population, little has changed in the structural inequality in the distribution of power and resources. This discrepancy is also found among forest enterpris-

⁴⁷² Carrasco Henríquez/Salas 2016, 168. Orig.: "[...] los sistemas de certificación forestal internacional tienen una incidencia directa en la reorganización de las relaciones sociales de la producción forestal. Si bien ello no implica la resolución de los problemas que afectan a la convivencia entre comunidades mapuche y empresas forestales en Chile, sí logran articular tejidos interculturales reformulados ahora bajo los códigos éticos y políticos del lenguaje y las prácticas de la sustentabilidad".

⁴⁷³ Millaman/Hale 2016, 139.

⁴⁷⁴ Millaman/Hale 2016, 144.

⁴⁷⁵ Ibid, 146.

⁴⁷⁶ Ibid.

⁴⁷⁷ Ibid, 145.

⁴⁷⁸ Employee 1 2017, 3:14. Orig.: "Hoy día las empresas forestales no tienen solamente gente que está entrenada para cortar árboles o para trabajar con las especies productivas nuestras. Sino que hoy tenemos un grupo de personas que están, que son antropólogos, sociólogos, que están entrenados para entender o conversar de mejor manera con las comunidades, con las personas. Tenemos biólogos, zoólogos, ecólogos que conocen de biodiversidad, conocen de ecosistema".



es, according to research by Hale and Millaman (2016) and has been particularly pronounced since the introduction of FSC. It is clear that there is a growing dominance of an intercultural discourse. The social liaison officer in particular is generally in favor of the concept of interculturality, and in some cases has to counteract the racism that is still entrenched within the companies. Particularly in connection with the territorial conflict, there are still stereotypical racist condemnations within the forestry companies of Mapuche as generally criminal or violent⁴⁷⁹.

FSC International as potential authority for reducing racism

However, the FSC aims to ensure that racism within Chilean forestry companies is increasingly punished. The case of Pedro Jaramillo, the former general director of the forestry company Bosques Cautín was demanded by FSC International to compensate Mapuche communities for racist statements against Mapuche on Facebook and was expelled from the FSC chamber. In the end, he left the company⁴⁸⁰.

Just as problematic as such a generalizing negative judgement of Mapuche is an assessment based on polarizing differentiation between "violent" and "peaceful" Mapuche, which discredits the former and only gives legitimacy to the latter. In this way, politically organized Mapuche are presented as the problem of the conflict and their land reclamations are not taken seriously⁴⁸¹.

⁴⁷⁹ Millaman/Hale 2016, 149.

⁴⁸⁰ Millaman/Hale 2016, 150. After the general director of the forestry company Bosque Cautín Pedro Jaramillo posted racist comments about Mapuche on Facebook, the organization Agrupación de Ingenieros Forestales para el Bosque Nativo (AIFBN) filed a complaint with FSC International in December 2014. Although the case did not go to official arbitration through the Dispute Resolution System, FSC International felt that the values and "spirit" of FSC had been violated and demanded compensation measures for Mapuche from Bosque Cautín. In April 2014, the company agreed with FSC International on the following measures, among others: Publish a written apology to the Mapuche people as a people and an official statement against racism; increase the Mapuche workforce (by ten percent in three to four years); implement a plan to protect and restore watercourses and protected areas in collaboration with local Mapuche communities; Develop a native forest protection project with neighbouring Mapuche communities (on land under concession); support a reforestation program in collaboration with Mapuche on land granted by CONADI to Mapuche communities (Forest Stewardship Council 05.06.2015). In March 2015, three months after the incidents, AIFBN wrote a second letter to FSC International stating that they had not yet been informed of any compliance with the agreements and were only informed that Jaramillo was not the Company's representative in FSC Chile but would be retained as the Company's manager (Mapuexpress.org 30.03.2015) and asked for information on compliance. AIFBN points out in the letter that this is a "very delicate and sensitive matter" involving the whole Social Chamber of the FSC and the FSC Committee of Indigenous Peoples, and is in no way a private matter between a company and the Mapuche (AIFBN 2015 published on Mapuexpress.org 2015). According to the FSC's June 2015 statement, all measures are under development (the official apology was published in April 2015). Bosque Cautín is obliged to report regularly to FSC International on the progress of the measures. FSC International judged the measures and the behaviour of Bosque Cautín as appropriate and satisfactory: "[...] the company is currently investing considerable efforts in fulfilling the request and agreements with FSC. These efforts are a good example of corporate social responsibility and are in line with FSC values" (Forest Stewardship Council 05.06.2015).

⁴⁸¹ A forest officer for example expressed in one interview in Millaman and Hale (2016): "'I don't even like talking about Mapuche and non-Mapuche. Or about the 'Mapuche conflict.' The conflict is not with ,the Mapuche'; it's with a small section, the violent ones. We have to line them up, separate them from the rest, because they have a different kind of mentality'" Forest Official in interview 9.12.15 in Millaman/Hale 2016, 151f.



“In this light, the intercultural debate acquires new meaning: intercultural benevolence for those who manage to put the historical debts behind them, and for those who continue insisting, the fire squad”⁴⁸².

Continued Imbalance of Power and Resources and the Neoliberal Model

In addition to this stereotype-based racism, Millaman and Hale (2016) speak of institutional racism, which is based on structural inequalities in the distribution of resources and power and which persists despite the intercultural discourse shaped by FSC⁴⁸³. Representatives of the companies have been unwilling to critically examine the historical origins of the current ownership structure, which is based on expropriation processes from Mapuche and state subsidies for forestry companies (see Chapter 3.2.1.).⁴⁸⁴ “Despite all the talk of interculturality, private property is fiercely defended and safeguarded by the law, ignoring the fact that this same property was acquired through a process of dispossession.”⁴⁸⁵

Thus, intercultural recognition on the part of companies stops, so to speak, when they need to redistribute resources. Thus, the researchers around Hale warn that Mapuche cultural concepts such as Lof mapu need to be given more recognition. This implies a claim to land that goes beyond positive property rights (see Chapter 3.1.3.).

Despite the broad recognition of the economic contribution of forestry to the country's economic performance and the creation of jobs, Chilean society is increasingly critical and distrustful of the sensefulness of the current forestry model. In particular, the idea that industrial forestry, by stimulating national economic growth, would fight poverty, create local jobs, and provide higher social security is now being challenged by a growing part of the population⁴⁸⁶.

Recently, the government has taken socio-ecological concerns about the forestry model into account, but the challenges are usually met with the so-called “green growth” approach⁴⁸⁷. Mora-Motta (2018) calls it “a soft vision of sustainability”⁴⁸⁸, in which the social-ecological problems caused by economic growth and private profits are to be reconciled with. The author criticizes that under the figurehead of green growth, the aim is to expand the plantation areas in the south of Chile, thus legitimizing and creating an expansion of Chilean forestry for the global market, especially the growing Asian import markets.

Lack of Mapuche participation in the FSC-Chile system

⁴⁸² Millaman/Hale 2016, 152.

⁴⁸³ Millaman/Hale 2016, 151.

⁴⁸⁴ Ibid.

⁴⁸⁵ Ibid.

⁴⁸⁶ Mora-Motta 2018, 101.

⁴⁸⁷ Ibid, 102.

⁴⁸⁸ Ibid. Orig.: “una vision suave de la sostenibilidad”.



The lack of attention given to Mapuche concepts such as the Lof mapu by companies is also linked to the under-representation of Mapuche in the FSC Social Chamber. The chambers do not represent the parties to the conflict in a balanced way. This can be seen, among other things, in the fact that almost hardly any Mapuche are represented in the social chamber. According to Hale and Millaman (2016) many Mapuche would not yet know about FSC in the first place. In addition, there is great mistrust towards the organization, partly because the certified areas are often politically highly contested areas. For this very reason, the marginal participation of Mapuche within FSC-Chile is problematic. As a result, FSC Chile lacks knowledge and understanding of Mapuche and their culture, which makes it difficult to deal with the conflict situation in a meaningful way⁴⁸⁹. The authors conclude: "the system [of the FSC] itself is broken and needs urgent attention"⁴⁹⁰. The fact that the three chambers of FSC-Chile are not equally well represented (see chapter 5.5) could be an indication that the three different dimensions of sustainability are unequally weighted.

Neoliberal economic model unquestioned despite change in values

However, despite positive changes in some areas, FSC certification leaves both the model of monoculture plantations and the prevailing economic model expressed by the forest industry basically unquestioned. Even according to Henne (2008), the FSC system remains within the logic of the neoliberal economic system: "the certification of the forest, an ideal type of neoliberal regulation"⁴⁹¹. Carrasco (2015) concludes similarly:

"[...] the processes of forest certification do not open up space for criticism of the economic motive that is the forest industry, but rather for participation, for perfecting it and adapting it to local realities and global regulations and ethics that ensure sustainability"⁴⁹².

How does this change of values within the companies now affect the conflict of values or the value dimension of the conflict of interests with the Mapuche communities? Based on the previous findings, it can be assumed that the change in values within the companies leads to a certain convergence in the values of forest companies and Mapuche. This is due to the fact that, because of the desired sustainability of FSC forestry, it is no longer assessed solely from an economic point of view, but its social and ecological dimensions are also taken into account. However, such an approach could also lie in the increasing recognition of the different values and views of the Mapuche on their natural environment (e.g. by the social liaison officer) by the companies - with the intention of improving relations - rather than in a fundamental change in

⁴⁸⁹ Millaman/Hale 2016, 158.

⁴⁹⁰ Ibid.

⁴⁹¹ Henne 2008, 15.

⁴⁹² Henríquez 2015, 99. Orig.: "los procesos de certificación forestal no abren espacio para la crítica al modelo económico expresado en la industria forestal, sino más bien para su participación en perfeccionarlo y ajustarlo a las realidades locales y a las normativas y éticas globales que resguardan la sustentabilidad".



the economic and ecological views of the companies. According to Willems, it is easier for the conflicting parties to accept value differences and to reach a compromise solution if the conflicting parties are equally represented. This illustrates the importance of establishing equivalence between the three FSC chambers. Meanwhile, the neoliberal economic model underlying industrial forestry and the monoculture method of cultivation remained unquestioned. According to the author's assessment, it can be assumed that this will sustain value differences between the conflict parties.

In summary, it was shown that FSC clearly triggers and reinforces a change in the ethical principles and guidelines within the FSC certified Chilean forestry companies, but that this change has not necessarily been adopted with the same intensity by all employees as representatives of the conflict party, that there are somewhat different understandings of 'sustainability' in forestry, of the "new" values. Furthermore, changes in relationships with the communities are not at all straightforward but implications are complex.

5.3.2 Influences of the FSC on the changed living conditions

Improvements in the environmental area were originally a major concern when FSC certification was introduced and require relatively intensive changes in practice. However, according to Hale and Millaman (2016), it is unclear to what extent improvements in the ecological aspects can actually be attributed solely to the introduction of the FSC standards⁴⁹³. The authors clearly see the greatest gain from FSC in the social dimension of sustainability, especially in the relationship between forest companies and Mapuche communities, in some cases. Therefore, the present paper also focuses on this issue. The change in the values and organizational structures of forestry companies often led to increased attention of the companies to the neighbouring communities, which in some cases led to increased communication and cooperation projects. Following the FSC principles (especially 2, 2.3 and 4), forestry companies invest more than before in the relationship with the neighbouring communities. They are called upon to identify the neighbouring communities, to establish ways of dialogue and to demonstrate success in conflict resolution⁴⁹⁴. This has led to a variety of support and cooperation programs between forest companies and Mapuche. Occasionally, this has a positive effect on the attitude of the benefiting Mapuche towards the companies and thus on the relationship between the two conflict parties. They can be seen as the conflict management method *compromise* (see Chapter 2: 5th dimension). It can only be assumed that *reconciliation* as an end of conflict management

⁴⁹³ Other factors such as the national forest certification CERTFOR, government regulations and NGOs also had an impact. Furthermore, a sustainable cultivation method could also have a positive effect on production to a certain extent and therefore be pursued out of the company's own interest (Millaman, Hale 2016, 144f.)

⁴⁹⁴ Millaman/Hale 2016, 145.



takes place mainly on personal levels, for example between individual Mapuche families and representatives of the forest enterprises as described by the interviewed employee (chap. 5.3.2.).

Assistance

The simplest form of cooperation consists of unilateral assistance by the companies with the provision of material resources and goods for the local population, such as the creation or improvement of roads and paths, the provision of raw materials such as wood to communities for the construction of a community hut or the improvement of their access to natural resources such as water, partly in cooperation with the state⁴⁹⁵. These improvements in the socio-economic living conditions of neighbouring communities can be attributed to the fourth FSC principle (P4C115: "The FMP [the forestry enterprise] supports the improvement of local infrastructure and social programs according to the scope of the project [...]").

Another form of assistance - which, however, already existed before the introduction of FSC and is often used to prevent conflicts - is the award of educational grants to Mapuche. In Lonquimay, for example, a forestry company awarded university scholarships to students from the Mapuche community when they started production on site⁴⁹⁶. The interviewed employee (2017) reports about an educational network of the forest company through a foundation and educational programs for children⁴⁹⁷. According to a university professor in Chile, the companies know that the population is receptive to this topic, because the education of children is a very sensitive issue for the people and there is often the fear that they could remain without sufficient education⁴⁹⁸.

Shared land use

In other cooperative projects, Mapuche may use company-owned land to pursue traditional activities such as collecting non-timber forest products such as herbs or mushrooms. These are often sold, if intended as an economic activity, in a consortium of Mapuche collectors either to the companies themselves or the company helps them find buyers⁴⁹⁹. For example, the researchers around Hale and Millaman (2016) visited the initiative Deshidratos Culinpalihu ("Dried Goods Culinpalihue"), where a group of Mapuche women are allowed to collect herbs under permission of Arauco. The women showed a positive attitude towards the company due to the support they received⁵⁰⁰. Similarly, during a visit to a Mapuche family, during which I ac-

⁴⁹⁵ Millaman/Hale 2016, 153, 146f., employee 2 2017, 0:17.

⁴⁹⁶ University professor in Chile, 13.03.2017, 9:10.

⁴⁹⁷ Employee 2 2017, 3:34.

⁴⁹⁸ University professor in Chile, 13.03.2017, 9:23. Orig.: „Porque saben finalmente que para la gente el tema muy sensible son su niños. Y el tener miedo que no se pueden educar [...]“.

⁴⁹⁹ Employee 2 2017, 2:15.

⁵⁰⁰ Millaman/Hale 2016, 146.

accompanied the interviewed employee in 2017, a project was set up in which the family collects mushrooms on the premises of a forestry company and offers them dried for sale.

Support programs for independent production

In addition, there are support programs that aim to promote independent primary production by Mapuche as well as by the non-indigenous local population, such as berry production or forest production on smaller areas. In the case of Mininco, a project in Collipulli is described in which three Mapuche farmers are paid technical aids by a forest company to operate a berry production business⁵⁰¹. The interviewed employee, too, described such cooperation projects to support the development of Mapuche's own productions. As part of a support program, representatives of the forestry enterprise provide information, contacts, and support for the establishment of their own production and the sale of their own products in local offices. Often the local population is not aware of the support programs of the state, so the companies sometimes help with knowledge around these as well⁵⁰².

Mapuche as wood supplier

More on a par are cooperation projects in which the companies cooperate with Mapuche as suppliers. In the study by Hale and Millaman (2016), two Mapuche are presented as independent product manufacturers – one of them with 70 employees from his community – which supply wood to Arauco. Both were formerly known local opponents of the forest industry and speak of positive changes since the introduction of FSC. A Machi from Galvarino is a small forestry producer who has been working with Bosques Cautín for many years and also very positive about the company⁵⁰³.

Changes in the relationship between the conflicting parties through the cooperation

Mapuche who participate in such cooperation projects often reported positive changes in the companies and the relationship with them since FSC:

"I studied the FSC, and it made me want to be part of it. I studied all of its principles. I wanted to know whether they had any real effect. If the companies had responded like this from the outset, we wouldn't have so many problems. The company has changed; it has learned how to interact. Before it just destroyed (...)" (in Hale and Millaman 2016: 146, in the presence of an Arauco employee)

⁵⁰¹ Millaman/Hale 2016, 146.

⁵⁰² Employee 1 2017, 0:17, 2:15. "The line in which Arauco works with the communities is great and it is not about giving money, 'cash', but to contribute with things that make people's lives better, with knowledge that supports people's lives and that people can also know tools that are available but that they do not know how to use. But they are tools of the state. So in this case, we don't contribute with money. We contribute with knowledge. So that's super positive." Orig.: "La línea en que trabaja Arauco con las comunidades es grande y no se trata de entregar dinero, 'cash', sino que aportar con cosas que hagan la vida de las personas mejor, con conocimiento que apoya a la vida de las personas y que las personas también pueden conocer herramientas que están disponible pero que las no saben usar. Pero son herramientas del estado. Entonces en este caso, nosotros no aportamos con dinero. Aportamos con conocimiento. Entonces eso es super positivo".

⁵⁰³ Millaman/Hale 2016, 146.



The interviewed employee finds that there is a wide spectrum of positive projects and regrets that they are not perceived very much from the outside⁵⁰⁴.

However, Mapuche who benefit in such a way from cooperation with forestry companies represent only a small percentage of those affected. The budgets of the companies for such programs are still relatively small, according to Millaman and Hale (2016). It remains open to what extent such activities will increase in the future⁵⁰⁵.

Representatives of the forestry sector also expressed concern that these programs could lead to a situation where certain supply services like water supply, infrastructure, and local development support could be provided mainly by the companies in the future and the state would shirk its responsibility. This could in turn further increase the expectations of the population towards the companies⁵⁰⁶. The interviewee describes the expectations and demands of neighbouring Mapuche people on the forest companies regarding water supply, land, or buildings⁵⁰⁷.

A frequent demand of Mapuche or non-indigenous neighbours of the plantations is the improvement of roads. The main roads which are often gravel roads create a lot of dust when the forest industry's trucks drive by, and the dust gets into the houses. The interviewed employee therefore regarded the demands for improvements of the main roads as legitimate, however the employee did not approve demands made for improvements of the roads that lead from the main roads to the houses⁵⁰⁸. The employee described how often such demands are made towards her, as the representative of a forestry enterprise, that they cannot meet because the resources demanded are not in their possession, but in the possession of the enterprise. They as employee can only promise to ask the company and send an expert. The employee described how they are often confronted with incomprehension: "As if they did not understand"⁵⁰⁹.

⁵⁰⁴ Employee 2 2017, 3:45. Orig.: „Entonces la gama es grande. Lo que pasa es se ve poco.”

⁵⁰⁵ Millaman/Hale 2016, 147.

⁵⁰⁶ Millaman/Hale 2016, 148.

⁵⁰⁷ Employee 2 2017, 1:23. Orig.: „Dicen ‘regálame no se cuanto superficie’ no puedes porque no es tuya. Que les regalas árboles, no puedes porque no son tuyos”.

⁵⁰⁸ Employee 2 2017: 9:30. "That almost all walks have this river and in summer they are full of dust. Then my house gets dusty. Then the dust problem. That's the two problems always: the road and the water. ... With the traffic of the trucks ... all this pure dust, a lot of dust in suspension. So that's annoying. [...] But there are also other people who see that the public road is like this, very good, but the access to my house is very bad. So they want you to fix the road to their house as well. That sometimes has nothing to do with your thing but good. It is a recurring request." Orig.: "Que casi todos los caminos tienen este ripio y en verano se llenan de polvo. Entonces mi casa se llena de polvo. Entonces el problema de polvo. Eso son los dos problemas siempre: el camino y el agua. [...] Con el tránsito de los camiones [...] todo esto puro polvo, mucho polvo en suspensión. Entonces eso molesta. [...] Pero también hay otras personas, que ven que el camino público está así, muy bueno, pero el acceso a mi casa está muy malo. Entonces ellos, es que tu les arregles también el camino que va a su casa. Que a veces no tiene nada que ver con lo tuyo pero bueno. Es una petición recurrente."

⁵⁰⁹ Employee 2 2017, 1:23. Orig.: "Y allí como que no entienden".



Mapuches' willingness to talk and cooperate would vary greatly, ranging from dialogue to "dialogue where there is no dialogue"⁵¹⁰. Conversations with some communities are "VERY difficult, super complex"⁵¹¹. During some of their visits, community members are angry about the years of disruption caused by the forestry industry. Sometimes the employee is shouted at, insulted, or threatened with physical violence if they do not agree to sign certain concessions⁵¹². With others there have been "warm and super constructive dialogues"⁵¹³. Especially the first meetings, however, are almost exclusively characterized by confrontation, the lack of trust is clearly noticeable. It usually takes some meetings until the emotions have calmed down and real conversations are possible⁵¹⁴.

Here the interviewed employee emphasized the importance of remaining persistent and calm to show that the companies are serious about their intention to enter into a new kind of interaction with the communities. In order to build trust with the community members, they tried to send the same employees to the same families in their forestry company⁵¹⁵. They would also pay attention to a special tone in the language, "a little softer"⁵¹⁶. That worked relatively well⁵¹⁷. Nevertheless, the interviewed employee expressed their discomfort with the situation that they often have to "pay bills that are not theirs" because the anger is actually directed at the misconduct of the first generation of foresters.

The continued rejection despite the change in corporate values described above fits in with the Hale and Millaman (2016) research team's observation that some Mapuche have been unaware of a new attitude in forest companies, have not seen any difference in their own situation since FSC certification, and that the majority of Mapuche still primarily want forest companies to leave their environment: "'The communities however, despite appreciating certain changes, do not pay them much attention and do not drop the age-old desire that they 'go away'"⁵¹⁸.

⁵¹⁰ Employee 2 2017, 0:55. Orig.: "dialogo donde no hay dialogo".

⁵¹¹ Employee 2 2017, 1:50. Orig.: „Hay comunidades con las que es MUY dificil conversar, super complejo".

⁵¹² Employee 2 2017: 0:00.

⁵¹³ Employee 2 2017, 0:55. Orig.: "dialogos muy cordiales y super constructivo".

⁵¹⁴ Employee 2 2017, 2:23.

⁵¹⁵ Employee 2 2017. 4:53. "Nosotros hemos tratado mantener como las mismas caras. Siempre, siempre hablan con las mismas personas."

⁵¹⁶ Employee 2 2017, 4:53. Orig.: "Y tratamos también de manejar un cierto como lenguaje, un cierto trato que sea como mas suavesito, un tono mas suave. Eso nos ha funcionado mas o menos bien. Pero las primeras acercamientos no, no son faciles. Aquí hay mucha confianza rota, por años".

⁵¹⁷ This change of attitude towards a special forestry company was impressively revealed to me during the visit of a Mapuche family, during which I accompanied the interviewed employees, who welcomed us openly and friendly. Later I learned that the first meetings with this family were also characterized by confrontation. "But the first meetings with them were tough. It was pure confrontation. It is this ,YOU, WE, you destroy, you don't respect me', everything, I don't know what, because of you". So, the first meetings are - always - a stroke exchange". Orig.: "Pero las primeras reuniones con ellos fueran a punta piedraso. Fora a pura combo. Es que USTEDES, NOSOTROS, que tu destruyes, que no me repetas, que no se que, 'que por tu culpa. O sea las primeras reuniones - siempre - son a golpe" (Employee 2 2017, 4:32).

⁵¹⁸ Millaman/Hale 2016, 144.



Another challenge in the communication and relationship of Mapuche communities and forest companies are traditional gender roles, according to the interviewed employee. Some Mapuche would not negotiate with women, which is problematic because there are more women than men working in their team.

The restructuring of the internal organization and the resulting changes in the relationship with the communities are considered by the research team to be sustainable in the long term, at least as long as the companies remain within the FSC certification system. The research team concedes a special contribution to FSC: "In social terms [...] the FSC standard clearly stands out"⁵¹⁹. FSC certification is becoming a potential regulatory authority here, which the state has not been able to fill out consistently to date. FSC does not aim at a solution around the original conflict object "land" and to a lesser extent around "environmental impacts". Instead, it attempts to improve the social relationship between the two conflict parties and their representatives through a changed communication strategy and cooperation projects. The aim is to improve the social dimension of sustainability without fundamentally changing the ecological and/or legal causes of the failed relationships. In doing so, it takes the relationship as the "object" of its efforts.

5.3.3 Influences of the FSC on the territorial conflict

Between 2013 and 2016, 19 official complaints about FSC-certified forestry operations in Chile were registered with FSC-International. A large part of them came from the indigenous population and referred to the violation of the third FSC principle, thus the right to land and natural resources. Millaman and Hale (2016) agree that a violation of the third principle is present, stating clearly that in Chile, areas of FSC-certified plantations overlap with land on which Mapuche are entitled under both positive and customary law.

Firstly, some of this land is land of the former reduction areas, for which Mapuche have received property rights from the state as *Títulos de Merced* (in the south also *Títulos de Comisario*), or which they later received in the course of the land reform under Salvador Allende, and which was gradually taken away from them⁵²⁰. The area of overlap is difficult to quantify exactly, but there is an overlap between the areas formerly recognized by the state as Indian lands and the areas currently occupied by the timber plantations, which Millaman and Hale (2016) name as "significant portion"⁵²¹.

The question is how the land was transferred from the Mapuche ownership to the forest enterprises. This occurred amongst other processes through the division of the common land from 1930, so that land "through purchase, fraud and other poorly documented - or, based on the archive files, hitherto untraceable

⁵¹⁹ Ibid, 145.

⁵²⁰ Ibid, 167; Lomoth 2007, 165.

⁵²¹ Millaman/Hale 2016, 167.



- processes"⁵²² became the property of Chilean private individuals, and ultimately passed to Chilean and transnational companies.

Inconsistencies in the original allocation of the *Títulos de Merced* also led to Mapuches' loss of land. Land that Mapuche had received in the agrarian reform under Allende was often lost in the course of the counter-reform under Pinochet because they had not received binding land titles in the first place. In addition, Mapuche land was sold, sometimes under pressure or as settlement of debts. Some Chileans unofficially occupied land within the reduction areas, which they received as private property in the process of dividing up the communal land. In the course of time, some of these private individuals gave the land to forestry companies⁵²³.

Secondly, FSC-certified plantations are located on land traditionally inhabited by Mapuche, for which they have never been recognized by the state as official property. According to the ILO 169 Convention, and thus also according to FSC standards, this ancestral land would have to be recognized as indigenous property by the state and companies. Here, too, it is difficult to quantify the areas exactly, due to the vagueness of the geographical boundaries of the formerly inhabited areas, as well as the question of the timing of "traditional". However, the research team of Millaman and Hale (2016) as well as Lomoth (2007) believe that this area, which Mapuche are thus entitled to under customary law, far exceeds the area for which Mapuche had received land titles at some point in history⁵²⁴. One example is the municipality of Mañiuko, where Mapuche communities today account for only 32 percent of the total traditionally inhabited area, while 44 percent is in the hands of private individuals and 24 percent is owned by forest companies⁵²⁵.

In a recent publication, "Centralized National Risk Assessment for Chile" (2018), FSC International recognizes that land currently used for forestry through plantations, especially in the Bío Bío, Araucanía and Los Ríos regions, overlaps with land for which Mapuche have land titles⁵²⁶. In most of these cases, however, Mapuche customary law is not recognized by the Chilean state as a legal right, so there is no direct evidence of non-compliance. Nevertheless, in some cases where there is an overlap, caution should be exercised due to the "importance of Mapuche with regard to the FSC International"⁵²⁷. It is based on Legislative Decree 701 and Act 20.283, which addresses forest restoration of native forests and forest development⁵²⁸.

⁵²² Ibid.

⁵²³ Ibid, 166.

⁵²⁴ Ibid, 168; Lomoth 2007, 165.

⁵²⁵ Millaman/Hale 2016, 180.

⁵²⁶ Brown, 7.

⁵²⁷ Brown, 7.

⁵²⁸ Ibid.



Thirdly, there are areas of land for which Mapuche have never obtained state-recognized property rights, but which they traditionally use (for gathering, hunting, grazing, or firewood) and which can be of great cultural importance to them (for example, through burial mounds or places of spiritual ceremony).

"The legal fragmentation of the environment becomes a source of conflict, with the environment becoming the private and fenced-off property of forestry companies, old farmland and ceremonial landscapes being replaced by monocultures, and in many cases all access to the newly created landscape being denied. A locally - partly communally - used and culturally perceived environment thus becomes private property of a globally oriented forestry, guaranteed by the state"⁵²⁹.

In summary, it can thus be said that some monoculture plantations cover land traditionally inhabited by Mapuche, places of special cultural importance for the indigenous population, and land for which Mapuche once received *Títulos de Merced* from the state and from which they were subsequently expropriated again⁵³⁰. For each of the four communities studied by Millaman and Hale (2016), such an overlap of certified plantations with indigenous land and thus a violation of the third FSC principle was found. The *Lof mapu Reñico/Licura* in the province of Malleco in the Araucanía region, for example, now has 2,304 hectares owned by Mapuche communities, although 9,043 hectares were once traditionally inhabited by Mapuche. About half of the land stems from *Títulos de Merced* (1,189), while the other half was given to the Mapuche through CONADI (1,115 hectares). On the other hand, the area of the FSC certified forest plantations amounts to more than 3,112 hectares (Hale and Millaman 2016: 170). Similarly, in Temulemu, in the Traiguén district of the same province, the *Bosques Cautín* forestry company owns 479 hectares of forest plantations, which traditionally includes Mapuche territory.

Thus, Millaman and Hale (2016) summarize:

"In this context it is impossible to understand how the FSC can have certified the forestry plantations of companies who established their patrimony over these lands, and who to the present day maintain conflicts with the communities that claim them"⁵³¹.

Due to this clear discrepancy between the claim of the FSC standards and the reality on the ground, the question arises how certification could have been achieved despite non-compliance with the standards.

⁵²⁹ Lomoth 2007, 165.

⁵³⁰ Millaman/Hale 2016, 170.

⁵³¹ Millaman/Hale 2016, 171.



5.4 Causes of the discrepancy between claim and reality

The causes for a discrepancy between claim and reality are manifold and can be found, among other things, in the abilities and behavior of individuals in the certification bodies, their will based on the financial functional logic of the FSC and the imbalance of power in the pre-existing field of conflict, which is reflected to some extent in the institutions and processes of FSC. Like the research team around Millaman and Hale (2016), FSC-Watch also attests deficiencies in the implementation of the FSC standards, which are mainly based on the internal structures of the FSC. In their view, these were known for a long time, but have not yet been effectively addressed by the FSC management bodies. They see the cause primarily in the unconsciousness of the managers at FSC, who have not critically dealt with the deficiencies and complaints. "We feel that unless drastic action is taken, the FSC is doomed to failure"⁵³². The FSC management also officially recognizes the need for further development of FSC. Thus, the General Director of FSC International stated in the Global Strategic Plan for 2015-2020:

"While certification has proven itself as a powerful tool for change, twenty years of experience has shown us that we need to continue improving certification and consider what other tools can be complementary to it"⁵³³.

5.4.1 *Behaviour of the auditors*

As a result of the in-depth investigation by Millaman and Hale (2016), it was found that the individual inspectors of the certification bodies do not always adhere to the exact control requirements according to the FSC standards. This is particularly critical in the review of the third principle, for which they often base their assessment exclusively on positive law with regard to ownership. As long as the forest enterprise can show its legal ownership rights on the basis of a currently valid title deed, the auditors generally consider the third standard to be fulfilled. The anchoring of the customary law of the indigenous population in the third principle of FSC-Chile is usually ignored. If a deed of ownership is available from the company, they usually consequently consider territorial claims on these lands by Mapuche communities as illegitimate and their occupations as a criminal act, which Millaman and Hale (2016) classify as a very "narrow and literal"⁵³⁴ interpretation of the third principle.

One reason for this behavior, according to Millaman and Hale (2016), is that the majority of the examiners are not trained in indigenous law, but, with the exception of a few anthropologists, come primarily from

⁵³² FSC-Watch.

⁵³³ FSC 2015b, 3. Kim Carstensen, Director General FSC.

⁵³⁴ Millaman/Hale 2016, 155.



technical forestry and environmental science disciplines. Thus, similar to the interviewed representatives of the forestry companies themselves, they are not very willing to critically examine the historical development of the current ownership situation and the associated expropriations and accept current ownership rights without question⁵³⁵. Similarly, Venegas (2015) identified the lack of qualification and competence of the certification bodies as the main reason for rule violations, as well as the internal organization of the certification bodies and a lack of controls. Furthermore, the complexity of the inspection process and the limited time available may contribute to a lack of accuracy if on-site inspections⁵³⁶.

However, it must also be taken into account that this individual behaviour takes place within certain framework conditions. Piketty et al. (2019) criticize that many indicators leave too much room for leeway for certification bodies. This would lead to a situation where the same situation of a forestry enterprise would be assessed as "in compliance" by one auditor and "not in compliance" by another. According to their analysis, this is due to the fact that the indicators are often either too comprehensive in terms of content and thus exceed the expertise of the auditors, exceed the sphere of influence of the companies and thus also the access possibilities of the auditors, or are simply too open and vaguely formulated and can therefore be interpreted very freely regarding their compliance⁵³⁷.

5.4.2 Financial dependence of certification bodies and forestry companies

On the other hand, the discrepancy found between standards and reality could also be due to a certain dependence between certification bodies and forest enterprises. A certain dependence of the two entities results from the fact that the certification bodies are fully paid for by the forest enterprises. Due to the fee that each forest enterprise pays to FSC through the certification bodies, it can be assumed that FSC has an interest in the highest possible number of enterprises and forest areas being certified. The financing of the FSC, which is largely provided by the certification bodies in the form of an accreditation fee and an examination fee for the costs of accreditation, leads here again to a mixture of interests, which may prevent strict control and consistent sanctioning of the certifying bodies by ASI⁵³⁸. Millaman and Hale (2016) suspect that

⁵³⁵ Ibid, 151, 155.

⁵³⁶ Piketty/Garcia-Drigo/Romero et al. 2019, 1.

⁵³⁷ Ibid, 2.

⁵³⁸ According to an article by FSC-Watch, in 2006 FSC suspended a certification body for only the second time since its then thirteen-year existence. It was the comparatively small certification body from Switzerland, Institute for Market Ecology (IMÖ), which was active in Chile. As a result, 440,000 hectares (mainly eucalyptus plantations) in Chile lost their FSC certificate. While FSC-Watch welcomes the fact that FSC welcomes its certification bodies, it is criticized that the reasons for the suspension of precisely this certification body were not made sufficiently clear publicly by the FSC Secretariat (FSC-Watch 2006).



some auditors of certification bodies do not control the standards strictly due to this financial dependence: "The audit process rewards mediocrity; if you are too demanding, the company does not pay"⁵³⁹, a representative of a forestry company reported in an interview. In a pamphlet entitled "Schwarzbuch FSC" (2012), Elster criticized the functional logic of the FSC system as a "trade in indulgences"⁵⁴⁰ by pointing out, among other things, the costs that FSC incurs when forestry companies apply to FSC for additional pesticides for approval⁵⁴¹.

In a statement, FSC Germany responded to this accusation by stating that the functional logic is also present in organic seals for food or car tests for automobiles. Candidates for certification would also pay the certification body for the testing and awarding process in these other certification systems. The payment is independent of the result⁵⁴². FSC-Watch, however, confirmed that the system logic could negatively affect the strictness of the certification bodies: "This is the conflict at the heart of the FSC system. FSC's certifying bodies are paid by the companies that want to get certified. The certifying bodies do not want to get the reputation for being too "difficult", otherwise they will not be hired in the future."⁵⁴³

Since in most cases the forestry companies will probably have little interest in giving land to the Mapuche population, it is obvious that the certification bodies will be reluctant to demand land restitution. Millaman and Hale (2016) also observed public reluctance to complain about non-compliance, presumably because of the power gap that characterizes the entire conflict: "Open opposition to the companies could lead to incarceration or other forms of retaliation"⁵⁴⁴.

As a result, plantations on controversial land in Chile are FSC-certified despite the fact that the third principle is not fulfilled. Therefore, Millaman and Hale (2016) conclude:

"It can be confirmed that once the companies had entered the FSC system, they underwent significant transformations both in terms of internal organization and relations with their surroundings. In this narrow sense, it could be concluded that FSC certification had a positive effect. More generally we conclude that certification as it operates today in Chile is a complete failure, which only serves to fuel the conflict: it does not address or deal with the fundamental issue and, worse still, it promotes the perception of those who do confront this issue as complicit in actions considered not only illegal, but often criminal. [...] the FSC standard focuses attention on customary rights to territory but leaves plenty of room for auditors to neglect this requirement, generating systematic disregard for the problem"⁵⁴⁵.

⁵³⁹ Millaman/Hale 2016, 155.

⁵⁴⁰ Elster 2012, 25.

⁵⁴¹ Ibid, 32.

⁵⁴² FSC Deutschland 16.01.2013.

⁵⁴³ FSC-Watch 2018.

⁵⁴⁴ Millaman/Hale 2016, 155.

⁵⁴⁵ Millaman/Hale 2016, 181.



5.4.3 Assurance Service International (ASI)

The question arises why this violation of FSC standards by forestry companies and certification bodies alike is not regulated by FSC International and results in the withdrawal of certificates. In this context, a closer look should be taken at Accreditation Service International, ASI, which as the accreditation body of FSC is responsible for reviewing the work of the certification bodies. Deficiencies in the consistent control of the standards by the certification bodies should be recognized by ASI and lead to consequences. FSC advertises on its website that it is the only global forest certification system that has an “integrated accreditation programme that systematically checks its certification bodies”⁵⁴⁶. However, this systematic procedure does not meet the international standards of a certification system that the International Standards Organization (ISO) has defined as “good practice”. Accordingly, an accreditation body (in ISO standard 17011:2004) would have to be independent of the standard setting organization. However, ASI is by no means independent of the FSC, but is a wholly owned subsidiary of the FSC⁵⁴⁷.

This means that both the setting of standards and the monitoring of compliance with them are equally controlled by FSC and there is no consistent separation of powers, but rather the executive branch controls all areas. This enables the FSC to potentially exert a high degree of influence on the granting or withdrawal of FSC certificates⁵⁴⁸.

In 2019, Piketty et al. (2019) criticized that ASI does not systematically record non-compliance with standards and track their causes⁵⁴⁹. Due to the dissatisfaction and complaints of parts of the Chilean population regarding the behaviour of FSC-certified forestry companies, Assurance Service International (ASI) conducted numerous “witness and compliance assessments” of the Chilean certification bodies. Andrés Venegas, forest engineer and former executive director of FSC-Chile, was commissioned by ASI to conduct a study on the impact of the resulting increased use of ASI in Chile⁵⁵⁰. On the one hand, the processes of certification in forest management and on the other hand the behaviour of the certified forest companies themselves were examined. To this end, Venegas examined audit statements from Chilean FSC certification bodies from 2000 to 2015, ‘compliance and witness reports’ from ASI from 2007 to 2014, and documented complaints from Chilean stakeholders from 2012 to 2014. Stakeholder complaints that the certification bodies’ reports on the certification processes in Chile were deficient in quality and accessibility. In 2016, Millaman and Hale criti-

⁵⁴⁶ FSC.

⁵⁴⁷ This also means that the FSC cannot be a member of the International Accreditation Forum, IAF (Elster 2012, 25).

⁵⁴⁸ According to Elster(2012), this also entails that the FSC cannot be a member of the International Accreditation Forum, IAF (Elster 2012: 25).

⁵⁴⁹ Piketty/Garcia-Drigo/Romero et al. 2019, 3.

⁵⁵⁰ ASI 2015.



cized that FSC-International had hardly responded to the stakeholder complaints, but also to the report of ASI (2015) ""Why is there so little response from the FSC to failures identified by a study commissioned by ASI itself?"⁵⁵¹).

FSC-Watch speaks of an improvement in the review of certification bodies by ASI in recent years. However, it is problematic that findings of incorrectly issued certificates (so-called Observations, Major or Minor Corrective Action Requests) have hardly been followed by action, which is why FSC-Watch speaks of "'toothless' monitoring"⁵⁵². In contrast, the Venegas Report of 2015 found that certification bodies were allocating higher budgets for audit days due to the increased attention and control of ASI. This would imply more intensive monitoring of forest companies and more time for stakeholder participation. However, it also increases the costs of the examination process for the certificate candidates. The increased presence of ASI in Chile also correlates with a higher number (increase by 77%) of nonconformities of forest companies released by certification bodies. The penalties for non-compliance have also increased, including suspensions of auditors, corrections of reports and databases, changes in management, training, new stakeholder consultation processes and improvement of control processes⁵⁵³.

Accordingly, improvements in the review processes can be observed, although the concrete consequences on the ground are unclear.

5.4.4 Relationship between FSC-Chile and FSC-International

The relationship between FSC International and FSC-Chile also contributes to the lack of responsibility of FSC-Chile in the conflict area. Since the largest part of the budget of FSC-Chile (63%) comes from the international umbrella organization and this requires a certain degree of agreement at the global level, the decision-making hierarchy usually runs from the international to the national level. As a result, in Chile, responsibility - even for the local Mapuche conflict - is often handed over 'upwards'. This is illustrated by the fact that a complaint about the functioning of the FSC in Chile is sent directly to FSC International, the Conflict Resolution Office in Lima, Peru. So, the question arises as to what scope of action the national FSC organization has within the global FSC system to deal with conflicts with the Mapuche in the Araucanía⁵⁵⁴.

⁵⁵¹ Millaman/Hale 2016, 155.

⁵⁵² FSC-Watch 2008.

⁵⁵³ ASI 2015.

⁵⁵⁴ Millaman/Hale 2016, 159.



5.4.5 Imbalance of chambers in FSC-Chile

While originally co-founded by environmental organizations, the economic actors within the FSC system gained more and more influence over time. Today there is a drastic imbalance between the three chambers in FSC-Chile, with the economic chamber standing out in terms of budget, participation, and publicly perceived influence. The influence of the social and ecological chambers in FSC-Chile is estimated to be much lower. Especially the respective representatives expressed doubts about the sense of their participation⁵⁵⁵. The NGO Mapuexpress.org also speaks of a "loss of balance between the chambers"⁵⁵⁶. These developments towards a disproportionate influence of economic stakeholders, as observed in other national FSC systems, threaten to corrupt the original concerns of the FSC⁵⁵⁷. There are currently twelve people in the environmental chamber at FSC-Chile⁵⁵⁸, fifteen members in the social chamber⁵⁵⁹ and 25 members in the economic chamber⁵⁶⁰.

The dominance of economic interests, which, as described above, can be seen in the allocation of certificates and the review process, is reflected in the balance of power between the FSC chambers. For example, even the FSC secretariat in Chile seems to have little influence on the actors of the economic chamber. The research team describes their relationship as "cordial but superficial"⁵⁶¹, and the secretariat, which had shown itself to be very cooperative for the preparation of the study by Millaman and Hale (2016) has difficulties in obtaining all the information necessary for a comprehensive analysis of the conflicts with the Mapuche communities from the forestry companies, whose representatives however sit in the economic chamber of FSC-Chile. Millaman and Hale (2016) also found "worrying"⁵⁶² how little knowledge the FSC-Chile board had of the conflict with Mapuche communities.

5.4.6 Lack of representation of Mapuche in the social chamber

The problematic situation is certainly related to the under-representation of Mapuche, both in the social chamber and in the board of directors of FSC-Chile. Although the system of the FSC according to Henne (2008), unlike other forest certification systems, is characterized by the most efforts to bring all stakehold-

⁵⁵⁵ Ibid, 157f.

⁵⁵⁶ Mapuexpress.org 01.12.2017.

⁵⁵⁷ Millaman/Hale 2016, 158. See also: Moog, Sandra; Spicer, André; Bohm, Steffen. The Politics Of Multi-Stakeholder Initiatives: The Crisis Of The Forest Stewardship Council. J. Bus. Ethics. 128:469-493. 2015.

⁵⁵⁸ Chile, Forest Stewardship Council® —.

⁵⁵⁹ Ibid.

⁵⁶⁰ Ibid.

⁵⁶¹ Millaman/Hale 2016, 158.

⁵⁶² Ibid.



ers together⁵⁶³. The lack of Mapuche representation in the social chamber is related to the fact that there is little knowledge within the FSC about the Mapuche way of life and conflicts, which suggests a "huge gap in understanding and response to the conflict"⁵⁶⁴. According to Millaman and Hale (2016), the non-integration of Mapuche concepts such as the Lof mapu on the part of FSC-Chile and the accreditors is one of the most important reasons for the discrepancy between the FSC's claim and the situation on the ground⁵⁶⁵. The lack of Mapuche participation is explained by a lack of awareness of the FSC among them and a great mistrust: "the Mapuche know very little about the FSC, and what they do know, they do not trust"⁵⁶⁶.

5.5 Analysis and summary: FSC in the field of conflict between Mapuche and the forest industry

With its introduction in Chile, the FSC has not entered neutral territory, but rather a complex area of conflict, mainly between the Mapuche, the state, and the forestry companies, and whose historical roots basically go back to the colonisation of the Wallmapu. In addition to the state, FSC can be understood as a further (potential) regulating conflict actor.

On the one hand, the socio-political conflict is a conflict of interests which revolves around the "conflict objects" firstly of land ownership and use and secondly the negative impacts of the forest plantations on the living conditions of Mapuche communities. On the other hand, it is a conflict of values based on seemingly irreconcilable world views of the conflict actors regarding the human-nature relationship.

With the establishment of FSC in Chile, environmental organisations and other organisations hoped to reduce the environmental destruction caused by the forest companies and their expansive monoculture plantations, thus curbing the negative impacts on the (indigenous) communities, the second conflict issue. The standards of FSC-Chile sound promising, besides the environmental aspects especially regarding the recognition of indigenous customary rights such as some rights to land, natural resources, and the protection of holy religious sites. This could be expected to have a positive impact on the area of conflict between Mapuche and forest companies, by resolving or regulating the issues of land ownership or use and environmental impacts. These are the cause and core of the conflict and the content of the FSC standards.

The entry of the FSC into the existing field of conflict results in changes which have advantages and disadvantages for Mapuche. Advantages arise for individual Mapuche and communities as a result of the described cooperation projects and measures to restore natural resources such as water supply. It should be

⁵⁶³ Henne 2008, 15.

⁵⁶⁴ Millaman/Hale 2016, 158.

⁵⁶⁵ Ibid, 22.

⁵⁶⁶ Ibid, 158.



noted that the forestry companies are thus making an ecological or economic contribution, which had only become necessary partly due to their prior behavior. The cooperation projects range from paternalistic approaches of "generous gifts" from the forestry companies to support in building up independent businesses by Mapuche.

Combined with the efforts of the forestry companies to improve relations with the neighbouring (Mapuche) communities - which vary in strength depending on the company and region - a change in values is taking place within the companies, initiated through FSC. Officially, forest companies increasingly orient themselves towards sustainability and respect for indigenous rights. It remains unclear to what extent the change in values is represented and internally uptaken by the individual persons within the companies. The only thing that is certain is that, despite official guidelines based on FSC standards, there are also wide divergences within the companies, ranging from traditional racism against Mapuche to euphoric enthusiasm for indigenous culture and worldview.

Regarding the conflict of land ownership, FSC certification strengthens the causes of the conflict. While the FSC can hardly be expected to solve a 350-year-old dispute over land, compliance with the standards it has set itself should certainly be expected. The non-certification of forestry companies operating on land traditionally inhabited by Mapuche could, due to the great market power of FSC, put considerable pressure on the companies to transfer the respective land or parts of it to Mapuche or at least to sell it to the CONADI at reasonable prices and thus make a real contribution to solving the violent territorial conflict. This potential power to contribute to a solution to the territorial conflict from outside in favour of the Mapuche has not yet been fulfilled by the FSC. By ignoring the customary rights of the Mapuche in the issuing of certificates, the certification bodies are acting contrary to the FSC standards. In doing so, they not only make a mockery of the standards themselves, they also legitimise the violation of international indigenous law, which became legally binding at national level with the ratification of ILO-169 by Chile in 2008. In this way, they rather consolidate the current land ownership situation and the power structures associated with it. In terms of conflict analysis, the FSC-accredited certification bodies lead to an increased perception of legitimacy of forest enterprises and their ownership rights under positive law and to a reduced legitimacy of Mapuche land reclaims, which further increases the imbalance of power between the two conflict actors. It is important to state clearly in this respect: The FSC does not keep its promises.

At the same time, a slight shift in power was observed in favour of the Mapuche through FSC certification of Chilean forest companies, who now have a "target state" of forestry geared to comprehensive sustainability standards and an international authority to which they can complain in the event of violations of human rights or environmental standards. In individual cases, FSC-International has shown quite a high level of



authority and influence on individual Chilean forestry companies in response to such complaints (e.g. the racism case). The extent to which this may represent a way for Mapuche to enforce their rights against the forest companies in the future remains open.

However, the above remarks show that FSC and its standards will only be able to fulfil their effect in the future in favour of sustainable forest management and the protection of indigenous rights if there are changes in the structures of FSC and in the actions of the certification bodies. This requires a balance of power between the three FSC chambers, for example in terms of the size of their membership, and an end to the relationship of dependence between the certification bodies and the companies through independent financing. Only under such circumstances does it seem realistic that the FSC will be able to fulfil its certainly high potential power as a regulating actor in the conflict between Mapuche and forestry in Chile in the direction of conflict resolution through greater sustainability in all its dimensions.

However, due to the deeply entrenched hostility of Mapuche communities and forestry companies in some places, the most sensible way of resolving the conflict may be to return land to the communities in order to resolve the conflict at its root, the original land expropriation. This can enable communities to develop in a self-determined way and at the same time regenerate the natural landscape and resources.

5.6 Recommendations for action

Based on the analysed reasons for the discrepancy between the FSC standards and the situation on site, I support the following recommendations for action by Millaman and Hale (2016).

5.6.1 No FSC certificate for land in land dispute until a solution is found

In the final recommendations, Millaman and Hale (2016), under "key recommendation", demand that no more plantations in Chile shall be certified with FSC if they are under territorial claims by Mapuche or other indigenous groups and if they are entitled to the land under customary law. FSC certification should only be possible once a solution or compromise has been found to the land dispute that the claimants consider satisfactory. At the same time, all previous certificates on plantations under Mapuche territorial claims are to be suspended for the time being until a solution to the conflict has been found. A broad-based study would be required to identify the overlapping plots⁵⁶⁷.

⁵⁶⁷ Millaman/Hale 2016, 187.



The FSC should not be expected to evaluate the legitimacy of a land reclamation, but rather to adhere to its own standards, which would send out an important signal for the recognition of indigenous rights, especially with the third principle. Rights that are partly also enshrined in Chilean law, but which are not always respected by the state itself in practice⁵⁶⁸. Similarly, Seguel (2002) urges forest companies to assume responsibility in the territorial conflict, since timber production cannot be viewed independently of land expropriation and human rights violations against the Mapuche:

"It is not only about the type of wood. On the contrary, this product also includes all the attacks against the rural communities, the full weight of a history of oppression and repression, along with the entire politics of colonization, assimilation and negation that the Mapuche people are confronted with on the part of the Chilean state and multinational companies"⁵⁶⁹.

Only in this way can the FSC gain credibility in the area of indigenous rights in Chile and build trust among the Mapuche population⁵⁷⁰.

5.6.2 Increased representation of indigenous peoples in FSC

The approach of the FSC in Chile indicates that the sustainability dimensions of ecology, economy, and social affairs are viewed relatively separately and ignore their close interrelationship. Millaman and Hale (2016) propose to establish a fourth chamber for indigenous representatives in the FSC system in Chile. This would lead to an extension of the tripartite sustainability concept of FSC and, given the fundamental impact of value dimension in the conflict, would be an important representation of the Mapuche perspective and a further step in the recognition of cultural diversity. The PIPC, Permanent Indigenous Peoples Committee, founded by FSC in 2011, is a sensible step following Millaman and Hale (2016), but it still fulfils a purely consultative function and should be given more decision-making rights in the future.

6 Critique of methods

With the interlocutors from Chile quite different perspectives were represented - environmental activism, traditional medicine, politics in the indigenous ministry, university research, and the sustainability department of a forestry company. The statements about culture and world view were taken from the self-made documentary film 'Mapuche in Chile'. Of course, these are individual perspectives which certainly reflect the

⁵⁶⁸ Ibid, 182.

⁵⁶⁹ Seguel 2002.

⁵⁷⁰ Millaman/Hale 2016, 182f.



views of the respective groups to some extent, but are also characterized by personal experiences and opinions.

In view of the scope of the bachelor thesis, a more comprehensive survey, e.g. interviewing several persons of one group to increase the representativeness of the statements, was not possible. However, it should be considered that these are persons of high social standing and meaningfulness. For example, a machi is usually a recognized personality in the communities and, as a person directly affected, is a local "expert" so to speak; the politician interviewed, Alberto Pizarro, as former head of the indigenous ministry CONADI, held an influential position in the conflict area and, in addition to his political viewpoint as a studied agricultural economist, brings expertise in forestry; the environmental activist interviewed is both a Mapuche, as an actor affected by the conflict, and is intensively involved in the issue. The employee of the forestry company, in turn, has a key position on the company's side within the conflict over sustainable forestry as a representative for sustainability and FSC certification, and has first-hand information about the contact between the forestry company and Mapuche families.

It could be criticized that the interviewed employee does not work in the Araucanía, where the conflict is usually most acute, but in a region further south. Therefore, their work is less determined by territorial demands, unlike in the communities explored in the study by Millaman and Hale (2016). Since the exact research question only emerged after the trip to Chile, the questions in the interviews are in most cases not directly related to the role of FSC, but rather to the area of conflict between Mapuche and forest companies in general.

7 Conclusion and outlook

The FSC certification has advantages and disadvantages for the situation of Mapuche and for the solution of the conflict between the forest companies and Mapuches. According to this study, the most important influences of the FSC on the local area of conflict are: First, a change in values in the companies through the FSC standards towards sustainability which also includes a strict recognition of indigenous rights. Secondly, to a certain extent an institutionalization of the conflict relationship, internally through administrative-structural changes in the companies and externally through FSC International as a (partly effective) control authority, for example against racism. Together these two points have enabled the establishment of cooperation projects and improvements in the social relationship between forest companies and some Mapuche families and communities. However, only a small percentage of Mapuche who are affected by the impacts of the forest industry in Chile benefit from such cooperation. Thirdly, and most importantly, the FSC



label legitimizes industrial forestry on land to which Mapuche would be legally entitled to according to FSC standards and national and international law, as well as a forest model of monocultures, which contradicts the traditional Mapuche understanding of a healthy nature. In this respect, FSC in its current mode of operation appears to be more of a dead end in effective conflict management.

However, ongoing social tensions as well as the increasing drought caused by climate change are urgently calling for a reorientation of the land use in central and southern Chile. Little et al. (2009), for example, suggest finding a better balance between land use types such as forest plantations, agriculture, pastureland, native forest and other forms of use. This would be necessary to increase lost water resources and to ensure the long-term supply of the entire population with natural resources such as water and fertile soil⁵⁷¹. Given the historical responsibility of the state and corporations in the violent displacement and expropriation of the indigenous population and the explosive nature of the conflict⁵⁷², it also seems urgent that such solutions be based on self-determination of Mapuche. Article 3 of the UN Declaration on the Protection of the Rights of Indigenous Peoples stipulates the right to self-determination of their economic, social, and cultural development⁵⁷³.

The example of the community of Juana Millahual, Lago LLeu lleu in the province of Arauco, which made the landscape regenerate after the local forestry company withdrew, is inspiring for this. Since the departure of the forestry enterprise, the water resources have recovered, mixed forest has grown, and agricultural use is possible again. The Mapuche community produces most of its own food and has reintroduced collective land ownership for communal cultivation. The community representative Ñancupil emphasized that the process must start from the community, "step by step"⁵⁷⁴.

At the moment, the government tries to expand the forest plantations, and considers the possibility of using genetically modified eucalyptus and pine trees which are cold-resistant, to extend forest production to other regions of the country⁵⁷⁵. The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) published a report in 2019 that stated the drastic loss of biodiversity worldwide and warned of

⁵⁷¹ Little/Lara/McPhee et al. 2009, 169 According to the researchers, this is also necessary for the continued existence of forestry and agriculture.

⁵⁷² but also the paternalistic indigenous policy, which, for example, by providing aid in the absence of regulation of transnational companies, is based more on stabilizing an imbalance of power and increasing dependencies.

⁵⁷³ United Nations, Art. 3.

⁵⁷⁴ Resumen.cl 2014, 31:30. Ñancupil.

⁵⁷⁵ The Unión Internacional de Organizaciones de Investigación Forestal (IUFRO) organized a conference in Bío Bío in June 2017 on new genetic engineering options in forestry. Some environmental NGOs oppose the introduction of GMO trees in Chile heavily (World Rainforest Movement).



the associated dangers for humanity, including food security and water supply. Notably, the report highlighted that indigenous and local communities tend to contribute to an increase in biodiversity⁵⁷⁶.

8 Conclusión y perspectiva (en español)

La certificación del FSC tiene ventajas y desventajas para la situación de los mapuches y para la solución del conflicto entre las empresas forestales y los mapuches. Según este estudio, las influencias más importantes del FSC en el área local de conflicto son: En primer lugar, un cambio de valores en las empresas a través de los estándares del FSC hacia la sostenibilidad, que también incluye un estricto reconocimiento de los derechos indígenas. En segundo lugar, hasta cierto punto una institucionalización de la relación de conflicto, internamente a través de cambios administrativos-estructurales en las empresas y externamente a través del FSC Internacional como una autoridad de control (parcialmente efectiva), por ejemplo contra el racismo. La conjunción de estos dos puntos ha permitido establecer proyectos de cooperación y mejoras en la relación social entre las empresas forestales y algunas familias y comunidades mapuches. Sin embargo, sólo un pequeño porcentaje de los mapuches afectados por los impactos de la industria forestal en Chile se benefician de dicha cooperación. En tercer lugar, y lo más importante, la etiqueta del FSC legitima la silvicultura industrial en tierras a las que los mapuches tendrían derecho legalmente según las normas del FSC y la legislación nacional e internacional, y un modelo forestal de monocultivos, lo que contradice la concepción tradicional mapuche de una naturaleza saludable. En este sentido, el FSC en su actual modo de funcionamiento parece más bien un callejón sin salida en el manejo efectivo de conflictos.

Sin embargo, las continuas tensiones sociales, así como la creciente sequía causada por el cambio climático, están impulsando urgentemente una reorientación del uso de la tierra en el centro y sur de Chile. Little y otros (2009), por ejemplo, sugieren que se encuentre un mejor equilibrio entre los tipos de uso de la tierra, como las plantaciones forestales, la agricultura, las tierras de pastoreo, el bosque nativo y otras formas de uso. Esto sería necesario para aumentar los recursos hídricos perdidos y asegurar el abastecimiento a largo plazo de toda la población con recursos naturales como el agua y el suelo fértil.

Dada la responsabilidad histórica del Estado y las empresas en el desplazamiento violento y la expropiación de la población indígena y el carácter explosivo del conflicto, también parece urgente que esas soluciones se basen en la autodeterminación de los mapuches. El artículo 3 de la Declaración de las Naciones Unidas sobre la Protección de los Derechos de los Pueblos Indígenas estipula el derecho a la autodeterminación de su desarrollo económico, social y cultural.

⁵⁷⁶ IPBES 2019.



El ejemplo de la comunidad de Juana Millahual, Lago LLeu lleu en la provincia de Arauco, que hizo que el paisaje se regenerara después de que la empresa forestal local se retirara, es inspirador para ello. Desde entonces, los recursos hídricos se han recuperado, el bosque mixto ha crecido y el uso agrícola es posible de nuevo. La comunidad mapuche produce la mayor parte de sus propios alimentos y ha reintroducido la propiedad colectiva de la tierra para el cultivo comunal. El representante de la comunidad Ñancupil enfatiza que el proceso debe comenzar desde la comunidad, "paso a paso". En este momento, el gobierno está tratando de expandir las plantaciones forestales y está considerando la posibilidad de utilizar eucaliptos y pinos genéticamente modificados, que son resistentes al frío, para extender la producción forestal a otras regiones del país. La Plataforma intergubernamental científico-normativa sobre diversidad biológica y servicios de los ecosistemas (IPBES) publicó en 2019 un informe en el que se afirma la drástica pérdida de biodiversidad en todo el mundo y se advierte de los peligros asociados para la humanidad, incluida la seguridad alimentaria y el abastecimiento de agua. En particular, en el informe se destaca que las comunidades indígenas y locales tienden a contribuir al aumento de la diversidad biológica.



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