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The Impact of Water Privatisation on the Indigenous Mapuche in the South of Chile.

A Qualitative Content Analysis from a Human Rights Perspective

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Abstract

Title: The Impact of Water Privatisation on the Indigenous Mapuche in the South of Chile. A Qualitative Content Analysis from a Human Rights Perspective

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Keywords: Chile, water privatisation, neo-liberalism, indigenous communities, Mapuche, human rights

This study aimed to investigate the impacts of water privatisation on Mapuche communities in the South of Chile. The effects and the resulting demands and actions were examined from a human rights perspective. Guided by the research questions, this study explored the Chilean system of privatised water usage and supply and the neo-liberal economic approach of the country. The study employed Harvey's approach of accumulation by dispossession in combination with other theoretical concepts, namely the concept of resistance and social movement and the concept of empowerment. Journal articles that focussed on the issues were studied, applying thematic content analysis. It was concluded that the privatisation of water and the effects are of high complexity and cannot be separated from the privatisation of land and territory. Among others, loss of water and land rights, legal discrimination, displacement, marginalisation and poverty, loss of cultural identity and collectiveness, and destruction of their natural environment were significant impacts on the Mapuche. The demands of the Mapuche mirror the effects, requesting self-determination, participation and cultural recognition whilst engaging in social movements and activism.

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Abbreviations and Acronyms

CESCR	Committee on Economic, Social and Cultural Rights
CONADI	Corporación Nacional de Desarrollo Indígena (National Corporation for Indigenous Development)
DGA	Dirección General de Aguas (General Water Directorate)
FAO	Food and Agriculture Organisation of the United Nations
FPIC	Free, Prior and Informed Consent
HDR	Human Development Report
IAHRS	Inter-American Human Rights System
IASSW	International Association of Schools of Social Work
ICSW	International Council on Social Welfare
IFSW	International Federation of Social Workers
ILO	International Labour Organisation
IMF	International Monetary Fund
NGO	Non-Governmental Organisation
OHCHR	Office of the High Commissioner for Human Rights
TSM	Territorial Social Movement
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programm
UNDRIP	UN Declaration of the Rights of Indigenous Peoples
WB	World Bank
WHO	World Health Organisation
WTO	World Trade Organization

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1 Introduction

1.1 Context and Area of Study

The assumption that wars and conflicts of water increase, within as well as between states, has been broadly investigated, discussed and agreed upon by numerous researchers and scientists (Artero, 2020; Napadensky & Azocar, 2017; Narain & Singh, 2017; Nincic & Weiss, 2016; Serageldin, 2009). Serageldin claimed already in 1995 that "The wars of this century have been on oil, and the wars of the next century will be on water… unless we change the way we manage water" (Serageldin, 2009). More than 25 years later, this quote still holds both truth and importance. There is no life without water, and thus, it is vital to any civilisation. Nevertheless, the demand for water is rising due to the world population's growth, increasing urbanisation and developing needs in agriculture and industry, according to Nincic and Weiss (2016). Climate change also challenges the supply due to higher temperatures, more need for irrigation, melting glaciers, and shrinking groundwater reserves (Nincic & Weiss, 2016). The demand outgrowing the supply leaves countries and regions with the consequences of water scarcity and water distress (ibid). Serageldin (2009) emphasises how the high demand and the problematic supply with water are followed by conflicts over water between countries and between competing groups within sovereign states (Serageldin, 2009). Prominent examples are the conflicts between Ethiopia, Sudan and Egypt over the consumption rights of the Nil basin (Swain, 2011) or Nestlé's extraction of groundwater. The company clashes with local groups fighting against water scarcity in various countries such as the US, Canada, France (Jaffee & Case, 2018). Of course, the reasons for such conflicts vary, and environmental, demographic and political challenges, as well as ethnic and religious tensions, are influential factors (ibid). The disputes often reflect imbalances in social and power relations, multi-layered historical dimensions, and struggles for political, economic or cultural superiority (Narain & Singh, 2017).

As the number of conflicts grows, it is essential to look into resource management and how water is provided as well distributed for domestic and municipal use, food and agricultural usage, or the energy, forest and general industry (Serageldin, 2009). Governments worldwide are obligated to provide good governance to fulfil their countries needs of water (Nincic & Weiss, 2016). This also includes Chile, which has chosen a unique way of water governance, according to Rothwell (2020), as its water politics are a globally rare example of the free-

market approach. He explains that more than 80% of Chile's water resources are privatised. Private corporations and private persons can freely buy, sell, mortgage or inherit water and are free to define the tariffs (Rothwell, 2020). This free-market approach is possible due to regulations and laws implemented under the military regime of Augusto Pinochet. The Water Code of 1981 made it possible to privatise the water market: the government reinforced private property rights, implemented marked mechanism and cut short on governmental power and regulations (Galaz, 2004).

In the Northern Atacama region of Chile and the Southern Araucanía, there have been confrontations between indigenous communities and the Chilean state and corporations. Rothwell (2009) explains that the multi-layered conflicts arise from conflicts over the use of the precious resource water, mainly used for industry and agriculture and not for the people. Farmers and indigenous communities living in those areas cannot irrigate their fields anymore due to a lack of water rights that would enable them to access water for their private use (Rivera et al., 2016). Or due to hydropower projects claiming their land and access to water sources and forcing them to relocate (ibid). The indigenous peoples' fight for water is closely linked to the battle for land and territories that legally or ancestrally belonged to them (Macpherson, 2019a). It is a continuous struggle for the indigenous communities to gain recognition and obtain the rights to their lands and territories. Laws and legislation do little to support them and favour water to be traded following the free-market approach (Rivera et al., 2016). The expansion of extractive, production and infrastructure projects, the exclusion from water law frameworks (Macpherson, 2019a), and the denied access to ancestral land and resources have severe effects on indigenous communities' living conditions and economic well-being (Skjævestad, 2008).

The indigenous minority in the South of Chile, the Mapuche, for example, faces state repression, discrimination and marginalisation not only in the context of water. The Mapuche experience ethnic discrimination daily, as different studies indicate (Becerra et al., 2015; Merino & Mellor, 2009; Richards & Gardner, 2013). Beccera et al. (2015) describe the ethnic discrimination towards Mapuche high school students in the Araucanía region, while Merino and Mellor (2009) identify racism towards Mapuche on a national level. Both studies single out three or four modes of how Mapuche experience racism and discrimination: verbal, behavioural, institutional and macro-social (ibid). Institutional racism shows through the deprivation of opportunities and discriminatory behaviour in public and private services (Merino & Mellor, 2009). Macro-social racism appears through cultural dominance of the

educational and economic system, precisely the case with the supremacy of the neo-liberal system and the denial of cultural recognition (ibid). Since the colonisation, the Mapuche have been in conflict with the Chilean state, explains Krausova (2019). Nowadays, they fight for more autonomy, redistribution of natural resources, more political participation and recognition of their cultural and social rights (Krausova, 2019; Merino & Mellor, 2009). The Mapuche communities face harassment by the militarized police forces, state repression and arrests of Mapuche leaders. These militarized police actions are backed by an anti-terror law from Pinochet's military regime, applied upon the resistant Mapuche (Krausova, 2019). UN experts condemn the enforcement of the anti-terror law on the Mapuche because it does not guarantee fair trials (OHCHR, 2017). They argue that social movements are not a threat to national security and militarized actions violate the human rights and indigenous rights of the Mapuche (ibid). Carbera Silva (2021) explains that indigenous rights are prominent in human rights law with human rights violations against indigenous gaining media coverage. Nevertheless, the author emphasizes that only certain cases and claims get media attention, but that the battle of self-determination stays unseen (Cabrera Silva, 2021).

Chiles radical way of water privatisation is a prominent example for marked-orientated policies experts have analysed from many different angles. The indigenous Mapuche's claims for more participation and more substantial water rights are not new and discussed in various journals and articles. Nevertheless, my literature review has revealed a lack of literature focusing on the direct consequences of denied access to water through laws, restrictions, and discrimination on the Mapuche people. Hence, this research aims to highlight the impact water privatisation in Chile has on the marginalised Mapuche. It is important to investigate water usage consequences because of the essential significance of human communities' survival, their ecosystems, energy and food production, and their socio-economic growth. Water privatisation, water supply and water distribution in Chile cause many conflicts between different parties, including the government, state forces, multinational corporations, and local and indigenous communities, followed by legal battles or even violent confrontations. Chile's unique system of water privatisation offers a deep insight into economic, political and civil developments. Although the Mapuche might be marginalised, and disadvantaged in a racialized system, they are not a passive and not a homogenous group. I aim to shed light on the efforts taken by different Mapuche communities to establish power and participation in water usage decisions. The human rights perspective is vital to connect, understand and evaluate the discrimination, the economic and social power imbalances and their consequences.

1.2 Aim and Research Questions

The aim of this study is to investigate the impacts of water privatisation on Mapuche communities in the South of Chile. In order to conduct this study, I will examine literature, to explore the effects and the claims the Mapuche make in conjunction with water privatisation, taking into consideration the neo-liberal circumstances in Chile. I will explore the relevant literature, namely journal articles and book chapters, from a human rights perspective. The study targets the impacts of privatisation of natural resources and the actions taken by the Mapuche people to face and oppose discrimination related to water usage and land property rights. For a theoretical understanding, concepts of dispossession, resistance and empowerment are applied to paying particular attention to the consequences of water privatisation on this indigenous group. To carry out this study, I will conduct a content analysis.

The following research questions guide the study:

(1) How does the privatisation of water affect the Mapuche communities in the South of Chile?

(2) What are the demands, and the actions, of the Mapuche communities?

(3) In which ways can this struggle over water supplies be related to human rights principles?

1.3 Relevance to Social Work and Human Rights

In accordance with other scholars, I argue that social work is a human rights profession. Amongst others, Silvia Staub-Bernasconi had a significant impact in establishing a human rights-based approach in social work practice and education. Staub-Bernasconi (2016) states that social work has a triple mandate: first to individuals and clients; second to the society, represented by the state or an agency; and third to the profession itself. The third mandate means that social work has the mandate to work in contexts of political conflict and human rights violations by states or other stakeholders (Staub-Bernasconi, 2016). Vulnerable individuals and groups, e.g. poor or disabled people, discriminated peoples (by their race, religion, gender), migrants, children, to name a few, are often the clients of social work (ibid). According to Staub-Bernasconi (2016), the characteristics of vulnerable groups or individuals are low or no access to public resources, a low standard of life and no influence on the redistribution of national wealth and resources. This definition applies to a certain extent to the situation of the Mapuche communities in Chile, as I will later explain in more detail. I further

argue that access to water – one of the aforementioned public resources - is a human right. It can be argued, that the Mapuche are a minority group and some communities are in vulnerable situations. Social workers' commitment lays towards vulnerable populations. Accordingly, I intend to investigate the complex water situation in Chile and the consequences for the Mapuche communities under the premise of water as a human right. This study is, therefore, a relevant paper within the social work discipline.

All three major social work associations, the International Federation of Social Work (IFSW), the International Association of Schools of Social Work (IASSW) and the International Council on Social Welfare (ICSW) include a human rights perspective in their definitions of social work. The IFSW defines the social work profession as followed:

> Social work is a practice-based profession and an academic discipline that promotes *social change and development*, social cohesion, and the *empowerment* and *liberation* of people. Principles of *social justice, human rights, collective responsibility* and respect for diversities are central to social work. Underpinned by theories of social work, social sciences, humanities and *indigenous knowledge*, social work engages people and structures to address life challenges and enhance wellbeing.
>
> The above definition may be amplified at national and/or regional levels.
> (IFSW, 2014)

The definition is quite abstract, but the IFSW (2014) explains further that promoting social justice and human rights should be motivation and justification for social work. It is important to advocate for all people and to take responsibility for communities and the environment. Furthermore, socio-economic and cultural rights have to be upheld (IFSW, 2014). By analysing the effects of water privatisation on the Mapuche communities and their struggle for recognition and participation, I respond to the calls of social work associations who demand that social work be an academic discipline, recognizing the correlation of socio-economic, cultural and political factors and the need to address them. Neo-liberalism, privatisation, and marked-orientation of water will play a significant role in this study, supporting the idea of social work as an inter- and transdisciplinary discipline acknowledging and including other theories from social pedagogy, psychology, sociology, ecology and economics (IFSW, 2014). The association emphasises that Western views were widely recognised in the past due to colonialism, but indigenous knowledge was neglected. The new definition emphasises the

acknowledgement of indigenous knowledge and the importance of contribution to practice and science (IFSW, 2014). It is essential to implement this also in academic research. As explained in the introduction, there are different social injustice issues and violations of human rights due to water privatisation. The indigenous communities face repression, and their knowledge and expertise are often not heard. Therefore, the investigation of the consequences and the participation of indigenous people in this investigation are relevant for international social work.

Denoso, Valderrma and LaBrenz (2020) conducted a fascinating study in Chile where they analysed the correlation of human rights and social work practice. The study focuses on people who experienced human rights violations by the government either under the military dictatorship or the social movements in 2019 (G. R. Donoso et al., 2020). The authors emphasise that sound knowledge of human rights for students and practitioners is particularly necessary with the rise of anti-immigrant, xenophobic and nationalistic movements in Chile and worldwide (ibid). Social workers are often on the front lines to combat global inequalities and addressing human rights violations. Students have to learn in their studies how to implement and advocate for human rights in their later practice (G. R. Donoso et al., 2020). The authors state that social workers also have to confront human rights violations abroad in a globalised world and have to integrate human rights in their social work research (G. R. Donoso et al., 2020). As I aim to analyse the situation of a marginalised group and also add a human rights perspective to this study, I uphold and adopt the implications of these scholars and contribute to the social work discipline.

1.4 Structure of Report

The structure of this research report is as follows: The introduction includes the area of study, the research aim and question, the study's relevance for social work and human rights, a summary of the conducted research including the methodology as well as limitations of the study. In the following background chapter, I will introduce the reader to the most relevant information about the topic. This involves an overview of Chile's geographic, economic, political and social situation, the significance of water in an international and national context and its relevance to human rights, as well as a description of indigenous peoples and the specific struggles they face in Chile. In the third chapter, I review the previous literature, structured by themes: Water policy and water conflicts in Chile and around the world; water rights and human rights of Indigenous peoples; participation, activism and social movements. Chapter

four introduces the theoretical framework. I will use Harvey's concepts of accumulation by dispossession and social struggles, resistance and social movement theory to frame the study's findings. An examination of the empowerment concept will complete this chapter. In the methodology part, chapter five, I will discuss the design of the study, the sampling method, the data collection, the method of analysis, the philosophical approach, ethical considerations and limitations of the study. In the sixth chapter, I will present the findings of the conducted content analysis and discuss them based on the chosen theoretical framework. Chapter seven concludes this study and contains implications and suggestions for further research.

2 Background

In order to investigate the research topic and the area of study, it is essential to understand the circumstances surrounding water privatisation and indigenous communities on a global and local level. This chapter will present background information regarding Chile and its political and socio-economic situation. Furthermore, I will discuss the resource water and its international importance as a human right and its challenges. Finally, I will introduce the indigenous communities' background and the situation in Chile and worldwide and their struggles regarding water legislation in Chile.

2.1 Chile's History and Political System

In this section, I will provide background information about Chile's geography and population. Moreover, I will highlight Chile's political, economic and social development in a historical context and consider the neo-liberal influences and newer social movements.

Chile, with its 17.5 million inhabitants, is located in the southwest of South America. It shares borders with Argentina, Bolivia and Peru and a 6435 km long coastline with the Pacific Ocean. The county has 15 regions, with approximately 7 million people living in Santiago's capital in the country's centre (Instituto Nacional de Estadísticas, 2017). Chile is the country with the longest latitudinal extent globally, stretching 4337 km from the Altiplano highs in the North to Tierra del Fuego in the South (Moreira-Munoz, 2011). In contrast, Chile's amplitude between the Pacific Ocean and the highs of the Andes ranges only between 90km and 360km. The territory includes various pacific islands, and Chile also claims parts of the Antarctic. As a result, Chile's geography shows a great variety in conditions, such as the desert of the Atacama in the North or the humid forests in the South (ibid). Chile features natural water resources, such as groundwater, rivers, streams, lakes, ice pack and the ocean and out of its total area of 756 102 km^2, 12 290 km^2, approximately 1,6%, are water (CIA, n.d.).

Many stakeholders shaped Chile's history. Before the Spanish occupied the country in the 16th century, the North was part of the Inca imperium, while the Mapuche indigenous people ruled southern and central Chile (CIA, n.d.). At the beginning of the 19th century, Chiles achieves its independence from Spain, but Chile did not control the southern territories of the Mapuche until the 1880s (ibid). The new republic had several elected governments from 1880 till 1973 and two different constitutions. During those years, the parliamentary democracy struggled because of the consequences of social, political and economic unrest (ConstitutionNet, 2016).

Nevertheless, the Chilean republic implanted a social welfare system, the separation of state and church and the state's right to intrude on private property for the public good (ibid). Over the years, the political parties became more polarised, and finding political compromises between the left-wing and right-wing parties became ever more complicated (ibid).

In 1973, General Augusto Pinochet spearheaded a military coup to overthrow the three-year-old socialist government of Salvador Allende (ConstitutionNet, 2016). In March 1980, the military junta adopted a new constitution that would allow them to keep the power with Pinochet as president and with legislative and executive power through a military regime (ibid). During the 17-years long regime, persons, parties or movements opposing the military government were at risk for prosecution, torture and abduction (ibid). As the opposition did not see an opportunity to overthrow the military regime by a revolt, they tried using a plebiscite that was within constitutional rights (ibid). This finally resulted in Pinochet's defeat and new elections in December 1989. Ahead of the new polls, negations about a new constitution took place between the government, right-wing parties and centre-left parties of the opposition. The constitution, amongst others, removed power from the president and banned the prosecution of opposition members, but other than that, made no changes that were significant (ibid).

Today, Chile has a market-orientated economy. During the military regime, Chile underwent many economic reforms, which lead to consistent economic growth. Poverty rates decreased, and Chile became one of the most stable and developed countries in the region (CIA, n.d.). Big enterprises and small investors were able to bid for state-owned companies in two rounds of privatisation, one in the early 70s and the mid-80s (Stanziola, 2002). The privatisation process also included educational and social-security systems such as health care and pension funds (ibid). Social, political and economic crises in Chile and other Latin American countries were the basis for the fast transmission to neo-liberal states (Taylor, 2010). International financial institutions, such as the World Bank and the International Monetary Fund, were able to promote, sustain and impose those changes upon the countries struggling with domestic economic and social problems (ibid). In Chile, as highlighted by Taylor (2010), the Pinochet regime's neo-liberal strategies were to depoliticise Chilean society and adapt and restructure social institutions. Under the premise of a free market, it was possible to destroy institutions and collective social actions that threatened the market's privatisation and liberalisation (Taylor, 2010). At the same time, there was a new growing capitalist class. As mentioned above, changes in the constitution strengthened private property and foreign investor rights.

Furthermore, Taylor (2010) explains that the consequences of these politics were the growing informal sector and the increasing income gap between skilled and unskilled work.

Since the democratisation process, Chile is a presidential republic (ConstitutionNet, 2016). After the dictatorship, the new Chilean government aimed towards more social justice and democracy, but authoritarian structures, class systems and the power of capital were strong (Taylor, 2010). This led to the maintenance of the neo-liberal approach to the socio-economic system (ibid). New social state institutions and social policies were supposed to guarantee more sustainable economic growth and civil and social rights for the working class (Taylor, 2010). In conclusion, Chile tried to establish a market-friendly state with correctional elements. The results are few lucrative Chilean and foreign corporations and many small and medium-sized companies employing a significant workforce. Class division and imbalance in wealth and power are ongoing (ibid). Avigur-Eshel argues that higher education and higher skills did not fulfil the neo-liberal promise of higher wages and more equality. The frustration over neo-liberal promises' failure led to several major protests over the years, such as the student movements in 2006 and 2011 (Avigur-Eshel, 2019).

Besides, many people demanded an entirely new democratic constitution (ConstitutionNet, 2016). In October 2019, a protest of secondary students over a rise in public transportation fees turned into a nationwide social movement, heavily opposed through police and military forces and criminalised by the government (Gonzalez & Le Foulon Morán, 2020; Ansaldi & Pardo-Vergara, 2020). Structural changes in the pension, health, educational and political systems are the most prominent demands of the protesters, according to Ansaldi and Pardo-Vergara (2020). However, the list of requests is long, and the support thereof in the communities significant. Therefore, after intents to soothe the protests with the announcement of changes and improvements, the government under Sebastián Piñera had to give in to the popular claims for structural reform (Ansaldi & Pardo-Vergara, 2020). He announced a national referendum to determine if the people wanted a new constitution and how the new constitution should be prepared and formulated (ibid). Due to the Covid-19-Pandemic, the plebiscite was delayed to October 2020, where 78,27% of the participants approved the drafting of a new constitution, and 78,99% voted for a constitutional convention, which means that elected citizens and no parliament members negotiating and rewriting the new constitution (Gobierno de Chile, 2021). Out of the 155 members of the constitutional assembly, 17 seats are reserved for indigenous groups, which did not precisely meet the indigenous groups' demands, who asked for more seats (openDemocracy, 2020).

Chile has a multi-faceted economy. Agriculture is still one of Chile's most important economic branches, and 21,1% of the land is used for arable farming, permanent crops and permanent pasture (CIA, n.d.). World Trade Organization's (WTO) regulation and international subventions played a big part in transforming the Latin American continent's agricultural sector (Taylor, 2010). Also, mining and exporting natural resources like cobalt are a vital part of the Chilean economy. And at the same time, this economy consumes many natural water resources and is therefore involved in many water conflicts, especially in the North of Chile (ibid). Another strong economic branch is the forest industry. More than 2.6 million hectares of territory in Chiles south are used for planted forests (Iroumé & Palacios, 2013). Experts see the planting of exotic species like Eucalyptus, initially to avoid land erosion and rehabilitate fragile soils, critically, as they consume a lot of water. The water-intense forest industry retrieves the needed water from river basins (Iroumé & Palacios, 2013). As the use is very intense and the plantation is expanding, water users living downstream might be affected.

2.2 Water as Human Right – Water as Private Good

This section will introduce the reader to the interface and contradiction between water as a human right and water as a private good. I will explain the importance of international UN treaties as well as national Chilean water laws and regulations.

Water is a human right. The United Nations (UN) Committee on Economic, Social and Cultural Rights (CESCR) adopted in 2003 General Comment No. 15., declares in Article 1 that "The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realisation of other human rights." (CESCR, 2003). The Comment clarifies that water is a human right and that clean drinking water and sanitation are essential to fulfil all other human rights. The General Comment is supported through Resolution 64/292, The Human Right to Water and Sanitation, which the UN General Assembly adopted in 2010 (UN General Assembly, 2010). UN Water (n.d.) points out that water must be safe and affordable, not cause any harm or health issues and be accessible. The accessibility must be culturally appropriate and physically possible (UN Water, n.d.). The sustainable development goals (SDG) request in demand Number 6 the safe access to clean drinking water and sanitation (MDG Monitor, 2016).

The UN Comment and Resolution calls open states, governments and international organisations to contribute to the worldwide provision of safe, clean, accessible and affordable drinking water. Although the UN treaties are important measures to establish the human right

to water, the reality is different (UN General Assembly, 2010). According to the world health organisation (WHO), worldwide, 1 in 3 people do not have access to clean drinking water. Besides, more than 1 in 2 people do not have access to safe sanitation services. During the past two decades, direct access to water has improved, but huge gaps in these services' quality remain in many parts of the world (WHO, 2019). About 1,2 billion people worldwide are affected by water stress, and the resources of freshwater are declining continuously (Down To Earth, 2020a). Chile recognises the importance of international treaties such as human rights treaties in their constitution, in the beginning, to regain global acceptance after the military regime, as Marin (2016) states. The author explains the ambivalent status of human rights, especially water, in the international and national legal framework. There is an ongoing debate in Chile and other countries about water as an economic commodity vs water as a social and cultural good and human right (Marin, 2016).

With its 1980 Constitution, Chile started a privatisation process that included a market-orientated water regime (Marin, 2016). Water and land regulations were separated and allocated under constitutional property rights. This means that individuals or companies could access free water rights from the state through application at the National Water Directorate (DGA). Without charging fees, the government allocated all the accessible water rights that the highest bidder could purchase in a free water market (Marin, 2016). It resulted in individuals becoming millionaires by selling their allocated water rights at a very high price due to artificially created scarcity and multinational water corporations owning the Chilean water supply system (Marin, 2016). The privatised, neo-liberal water model initially was received very positively in international financial and economic institutions, such as the World Bank, the International Monetary Fund or the Inter-American Development Bank (ibid). Those institutions also forced other Latin American Countries to implement a marked-oriented water regime without considering the existing plurality of water rights (Marin, 2016).

The Water Code of 1981 is a powerful legal framework for water regulation in Chile, which was implemented shortly after the new Constitution in order to follow the marked-orientated and neo-liberal approach in the water sector (Macpherson, 2017), in contrast to the Water Code of 1967, which declared water as a public good and was not giving protection of water under individual private property rights (Marin, 2016). Macpherson (2017) explains that the Water Code of 1981 resulted in market-orientated water law reforms and defines different ways to receive water use rights: You can either pursue a right through an administrative act (mechanism of constitution) or by regulating unregistered but customary water use (mechanism

of regulation). The third way is by private trades in water markets (ibid). All approaches require knowledge of the legal and administrative process and financial resources to conduct the operations (ibid). The Water Code was not object to a public or democratic debate and many indigenous people were not aware of the change of legislation (Macpherson, 2019b). Water rights were available for registration and allocation regardless of the land ownership, which led to the accumulation of water rights by other stakeholders and to disadvantages and discrimination of indigenous communities and rural farmers (Macpherson, 2017).

There are ongoing discussions, wherever full privatisation in Chile is a success story or if it violates the human right to water (Baer, 2014). In Chile, 0,7% of the total number of annual deaths are water-, sanitation- and hygiene-related deaths. Especially in rural areas, there is a lack of access to drinking water and sanitation services. Vulnerable groups are disadvantaged in water rights allocations (UN Water, 2013). Problematic is as well, that there is a lack of control of groundwater withdrawal and inefficient irrigation. 83% of the total water withdrawal are needed for the agricultural sector, 13,4% for the industrial sector and 3,6% for the municipalities. Bauer (2015) explains that the DGA responsible for monitoring water allocations, water use, and violations of regulations is chronically underfinanced and lacking personal. If it comes to over-extraction, illegal groundwater withdrawal or other unlawful water use, the DGA has little resources to enforce laws and regulations (ibid). As a result, the pressure on water resources is relatively high and has increased over the past 30 years (UN Water, 2013).

Fragkou and Budds (2019) explain that Chile and other countries worldwide have since found a relatively new way to combat water scarcity, namely seawater desalination. This solution generates supplementary water resources and challenges the hydro-social cycle, as the authors label it (Fragkou & Budds, 2020). This approach avoids the need to reorganise and reform the available water resources and market models. However, the water's control lies in the hands of the desalination companies, and the consumer is dependent on them. Most of the desalination water sustains the industries that consume most of the current water resources and made drinking water unavailable for the population (Fragkou & Budds, 2020). These water desalination and water distribution developments would lead to either public-private partnerships or complete water privatisation in contrast to a publicly organised water sector (Pros and Cons, 2019). The private corporations take over the process of treatment, infrastructure and distribution, improving the best case the overall supply, reducing costs for municipalities and the public sector or the possibility of higher investments (ibid). But as already mentioned, a conflict of interests between the corporation and the public sector is

likely, as private corporations are profit-making organisations and might not fulfil the public's needs. There is a possible lack of accountability and responsibility, affecting vulnerable groups the most; for example, people in impoverished areas cannot pay for the water (Pros and Cons, 2019).

In December 2020, water was added as a trading commodity on Wall Street. In the future, farmers, investors and municipalities can bet on the price of this scarce resource (Down To Earth, 2020b). But according to the Office of the High Commissioner for Human Rights (OHCHR), this puts water, as a basic human right, under threat. It is impossible to put a value on the water as it is supposed to be a public good (OHCHR, 2020). The recent developments of water as a trading commodity and attempts to solve water scarcity problems, and the older developments of water privatisation and the resulting water conflicts show that water as a human right is essential but still far from accessible for every person. There are ongoing changes that need to be kept in mind, including the advantages and significant risks.

2.3 Indigenous Communities in Chile – Their Struggle for Water

This section will first explain how indigenous peoples are characterised by themselves and introduce relevant international treaties. Furthermore, the history and current circumstances of indigenous communities, especially the Mapuche in the South of Chile, will be explored. Finally, I will introduce the struggle of indigenous communities to claim their water usage rights.

In the Handbook of International Social Work, Johnson and Bird (2012) explain that the United Nations (UN) use the term indigenous peoples to describe culturally and geographically diverse groups located on all continents with diverse histories. Besides these differences, similar experiences unite these groups. They own the ancestral birth right in their lands and have collective interests in protecting their territorial, cultural and human rights (Johnson & Bird, 2012). Indigenous peoples often identify strongly with their physical environment and family affiliations. Johnson and Bird (2012) describe four core principles of indigenous peoples: First, indigenous peoples live within their geographical terrains or keep attached to them; second, they preserve social, economic and political institutions within their territories; third, they try to prevent complete assimilation into the national context and instead continue their cultural, institutional and geographical distinction; fourth, they identify themselves as Indigenous or

tribal. The authors also underscore that indigenous peoples' claim that they by themselves are best to identify and define Indigenous people (ibid).

Indigenous peoples' concerns about their survival depend on the geographical and national context; nevertheless, they struggle with similar problems, such as discrimination, exploitation, dispossession, and marginalisation (Johnson & Bird, 2012). Indigenous communities often need to protect and restore their ancestral territories, their natural resources and sacred places, and their languages, beliefs, values, and intellectual properties (ibid). Colonial and neo-colonial governments are the reasons for many indigenous communities' difficult situation. The former invaded and annexed indigenous lands, destroyed its cultural heritage, and maintained control through racialized and discriminatory policies (Johnson & Bird, 2012). Through movements, activism, and resistance, indigenous peoples fight for recognition, restoration and protection of their heritage (ibid).

The two most important international treaties concerning indigenous peoples are the UN Declaration of Indigenous Peoples (UNDRIP), adopted in 2007 and the International Labour Organisations Convention No.169, adopted in 1989. The Convention is a legally binding international treaty and recognises indigenous peoples' cultures and identities and acknowledges that their lives and realities often differ from the dominant population (ILO, 1989). In contrast to older frameworks, it does not ask for assimilation of indigenous communities but involves demands of the indigenous movement. Only 23 countries have ratified the Convention, mainly Latin American countries, which means that the other countries are not obligated to integrate regulations into national laws. However, they might have voted for the adoption of the UNDRIP (ibid). The UNDRIP admits the devastating effect of colonisation on indigenous people and recognises the necessity to respect indigenous peoples' inherent rights and promote their full and effective participation in all matters concerning themselves (UN General Assembly, 2007). A brought spectrum of rights is acknowledged and should be perused, such as the rights to education, health, employment, language, as well as individual, collective and cultural rights (ibid). Johnson and Bird (2012) emphasise the relevance of the declaration as indigenous peoples and communities have been marginalised and denied human rights on a global scale. Colonial policies of governments still result in oppression or even genocide, ethnocide and linguicide (ibid). The UN Declaration follows a two-fold strategy by empowering indigenous groups with the return of control over their communities on the one hand and by guaranteeing participation and consultation to be involved in the larger society of the states on the other (Johnson & Bird, 2012). One hundred forty-four

countries (144) have ratified the declaration. Countries with a vast population of indigenous communities such as Australia, Canada, New Zealand and the U.S. initially objected to the declaration but are now supporting it.

In contrast to UN conventions, declarations are not legally binding, and many indigenous people demand more actions to fulfil the requests of the declaration (ibid). An important right that is derived from the UNDRIP is the right to Free, Prior and Informed Consent (FPIC). The UN Food and Agriculture Organisation (FAO) highlights that this right implies the duty of States to consult indigenous peoples regarding any projects or prior to adopting any legislation affecting their lands or resources (FAO, 2021). The consent has to be voluntary, free of coercion, intimidation or manipulation. Consent has to be given in advance of any actions or authorisations, and information should be provided prior and constantly during the process (ibid). On a national level, Chile adopted the Indigenous Law in 1993 to recognise indigenous individuals, communities and ethnic groups. Two significant results of this law were, on the one hand, the creation of an institution in charge of indigenous affairs and policies, the so-called National Corporation for Indigenous Development (CONADI). On the other hand, the Indigenous Land and Water Fund was established to help indigenous communities reclaim ancestral land and water rights (Aylwin, 2011). Aylwin (2011) criticises those laws as ineffective and insufficient compared to international standards such as the ILO Convention and the UN Declaration on the Rights of Indigenous Peoples. It is worth mentioning that Chile only ratified the ILO convention in 2008 but still lacks fulfilling all the demands and rights (ibid).

It is also worth mentioning that indigenous peoples have never been lawfully acknowledged in the Chilean Constitution, in contrast to other Latin American countries (Marin, 2016). Still, nine indigenous peoples are legally recognised by Chilean law, namely the Mapuche, Aymara, Rapa Nui, Atacameños, Quechuas, Collas, Kawashkar, Yámana and Diaguita (Marin, 2016). (CIA, n.d.). Chile's population is primarily white and non-indigenous (88.9%), with 11.08% of the total Chilean population identify as part of the indigenous groups (Marin, 2016). The most prominent ethnic minority group are the Mapuche (9.1%), followed by the Aymara (0.7%) (CIA, n.d.). The Mapuche, formerly also known as Araucarnians, are the most numerous indigenous group in South America, mostly living in the central valley of Chile's South and some in west-central Argentina (Britannica Academic, 2021). Mapuche means "people of the land" (mapu = land; che = people) in their native language Mapudungun (Aigo & Ladio, 2016). They have a deep connection between the people and nature and their land, and their culture is

rich in arts, mythical origins and collectively and community (Aigo & Ladio, 2016; Degarrod, 2011).

With the colonisation by the Spanish emperors from 1536 to 1810, the indigenous peoples in Chile were subject to abuse, destruction and genocide (Marin, 2016). The emperors did not acknowledge the sovereignty of indigenous peoples and dismissed their identity by not accepting their traditions, customary laws, languages and religions (ibid). Treaties between the Spanish and indigenous peoples, such as the one with the Mapuche in the South called Peace of Quilín, gave this indigenous group the right to live independently in their territories, even though this "peace" did not last for long (Marin, 2016). Some authors urge to renew these treaties and give the Mapuche back those territories and rights (ibid). Marin (2016) and Alywin (2011) explain that the legislation after the military dictatorship in 1979 had a devastating effect on indigenous people. Former collectively held property rights were divided into individual ownerships. The changes in the law were presented as a necessary step for progress and less discrimination of the indigenous communities. Still, they resulted in the dispossession of ancestral lands under a legal disguise (Marin, 2016). Marin (2016) states that the indigenous communities in Chile suffer until today from the repercussions of those laws that are based on colonialism and racial hierarchies. Property rights, profit and capitalism, are accepted but disempower indigenous communities (Marin, 2016). Many Latin American countries took measures towards more recognition of indigenous people in the 1990s. In Chile, attempts were made in the democratic process to recognise and include indigenous people (Marin, 2016). However, as this process unfolds very slowly and with enormous difficulties, protests and resistance of the Mapuche and other indigenous people against the Chilean state have occurred (Marin, 2016). According to Marin (2016), it is vital for a new constitutional process to not only redistribute resources and power but also "be respectful of the pre-colonial indigenous worldview and provide intra-state self-determination ending the road of political exclusion and forced assimilation" (p. 94).

Marin (2016) states that the water privatisation and the non-recognition of the indigenous communities worsened their status within the Chilean state and made them more invisible and vulnerable. The detachment of water and land rights in Chile caused many indigenous communities to lose or not gain access to water rights because they lacked the knowledge or the financial resources to claim their rights, Macpherson (2017) explains. As a result, indigenous people were not holding water rights at the end of the 1980s, and their form of collective indigenous water systems was illegalised (Macpherson, 2017; Marin, 2016). The

water laws and regulation in Chile do not give a particular order of prioritised water usage. Therefore, agriculture, industry, mining, forestation, domestic use compete with the usage claims of indigenous communities (Marin, 2016), which I will explain further in the literature review. With this high level of competition, the more economically and financially powerful multinational corporations are much more likely to win the battle over water resources and water rights, as Marin (2016) points out.

The Indigenous Law of 1993 changed the situation slightly as it grants indigenous communities regular water supply before considering allocating new water rights to other stakeholders and users (Macpherson, 2017). Before the Indigenous Law, it was impossible to establish communal water use rights or ancestral water rights (ibid). It is particularly problematic that the Indigenous Law does not include a definition of 'ancestral'. Throughout the years, jurisprudence allocated ancestral water rights if the water use was uninterrupted for five years before the Water Code of 1981 (Macpherson, 2017). Many indigenous communities are unable to prove that they have had this uninterrupted productive use. In addition, it is challenging to claim water rights if a third party already holds the rights (ibid). Therefore, the law had little influence on the right holders of the water in Chile in general and the indigenous communities' water rights in particular. A landmark decision in 2009 guaranteed water rights to an indigenous community, even though a company was at the time holding the legal water rights. Although it was seen as a triumph for indigenous rights, the conflict is not fully resolved today (Macpherson, 2017). To support indigenous landholders in their efforts to reclaim ancestral water use rights, the Indigenous Law also provides the opportunity to fund allocations through the Indigenous Land and Water Fund (ibid). Macpherson (2017) states that the Fund is a valuable tool to tackle the disadvantaged distribution of water rights but proves less effective as it could be due to the government chronically underfinancing the Fund. The aforementioned examples show the importance of more representation and participation of indigenous peoples in future water policies, especially in the long term (ibid).

2.4 Final Remarks Background

The background chapter consists of much essential information to understand the water market situation and the circumstances of the indigenous communities in Chile, embedded in a worldwide rise of water conflicts. It is crucial to keep in mind Chile's historic past under the military regime as it continues to have enormous impacts on the situation today. With its constitution, Chile set the foundation for a neo-liberal economy and privatisation of public

services such as education, healthcare, or indeed water usage. Because of economic growth, mild reforms, and general stability, much of the population accepted the market-oriented system. The most extensive economic branches, agriculture, forestry and mining, were thriving even though controversial opinions have been voiced, as they have a massive effect on the environment, peasant farmers and indigenous communities. Besides the acceptance, environmentalists, indigenous peoples, and students engaged in protests over the years to challenge the system, resulting in a new constitution process in 2021. It is important to keep in mind that water as a human right is established in different UN treaties with specific attributes such as accessibility, affordability and cleanness. It is the government's responsibility to provide its inhabitants with access to water. Chile's constitution and Water Code of 1981 allows the allocation of water usage rights regardless of the land ownerships. In combination with a lack of information and financial resources, the indigenous communities were disadvantaged when water rights were instead allocated to corporations. Monitoring the water withdrawal lacks financing and personnel, leading to many unsolved conflicts over water usage, high water prices for private persons and increased profits for private corporations. The nine indigenous communities in Chile face discrimination, dispossession and lack of recognition since the colonisation until today. It is vital to consider the multi-layered and problematic situation as explained in the background chapter. In Chile and worldwide, Indigenous peoples often maintain a unique connection to their environment, nature, and ancestral territories. Through the water and land law reforms, many communities such as the Mapuche in the South lost their traditional way of holding rights in a collective which exposed them to forced assimilation, loss of self-determination and making their position consequently much more vulnerable. Later, attempts were made through the Indigenous Law and the Indigenous Land and Water Fund to redistribute water and land rights to indigenous communities. Still, they have yet to come to full fruition.

3 Literature Review

This theoretical literature review aims to determine what is already known about the topic, the applied theories, concepts and research methods, what controversies surrounding them and which are the main contributors to the research area. This chapter will present and critically review the main books and articles and draw the connections between this literature and the research questions for this study, as Bryman (2012) suggests. The literature review aims to provide the reader with a cross-section of the current knowledge base on water policies, water privatisations, water conflicts and their effects on indigenous people and their actions and movements. By adding comparison studies that deal with water conflicts and indigenous struggles on a global scope, I provide a broader overview of the topic's relevance. Books and journal articles are the primary sources for the narrative literature review. The articles were mainly obtained through Gothenburg University's super search, the Scopus database and Google scholar. The search terms were: "water", "water rights", "water privatisation", "water market", "Water Code", "Chile", "indigenous peoples", "indigenous communities", "indigenous rights", "Mapuche", "human rights", "protests", "movements" in different combinations.

3.1 Water Policy and Water Conflicts in Chile

An important seminal work on water policy and water conflicts in Chile is Bauer's book, published in 1998, *"Against the Current – Privatization, Water Markets, and the State in Chile"*. Numerous authors accentuated the books precise and complete analysis of the water market model in Chile. Bauer describes Chiles' political and economic history, the constitution of 1980 and its consequences for politics, economy, and the judicial system. He then explains the Water Code of 1981, including the goals and principles of private property and free markets (Bauer, 1998). By analysing the water use and trading in the agricultural sector and the conflicts over water usage of river basin (hydroelectricity, consumptive rights), the author portrays a wide range of judicial, political, cultural and economic area of subjects (ibid). Bauer (1998) explains that Chile's water market model has advantages and disadvantages other countries can learn from. For the agricultural sector, the law and regulations work quite well. Still, if it comes to conflicts over the usage of river basin water, the rules are not suitable and sufficient to solve the problems (Bauer, 1998). Especially for peasant farmers and indigenous communities, the water reforms have adverse effects contrary to the big players like the energy corporation ENDESA. There is a vacuum of authority and a lack of legal security that big corporations use

for their advantages (ibid). Bauer (1998) states that the market alone is insufficient to regulate water prices, transitions and usage because of significant social and political consequences. In contrast to international opinions, the water market is not neutral or unpolitical and only driven by demand and supply, but instead incorporated in complicated political, legal, cultural, geographical and environmental conditions (Bauer, 1998). The author emphasises the importance of property in general but limits its freedom in connection with natural resources. Collective interests and not only private freedom must be considered (ibid). His outlook for the water situation in Chile, e.g. an increase in water value and more competition and conflicts of water usage, was based on the knowledge of the time in 1998, which I will explore further in more recent literature. Although Bauer presents a highly informative and broad perspective to water privatisation, it stands out in my opinion, that indigenous communities' interests and struggles play a subordinate role in Bauer's analysis. They are fairly mentioned in one of the river basins conflicts, but the author's focus clearly lays on the involvement of the bigger industry branches.

In 2018, Donoso published the book *"Water Policy in Chile",* which gives an excellent insight into Chile's complicated water situation. It presents detailed information and data on Chile's water policies, the historical and socio-economic background, laws and regulations regarding water quality, environmental concerns and water markets (G. Donoso, 2018) . Especially the different economic water consumption sectors are of high interest, which are the irrigated agricultural and industrial sector, mining water consumption, urban water management including domestic water consumption and sanitation, rural water management and finally, the water demand for hydropower. Donoso (2018) identifies six major institutional weaknesses in the national water management in Chile: The DGA has a very restricted institutional role, and there is a general lack of coordination within the institutions. Monitoring, managing and strategic planning as well as generating and distributing knowledge are a deficit. Finally, a lack of participation in combination with a general underfunded intuitional apparat lowers the capacity of the Chilean water management (G. Donoso, 2018). The increasing water scarcity and developments for the future to secure the water resources and the water supply are other concerns Donoso (2018) highlights. Intersectoral and sustainable water usage, improved groundwater and quality management, and the prevention of water conflicts are some of the author's suggestions to face these problems. It is noteworthy that Donoso (2018) gives a very detailed and well-structured picture of the Chilean water policy with critical analyses. Although

it was clearly not the focus of this book, the interdependency between the indigenous communities in Chile and the Chilean water policy does not find a lot of recognition.

"Out of the Mainstream – Water Rights, Politics and Identity", edited by Boelens, Getches and Guevara-Gil and published in 2010, is an excellent book to understand the complexity of water on a global and local scale and water's impacts on every aspect of life. Surviving and decent living, cultural life and identity but also power imbalances, conflicting interests and socio-economic injustices are tightly linked to the resource water. The editors include critical views on globalization and the neo-liberal policies in Latin America, and how local and indigenous communities try to preserve their livelihood (Boelens et al., 2010). The book is organised into four parts. The first part describes water rights, systems of power, neo-liberalism, identity and social struggles. In the second part, the focus lies on the Andean with chapters about identity politics, cultural identity, indigenous movements and livelihood. Part three highlights tensions and conflicts between the local water rights holder and national policies based on specific country and case examples. Finally, part four examines and explains indigenous movements and other social mobilization for the defence of water rights (Boelens et al., 2010). The publisher and the authors of the chapters provide excellent explanations of complex correlations and circumstances, and much attention has been paid to Chile's approach to water policy, water conflicts and the general water contexts. According to Achterhuis, Boelens and Zwarteveen (2010), the so-called Chilean model with full water privatisation was often labelled as a successful approach, e.g. by world banks studies, overlooking the devastating effects it had and has on indigenous communities. The authors are of the opinion that the Chilean water reform was built on strong neo-liberal political powers (Achterhuis et al., 2010). The injustice of the Chilean Water Code and its disadvantages and the importance of the Indigenous Law for indigenous communities are explained: it allows the communities to hold collective water rights regardless of the usage, which was not possible before (Hendriks, 2010). Budds (2010) highlights the case of mining in the Atacama Desert in the North of Chile. The study implies that especially people with lower income are disproportionally disadvantaged by the Chilean water law regulations (Budds, 2010).

In his article *"Water conflicts and entrenched governance problems in Chile's market model"*, Bauer (2015) stated that water conflicts in Chile became more visible, more complicated, and more political since the Water Code's reform in 2005. Neo-liberal laws, policies and economy have weakened the possibilities of solid and effective water governance (Bauer, 2015a). The main competitors over water are irrigated agriculture, cities, hydropower, mining, industry,

environment protection, to name only a few (ibid). The author identifies four different types of conflicts. Conflict type (1) describes the increased demands on river basins and surface water, involving hydropower as a crucial factor in those conflicts. Conflict type (2) illustrates the grown demand for groundwater usage and the latter's overuse with mining, agriculture and urban growth as the main causer of those problems (Bauer, 2015a). Type (3) conflicts refer to broader conflicts connected to energy and socio-environmental conflicts, but water conflict is still central. Massive mining or hydropower projects provoke this kind of conflicts (ibid). Type (4) differs as it is not about conflicting water use but rather about different political views about water law and its rules and ideology (Bauer, 2015a). The conflicts may overlap. Environmental and indigenous groups are often in opposition to big infrastructure projects. In recent years, indigenous peoples territory got more protected, and therefore, they have to be involved in decision-making (Bauer, 2015a). The author emphasises that it is problematic that the institutions, like the General Water Directorate (Dirección General de Aguas – DGA) or the courts, are equipped with little power and are not capable of solving those complex conflicts. Environmental, energy and water governance lack a functional institutional framework to solve the complex water conflicts (Bauer, 2015a). Bauer (2015) also points out that the implementation of specialised courts is not the solution, as they fragment the institutional landscape even more and political decisions are made elsewhere. Furthermore, specialist courts make it impossible to decide in complex cases involving natural resources, environmental issues and different economic branches (ibid). Although it is an improvement to strengthen state regulation through the general reforms of 2005, it is essential to mention that ordinary jurisdiction is better equipped to check on state authority (ibid).

3.2 Human Rights and Water Rights of Indigenous Peoples

In 2011, De Feyter et al. published the book *"The Local Relevance of Human Rights". T*hey investigate how human rights are fulfilled on a local level besides the international recognition of the Universal Declaration of Human Rights (UDHR). Poverty, abuse of power or inhumane living conditions on a local level show if the people are genuinely in possession of human rights or whether it is just an illusion (De Feyter et al., 2011). The researchers follow a bottom-up approach to analyse the local groups' demands for human rights which I think is a very interesting approach to hear the voices of the people. In chapter nine, "*Struggling to localise human rights: the experience of indigenous peoples in Chile",* Aylwin (2011) studies the engagement of indigenous peoples in Chile in human rights issues on a local level. He identifies political and cultural discrimination, social and economic marginalisation against indigenous

peoples deeply rooted in Chile's society and state. The author explains the impacts of the legislation (Indigenous Law, etc.), which I introduced in the background chapter, and the social movements and protests by the Mapuche and the state repression and police abuse (Aylwin, 2011). Aylwin (2011) sheds light on human rights violations, namely the "right to life and physical integrity, the right not to be discriminated against and the right to due process" (p.247). In order to protect or claim their human rights, indigenous communities engage on a national level with the CONADI (National Corporation for Indigenous Development) or bring their claims to the courts. Because the Mapuche demands were often rejected on federal courts, they brought cases of police harassment to the Inter-American Human Rights System (IAHRS) (Aylwin, 2011). In contrast, the Mapuche use the IAHRS not regularly to protect their ancestral land and resources, including water, due to unfamiliarity with the possibilities and lack of finances. Aylwin (2011) then details the relevance of the UN treaties and UN bodies for exerting pressure on the Chilean state to accomplish international human rights standards (ibid).

The journal article *"Private Water, Public Good: Water Privatisation and State Capacity in Chile"* by Baer (2014) examines Chile's water policy from a human rights perspective. The author focuses her research on how the human right to water is fulfilled and which role privatisation and the state play. In contrast to the general tenor of this thesis, Baer (2014) comes to the surprising conclusion that Chile fulfils the human right to water by fulfilling access, quality, and affordability. But it is not a standalone achievement of the privatised water sectors; instead, it needs a strong state and regulations to make it possible (Baer, 2014). For example, the Chilean state subsidises citizens who cannot pay their water bills because of low incomes and high water rates. This allows private companies to charge a high price, which helps the companies to invest in infrastructure. Furthermore, many private companies were founded by the state with public money, and the state contains strong regulations, at least in the urban sanitation sectors. This successful public-private concept contrasts many Latin American countries' failed attempts to privatize the water sector (ibid). Nevertheless, Baer (20149 criticises that Chile does not provide any possibility for its citizens to participate in negations and decision making. This broader definition of the human right to water is not fulfilled, and social movements, if they take place, are not included (ibid). Baer (2014) concludes that other countries should learn from Chile to build strong public water sectors that stay open for reforms and interventions to provide the best interests for its citizens.

Macpherson (2017) compares in her article *"Beyond Recognition: Lessons from Chile for Allocating Indigenous Water Rights in Australia"* the allocation of indigenous water rights in Australia and Chile. She uses Chile as an example of how water law frameworks exclude indigenous groups from access and water use. Like the Australian state, the Chilean government declared water "national goods for public use" and allocated water rights regardless of ancient water use of indigenous communities (Macpherson, 2017). In the late 20th century, the indigenous communities regained territory rights that were not necessarily connected to the right of using the water on their lands. With the implementation of the Indigenous Law in 1993, indigenous people could access and reclaim water rights easier, as explained in the background chapter. Nevertheless, according to Macpherson, there is much more potential to redistribute water and land resources to the indigenous peoples. It is the duty of the governments, both Chile and Australia, to reserve and set aside water use rights for future allocations to indigenous communities (Macpherson, 2017).

Marin (2016) investigates in the journal article *"Constitutional Challenges of the South: Indigenous Water Rights in Chile - Another Step in the "Civilising mission?"* the possibilities for indigenous water rights under a new Chilean constitution. The author evaluates human rights perspectives as Chile declares water as a human right (Marin, 2016). The text was written under the presumption of then-President Michelle Bachelet to draft a new constitution. As of 2021, we know that she could not realise this process in her legislative period. Nevertheless, the author explains very well Chile's constitutional and historical past, the indigenous communities' struggle and fight for recognition from the time of the colonisation until today, the privatisation of water in the 1980ties under the new constitution and the Water Code legislation (Marin, 2016). The article concludes that in order to reach a status of political equality, the recognition and uniqueness and individuality of indigenous peoples' situation are indispensable. Strong new legal frameworks have to stop the dispossession of natural resources (Marin, 2016).

Further literature that offers interesting views is Seelau and Seelaus' (2014) article *"Making Indigenous Self-Determination Work: What the Nation Building Principles and Three Case Studies from Chile Teach Us About Implementing Human Rights"*. In their research, they follow the approach of self-determination that benefits both indigenous peoples and national states. Self-determination is the basis for modelling the own future and realties to fulfil one's own goals and visions and is therefore established in international laws for indigenous peoples (Seelau & Seelau, 2014). Seelau and Seelau (2014) explain that they observed an increasing

movement from indigenous communities worldwide to regain control over ancestral lands, re-establish neglected cultural traditions and break free from the chains of dependency, poverty and marginalisation. The authors explain the characteristics of nation-building and draw a detailed picture of Chile's process. The case studies do not relate to the Mapuche, but three other, smaller indigenous groups located in different parts of Chile. (Seelau & Seelau, 2014). According to Seelau and Seelau (2014), there is a lack of quantitative data, but based on other qualitative data and their own research, "practical self-rule, capable governing institutions, cultural match, strategic orientation, and/or public-spirited leadership" (Seelau & Seelau, 2014, p. 197) are the main components of successfully fulfilling the human right to self-determination. Despite these positive examples and the international recognition of indigenous rights, there is a lot of work left to realise the implementation of indigenous rights (ibid).

3.3 Participation, Activism and Social Movements

Morales (2021) describes in her article *"Negotiating Local Development within Processes of Neoliberalisation: Empirical Evidence from a Campesinos Cooperative"* how rural communities can be involved in decision-making processes within a neo-liberal system. She argues that neo-liberalism generally fails to adapt to specific territorial circumstances, and therefore, it is necessary to implement a "neo-liberalism from below" (Morales, 2021). The goal is to redistribute and generate income and to offer more prospects to the local communities to participate in local development (ibid). The author examined how local actors can be involved through cooperative organisations and negotiate neoliberal economic principles (Morales, 2021). The cooperative Coopeumo is such an example of neo-liberalism from below. The local actors organise themselves to participate in the regional economy and promote their interests apart from their more vulnerable position in a marginalised space (Morales, 2021). Although this cooperative shows fascinating and good aspects of engaging in the local economy, the author also emphasises that the regional diversity and complex socio-economic and political situations need to be considered (ibid).

Etchemendy (2020) analyses in *"The Politics of Popular Coalitions: Unions and Territorial Social Movements in Post-Neoliberal Latin America"* the different social movements and the working class's power in Latin America in a post-neo-liberal area from 2000 to 2015. The author differentiates between unions' activities and territorial social movements (TSM) and between electoral or organisational dimensions (Etchemendy, 2020). The analysed countries had left-wing governments after neo-liberal or authoritarian regimes. On the one hand, they

implemented social policies, including labour unions and other associations, in the decision-making (ibid). On the other hand, unions and social movements, including indigenous social movements, often led to protests and police repression in many Latin American countries like Ecuador, Bolivia or Chile (Etchemendy, 2020). The author locates Chile in an electoral environment, which means that the government neither encouraged organisational or union mobilisation nor were their opinions and views strongly represented in the elected parties or became their members part of the political establishment (ibid). Chile had a robust formal economy but weak labour rights. The involvement of organised labour unions was already unlikely, but it was still higher than in comparison to the participation of TSM. That means that the indigenous movements also had less impact in Chile than in other Latin American countries such as Bolivia or Venezuela (Etchemendy, 2020). As a result, the author states that unions and TSM will be an important part of the future political landscape, although non-left parties gained power again after 2015 (ibid).

Carvajal (2021) investigates in the article *"Advocacy NGOs and the neoliberal manufacture of the street voice"* the influence and role of advocacy of Non-Governmental Organisations (NGOs) within the neo-liberal system in Chile. There has been a significant increase in NGOs and disagreement about whether the organisations promote and support neo-liberal structures or criticise and challenge neo-liberalism (Carvajal, 2021). The analysed NGOs in this article are not engaged in water-related topics, human rights or representing indigenous interests. However, the paper still gives a fascinating insight into how advocacy can or cannot influence policymaking. Carvajal (2021) used Foucault's concept of governmentality. The author concludes that NGOs can be seen as civil society representatives but impose themselves to follow and promote the government's agenda of market orientation and dismiss radical social changes. Their motivation is their ambition to gain political influence and legitimate themselves as representatives of the people and public opinion (Carvajal, 2021). NGOs are often lead by elite circles of society, culture and economy, not nurturing democracy but rather helping to silence criticism from social movements by advertising governmental solutions for a wide range of problems, in this case, for the market-orientated education system (Carvajal, 2021).

The authors Torres-Salinas et al. (2016) discuss in their journal article *"Forestry development, water scarcity, and the Mapuche protest for environmental justice in Chile"* how the forestry monocultures in the South of Chile affect soil erosion and water scarcity and induce social-environmental conflicts and protests of the local rural Mapuche communities. Studies indicate

that forestry plantations expand aridity and do not have a sustainable effect as corporations and the state promote (Torres-Salinas et al., 2016). The water scarcity in southern Chile, based on the neo-liberal approach of the privatisation of natural goods, determinates the social protests by the Mapuche for environmental justice as they are the most affected. Torres-Salinas et al. (2016) explain that the movement is not homogenous but rather differs between direct action movements, such as occupying forestry estate, and movements trying to participate, develop and campaign for better policies. The first, more radical approach often leads to the criminalisation of the Mapuche under the anti-terror law (Torres-Salinas et al., 2016). The authors see a lack of research in this area of study, suggesting further research to include the historical-geographical process of dispossession of the Mapuche's ancestral lands (ibid). Nevertheless, Torres-Salinas et al. (2016) concluded that the Mapuche promote sustainability, better management of natural goods and water justice and can be acknowledged as an environmental justice movement. The authors are concerned about the rising radicalisation of the movement and the repressive, militarized, neo-liberal answer of the state (Torres-Salinas et al., 2016).

Cabrera Silvas (2021) journal article *"At the Margins of the Indigenous Rights Ecosystem: Underrepresented Struggles for Self-Determination"* won the Harvard Human Rights Journal's Essay Contest 20121, highlighting underrepresented human rights topics. The author argues that indigenous human rights are neglected, although indigenous rights are pretty prominent in human rights law (Cabrera Silva, 2021). National and international media covers claims and cases of human rights violations against indigenous peoples, but the struggle for self-determination is unseen. Cabrera Silva (2021) uses an ecosystem approach, emphasizing that each ecosystem has diverse actors, some more dominant and influential than others. The author states that human rights institutions and networks do not give much attention to more radical and ambitious claims, such as autonomy and self-determination. Instead, conflicts or claims threatening the environment or cultural survival of indigenous communities generate attention and widespread support of advocacy networks (Cabrera Silva, 2021). The right to Free, Prior and Informed Consent (FPIC) towards projects in their territories is an important tool for participation for indigenous communities but often misused for the promotion of neo-liberalism and capitalism (ibid). Corporations use the FPIC to legitimize projects and to minimize critique and backlash. The author gives an example of the extraction of indigenous natural resources, where capitalist interests push indigenous politics into a defensive position, and indigenous communities cannot use the FPIC as a tool for self-determination (Cabrera

Silva, 2021). The author claims that activism under human rights can work with the inclusion of legal actions with the support of the UN framework, such as the UN Declaration on the Rights of Indigenous Peoples (ibid). However, he criticizes that these actions for more autonomy and self-government often are not supported by big human rights NGOs even if they are engaged in indigenous rights.

3.4 Conclusion Literature Review

Although my literature review focused on a particular topic, I discovered many exciting findings concerning the research question and the aim of this study. In this section, I will summarize the most important reoccurring themes and concepts. I find it important to highlight the strong influence throughout Chile's legal framework on water usage throughout the past decades, which is strengthening private property and the free market. Not only the underrepresentation of collective indigenous interests but also the under-regulation of water consumption by different sectors lead to ongoing, unsolved conflicts. The complexity of the general situation, the involved stakeholders and the natural and environmental particularities find their representation in various articles and books. It is necessary to understand the historical and economic evolution of water policies and water conflicts in Chile in order to analyse the effects that the privatisation of water has on the indigenous communities. The human rights and water rights of indigenous communities are slightly less present in literature as the unique case of Chile's water privatisation. Still, I could find many studies that highlight the topic from different angles. The authors emphasize the relevance of the international human rights treaties and the local legislation to strengthen indigenous rights. Nevertheless, the authors agree that there is a lot of space for improvement, especially concerning redistribution, participation and recognition. Social movements have been part of many Latin American countries in the past decades, and the literature mirrors these developments. The authors approach the question of how participation and environmental justice can succeed in neo-liberal systems differently. Advocacy work, networking, political participation, self-determination are just a few examples. The articles are important for this research to understand social movements and participatory activism to answer how to classify the Mapuche demands and actions to face the effects of water privatisation in a neo-liberal context. However, the literature review also shows that despite the intense research on the topic from various angles, the impact on the Mapuche communities are not thoroughly examined, nor are the particular demands under a human rights perspective.

4 Theoretical Framework

The chosen theories built the frame for the researcher to understand, analyse and interpret the findings of the qualitative analysis. Without question, theories influence the comprehension of the topic and, therefore, research in the social sciences (Bryman, 2012). The selection of the theories was based on the information gathered in the literature review and the background research. Neo-liberalism and its effects play an important role in water privatisation, so for understanding this phenomenon adopting a neo-liberal theoretical perspective may be essential. As neo-liberalism is a broad economic as well as philosophical concept, I will concentrate on two characteristics of Harvey's theory of Uneven Geographical Development: *"accumulation by dispossession"* and *"Political, social and "class" struggles at a variety of geographical scales"* (Harvey, 2019 p. 51). Furthermore, I will conceptualise social struggle and social movements on indigenous communities within the concepts of resistance and social movement. The concept of empowerment is finally applied to this case to understand the importance of self-determination and recognition.

4.1 Accumulation by Dispossession and the Politics of Social Struggles

During my research for background information and review of the literature, the influence of neo-liberalism on various aspects of Chilean politics, economy, and society became very apparent. Therefore, to analyse this study's findings, a theoretical framework that explores the forces behind this global development of inequalities and crises is warranted. In his 2019 re-published book, David Harvey introduces his readers to the concept of *"Spaces of Global Capitalism: A Theory of Uneven Geographical Development".* I believe it is a fitting theoretical concept to apply to this study, although I have opted to narrow it down to two main concepts because as is it is a too broad theoretical concept.

Harvey (2019a) introduces the readers in the first essay, *"Neo-liberalism and the restoration of class power",* to the correlation between capitalism and neo-liberalism. He highlights Chile's case and more specifically, the implementation of neo-liberalism under the Pinochet dictatorship, which I explained in detail in the background section of this paper (chapter two), as an example of how neo-liberalism provides the perfect conditions for capitalism and the accumulation of profit and capital (Harvey, 2019a). The Chilean model of a free market allows "privatizing public assets, opening up natural resources to private exploitation and facilitating

foreign direct investment and free trade" (Harvey, 2019a, p. 50). Harvey (2019a) states that the result was an uneven distribution towards the elites and foreign investors. He finds that neo-liberalism works to keep a capitalist social order.

Before I explain in detail the two concepts which serve as the theoretical framework for this research, I provide a short introduction and overview of Harvey's theory of uneven geographical development. Harvey (2019b) emphasises in his essay *"Notes towards a theory of uneven geographical development"* that the approach has limitations and cannot provide a complete picture or explanation of the world. It has to stay flexible for adjustments, especially in the light of the fast dynamics and frequent changes in present-day political, economic, social and environmental development. The author distinguishes between a historical/diffusionist, a constructivist, an environmentalist and a geopolitical approach on how to interpret uneven geographical development (Harvey, 2019b). The historical approach sheds light on the economic and political growth and expansion of rich countries of the West as the motor of capitalism while these same countries disregard other territories, cultures and populations which are not following the same path (Harvey, 2019b). The constructivist approach considers the exploitation, repression and destruction of people and their cultures, territories and resources based on colonial practices as problematic. In contrast, the environmentalist perspective focuses on the idea of limited natural and environmental capacities and humans' ability to adapt their lifestyle to the distinctive environmental, territorial or labour possibilities (Harvey, 2019b). The geopolitical approach views territorial struggles about political and social concerns as the underlying reason for uneven geographical development. Indicators for the competition for wealth, power and resources can be social movements, political shifts or revolutions (Harvey, 2019b).

All these approaches have different emphases while contradicting each other but also overlapping in some parts. However, Harvey (2019b) identified four essential conditions to develop a general theory:

1) The material embedding of capital accumulation processes in the web of socio-ecological life.
2) Accumulation by dispossession [...]
3) The law-like character of capital accumulation in space and time.
4) Political, social and "class" struggles at a variety of geographical scales.
   (Harvey, 2019b, p. 51)

Even though all of these requirements are important for understanding and applying the theory of uneven geographical development, I will focus on the most relevant points regarding this research.

To understand the concept of *accumulation by dispossession* Harvey (2019b) explains the importance of surpluses for social systems and consequentially for capital systems. If the generation of goods or commodities exceeds the immediate need for consumption, one speaks of surpluses due to advantageous natural conditions (Harvey, 2019b). Not only the generation but also the appropriation of those surpluses have always been a human practice, according to Harvey (2019b), only depending on political developments and class power. The consequences and the competition over these appropriations have often led to violent struggles between political, military and social parties' (Harvey, 2019b). The capitalist class managed to generate, appropriate, declare and control enough surpluses as a private property to ensure profit and power for themselves. The appropriation focus has laid and still lays especially on untouched territories and sectors with rich natural conditions (ibid). Harvey (2019b) draws the conclusion that in order to uphold capitalist structures, accumulation through dispossession is inevitable.

Harvey (2019b) differs between direct targets of appropriation such as land, money commodities, labourers, skills, artefacts, local customs or social networks, and indirect targets, namely natural resources or natural conditions that provide access to profitable resources. The pillaging of cultural histories or creativity are also indirect targets, which accumulate capital. Nevertheless, the distribution of those targets is often unevenly distributed between the original and the new right holders (ibid). One of the most important features concerning this study is how dispossession occurs. Multinational corporations, (neo-) colonial powers, states or other groups holding political, economic or financial power take advantage of geographical terrains by disrupting existing social orders by coercion (Harvey, 2019b). One of the severe consequences of these activities is the complicity of the subordinate groups in accumulating surpluses to gain or maintain control of their own goods and, therefore, in capitalism. This leads to the disruption of social structures and the exploitation and disadvantages of fellow citizens (Harvey, 2019b).To maintain a stable capitalist system, accumulation through dispossession must persist constantly. Other methods to achieve this stability are the stripping of assets of competitors. First-Choice means are the acquisition, destruction or devaluation of the assets through geopolitical, commercial and capitalist measures (Harvey, 2019b). Harvey (2019b) explains that especially crises diminish the value of surpluses because of power

struggles and geopolitical conflicts, which can lead to the mentioned devaluation or even destruction or acquisition (ibid).

Along with the concept of accumulation by dispossession comes the *politics of social struggle,* as Harvey's (2019b) states. It is impossible to accumulate capital without generating struggles on different levels, such as between classes, on a political and social status (Harvey, 2019b). According to Harvey (2019b), it is challenging to assess the impact of social struggles fully. On the one hand, it can happen that social struggles during a crisis have only a minor effect on the existing capitalist system as it has a solid self-sustaining mechanism. On the other hand, Harvey (2019b) identifies social struggles as an inherent part of uneven geographical development and, therefore, as an important aspect of capitalism. Conflicts and struggles over nations states, ethnic unity, religious identity, territories, and liberation and autonomy in general, have always been present (Harvey, 2019b). Harvey (2019b) specifies that in order to understand geopolitical conflicts, it is necessary to be aware of their complexity and how the aspiration of capital and accumulation of dispossession interlaces.

Furthermore, Harvey (2019b) illustrates that social struggles concomitant with social movements have emerged globally. Therefore, the author's suggestion is to carefully analyse why they happened, how they are structured, and what they imply (Harvey, 2019b). The goals of social movements vary from the re-establishment of socio-economic orders, the introduction of new and innovative solutions or the attempt to solve social, political or environmental problems and injustices (Harvey, 2019b). Harvey (2019b) distinguishes between two kinds of struggles: the ones with a more concrete and obvious target and those which are "harder to pin down except by way of their effects" (p. 72). The former contain "struggles [...] over access to land and living space, and to fundamental resources such as water, biomass (forests), energy and the like" (Harvey, 2019b, p. 72). The latter include "struggle over dignity, recognition, self-expression, acknowledgement of certain rights (traditional, cultural and customary)" (Harvey, 2019b, p. 72). Researchers have to answer the questions mentioned above to understand the regional conflicts and the power imbalances between social groups. Harvey's (2019b) example of the dispossession of access to land is only one of uncountable different possibilities and dynamics of how accumulation by dispossession with the consequent social and political struggles appear.

The reproduction of capital, the conflict between capital and labour, and the value of surplus production are reasons for major social struggles and conflicts (Harvey, 2019b). The

development of labour conditions such as wages, technologies, unions, living standards or work-life balance are unavoidable in a capitalist system, according to Harvey (2019b). Especially the struggles over race, ethnicity and gender, in combination with infrastructure investments, consciousness about class and power structures and traditions, can lead to political, geopolitical, social, and even sometimes violent disruptions (Harvey, 2019b). It is necessary to keep in mind the variety and differences of those struggles depending on where and between whom they happen and identify the inner connections to understand them (ibid). He criticises the free marked approach as it can only blossom by destroying "the land and the labourer" by treating everything as commodity referred to "as 'nature', [...] money, culture, tradition intelligence, memory, [...] reproduction" (Harvey, 2019b, p.74). The answers of the people, individually or collectively, are directed at the protection of themselves and their livelihood by protecting the environment, their social relations and cultural traditions. This results in social movements, social struggles, environmental protests or anti-capitalist objections (Harvey, 2019b). Harvey (2019b) concludes that contemporary political, social and economic struggles and movements always have to be examined carefully and that this theoretical approach is suitable for it.

4.2 Resistance and Social Movement

In the Encyclopaedia of Activism and Social Justice (Anderson & Herr, 2007), resistance is described as the "response to power" (Vinthagen & Lilja, 2007, p.1216), especially if the power is experienced as dominant and superior, creating subordinate images, identities and discourses. Vinthagen and Lilja (2007) emphasise that resistance contains multi-layered and complex perspectives, relations and purposes and is therefore not per se bad or good. Resistance can target a certain power relation while supporting another one, depending on the focus of the power relations, such as patriarchy, ethnicity or capital (Vinthagen & Lilja, 2007). Although it is an important concept for understanding power and social changes, the authors stated, that resistance is not yet sufficiently conceptualised. Yet "different forms, dynamics, conditions, ideologies, and effects" of resistance influence and affect power relations (Vinthagen & Lilja, 2007, p. 1216).

The authors distinguish between the apparent social movements with a political agenda and the more hidden forms of "everyday" resistance. Those forms of silent resistance against power relations take place if participants have to fear for their basic needs and security or lack financial resources (Vinthagen & Lilja, 2007). Resistance movements differ and are not

necessarily only "being-against-something", rather than generating alternative solutions (Vinthagen & Lilja, 2007, p. 1217). Participating in public resistance often requires financial resources, and a certain amount of frustration with the status quo. In addition, Vinthagen and Lilja (2007) identify empowerment as an important tool for resistance as it allows the participants, even if they are subordinated through power relations, to not act as such and instead replace internalized oppression with dignity and self-confidence. The broader concept of empowerment will be introduced in the next subchapter.

Hollander and Einwohner (2004) agree with the view introduced by Vinthagen and Lilja (2007) regarding the lack of consistent conceptualisations and still prevailing complexity of the phenomenon of resistance. In order to counteract this development, the authors reviewed literature and identified various dimensions of resistance: The scale, that is either individual or collective resistance or rather local, national or international resistance; the level of coordination; the targets, including individuals, groups, organisations, institutions, social structures, or state power; the direction or goal of the resistance as well as the intention, which can be either political or identity-based (Hollander & Einwohner, 2004). Based on these dimensions, the authors distinguish seven forms of resistance, defined by the intersection of "resisters' perceptions of their own behavior, but also by targets' and/or others' recognition of and reaction to this behavior"(Hollander & Einwohner, 2004, p. 584). The seven forms of resistance, presented in Table 1, are: "overt resistance, covert resistance, unwitting resistance, target-defined resistance, externally-defined resistance, missed resistance, and attempted resistance" (Hollander & Einwohner, 2004, p. 548).

All forms of resistance have two core elements in common, namely action and opposition. Active behaviour includes verbal, cognitive or physical form of participation (Hollander & Einwohner, 2004). For example, by challenging and contradicting the existing cultural norms and ideologies, targeting organisations and structures of power with conscious and collective actions (ibid). Such actions cover a sense of opposition towards something or someone. There exists a consensus about overt resistance, which describes a form of resistance which is recognised by the opponents and is intentional (Hollander & Einwohner, 2004). The other six forms differ mostly on the level of recognition and intent (ibid). Hollander and Einwohner (2004) state, that resistance is defined by the resisters' goal. Resistance can have the intention to be hidden for example from recognition of authorities; or it can be more indirect, but observable in everyday life such as wearing indigenous clothing or living self-sufficient in opposition to the dominant political economy (Hollander & Einwohner, 2004). Yet there is no

agreement among scholars on how much the level of recognition contributes to resistance, just as the intent of the resisters. They disagree with the suggestion that the opponent's decision to participate in resistance has to be conscious and intentionally and argue in contrast, that intent cannot be measured at all and should not be a criteria (Hollander & Einwohner, 2004). A third group suggests that the acts of resistance can happen unconsciously by the resisters (ibid). The researchers suggest to also keep the power relations between the researcher and informants and the investigated subject in mind. The following table, provided by Hollander and Einwohner (2007) show the different approaches of the researchers.

	Is act intended as resistance by actor?	Is act recognised as resistance by target?	Is act recognised as resistance by observer?
Overt resistance	Yes	Yes	Yes
Covert resistance	Yes	No	Yes
Unwitting resistance	No	Yes	Yes
Target-defined resistance	No	Yes	No
Externally-defined resistance	No	No	Yes
Missed resistance	Yes	Yes	No
Attempted resistance	Yes	No	No
Not resistance	No	No	No

Table 1 - Types of Resistance

For the interpretation of the analysis of this thesis, the concept of overt resistance will be applied mostly while yet remaining aware of the six other types. Hollander and Einwohner (2014) state, that especially overt resistance is tightly connected to social movements and protests, as well as to individual acts of resistance. Asara (2017) shows the connection of the two concepts in order to fill the gap between these two research areas. The studies of social movements are a complex area of study in itself, therefore I will focus on the most salient and important aspects of Asara's (2017) work that are relevant for this research and the topic which will help me to to answer my research questions.

Asara (2017) points out, that resistance is a central part of social movements, especially if authorities and the structures of power are the targets to be challenged. According to the author,

in addition to the characteristics of resistance described above, three conditions are essential to turn resistance into a social movement:

1. some sort of 'collectively' holding some coordination or organisation between individuals, and a collective identity [...]
2. some temporal continuity of the challenge being confronted
3. their primarily non-institutional level (different from other 'institutionalised' social political groups such as political parties and trade unions)
   (Asara, 2017, p. 173)

Apart from the collective identity, the ongoing struggles and the non-institutional level, the author emphasises the importance of shared values, cultural aspects and the variety of struggles for example racism, patriarchy or environmental issues (Asara, 2017). The state in itself is not necessarily the target as some scholars argue that rather structural change as well as social and economic change are the goals of social movements (ibid). Asara (2017) posits, that autonomy, democracy and quality of life are at the core of new social movements and striving for them the key reason for resistance. The call for structural change addresses especially global capitalism, neo-liberalism and dispossession (Asara, 2017). In this systems, natural resources, environmental goods and services, are used by some stakeholders, to generate profit, neglecting the challenging environmental effects on other parts of the population, which leads to conflicts (ibid). Asara (2017) concludes, that resistance is inherent to all social movements, although expressing itself in different shades and colours.

4.3 Empowerment

The idea of empowerment is neither new to the social sciences nor the social work practice, but has developed over time and is setting new goals in research and practice areas (Askheim, 2003). In the SAGE Encyclopaedia of Action Research, the authors Coghlan and Brydon-Miller (2014a) provide the complex details and links with which the concept of empowerment has to be considered. "To empower is to give power or to enable." (p. 2) is identified as the essence of the concept (Coghlan & Brydon-Miller, 2014a). According to Askheim (2013) the transmission of power towards the disempowered is the main characteristic. In practice this means to "challenge oppressive power structures" (p. 4) and to enable the powerless to participate actively in decision-making processes (Coghlan & Brydon-Miller, 2014a). Cox and Pawar (2006) differ between the state of being empowered and the action of giving power to

people. In the context of social work this means for disadvantaged groups to overcome obstacles and realize their own potential (Cox & Pawar, 2006).

Coghlan and Brydon-Miller (2014a) find empowerment to be a transformational concept in which individuals, groups and communities are enabled to make choices and transform them into actions. Collective participation to mobilize and push one's own needs, demands and changes towards more social justice and equity are typical aspects of empowerment (ibid). Askheim (2003) emphasizes that the lack of civil rights is an indicator for oppression. However, different groups define themselves as oppressed and discriminate. Empowerment means giving power to these individuals and groups through resources, education, political awareness and power as well as self-awareness in order to be able to improve their life situation (Askheim, 2003).

Empowerment has to be seen in the context of power. However, it is difficult to define power because of its complex and diverse meanings. Nevertheless, Coghlan and Brydon-Miller (2014a) identify two main characteristics of power: "(1) control over resources (physical, human, intellectual, financial and the self) and (2) control over ideology (beliefs, values and attitudes)" (p. 2). Power often lays in the hand of powerful groups, that control the access to others resources, structures, authorities, institutions and influence the decision-making about the social, cultural and economic issues (Coghlan & Brydon-Miller, 2014a). According to Askheim (2013) empowerment implies the intent to reduce these barriers built through power and power relations, that maintain injustices, social differences and minimise individual's possibilities to have or regain control.

It is essential to understand empowerment in the context of power relations. Four different dimensions of power describe power relations: 'power-over', 'power with', 'power to', and 'power within' (Coghlan & Brydon-Miller, 2014a). To have 'power-over' is associated with dominant actors imposing historical, political, economic, cultural and social actions and concepts on others. "[R]epression, force, coercion, discrimination, corruption and abuse" (ibid, p. 2) are measures taken to have power over people. The aim of empowerment is therefore for the affected people to gain control and enhance power on their own (Cox, Pawar, 2006). 'Power with' means the building of collective courage and power through support, solidarity and collaboration, e.g. advocacy collectives, whereas 'power to' offers individuals the possibility to make a change (Coghlan & Brydon-Miller, 2014a). 'Power within' frames the self-worth and an empowered, fulfilled feeling people can gain through participation (ibid).

Cox and Pawar (2006) structure empowerment slightly differently and describe five dimensions of empowerment. First, personal empowerment, which allows people to decide and give their life their own direction. The second dimension defines social empowerment as changes throughout the society and communities to support the self-determination of the people. The third dimension identifies educational empowerment, referring to an educational system, that prepares people for work and life. The fourth dimension, economic empowerment, is relevant to provide an income that allows people to live in dignity and fulfilment of their needs. Political empowerment, the fifth dimension, allows participation in the decision making in a democratic way. (Cox & Pawar, 2006)

In addition, the Human Development Report (HDR) 2020 emphasises another principle, equity, as inherent to empowerment. Although the HDR's focus lays on the impacts of climate change on nature and humans, it still provides very good insight on how empowerment and the exploitation of nature is linked and underscores its relevance for indigenous populations (UNDP, 2020). The HRD identifies ethnic minorities or indigenous peoples amongst those more exposed to vulnerable situations, such as climate change and exploitation of nature, and disempowerment (UNDP, 2020). The report therefore conceptualises equity through three different forms, that are connected directly to empowerment:

1. *Recognitional equity* refers to recognition of interest holders and respect for their identity, values and associated rights. Empowerment is positively associated with the recognition of human rights and principles of non-discrimination.

2. *Distributional equity* refers to the distribution of resources, costs and benefits among people and groups. Access to resources enhances an individual's ability to choose, so those resources are channels to exercise empowerment and agency.

3. *Procedural equity* relates to how decisions are being made in reference to institutions, governance and participation. Representation, power and voice are linked directly to empowerment—they shape communities' and individuals' ability to influence and participate in decision making to achieve their desired outcomes and goals.

(UNDP, 2020, p. 64)

5 Methodology

This chapter discusses the methodology behind the study. The research design explains the utilisation of a qualitative content analysis and why it is relevant to the research. The process of the data collection and the sampling method is presented, as well as the method of analysis, which is a thematic analysis. Validity, reliability and trustworthiness of the conducted study are explained, followed by limitations and delimitations of the study. The limitations explain both external and internal factors that have affected the study. The chapter closes with the ethical considerations, including the researcher's personal motivation and bias and exploring ethical considerations particularly relevant for indigenous research.

5.1 Research Design

Bryman (2012) argues that the purpose of social research is to detect a gap in the literature based on society's change and development and explore issues not yet studied and their effects. While conducting this research, I was following this approach by analysing Chile's social, economic and political system and the consequences on the Mapuche, that is the gap that was identified based on the study of the extant literature. The research strategy for this project is based on qualitative research through an inductive approach. This means that data, observations and findings lead to defining the theory or deducting empirical generalisations Nevertheless, a research process is an ongoing procedure. Even when following an inductive approach, in order to analyse the findings, a deductive element is involved by iterating back and forth between data and theory. In this process, assimilations have to be made; and the outcome might not be a completely new or original theory or theory is used solely as background information (Bryman, 2012).

When designing research procedures, philosophical considerations have to be taken into account. For this research the epistemological position, which, according to Bryman (2012), identifies a scientific approach in which the social world should be studied and specifies what is considered acceptable and sufficient knowledge, peruses an interpretivist position. When analysing the impacts of water privatisation on the Mapuche in Chile, it can be argued that the social reality, the environment, the interaction with the different stakeholders, the demands, actions and movements of all the parties involved should represent the focal points of analysis. In short, the interpretivist epistemological approach suits the research questions of this project. By applying the proposed theoretical framework revolving around questions of capitalism,

dispossession of natural recourses, resistance as well as the question of power and empowerment, knowledge will be generated that helps us to better understand how the people of the Mapuche are affected by the on-going process of water privatisation in Chile.

Furthermore, the ontological position for this research has to be defined. Ontology explores the question of the nature of social phenomena and how much our social interactions affect the phenomena (Bryman, 2012). This research is guided by a constructivist approach, which implies "social phenomena and categories are not only produced through social interaction but that they are in a constant state of revision" (Bryman, 2012, p. 33). The position understands the researcher as part of the social reality, where it is impossible to measure truth objectively and the versions of reality are shaped by the context and a truth evolves (Bryman, 2012). Since this research project aims to study the impacts of water privatisation on the Mapuche, which involves multiple stakeholders, different interests, demands and actions, this approach seems suitable. Although the researcher has neither an indigenous nor a national Chilean background, she does have a background in the context of social work and therefore does not have an objective point of view. However, through the chosen method of content analysis, the realities of the indigenous communities are analysed, which accurately reflect their specific experience with regard to processes of water privatisation, struggles for water as a human right and activism in Chile. It is possible to apply the results and the produced theories to a similar context, but it is impossible to generalize them completely to any and all other national, geographical and social contexts.

5.2 Sampling Method and Data Collection

This section serves to provide an overview of the sampling process and method which was used to choose the final sample of articles for this study. According to Bryman (2012), applying a purposive sampling approach means to strategically choose the sample, broaden the scope and perspective, while keeping the research question and aim in mind. The analysed journal articles have been chosen by this approach, hence articles that deal with the water privatisation in Chile, the political and economic systems, the effects on the Mapuche, demands by the indigenous communities as well as social or human rights movements in relation to water in Chile. In addition, I followed a sequential sampling, with the means of adding samples during the research process (Bryman, 2012). With this approach, I was able to add journal articles which I found important to contribute relevant information regarding the research questions.

Bryman (2012) states, that the researcher has to bear in mind time and context of the selected sample. For this study, I provided background information, to understand the context of the study and to frame the publication period of the selected sample of articles. The analysis was restricted to a 20-year period, in order to get more recent results. The final sample consisted of articles that were published between 2004 and 2020.

Due to time limitations and ethical considerations, web pages were excluded from the sample. Besides the journal articles that were collected continuously during the process of writing the background and literature chapter, a specific search was conducted. For the journal articles and book chapters, Gothenburg University's "super search" tool was mainly used. The tool to extend the study sampling was to use the keywords in different combinations. The main search terms were "water" AND "Chile" AND "Mapuche", and in addition to that either AND "privatisation" or AND "movement" or AND "effects" or AND "demands". Whether the articles fell into the area of study was decided by the researcher based on the journal title, the information retrieved from the abstract and the keywords. I decided to use the search function of the documents to review if the keywords were found in the articles and therefore if the content was important for the analysis. It was neither noted where the journal was published nor the authors or their background. Finally, a total of 16 articles was sampled and used for the content analysis. The list of the used journal articles can be found in the appendix A. An alphabetical order was intendent to be kept, but due to the sequential sampling more articles were added out of alphabetical order.

Before including documents in the study, the quality of the papers was assessed. I followed four criteria presented by Bryman (2012): authenticity, credibility, representativeness and meaning. Authenticity examines the genuine origin of the documents. Credibility follows the question if evidence is free from error. Representativeness describes the typicality of the chosen documents. Meaning assesses the comprehensiveness of the evidence (Bryman, 2012). Although Bryman (2012) does not explicitly mention journals articles as data, we can draw the following conclusions regarding the four criteria: For the chosen journal articles, authenticity and credibility are pretty straightforward, as the authors and their backgrounds are known, and the reports have gone through peer review. Representativeness has to be examined with the data of the study presented in the journal articles. On the one hand, it is likely to be strong as well as the articles provide a high level of meaning or comprehensiveness. On the other hand, some of the articles are very specific and it is more difficult to generalise the content.

5.3 Method of Analysis

To reach the aim of the study and answer the research question I choose to conduct a qualitative content analysis. Despite the fact that analysing journal articles is slightly different than analysing interviews, a thematic approach was chosen to analyse the sampled data and to explore the underlying themes of the documents. Bryman (2012) points out, that a thematic analysis does not have a distinctive assemblage of techniques but instead follows the loose idea of constructing a basis of themes, which finally contributes to a theoretical understanding of the research topic. By keeping the research question in mind, I identified a few themes during the sampling process. Then I complemented them while reading carefully the sampled data. During this entire process, I identified 21 themes. Finally, they were further summarized in categories to be able to be represented and discussed them in a more structured way. A theme must contain an element relevant to the study and the research questions. It is important to note that in this process I quite strictly followed the goal and purposes of the research question, hence focusing on effects of water privatisation on the Mapuche in Chile, their demands and actions and relevant human rights considerations. See Table 2 for an overview of the thematic structure of the sampled articles. The next step in analysing the data was reading the sampled journal articles again carefully various times searching for representation of the themes.

To categorise and structure the findings I used a table where I put the themes in the first column, the second column was for summarizing the found data and the third column to keep important citations. In the last column I recorded the number and the page of the journal articles for further reference. By using this approach, it was possible to structure the findings right away and assigning each piece of data to the adequate theme. Furthermore, I was able to manage the data, reduce, condense and make sense of the data for further interpretations, as Bryman suggests (2012). I provide a section of the table here for a quick visualisation of this process (see Table 3).

Theme	Category	Reference Research Question
Discrimination by Legislation and Administration	Loss of Water and Land Rights	
Dispossession by Private Companies		
Fragmentation of Territory Rights		
Displacement, Migration and Depopulation	Socio-Economic Impacts	
Poverty, Marginalisation and Limited Access to Water		Effects of Water Privatisation on the Mapuche
Loss of Cultural Identity and Heritage		
Loss of Collectiveness	Impacts on Culture and Nature	
Destruction and Fragmentation of Nature		
Confrontation and Conflicts	Conflicts and Repression	
Violent Repression and Criminalisation of Political and Environmental Activists		
Autonomy and Self-Determination	Self-Determination and Autonomy	
Decolonisation		
Political Participation and Recognition	Political Participation and Social Development	
Social Development		Demands and Actions of the Mapuche
Recognition and Redistribution of Ancestral Water and Land Rights	Recognition of Cultural Heritage	
Recognition of Cultural Identity		
Protection of Natural Recourses		
Decriminalisation of Political Activists	Decriminalisation of Political Activists	
Social Movements	Social Movements	
Violation and Correlation of Human Rights	Violation and Correlation of Human Rights	Connection to Human Rights Principles
Application and Ignorance of Legal Frameworks	Application and Ignorance of Legal Frameworks	

Table 2 - Overview Themes

Category/Themes	Key Points / Abstraction / Interpretation	Citations	Journal Articles /Pages

Loss of Water and Land Rights

Category/Themes	Key Points / Abstraction / Interpretation	Citations	Journal Articles /Pages
Discrimination by Legislation and Administration	The Chilean laws and legislation disadvantage the Mapuche by giving rights over territory and land to private parties. All kind of natural resources are effected and seen as potential capital. ➔ Contradiction to cultural identity which is tightly connected to natural resources	Through the Chilean judicial system, a legal fragmentation of land components has been produced; in other words, the components of the territory, land, water, river shores, sub-soil, and forests, are estranged and separated into distinct tenancy systems and/or by concessions to private parties, producing a contraposition to the indigenous concept of territory that includes and links all these resources.	JA1, p. 68
	Accumulation and possession of water rights by private owners which leads to loss of water rights for the Mapuche ➔ E.g. Spanish electricity company ENDESA ➔ Mapuche suffer under floated land	One of the consequences of water legislation, has been the concentration of water rights in a few hands. For example, now foreign enterprises such as the Spanish electric company ENDESA, now control 80% of the water rights of the Biobío River. They may own the land but they do not own the water rights, whilst the Spanish hydroelectric company owns the water, but not the land	JA1, p. 69

Table 3 - Table Findings

5.4 Trustworthiness

Graneheim, Lindgren and Lundman (2017) identify *trustworthiness* in qualitative content analysis as the consistency and the comprehensiveness running through the entire study. It is important for the research to be clear if it is the researcher's interpretation of the content or the voice of the authors of the literature (Graneheim et al., 2017). For the reader to reach the trustworthiness, it is important to explain the research process and to reason the decisions. Graneheim, Lindgren and Lundman (2017) identify trustworthiness in qualitative content analyses as the consistency and the comprehensiveness running through the entire study. It is important for the conslustions to be clear if they are based on the researcher's interpretation of the content or the voice of the authors of the literature (Graneheim et al., 2017). For the reader to reach trustworthiness, it is important to explain the research process and to reason the decisions that have been made throughout. Finally, the reader has to decide if he or she believes the study to be trustworthy (ibid). In order to achieve this, this study contains explanation of every step taken during the research process. Especially in the methodology chapter the procedures and thoughts behind the data collection, sampling method and analysis were made clear. But also the other sections and chapters include detailed explanations regarding the relevance of the chosen literature and steps. Throughout the study the reader can find the 'red thread' running through all chapters, from the introduction until the conclusion, led by the

research questions and the topic of water privatisation and the effects on the Mapuche. Graneheim et al. (2017) state, that it is important to have enough data for a content analysis to identify similarities and variations. This is one of the reasons why the researcher tried to broaden the data corpus through a broader search and inclduing relevant data. Furthermore, all the themes have to be described, analysed and interpreted on the same level of abstraction (Graneheim et al., 2017). One control measure, suggested by Graneheim et al. (2017) was to constantly ask the question, if the themes answer the aim of the study and the research question of this study, which was applied in the study.

5.5 Limitations and Delimitations

Various limitations arose during the process of conducting this research, which I want to explain in this section to provide transparency to the readers. In spring 2021, the world was still in an exceptional status due to the Covid-19 pandemic. Initial ideas of conducting qualitative, semi-structured interviews with Mapuche affected by water privatisation was not possible due to international travel restrictions. It would have been highly unethical to travel and risk to catch the virus unknowingly and infect participants of the study with Covid-19. There were considerations to carry out interviews via video chats, but it emerged difficult to get in contact with enough participants. Hence, I decided to adjust the data collection and focus on content I could access locally like the library of the university of Gothenburg and via internet such as web pages and online libraries.

With the final sample, I analysed only journal articles which examine the Mapuche's struggle for water from different angles. The plan to include an analysis of web pages of Mapuche organisations and other visual data, such as videos or protest photos, was abandoned due to the limited time scope to conduct this Master's thesis. In addition, I had to consider to get consent of the operators of the web pages to use the content for social research, which resulted to be challenging. Therefore, no direct Mapuche voices are heard and represented in this thesis which has to be named as a limitation and which I will explore further in the ethics chapter. It was furthermore not investigated whether the authors of the analysed journal articles identify as Mapuche.

The limitations as regards to content are numerous because of the complex topic of water privatisation and its effect on the indigenous communities in Chile. In order to maintain a satisfactory academic level for this study, I had to limit its scope. First of all, there are many different indigenous peoples in different geographical places who experience the effects of the

complex water politics. I decided to investigate the biggest group of the Mapuche, because there exists more relevant literature and I found them to be very active and present online. As explained before, I did not have the possibility to collect primary data on the ground. Secondly, I am aware that there exist serious other concerns regarding the indigenous communities in Chile. There are problems concerning their recognition, violence, repression and discrimination by the state, and poverty-related issues. Furthermore, there exist various water-related issues in other parts of Chile, too. For example, the struggles of the Aymara in the North of Chile with the mining companies. The demands around those matters, also expressed through protests and social movements, are intersectional and related to the water and land theme. Nevertheless, I could not consider and incorporate all the related topics. I limited and focused the content analysis on the water privation and the effects on the Mapuche as well as their demands and actions including a human rights perspective.

In addition, I had to make concessions towards the search scope of the data. Initially, it was planned to include English and Spanish literature in all parts of the research, including background research, literature review and content analysis. Journal articles and other literature in other languages were approached through search engines especially relevant Spanish literature regarding the topic. Finally, due to the fact that there was a lot of English findings and limitations in time and extent of the study, I decided to mainly use English data as I would fall short of conducting a proper analysis of the Spanish data.

5.6 Ethical Considerations

My personal interest in this topic originated in various visits in Chile where I had the privilege to get to know people with Mapuche heritage, introducing me to their struggles with recognition and discrimination. I also was able to travel the country and experience the amazing and versatile, in many places still untouched, nature. In many conversations, also with non-indigenous people, I got familiar with the Chilean economic and political system and their historical heritage. Regular people faced difficulties to provide for their families' education and health despite a full time job due to the high level of privatisation in Chile. All these impressions and information motivated me to focus on Chile in this study. Due to my social work background and my understanding of social work as a human rights profession, I decided to focus on the Mapuche and their struggle and movements regarding water privatisation. Although I want to provide an objective view and balanced research, I think it is important to keep potentially existing biases of mine in mind.

Ethical considerations in indigenous research have to be discussed critically in order to prevent harm and "the reinforcement of misconceptions, discrimination and [...] biased knowledge" (Nygård & Saus, 2016, p. 671). As a person from a western country to conduct a study on a minority group of the global south, I have considered the implications by Nygård & Saus (2016), understanding the potential bias, yet trying to prevent misconceptions. The protection of participants of the study has priority. In the light of the Covid-19 pandemic, it was not possible under practical but as well ethical considerations to travel to conduct interviews with members of Mapuche communities. As mentioned above, the lack of direct views and voices of the Mapuche has to be seen critically in indigenous research. Nygård and Saus (2016) emphasise the importance to conduct indigenous research in the field of social work "with" instead of "about" indigenous people. The Eurocentric and Western view in research has to be contradicted by post-colonial frameworks that identify power imbalances and the history of oppression (Nygård & Saus, 2016). Although this study lacks the aspect to conduct the study "with" participation of members of the Mapuche, I hope to achieve a balanced, critical and open minded analysis through the choice of my theoretical framework. The theoretical concepts aim to crucially analyse the power structures,

Furthermore, research about indigenous experiences should follow a broader understanding of preventing harm, according to Coghlan and Brydon-Miller (2014b). Not only individual participants, but the local community shall not be harmed in any form by this research. Therefore, I as author have to be cautious and accurate conducting this research, especially as one important criterion, researching "with" indigenous people, is not fulfilled. In addition, indigenous research should "contribute meaningful new knowledge in response to the reality to support the potential for positive change" (Coghlan & Brydon-Miller, 2014b, p.8). By keeping the focus on the impacts and the demands and actions of the Mapuche communities, I hope to respond to this call, even though it can only be seen as a small contribution due to the scope and limitations of this study. Moreover, to conduct research ethically, it is important to keep a "respectful mind-set", which means to pay attention to "history, politics and the right to self-determination" (Coghlan & Brydon-Miller, 2014b, p. 8). By introducing the reader to the Mapuche's history and the present-day situation I have aimed to fulfil this requirement. Yet it is the on readers to decide whether an ethical research on indigenous communities was achieved.

6 Results and Analysis

This chapter aims to present the gathered data and findings of the thematic analysis. The chapter is guided by the three research questions, with its three sub-chapters showing first, the effects of water privatisation on the Mapuche; second, the demands of the Mapuche communities; and third, the connection to human rights principles. The theoretical framework presented in chapter 4, namely the accumulation by dispossession, the concepts of resistance within social movements, and the concept of empowerment, will be applied to the findings. In addition, correlations, contradictions or supplementation of the previous literature in chapter 3 will be highlighted.

In exploring the research questions, different themes were identified as explained in the methodology chapter. The findings are structured and analysed following these themes, yet they are presented through categories. The identified categories of the thematic analysis showing the effects are (1) loss of water and land rights, clustered in themes of legal discrimination, the dispossession by companies and the fragmentation of territories; (2) socio-economic impacts, including the themes displacement, migration and depopulation, poverty and marginalisation and limited access to water and sanitation; (3) impacts on culture and nature, including the loss of cultural identity and collectiveness, and the destruction of native nature; and finally (4) conflicts and repressions, analysing effects such as arising conflicts and criminalisation of political and environmental activists.

The second sub-chapter is structured by the following categories presenting the demands of the Mapuche. They demand (1) self-determination and autonomy, involving perspectives of decolonisation; (2) involvement in political participation and social development; (3) recognition of cultural heritage trough the recognition and redistribution of water and land rights, the recognition of cultural identity and the protection of natural resources; and (4) decriminalisation of political activities. The effects and demands are accompanied by (5) social movements and resistance, which are identified as main actions.

The question of the application of human rights principles in the field of water privatisation and the impacts on the Mapuche can be understood from two different angles, while categories and themes are identical. These are (1) the correlation of the human right to water and other basic human rights and (2) the application and/or ignorance of the national and international human rights framework.

6.1 Effects of Water Privatisation on the Mapuche

Throughout the research, the direct effects of water privatisation on the Mapuche were more challenging to identify than the Mapuche's demands. Nevertheless, various effects could have been determined via the thematic analysis of the content.

6.1.1 Loss of Water and Land Rights

Discrimination through Legislation and Administration

One of the most obvious and simultaneously one the most complex and far-reaching effects of water privatisation is the Mapuche's loss of water rights. In many of the analysed journal articles, the Water Code, explained in the background and literature chapter, is mentioned as the main reason for the loss of former indigenous water rights, as the *"water law heavily favour[s] commercial uses over subsistence and traditional indigenous uses as well as over environmental protection"* (Barrera-Hernández, 2010, p. 23). The Mapuche face huge disadvantages, as the private system heavily promotes private water usage over traditional approaches. The Water privatisation and especially the introduction of the Water Code were highly problematic because of the little or non-information provided to the Mapuche communities on how to claim water rights thereupon. According to Haughney (2004), the *"regime made no effort to inform or encourage small holders to acquire rights to water or subsoil resources. Most Mapuche landowners today only have surface title, and their ownership remains vulnerable to claims to subsoil resources and water rights"* (p. 147). Not only the Chilean Water Code but also the human right to water, guaranteed by international and national laws and treaties, contribute to denying the Mapuche full access to water right titles. The neo-liberal approach and privatisation fail to protect indigenous rights, and the Mapuche struggle to hold the rights to their natural resources.

> *There, the information gathered appears to indicate that the current neo-liberal approach to the expansion and enhancement of public services, combined with a system of private property rights in water, is inadequate to ensure widespread enjoyment of the right to water and to restore the imbalance resulting from development activities in indigenous territories, placing the country at odds with current requirements of international human rights law on water. (Barrera-Hernández, 2010, p. 23)*

Harvey (2019a) explains that the uneven distribution of natural resources towards elites and investors can be seen as a typical mechanism to accumulate profit and capital. By introducing the Water Code, the Chilean government made it possible to privatise former public assets such

as water. The regulations contradict the OHCHR recommendation to treat water as a public good, as explored in the literature review. Harvey's (2019b) concept of accumulation by dispossession emphasises that political developments and capitalist class power are driving factors for privatising resources, which can be seen from these findings. The Mapuche and other small landowners were not encouraged and adequately informed, which can be interpreted as exercising class power and a strategy to strip competitors of the desired assets. The capitalist class managed to appropriate and control surpluses, in this case, water, while leaving the Mapuche disadvantaged in holding and controlling their water rights.

Dispossession by Private Companies

The discrimination of the Mapuche through the national legal framework leads to the dispossession of water rights through private entities.

> *One of the consequences of water legislation has been the concentration of water rights in a few hands. For example, now foreign enterprises such as the Spanish electric company ENDESA, now control 80% of the water rights of the Biobío River. (Azocar et al., 2005, p. 69)*

The neo-liberal regime allows private transnational corporations (TNC) to exploit natural resources such as water through ownership. Funk (2012) describes *"the neoliberal agenda that promotes the privatisation and exploitation of Mapuche lands, TNC ownership of symbolically and materially important resources such as water"* (p. 136). After the registration of ownership, the rights are either held by those private corporations or by private persons, who happened to register their water rights previously to the indigenous Mapuche. It is irrelevant that the water privatisation has happened in predominantly indigenous areas, and the companies face little challenges to gain or maintain the water rights.

> *[...] historically accelerated existing processes of indigenous dispossession. In our study areas, it is common for the water rights of a river adjacent to an indigenous community to belong to a non-indigenous owner who, in the parlance of the area, has previously 'registered his/her water. (Giminiani & Gálvez, 2018)*

The typical scenario is that the Mapuche still hold territory rights but don't possess the rights to use the water on their lands, such as groundwater or the water of river basins*, "because the totality of the water rights of the watershed are already owned by private parties – they can be purchased from the current owners paying the marked price"* (Azocar et al., 2005, p. 69). For the Mapuche, it is almost impossible to acquire ownership because the rights are already held

by corporations for example those operating in the electricity or sanitation business. As water is a rare resource, it has a high value on the free market, and acquiring water rights is not affordable for the Mapuche, who are amongst the poorest in Chile, instead a *"Commercial entity, such as ENDESA, can have virtually unchallenged ownership over the majority of water rights in an area that is predominantly indigenous"* (Barrera-Hernández, 2010, p. 23).

The uneven distribution of former public assets towards private elites and foreign actors, is the base of Harvey's (2019b) accumulation by dispossession and can be observed in these findings. Companies, owned by western countries, in this case Spain, are driving forces of the dispossession of the Mapuche, which can be analysed as a typical case according to Harvey (2019b). Following Harvey's framework, water as a natural resource can be identified as an indirect target for appropriation. Through the early generation of water rights, the owners keep control of private property and ensure profit, while it is virtually impossible for others, for example the Mapuche, to challenge this ownership.

Territory Rights and Fragmentation

It is undeniable that the right to water is closely tight to the right to land. Therefore, the effects of neo-liberalism on Mapuche land cannot be ignored in this analysis. Either the ancestral land and territory of the Mapuche are already in property of private owners, or the land owned by the Mapuche is at risk to succumb to the control of private corporations that hold the water rights pertinent to the respective territory and to suffer the consequences of how they use it.

> *They may own the land but they do not own the water rights, whilst the Spanish hydroelectric company owns the water, but not the land that will be flooded by the series of dams to be built along the riverbed, where the native people live. (Azocar et al., 2005, p. 69)*

The privatisation mechanisms, especially the legislation, lead to water and land rights loss as described above. It is not easy to separate water and territory rights, as they are tightly connected for the Mapuche, as the research suggests which will be explained further in the next chapter. The implemented laws and regulations lead to the fragmentation of natural resources, such as water, rivers, lands and forests.

> *Through the Chilean judicial system, a legal fragmentation of land components has been produced; in other words, the components of the territory, land, water, river shores, sub-soil, and forests, are estranged and separated into distinct tenancy systems and/or by concessions to private parties, producing a contraposition to the indigenous concept of territory that includes and links all these resources. (Azocar et al., 2005, p. 69)*

These findings of dispossession of territory and loosing territory rights of the Mapuche can be understood under Harvey's (2019b) geopolitical approach. It implies that struggles over territory rights can be seen as the fundament of all kind of political and social concerns. Harvey's assessment corresponds with the findings presented here as the free market concept contradicts the Mapuche's understanding of culture, leading to heavy social and economic impacts, analysed in the next chapter. The fragmentation of land makes it accessible as a commodity for private entities, which Harvey (2019b) refers to as destruction of land.

6.1.2 Socio-Economic Impacts

Three themes were clustered under the sub-chapter of socio-economic impacts, all of them complex and in correlation with each other.

Displacement, Migration and Depopulation of Traditional Territories

The reasons for displacement and migration of the Mapuche away from their traditional territories vary and are linked and interfere with the other thematic findings of poverty and marginalisation, the limited access to water and the Mapuche's cultural identity. The analysed data indicates that massive economic projects provided by transnational corporations contribute to the forced migration of indigenous peoples, the *"project also required the displacement of the Mapuche families of the area, whose lands were to be flooded"* (Barrera-Hernández, 2010, p. 14). Prominent examples are the major dam and hydropower projects in Chile's South, where *"[a]pproximately 675 people are forced to relocate"* (Bluemel, 2004, p. 991), followed by the flooding of ancestral living places of the Mapuche. They, in consequence, had to relocate and migrated to other areas in Chile.

The Mapuche were forced to live in undesirable places that were not appreciated by the rest of society. They were confronted with marginalisation and poverty, which will be elaborated on further in the next sub-chapter. The local authorities tend to favour the private corporations over the local indigenous communities in conflicts over water rights and territories connected with the relocation. The Mapuche often receive no proper compensation from the authorities, but *"were forced to retreat towards marginal, poorer and isolated lands located in the higher reaches of the Andes, occupying places that were of little interest to Chilean society"* (Azocar et al., 2005, p. 69). Either the affected Mapuche get less valid territories in exchange for their territories needed for economical processes or migrate to urban areas. The traditional connection of the Mapuche to their ancestral lands and its natural recourses is completely

ignored by third parties and will be evaluated in the next section. In the following piece of evidence, the inseparability of water and land issues emerges again:

> *When a political or party leader offers the possibility of territorial recuperation without disturbing the forest companies, they are in effect dispossessing the peñi, forcing them to migrate to the cities; with migration Mapuche brothers and sisters lose their tuwun [birthplace], their kupalme [family line], their rootedness in community. (Hale & Reinao, 2018, p. 315)*

Migration to urban areas has emerged for many decades now and is caused by different reasons. On the one hand, the limited access to water, the limited ownership of abundant farmland and the general lack of economic possibilities caused many Mapuche to move to nearby cities in the South of Chile or the metropolitan region, leading to the fact that "*the Mapuche diaspora (or even internal Mapuche migrants who have left traditional Mapuche lands for large urban centers such as Santiago) is engaged in shaping the Mapuche struggle and promoting democratisation in Chile*"(Funk, 2012, p. 137).

> *One of the most important tendencies that affect Pehuenche communities and population is their temporary or permanent emigration from their lands toward the principal urban centers of the region [...]. This is not a recent phenomenon and for many decades, high emigration has been accelerated by the lack of land in the communities and regional economic change. (Azocar et al., 2005, p. 70)*

The following statement by Azocar et al. (2005) even suggests that depopulation, the limited physical access to water and the various socio-economic complications threaten the survival of indigenous communities, such as the Pehuenche, a sub-group of the Mapuche: "The available research concludes that physical and socio-economic constraints as well as the depopulation of the zone severely limit Pehuenche survival" (Azocar et al., 2005, p. 8).

The displacement and migration must be analysed based on the concept of empowerment. The practices of relocation of people is evidence of the Chilean authorities' dismissal to see the Mapuche as empowered and give power to them, as Coghlan and Brydon-Miller (2014a) would suggest. The power structures are in place, favouring water privatisation and its consequences over the Mapuche's rights. It can be understood that due to external factors, namely legislation, lack of compensation, destruction of livelihood and economic capitalist endeavours of third parties, the Mapuche are forced to migrate. It contradicts the idea of empowerment which challenges power structures through active decision-making and actions (Coghlan & Brydon-

Miller, 2014b). The lack of access to resources and the discriminatory distribution of the latter, indicates the lack of distributional equity, according to the UDNP (2020).

Poverty, Marginalisation and Limited Access to Water

The privatisation of water confronts the Mapuche population with profound consequences for their social and economic situation. Azocar et al. (2005) states, that the affected Mapuche *"live in extremely poor conditions, practicing a subsistence economy based on the complementary use of the Andean ecological zones"* (p. 62). There exists a correlation between poverty and marginalisation with displacement and access to water. The relocation leads to less economic possibilities and geographical and societal marginalisation of the affected Mapuche. *"The 1996 government socio-economic survey found that approximately one third of the Ninth Region's population lived in poverty, in contrast to only one in seven in the Greater Santiago are"*, according to Haughney (2007, p. 184). Reasons are the often remote location of the new territories. Furthermore, the Mapuche communities often belong to the most indigent part of the population, which leaves them unable to afford the high prices of titles to water rights. The control of natural resources, especially the access to traditional land and water resources, forced the people to make a living on the grounds of the disadvantaged situation. Life expectancy, the level of education and a low gross economic product are only some indicators for the massive impact the lack of access to portable water has on Mapuche communities, as Haughney (2007) indicates. The limited access to adequate water also affects the health situation, the right to food and an adequate standard of living.

> *In a study using the United Nations Index of Human Development, which combines indices of access to potable water, life expectancy, level of education and regional gross economic product, the Ninth Region had the lowest level of literacy, the lowest level of education, and the next-to-last level of life expectancy of the 13 regions of Chile, while its regional gross economic product figured ninth. (Haughney, 2007, p. 148)*

The marked orientation of the Chilean government affects the Mapuche communities heavily and provokes limited access to water resources for the Mapuche for different reasons. On the one hand, water scarcity in correlation with inequalities in water distribution and overexertion limits the water resources for the Mapuche communities. An interviewed Mapuche states in Hale and Reino (2018) that *"in these times of scarcity, we see governments creating commercial interests in water that lead to inequities in distribution and prevent our access to the life giving nature of water"* (p. 7). Forest plantations fulfil the commercial, capitalist interests, economic growth, and neo-liberal approach of the government, but intense water

plantations dry out the neighbouring soils and lands, which remain in the hand of the Mapuche. Giminani and Galvez (2018) give the example of plantations, which are "*the primary cause of the wellknown decrease in the main river's flow. Also, according to residents, the underground water reserves have been impacted, and it is increasingly difficult to obtain water from Wells*" (p. 208). The quantity and the quality of the water spiral down which is intensified through widespread droughts and water scarcity, backed by specialists which "*echoing empirical observations of Mapuche community members themselves – insist that large-scale monoculture plantations of exotic species, especially eucalyptus, exacerbate water scarcity*" (Hale & Reinao, 2018, p. 306).

On the other hand, the authorities favour the remaining big hydropower projects and more minor and innovative systems to generate energy. Still, they significantly impact the neighbouring communities of river flows as they remain mainly unregulated based on the neo-liberal legislation and marked orientation. *"Within the discourses surrounding small hydropower, there tends to be a categorical conflation between "small" and "good," which leads decision makers to overlook negative impacts such as the cutting off of local access to water resources"* explains this quote by Gutierrez et. al. (2019, p.111). However, it was surprising to find out that the owners of water rights do not intervene if the Mapuche use the water on their lands on a small scale. Nevertheless, this system contains a lot of uncertainty for the people who live there as these are only informal agreements without legal bindings.

> *In general, this does not prevent the Mapuche from using these water sources for small-scale livestock, agricultural and domestic activities. This is because the owners of these rights, in some cases businesspeople who do not reside in the area, have little interest in prohibiting such low impact activities. (Giminiani & Gálvez, 2018, p. 208)*

A corollary of the displacement and migration is partially poverty and marginalisation. Therefore, it is only logical that empowerment is lacking in this regard, too. Especially economic empowerment, according to Cox and Pawar (2006), is not given. According to the UNDHR, every person is equal in dignity and rights, nevertheless poverty and marginalisation make it more difficult to fulfil the Mapuche's basic needs, such as access to water, and to live in dignity. Then again, the findings regarding inequality and prevalence of water privatisation by the state, can be clearly associated to Harvey's (2019) theoretical framework. The constructivist approach problematizes the exploitation and destruction of territories and resources. Hence, the results of poverty and marginalisation can be seen as negative consequence of these practices. The corporations hold the power and take advantage of the

geographical environment, followed by devastating consequences for the fellow citizens, the Mapuche in this case.

6.1.3 Impacts on Culture and Nature

This sub-chapter describes the impacts of water privatisation on cultural issues and natural environment.

Loss of Cultural Identity and Cultural Heritage

What to date is often missed in the literature, but became apparent, is the Mapuche's intensive and unique understanding of the surrounding nature. Nature is an inherent part of the Mapuche way of living and their identity. The Mapuche believe in a broad concept of cosmology and spirituality. In every kind of water and water circulation are living spiritual beings. The complete understanding of Mapuche beliefs cannot be explored here, but the importance of nature for the Mapuche has been highlighted for example by Barrera-Hernández (2005): *"The right to water is central to the cultural and material survival of indigenous communities. natural environment in general, water is intrinsically tied to their distinctiveness and to the protection that the recognition of that distinctiveness entails*" (p. 6).

Sometimes natural water circulation and the destruction of spiritual places through dams are disrupted by private corporations, like the Spanish company *"ENDESA [that]decided to close the dam's flood gates and to fill in the targeted area, including the Mapuche cemetery"* (Barrera-Hernández, 2010, p. 23). Furthermore, extraction or other forms of invasion destroy nature, for example, native forests. Many natural species and the spirits of these species disappear as well. The Mapuche way of living in accord with their environment is made impossible through water privatisation. This can be interpreted as great disrespect towards the traditions, customs and believes of the Mapuche communities, which can result in *"high profile conflicts that have lasted for years, involving widespread social and environmental effects including water quality, conservation of protected natural areas and cultural heritage"* (Bauer, 2015, p. 159).

In order to survive, cultural adaptation is often the only possible way, although this contrasts the attempts of the Mapuche communities to preserve their unique cultural identity and distinctness. *"Existing Latin American laws frequently fail to strike a balance between economic development and indigenous rights to resources"*, according to Barrera-Hernández (2005, p. 1). The government fails to find a balance to support the development and the

economy on the one hand and to protect the cultural heritage of Mapuche on the other hand. *"Bodies of water are specifically recognised as fundamental to indigenous survival and well-being"* (Barrera-Hernández, 2010, p. 2)*,* yet by following the marked goal of maximising profits, supported by Chilean laws, the government discriminates against indigenous rights to preserve, protect, and manage their natural resources and cultural heritage.

From a capitalist point of view, in accordance with Harvey (2019b), natural recourses as well as cultural history are indirect targets, which can provide the owner with profitable resources. It is clearly indicated by these findings, that natural resources are seen as commodity which are valuable to make profit. In contrast, the cultural identity of the Mapuche is neglected as an indirect target and not used yet to accumulate capital. Nevertheless, the constant accumulation by dispossession is valued higher than the cultural identity of the Mapuche. The Mapuche are not in power as they neither have control over the physical and financial resources, nor are their values and beliefs respected (Coghlan & Brydon-Miller, 2014a). These aspects indicate that recognitional equity is by far not fulfilled. Lacking respect and recognition towards identity, values and indigenous rights, not only empowerment, but also human rights principles are disregarded (UNDP, 2020). Furthermore, according to the cultural adaption has to be considered as an act of covert or externally-defined resistance (Hollander & Einwohner, 2004). The researcher cannot decide whether this is considered as resistance by the Mapuche or rather forced assimilation or something else entirely.

Loss of Collectiveness

The loss of collectiveness is identified as a significant aspect of the derogation of the cultural identity and heritage of the Mapuche. The privatisation of water and land, as explained in the previous sub-chapter, results in displacement and migration of Mapuche. The relocations, often under public pressure, lead to the loss of collectiveness amongst the Mapuche communities. Funk (2912) states, that the privatisation *"encompasses a loss of space where culture can be renewed collectively and where Mapuche knowledge and values can be kept alive."* A sense of collectiveness and community is an integral part of the cultural understanding of the Mapuche. Without this collectiveness, collective knowledge and values will be lost gradually.

In addition, rural Mapuche communities get isolated because of the closing of roads that trespass through territory hold by corporations. Amongst others, this would lead to *"considerable consequences for the Mapuche culture, which was facing a process of cultural destruction that inevitably would lead to the extinction of the Mapuche as a social group"*

(Carter, 2010, p 73). The sense of collectiveness identifies the Mapuche as a social group, with the loss of shared values and cultural identity, the identification as the social group itself gets destroyed.

> *The logging companies claim property ownership over land belonging to Mapuche communities, who, in addition, suffer the contamination of land and water, drying up of water tables and resources, as well as isolation caused by the closing of rural roads and routes. (Carter, 2010, p. 72)*

This process gets reinforced through the government's support of privatisation and private corporations. Azocar (2005) points out, that *"since Mapuche territorial organisation and their holistic concept of a common resource system were either unknown or at best misunderstood by the government, they were reduced and fragmented"* (p. 60). Through the loss of water and land rights, the Mapuche territory gets fragmented, the connection of the Mapuche to nature and fellow communities is destroyed. The government dismisses the universal understanding of nature and social collectively.

> *For the Pehuenche, a large part of the territory is for common use, and its use is based inherent annual cycle of activities and the availability of natural resources, assuming territorial continuity (free movement of people and resources) between these ecological environments. (Azocar et al., 2005, p. 63)*

As Harvey (2019b) suggests, the privatisation of public goods openly risks heavy social consequences, as we can see in loss of collectiveness for the Mapuche which is an inherent part of their cultural identity. The destruction of people and their culture, as seen in the examples above and relates to Harvey's (2019b) approach of constructivism. In addition, the loss of collectiveness can negatively affect the resistance process of the Mapuche as collective resistance, which is an important dimension of the concept of Hollander and Einwohner (2004), is impaired or becomes more difficult due to increased isolation of the single Mapuche communities. I would also argue, that the described disappearance of collective knowledge and values contradict the empowerment approach of educational empowerment, based on Cox and Pawar (2019) as an informal educational system is no longer available.

Destruction and Fragmentation of Native Nature

As already mentioned, all effects identified as themes are interrelated; the destruction and fragmentation of nature is no exception. The capitalist system is singled out as a trigger for the destruction of the natural environment. It is key to the Mapuche struggle and has various

excrescences. Kowalcyzk (2013), explains that *"indigenous struggles, most notably the close relationship between the capitalist mode of production and environmental and cultural destruction, [...] is often the key target of indigenous struggles"* (p. 122). Following free-market principles in water privatisation, the accumulation of profit was and is the primary goal. To achieve these goals, environmental regulations are pretty weak and were loosened with devastating impacts on the natural environment in the Mapuche territories. Contamination and pollution threaten not only the biodiversity and the untouched nature but also the Mapuche and their livelihood, as they depend on the preservation of their natural environment. The contamination poisons the soil and the water, while native trees, plants and herbs disappear.

> *Pesticides and herbicides had contaminated soil and water, poisoning small game animals, domestic livestock, and even some humans. Logging companies cleared the remaining patches of native forests, eliminating native herbs and plants that Mapuche communities had used for traditional medicine and ceremonies. (Haughney, 2007, p. 146)*

The forest industry, one of the country's most important economic branches, has a harmful impact on the natural environment, too. The plantations affect the water resources in different ways. First of all, the monoculture plantations contain foreign, fast-growing trees that consume a high amount of water, leading to heavy extraction and even over-extraction of natural water resources. The direct impacts on the Mapuche have been already explained above. Nevertheless, *"the absence of water rights becomes a source of obvious concern in cases where communities face potential and actual environmental damage from extractive industries"* (Giminiani & Gálvez, 2018). The Mapuche communities are affected by the indirect consequences, as well. These are soil depletion, decrease in river flows, diminishing groundwater reservoirs and deprivation of vital nutritional substances. Aridness has to be named, too, because the plantations dry out places and make them unusable for the Mapuche communities. The data suggests that water is a particularly vulnerable resource, prone to pollution.

> *[...] the peoples in the areas where the resources are located tend to bear a dis-proportionate share of the negative impacts of development through reduced access to resources and direct exposure to pollution and environmental degradation. This is particularly true with regards to water which is much more vulnerable to pollution, depletion and diversion than the air or soil. (Barrera-Hernández, 2010 , p. 15)*

The analysed data indicates that the hydropower projects have unpredictable, complex implications for the Mapuche communities, even though they are considered "green" energy.

Barrera-Hernández (2005) argues, that the natural flow of the river would be disturbed and that the quality of the water would be altered and would no longer be suitable for existing human and traditional uses" (p. 23). The contradiction of the water privatisation, with the corporations holding the water rights and the Mapuche the land rights, the flooding of Mapuche territories is inevitable. Hale and Reinao (2018) explain, that the *"most notable impacts of impoundment by dams is on a river's natural flow regime, or the diversity in magnitude, frequency, duration, rate of change and timing of discharge, and low and high flow events"* (p. 70). The natural environment and entire ecosystems are irrevocably damaged, for example, rare natural, highly biodiverse rain forests and ancestral lands.

The exploitation of natural resources at the expense of the environment can be analysed based on Harvey's (2019b) environmentalist approach of uneven geographical development. Although environmental capacities might be limited, the conditions are still advantageous to generate enough surpluses to generate profit. The destruction of nature, through forestry, hydropower or other corporation projects, are hazardous consequences of the market orientation.

6.1.4 Conflicts and Repression

The prior analysis results in recognition of various conflicts and repressions affecting the Mapuche. They all are related to water privatisation. All of the identified conflicts and rows involve issues regarding themes that were identified before. Sharp delamination of cause and effect is not possible. Here again, it is impossible to separate the question of water from the question of territory and land.

Confrontations and Conflicts

With the neo-liberal reforms, indigenous land and resources in possession of the Mapuche were highly demanded because of their value to private investors and international corporations. According to Correra-Parra et. Al. (2020), "*the privatisation scheme has triggered conflicts between water rights owners and local communities*" (p. 7). Conflicts and confrontations with the indigenous communities were unavoidable events. Berrera-Hernández (2005) illustrates that the" implementation *of neo-liberal economic policies have resulted in increased pressure and demands over indigenous lands, water, and other resources resulting in numerous confrontations between indigenous peoples and the government"* (p. 13).

The research indicates that the conflicts were fought out on different levels. On the one hand, it came to very active movements, resulting in violent and non-violent clashes. The Mapuche communities show their discontent through public protests and marches and by sabotaging landowners' and corporations' private property or occupying public institutions. The extraction of natural resources and the ignorance of the government towards cultural affairs radicalised the protests.

> *Mapuche organisations and communities have responded with violent and non-violent actions, including marches, land occupations, fires set on timberlands, and equipment sabotage. Mapuche have also been accused of arson on estates that were once part of their territory, but now belong to colonial farmers. (Carter, 2010, p. 262)*

On the other hand, legal battles were fought over the impacts of water privatisation. General disagreement with the construction of developmental projects, such as hydroelectrically dams or motorways, are identified by Macpherson (2019). Bauer exemplifies that there are "*high-profile conflicts that have lasted for years, involving widespread social and environmental effects including water quality, conservation of protected natural areas, and cultural heritage.*" *(p. 195)*. The Mapuche criticise the effects of water privatisation's impact on the natural environment. The conflict can be described as a dispute between the right to water and the right to development. Bluemel (2004) resumes that *"the "right to develop" may therefore simultaneously support and undermine a right to water" (p. 993).*

The (violent) conflicts over resources between different parties are very likely to happen following Harvey's (2019b) concept of politics of social struggle. As explained and shown above, the goal of the Mapuche is to solve social, political and environmental problems whereas the state and the corporations more likely aim to re-establish and strengthen the socio-economic order (Harvey, 2019b). The findings clearly indicate overt forms of resistance. Both active movements openly opposing the current system as well as legal actions fighting for water rights classify as overt resistance.

Violent Repression and Criminalisation of Political and Environmental Activists

A more visible side effect of the water privatisation and the Mapuche struggle over indigenous rights is the criminalisation of political and environmental activists. Movements that oppose the capitalist system and the exploitation of natural resources face criminalisation and repression as well. The protesters face violent repression through the highly militarised Chilean police forces, which stays in contrast to the impunity many police officers enjoy after violations

of laws and regulations. Kowalcyk (2013) explains that, "because of its explicitly anti-systemic and anti-capitalist character, which frequently means confrontation with Chilean law, the movement has been criminalised and heavily repressed".

> *Social conflict around indigenous issues has steadily increased. Hunger strikes by prisoners convicted under anti-terrorism laws, regular protests against police impunity, and the ubiquitous pro-Mapuche graffiti in several Chilean towns are some of the most recent manifestations of this. (Haughney, 2007, p. 73)*

Furthermore, the Mapuche activists were publicly denounced as terrorists to justify applying the Anti-Terror Law against the Mapuche leaders. Although the prosecution under the Anti-Terror Law is internationally condemned, Chile's Supreme Court approved of the imprisonment of indigenous people under this law, such as minor crimes like damaging property: *"Supreme Court's pronouncement in the Ancalaf case reaffirmed the indigenous leader's prison sentence for his activitie"* (Barrera-Hernández, 2010, p. 21). Especially the lengthy pre-trial detention because of alleged claims is highly problematic.

> *On the matter of criminal prosecution of indigenous leaders, it stated its deep concern "about the application of special laws, such as the Law of State Security (No. 12.927) and the anti-terrorism law (No. 18.314), in the context of the current tensions over the ancestral lands in the Mapuche areas. (Barrera-Hernández, 2010, p. 21)*

The criminalisation and repression of activists can be analysed as 'power-over', as the Chilean state acts in a dominant and repressive way. Police force, coercion and abuse are frequent consequences applied to the Mapuche, as the findings indicate, which are characteristics of this concept of power by Coghlan and Brydon-Miller (2014).

6.2 Demands and Actions of the Mapuche

The demands of the Mapuche, which are highlighted in this sub-chapter, almost identically mirror the effects the Mapuche communities experience caused by the neo-liberal approach of water privatisation in Chile.

6.2.1 Self-Determination and Autonomy

The water privatisation and its effects on the indigenous Mapuche has led to increased claims for self-determination and autonomy within the Mapuche communities. The Mapuche communities are stripped of the right and possibility to manage their ancestral resources according to their beliefs and customs, as the following quote from the an analysed journal article shows: *"What affects our people most is the impossibility or at least the extreme*

hindering of our efforts to recuperate our autonomy, and to regain possession of our territories, two things that go hand in hand" (Hale & Reinao, 2018, p. 315). Although they bear the most severe consequences of water privatisation and the capitalist approach of exploiting natural resources, they often have a minor influence on decision-making, as can be understood from this quote: *"What has clearly emerged among Mapuche activists is a discourse of autonomy and self-determination in place of one that demands a place for the Mapuche within the Chilean nation"* (Carter, 2010, p. 61). The Mapuche's claim for an autonomous Mapuche territory is one of the most significant demands, even though quite difficult to achieve. The capitalist system stands as a barrier to the Mapuche's will for autonomy.

Moreover, the demand for self-determination as a reaction to the consequences of water privatisation has been identified in different articles during the content analysis. Self-determination can be understood as freedom of interference and supremacy to protect the natural resources and minimise disrespect and mismanagement, as the citation from Berrera-Hernández (2005) shows: *"When water is disrespected, misused and poorly managed, ... [w]e know that our right of self-determination and sovereignty, our traditional knowledge, and practices to protect the water are being disregarded violated and disrespected"* (p. 7). The articles draw an explicit picture of the demand for self-determination to control water and other natural resources, as the Mapuche *"demand the right to their own institutions, control of resources, and cultural freedom"* (Carter, 2010, p. 6)

The Mapuche claim that their collective rights, cultural diversity, social networks and their self-worth as individuals and as a group will grow and be strengthened if they were given the possibility of self-determination in every aspect of life. Mcpherson (2019) *"highlights the importance of legal recognition of indigenous peoples, but only in so far as it is accompanied by substantive support for collective rights"* (p. 262). The state should not value the right of the market to exploit nature and its resources higher than the collective rights, participation, and recognitions, or in other words, the right to self-determination of any people or social group. The state should provide political and legal structures to fulfil the self-determination demands of the Mapuche communities. Haughney (2007) and Macpherson (2019) provide examples for the need for self-determination as essential for cultural survival.

> *For a part of the Mapuche movement, self-determination is not only a goal, but conceived as the essence of the process of cultural strengthening. Because cultures are collective, social creations, they cannot flourish and respond creatively to changing contexts unless*

peoples themselves participate in the revitalisation of their cultures. (Haughney, 2007, p. 155)

The demand for self-determination and autonomy can be seen also in conjunction with the demand for the destruction of colonial structures of power and exploitation.

> *The refusal of political strategies focused principally on state-recognised 'rights,' which contribute directly to the logic of colonial dispossession. Underlying both points is an insistence on Mapuche lifeways as the basis for autonomy, defined not as rights asked for and recognised by the state, but rather, as the recuperation and exercise of the self-determination lost with the military conquest and dispossession of the late 19th century. (Hale & Reinao, 2018, p. 315)*

From a theoretical perspective, the demand for autonomy and self-determination are major indicators for social struggle and an inherent part of Harvey's (2019b) theory of uneven geographical development. The struggles for more autonomy and self-determination can be classified as those targets, that are "hard to pin down" (p.72). The refusal of territorial rights, the refusal of cultural and customary rights in relation to the struggle over dignity and self-expression are clearly effecting the Mapuche and therefore, based on Harvey's (2019b) theory, can be seen as the reasons for their on-going social struggle. Withholding rights and wilfully ignoring the demand for autonomy and self-determination can be interpreted as the exertion of dominance and power by the Chilean government, state institutions and private corporations. The confrontation of the Mapuche with the superior powers that withhold the recognition of autonomy and self-determination from the former can be seen as one layer of resistance and a social movement (Vinthagen & Lilja, 2007). The goal is to generate an alternative solution in contrast to the status quo both caused by and consisting of neo-liberalist structures, the exploitation of natural territories and resources and the destruction of the Mapuche's ancestral cultural heritage. These findings furthermore relate to Vinthagen's and Lilja's (2007) approach of resistance as a form of empowerment, as internalized oppression gets replaced with dignity and self-confidence condensed in the call for self-determination. The results can also be seen through a lens introduced by Asar a's (2017), who places the demand for autonomy and the fight against global capitalism, neo-liberalism and dispossession at the heart of new social movements. Indeed, the same have also been at the heart of the Mapuche movement in Chile. Demanding autonomy and self-determination can be connected to political empowerment as well as recognitional equity (Asara, 2017; UNDP, 2020). Already during the process of fighting, but especially if identity, values and rights are respected, that is if the fight for autonomy and self-determination were to be successful, empowerment is happening.

6.2.2 Political Participation and Social Development

Political Participation and Recognition

One important finding was the existing demand of the Mapuche for more political participation and constitutional recognition. More recognition through institutions and laws would give the communities more possibilities and back-up to fight for their indigenous rights, cultural heritage, and land and water rights, as can be deduced from this quote: *"Institutional and legal strengthening regarding the protection of indigenous peoples and their communities, including constitutional recognition and ratification of ILO 169"* (Barrera-Hernández, 2010, p. 18). In addition, the Mapuche demand participation in decision-making about water usage in their territories, as Giminiani & Gálvez (2018) state. The goal should not be to fulfil the individual interests of private persons or companies but rather to re-establish a local version of the political economy. This would include a critical assessment of local conditions and the dangers of objectifying natural resources carried out in neo-liberal politics.

> *In contrast, among the Mapuche residents of the lower part of the valley, rights over water are seen as an issue of public concern that should not be decided based on individual interests. This is because, as mentioned above, there is a generalised idea that infrastructural intervention in watercourses can lead to chronic water loss in an environment of already increasing droughts. (Giminiani & Gálvez, 2018, p. 210)*

More participatory rights would allow the Mapuche to regain and protect access to water for themselves and shape the development of future decision-making processes regarding water access and rights. Although the implementation of Free, Prior and Informed Consent (FPIC) is supposed to give the Mapuche and other indigenous people participatory rights, the application, in reality, remains very formal and lacks tangible results as Falleti (2020) implies: *"Chile has also implemented prior consultations since it ratified the ILO C169 in 2008. However, [...] these consultations have been highly formalistic and procedural and have not resulted in legislative changes"* (p. e10). By following the market rules and further sustaining the neo-liberal economic system, even political parties and other stakeholders (who might represent the Mapuche's demands) lose control over decisions regarding natural recourses, as the findings in Haughney's (2007) study reveals: *"Concertacion's acceptance of the ideology that the market, not the state, should be the preeminent agent to distribute goods and services has reduced the relevance of political parties as agents of social change"* (p. 154).

From a theoretical point of view, the concept or recognitional and procedural equity can be applied to the Mapuche's fight for political participation and recognition. As the UNDP (2020) states, procedural equity needs representation, power and voice, which subsequently lead to empowerment. The Mapuche would be involved in decision making, gain political recognition and interact with institutions, which are, in fact, essential demands of the Mapuche, as the findings imply. These demands should then lead to increased recognitional equity, which implies the fulfilment of human rights that show respect towards the Mapuche and enable political participation (Asara, 2017). The findings demand for a collective approach rather than an individual approach, which Asara (2017) describes as the crucial stepping stone for resistance to turn into a social movement. Appling Harvey's (2019b) concept of accumulation by dispossession, the demand of political participation can be interpreted as an attempt of the Mapuche to overcome the barriers of class power and gain power themselves to be able to influence the political development. This would also mean to have more control on how natural resources on current or ancestral territories are used.

Social Development

The privatisation of water and other natural resources and the privatisation of land and territory originally came with the political promise of economic and social development for the Mapuche. Private corporations and the government committed to financing infrastructure and social projects. Yet, Azocar et al. (2005) states, that the *"necessity of economic, productive and social development improvements (access to agricultural credits, training, irrigation financing, rural housing, machinery and infrastructure)"* (p. 70) is not recognised. As explained already in the previous chapter, poverty and marginalisation are the reality for many Mapuche communities. Activists and NGOs demand funding for the improvement of economic and social development while at the same time valuing the culture of the Mapuche, as the following quote from Haughney's (2007) study shows: *"Mapuche non-governmental organisations continually stressed the importance of addressing economic needs in tandem with the promotion of the re-valuing of Mapuche culture"* (p. 149).

To achieve developmental amendments, a mutual conversation between the involved parties is necessary. A dialogue based on trust and respect must be implemented between Mapuche communities and their representatives and the state institutions. This would offer possibilities towards a positive change and the realisation for infrastructure projects and socio-economic development in the specific areas. Azocar et al. (2005) sums this up by saying that *"permanent*

dialogue and synergistic collaboration between state institutions, industries in the area, and the indigenous communities, that would integrate the distinct necessities and demands in a set of projects for the area" (p. 71).

From Harvey's (2019b) theoretical standpoint, the demand for social development and the struggle over infrastructure investments can be seen as elements of his concept of the politics of social struggle. The accumulation of capital by people or corporations who hold the power lead inevitably to struggles and injustice. The requests must be understood within the living situation of especially those Mapuche communities, who face poverty and marginalisation. A certain amount of frustration causes resistance according to Vinthagen and Lilja (2007). Power imbalances and a system of classes, in combination with broken promises, fuel social struggle according to Harvey (2019). Resistance is also the answer to power, so when applying the theoretical approach of Vinthagen and Lilja (2007), the demands of the Mapuche NGOs are a form of resistance. The actions and demands of NGOs are apparently overt resistance, and the attempt to engage in discussions can be interpreted as an alternative solution (Vinthagen & Lilja, 2007). Additionally, the demand for mutual discussion and dialogue can be considered as a form of empowerment, according to Askheim (2013), to reduce barriers and balance the power relations. The theoretical concept of Coghlan and Miller (2014) frames the unionisation through NGOs as 'power within', pushing self-worth through participation. Furthermore, the demand for social development and financial support for infrastructure projects is a combination of personal, social, economic and political empowerment (Cox & Pawar, 2006).

6.2.3 Recognition of Cultural Heritage

Recognition and Redistribution of Ancestral Water and Land Rights

Throughout the analysis, the demand of the Mapuche to get recognition for their *ancestral* water and land rights became apparent. The demands are complex and are correlated with the recognition of cultural identity and the importance of nature and the natural environment for the Mapuche communities. Hale and Reino (2018) cite statements of two Mapuche leaders and resume that *"[t]wo points stand out in this powerful declaration: recuperation of Wallmapu (Mapuche ancestral territory), as a politics of anticolonial struggle"* (p. 315). To prevent marginalisation and poverty, the communities must preserve their lands, natural resources, and collectiveness. The recognition of ancestral water and land rights and, as a consequence, their redistribution is critical for the Mapuche.

This demand must be discussed in correlation with requests of the political participation and recognition. The demand for ancestral water and land rights is an attempt to destroy colonial power structures. This can be connected to Harvey's (2019b) constructivist approach of uneven geographical development. Exploitation, destruction and dispossession of natural resources are (neo-) colonial practices which the Mapuche no longer want to accept. However, by holding the power over resources and dominating the cultural and economic ideology, the land owners and right holders are in the powerful position (Coghlan & Brydon-Miller, 2014a). Therefore, the act of claiming ancestral water and land rights, is an act of empowerment of the Mapuche communities.

Recognition of Cultural Identity

The data analysis indicates that the demand for collective rights, recognition of cultural patterns and traditions together with the recognition of ancestral water and land rights, are essential for recognising the cultural heritage and identity of the Mapuche. The Mapuche demand for the Chilean state and the regional authorities to recognise their culture and strive for the strengthening of their cultural and territorial identity. Haughney's (2007) shows how these demands are voiced by activists, who *"considered culture to be intrinsically linked to territory and its resources, not merely a matter of customs and language. Mapuche non-governmental development institutions promoted local organisations in rural communities"* (p. 149). Culture is often linked to customs and language, but the Mapuche's cultural roots reach deeper as they are connected to their territory and the natural resources of those lands. The Mapuche are *"actively seeking the recognition of their rights, including the rights to those lands and resources, particularly water, to which they are spiritually, culturally and materially connected"* (Azocar et al., 2005). Mapuche-based NGOs, for example, advocate for their communities and their cultural habits and believes to be heard and recognised. Infrastructure projects, implementation of jobs in the forest industry or other forms of material and economic compensation cannot not replace the need for a respectful treatment of nature which is part of the Mapuche culture:

This does not mean that there cannot be an exclusive relation between a group of people and certain water sources occupied for practical purposes, but only that it must always be

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> *done while maintaining the balance of 'respect' that guides relations in Mapuche life. (Giminiani & Gálvez, 2018, p. 209)*

Still, the Mapuche demand the *"recognition, respect and protection of cultural specificity and [that] the opening of new dialogues and meeting points need to be initiated"* (Azocar et al., 2005, p. 71). This statement naturally leads to a discussion about open dialogues that can help achieve the Mapuche's goals and protect the indigenous communities. This also includes the recognition of more typical characteristics of cultural identity and the inclusion of those in the educational process. For example, *"making Mapudungun an official language . . . But this too is toxic: why should the Mapuche need to ask permission to speak our language? This is simply proof that we are a colonised people, living under a colonial regime of domination..."*, as Hale and Reino (2018, p. 315) quote interviewed Mapuche. Carter (2010) suggests, apart from making it an official language, to implement bilingual education to learn the language Mapudungun. The Mapuche communities demand the acknowledgement of the Mapuche as a people with community-specific rights and recognition of its cultural diversity. Importantly, the cultural diversity and Mapuche's traditional way of living would not necessarily compete with the modern tendencies, but can rather underline the importance and necessity in a globalised world to acknowledge the local specificities of culture and nature:

> *Their cultural specificities and their particular relations with land and territory do not imply a threat, but rather a confirmation that post-modernisation and globalisation includes a recognition of uniqueness, of the unrepeatable, that many see in biological diversity and that should also be seen in cultural diversity. (Azocar et al., 2005, p. 71)*

First of all, the demand for recognition of the Mapuche's cultural identity must be analysed from the different angles of empowerment. Four of five dimensions of Cox and Pawar's (2006) approach to empowerment can be identified by the demand for cultural recognition. Personal empowerment means for individuals to have the possibility to decide the direction of their lives, this includes also, to decide to implement cultural heritage, customs and patterns. To have this possibility, individuals must have the knowledge and access to the cultural resources. The social empowerment asks for societal change though self-determination. An open dialogue with institutions, authorities and corporations might enforce a shift towards more recognition and acceptance of the Mapuche's spirituality and connection to nature as an inherent part of their culture. Access to education to learn and preserve cultural heritage, such as to learn Mapudungun, can be empowering and achieved through educational empowerment. Finally,

demanding cultural recognition can be seen as a political act, as it requests more participation in decision-making over cultural specificities.

Protection of Natural Resources

The importance of nature and the integrity of the natural environment for the Mapuche, their cultural identity, their cultural and economic survival was evident in the content analysis. *"Indigenous voices have raised concerns about our responsibility and accountability to the Earth that nurtures us"* (Falleti, 2020, p. e11). The Mapuche are concerned about their natural habitat due to its fragility, climate change and over-extraction. They demand control of the raw water resources, because, *"environmental protection and rational natural resource use"* (Azocar et al., 2005, p. 71) are essential to protect them and achieve less water injustice and complete environmental protection. Bauer (2015) states, that to *"protect water rights of vulnerable social groups (including indigenous people)"* (p. 159) is essential.

Although the protection of the natural resources is the base which all other demands follow, it is more challenging to apply the theoretical framework here. Environmental protection has not been a priority under neo-liberalism regime, because the natural environment provides too much resources to accumulate capital and profit (Harvey, 2019b). The exploitation and destruction of nature has devastating consequences and causes diverse social struggles and deserves therefore special protection (Harvey, 2019b). It can be argued, that the demand for more protection of natural resources is based in the shared values of the Mapuche and the importance for their culture, which makes it, according to Asara (2017), a potential motive for acts of social resistance.

6.2.4 Decriminalization of Political Activities

A broad alliance of human rights organisation demands the decriminalisation of political Mapuche activists. The labelling as terrorists is inhuman and against any international judicial human rights standards.

> *National and international human rights and lawyers' organizations, including Rodolfo Stavenhagen, the United Nations Observer for Human Rights, objected to the judicial proceedings, finding a lack of due process in these and other cases, and rejected the label of 'terrorist' for the burning of logging equipment, buildings, or tree plantation. (Haughney, 2007, p. 150)*

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6.2.5 Resistance and Social Movements

The Mapuche's struggle over land and natural resources might have had less impact on the Chilean national politics than indigenous protests in other Latin American countries, as Funk (2012) implies. Nevertheless, the Mapuche movements are essential parts of the anti-neo-liberal demonstrations in Latin America and should studied further. The relatively small group of indigenous people in relation to the entire population in Chile can mobilise collective protests, which should be of interest for scholars and other groups in Latin America to learn from (Azocar et al., 2005).

> *Though the indigenous peoples of Chile may lack the numbers to affect national politics to the same extent as their counterparts in other countries, the Mapuche struggle is clearly of sufficient significance to be studied under the framework of contentious politics, and, more specifically, as another instance of anti-neoliberal mobilisation in South America. (Azocar et al., 2005, p. 136)*

The indigenous movement is diverse and complex, yet active in denouncing the effects of water privatisation on the Mapuche and demanding the changes described above. The Mapuche's actions have different emphases and foci. It can be said that there is no "water only" movement. It is impossible to separate the diverse demands and the complex situation of the Mapuche in the South of Chile from each other, as the analysis of the articles by Kowalcyk (2013) and Mcpherson (2019) shows. Furthermore, Mcpherson (2019) emphasises, that "*despite the absence of a unified vision in the movement, the articulation of some Mapuche actors' demands for autonomy reveals an understanding of redistribution and recognition as inherently linked*" (p. 274). They are backed by the growth of such movements all over the Latin American continent, as described by Carter (2010). In addition, Mapuche, who migrated to the city centres, including urban Mapuche professionals, were another solid arm for pressure on the state, according to Hale and Reino (2018). Gutierrez et al. (2019) and Funk (2012) give an example of a local, national and international mobilisation *"forming an international and transversal movement"* (p. 110) to protect the environment and the untouched Patagonian nature. Furthermore, the Mapuche have a transnational network with people advocating for their cause from abroad, e.g. from the UK or the Netherlands (Funk, 2012).

> *This phenomenon has been paralleled by a proliferation of political activity, social movements, and NGOs organised around indigenous demands, in marked contrast to the decline of such activity in other sectors of civil society [...], but in keeping with the growth in ethnic political movements across the continent. (Carter, 2010, p. 59)*

Other Mapuche groups team up with environmental protesters to campaign together for indigenous and environmental rights, as they "violated not only internationally recognised indigenous rights, but Chile's own environmental and indigenous laws" (Macpherson, 2019b). Nevertheless, Gutierrez et al. (2019) and Haughney (2017) articulate the concern that the Mapuche risk getting instrumentalised for more extensive protests and movements such as the Hydro Aysén. However, the *"expansion of transnational agricultural production triggered the reactivation of Mapuche mobilisations, which for the first time combined the struggle for land with defence of the environment"* (Haughney, 2007, p. 130).

Furthermore, the analysis finds that Haughney (2007) recalls the Mapuche's political movement and its aspiration for a political Mapuche party to claim political autonomy and fight for more collective rights. The campaign wants a more radical and holistic approach rather than only small scale social and economic projects. Despite their different approaches and emphases, the movement is united by their opposition to the state structure and the neo-liberal ideology.

> *Along with the gradual implementation of rules on the rights of indigenous peoples, indigenous social protest has intensified — especially Mapuche in southern Chile. [Junto a la gradual implementación de normas atingentes a derechos de pueblos originarios, se ha intensificado la protesta social indígena —sobre todo la mapuche en el sur de Chile.] (Fuentes & Cea, de, 2017, p. 8)*

The movement stands in opposition to the international corporations and international organisations such as the World Bank, identified in Hale and Reino's (2018) journal article. The authorities and ruling parties might promote cultural diversity but do not question the economic system and political hierarchy (Haughney, 2007). Instead of supporting the mobilisation and demands for participation and collective rights, the state reacts with confrontation, repression, and conflict, as the final extract from Kowalczyk (2013) highlights:

> *[I]ndigenous movements are frequently aware of the dangers inherent in a struggle against subordination within the dominant framework and aim at reinventing politics on their own terms, devising political forms that, although they may draw on some aspects of modern rationality, are not subordinated to it but constitute a new rationality serving the real needs of the communities. This strategy, however, tends to imply direct confrontation with the modern "gardening" state, which does not tolerate difference unless it is compatible with its homogenising project. In the end, indigenous peoples face the real threat of ethnocide or genocide. (Kowalczyk, 2013, p.130)*

6.3 Connection to Human Rights Principles

In this chapter, the results are assessed from a human rights perspective in light of the previous literature and background information concerning human rights treaties and their application in Chile.

6.3.1 Violation and Correlation of Human Rights

The analysis of the journal articles indicates the debate about water as a human right versuss water as a private good is still ongoing. Baer (2014) describes the social movements which are motivated by the belief that water is a fundamental human right that needs to be protected. On the other hand, a strong lobby advocates for even more privatisation and reducing state control. The movements resort back to international movements which fight globally for water justice and against privately owned water, as the following quote indicate: *"The "water justice movement", a global network of civil society organisations, argues that water is a fundamental human right and a resource that is too scarce and precious to be privately owned and managed"* (Baer, 2014, p. 145).

More explicitly, campaigners claim that Chile does not fulfil the call for the human right to water. Indigenous communities, including the Mapuche, are running short on water due to the vast water usage of private companies, as the following examples illustrate:

> *This is not to suggest that the human right to water is fulfilled everywhere in Chile. In the Northern and Southern areas of the country, indigenous and environmental groups claim that water shortages resulting from groundwater extraction by mining and logging companies are violations of their right to water. (Baer, 2014, p. 148)*

Various articles implicit the correlation of basic human rights, however the fulfilment of one human right does not necessarily mean the realisation of other rights. Barrera-Hernández (2007) gives an example that the human right to water is inseparably connected to the right to health, the right to adequate living standards, and the right to life.

> *Thus, in a practical application of the principle of indivisibility and to avoid the issues of justiciability that cloud the effective enforcement of social, economic and cultural rights, quite often, and particularly in the case of indigenous peoples, complaints pertaining to the right to water will be subsumed in claims relative to the right to life or other justiciable human rights. (Barrera-Hernández, 2010, p. 5)*

The right to be free of torture and the right to a fair trial is also violated because of the application of the anti-terror law towards activists. Macpherson (2019) explains that the anti-

terrorism law allows for pre-trial detention of suspects for months or even years. It gives prosecutors extensive freedoms to observe suspects or use witnesses in trials to whom the defence has no access.

> *The application of the terrorist label has legitimated the use of state violence, including frequent raids on Mapuche communities in which human rights abuses against men, women, and children have been documented. Police violence and torture are reported to have taken place during interrogations. Three young Mapuche men were shot dead by police under the Concertación. (Macpherson, 2019b)*

Bluemel (2004) highlights another angle of the complex situation of water privatisation in Chile. It asks the question, if and how the rights of different stakeholders can be valued. It puts the right to water in relation to the right to livelihood, but also ask whether the fulfilment of the right to water for other people and societal needs, e.g. in cities, should violate other indigenous rights, e.g. their right to housing or land and territory.

> *This battle, though not directly based on the right to water, illustrates the difficulty of implementing a right to water when such a right conflict with development goals of the government and other rights, such as the right to livelihood. [...] No sufficient answer has yet been given to the question of whether inter-regional transfers are required when other fundamental rights are impacted. While States would be required to give effect to the right to water as far as possible without impacting other ICESCR or human rights, how the right to water is expected to interact with conflicting fundamental rights remains unclear.(Bluemel, 2004, p. 992)*

6.3.2 Application and Ignorance of Legal Frameworks

The human rights principles include the states' responsibility to respect, protect, and fulfil their citizens' human rights. By privatising the water usage and water services in Chile, it is no longer possible to fulfil this right because it reduces the state's role and power. Baer (2014) states that *"Campaigns for the human right to water oppose privatisation as antithetical to a human rights approach to water services in part because privatisation reduces the role of the state, which is the primary responsible party for fulfilling human rights"* (p. 141).

Furthermore, the analysis hints at the fact that the Chilean state breaches legal frameworks that are in place to protect and enforce indigenous rights, amongst others. The laws in place to protect the Mapuche, e.g. the indigenous law and laws to protect their natural environment from *"capitalist development projects"* (Macpherson, 2019b, p. 263), do not work effectively in practice. But not only national laws and regulations but also international legal frameworks

are annulled. An example is the violation of the IOL 169 convention and the UNDHR by treating Mapuche activists and political opponents as terrorists under the anti-terror law (Macpherson, 2019b). Funk (2012) states how the Inter American Court of Human rights condemns the Chilean state's repression and killing.

> *The state has violated numerous aspects of ILO 169 and the UN Declaration in this context. Not only has it contributed to the conflicts by violating the right to consultation regarding development in indigenous territories, but it holds the Mapuche to a different legal standard by applying the anti-terrorist law almost exclusively against them, thus violating their rights to equal citizenship (encoded in both documents as well as the Constitution). (Macpherson, 2019b, p. 265)*

Chile adopted international human rights law, has an Indigenous Law in place and ratified the ILO convention 169, however, the previous examples show that the indigenous people and their communities need a stronger legal framework or at least. Furthermore, Baer (2014) points out that there is a deficiency of a working complaint mechanism for human rights violations in Chile.

7 Conclusion

In this section, concluding remarks are offered that answer the research questions and implications for the social work practice and further research will wrap up this study.

7.1 Concluding Remarks

The following presents the results pertaining to each of the three research questions.

> **(1) How does the privatisation of water affect the Mapuche communities in the South of Chile?**

The results of the analysis allow the conclusion that the privatisation of water in Chile has major impacts on the Mapuche, which all lay more on the negative spectrum. The impacts range from formal and legislative challenges such as the loss of water and land because of legal and administrative water privatisation process to the discrimination of the Mapuche and dispossession of their territories and water rights. The present findings confirm that issues regarding water rights of the Mapuche cannot be separated from the concerns about land rights.

It can be concluded, that the socio-economic impacts on the Mapuche are the more palpable. Displacement, migration and depopulation can be linked directly with projects, that are related to water privatisation such as hydroelectric or forestry projects. Power structures favour factors of privatisation and dispossession instead of empowerment of the local indigenous communities, as the application of the theoretical framework implicates. Poverty, marginalisation and limited access to water are additional consequences faced by the Mapuche that stem from the same problematic.

The present findings confirm the high complexity of the study area and the necessity for a broad approach to understand the correlations. By applying the three different theoretical frameworks, it was possible to highlight important issues. It appears that especially the impacts on culture and nature must be understood from different perspectives. The deep connection of the Mapuche with nature and their understanding of collectiveness is one of the major findings of this study. Also an empowerment perspective was applied, which highlighted how the Mapuche strive for empowerment and yet, how much there still needs to be done to be able to make their voices heard in the fight for access and use of their ancestral lands and resources thereupon, including water, and ultimately to gain full power of co-decision making these matters. The destruction of the natural environment was intensely discussed and it can be

concluded, that this is one of the most devastating effects of the water privatisation and is intricately linked to the Mapuche's past and current struggles, but also their demands and actions to empower themselves, even though it was challenging to analyse this link from a theoretical point of view.

In contrast to the cultural aspects, the criminalisation of the Mapuche activists and especially the application of the anti-terror-law were covered in previous literature and in the theoretical framework to a greater extent. Yet the findings and the analysis allow the conclusion, that the violent repression is condoned easily in order to accumulate profit in the neo-liberal system. Although the consequences are critical for the Mapuche, the conflicts resulting from their protests and activism are also a form of empowerment.

It is difficult to arrive at any conclusion with regard to the global aspects of neo-liberalism. The impact of international corporations and global supply chains could only be analysed on a small scale. The dynamics of global supply chains on the water privatisation and the power of international corporations in Chile was touched upon through a few examples.

(2) What are the demands, and the actions, of the Mapuche communities?

The demand of the Mapuche communities in response to the effects are numerous and diverse. Yet it has to be acknowledged that the demand cannot be seen only in the light of the water privatisation. The analysis indicates, that accumulation by dispossession is the main root for the requests and demands of the Mapuche, however, the complex social struggles also drive the resistance and constant demands for change.

The findings allow the conclusion, that the demand for self-determination and autonomy is at the core of many Mapuche movements. The claims are partly the result of the negative effects of water privatisation, but also more generally because of the mal-treatment and ignorance of governmental institutions. Consequently, the requests for political participation and constitutional recognition are the continuation of an emancipatory process. The demand for cultural recognition must be understood as an attempt to destroy (colonial) power structures and as inherent to the Mapuche's cultural survival.

In conclusion, it would appear that the three dimensions of recognitional, distributional and procedural equity with their direct connection to empowerment are the major forces to establish the demands of the Mapuche. Empowerment in all its facets is the most important tool to make their demands heard and ultimately be able to enforce them. Yet, it must be recognised, that in

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all theoretical concepts, collectiveness is an important resource, which is clearly threatened as Mapuche settlements are dislocated and isolated from each other. This allows the conclusion, that the Mapuche movements and demands might be less impactful than they could be if greater collectiveness were to be achieved.

However, the actions of the Mapuche as a reaction to the water privatisation cannot be completely separated from the effects and the demands. It is difficult to clearly define specific social movements or NGOs or single acts of resistance, because of the diversity of the actions and the complexity of the topic. The suggestion of Harvey (2019b) and Asara (207) to specifically determine why movements happen, how they are structured and what exactly they imply could not be achieved. Also, the other forms of resistance beside overt resistance were difficult to identify, potentially because they have not yet been the subject of study in the existing literature.

(3) In which ways can this struggle over water supplies be related to human rights principles?

Although from a social work perspective the human right to water is a fundamental human right and protected by international treaties, this research implies that the practical implementation of this right in reality is much more challenging. Water supplies were identified as resources in great demand in the neo-liberal system to generate profit and capital. This makes them very valuable and the involved parties risk human rights violations, even though international treaties and national laws are in place to protect the indigenous communities, amongst others, from human rights violations. These aspects of the research imply the need to strengthen international treaties, so that global players accept greater responsibility, and the implementation of independent complaint processes and systems as well as an increased effort in establishing and strengthening mediating organs.

7.2 Implication for Social Work Practice and Further Research

As stated in the introduction, this study is relevant for social work and human rights, amongst others, due to the triple mandate of social work and social work as human rights profession. In this function, social work must implement human rights principles as well as conduct post-colonial studies, empowerment and indigenous studies in the social work curriculum. Social work is understood as a service orientated and in many countries closely connected to welfare states and other governmental structures. Indigenous interests often contradict government positions. It is therefore necessary, that social work, at least partly, emancipate itself and put

more resources in advocacy and allyship. Local injustices and social problems must be considered from a global perspective. It was concluded, water privatisation and its far-reaching consequences on the Mapuche communities cannot and should not be reduced to actors only within national borders.

While conducting this research, Chile underwent major political changes and voted currently for a constitutional assembly, which will now draft a new constitution. Furthermore, several indigenous representatives have been elected to promote their rights in this process. Further research must be conducted on how the possible constitutional changes affect the laws on private property and water usage, and subsequently also the Mapuche communities. This research cannot untie all complex interdependencies of the effects of water privatisation. But while literature has looked at the water code and the water privatisation on the one hand, and at the Mapuche peoples and their culture and believes on the other hand, this study has aimed to look at both by contributing complementary research on how the loss of collectiveness and cultural heritage caused by processes of water privatisation in Chile has affected the Mapuche communities. The institutional discrimination also implies patriarchal and racist structures, yet the scope of this study was too small to investigate also this topic in addition to the aforementioned. Further, I would urge researchers to investigate the diverse social movements and recent demands for their right to water and participation in decision-making processes regarding land and water distribution of the Mapuche and other indigenous peoples further. Equally important a topic for future research, I regard the disruption of the connection to the natural environment and the implications of the loss of collectiveness for the Mapuche or other peoples due to water privatisation in Chile.

I want to finish this thesis with a citation from D. R. Wildcat (2013, p. 7), who asks in the introduction to *Climate Change and Indigenous Peoples in the United States*:

Can you imagine a world where nature is understood as full of relatives not resources, where inalienable rights are balanced with inalienable responsibilities and where wealth itself is measured not by resources ownership and control, but by the number of good relationships we maintain in the complex and diverse life systems of this blue green planet?
I can.

References

Achterhuis, H., Boelens, R., & Zwarteveen, M. (2010). Water Property Relations and Modern Policy Regimes: Neoloberal Utopia and the Disempowerment of Collective Action. In R. Boelens, D. H. Getches, & J. A. Guevara Gil (Eds.), *Out of the mainstream: Water rights, politics and identity*. Earthscan.

Aigo, J., & Ladio, A. (2016). Traditional Mapuche ecological knowledge in Patagonia, Argentina: Fishes and other living beings inhabiting continental waters, as a reflection of processes of change. *Journal of Ethnobiology and Ethnomedicine*, *12*(1), 56. https://doi.org/10.1186/s13002-016-0130-y

Anderson, G. L., & Herr, K. G. (Eds.). (2007). *Encyclopedia of Activism and Social Justice* (Vol. 1–3). SAGE Publications, Inc. https://doi.org/10.4135/9781412956215

Ansaldi, O., & Pardo-Vergara, M. (2020). What Constitution? On Chile's Constitutional Awakening. *Law and Critique*, *31*(1), 7–39. Scopus. https://doi.org/10.1007/s10978-020-09260-0

Artero, C. N. (2020). The water user organizations in the construction of water scarcity. From geo-legal actions to a security territorialization of water. *Revista INVI*, *35*(99), 81–108. Scopus. https://doi.org/10.4067/S0718-83582020000200081

Asara, V. (2017). Social Movement and Resistance. In C. L. Spash (Ed.), *Routledge Handbook of Ecological Economics* (pp. 173–182). Routledge Handbooks Online. https://doi.org/10.4324/9781315679747

Askheim, O. P. (2003). Empowerment as guidance for professional social work: An act of balancing on a slack rope. *European Journal of Social Work*, *6*(3), 229–240. https://doi.org/10.1080/1369145032000164546

Avigur-Eshel, A. (2019). Mobilization against Liberalization in Chile: The Failure of Neoliberal Promises as a Source of Grievance. *Journal of Global South Studies*, *36*(2), 253–278. https://doi.org/10.1353/gss.2019.0045

Aylwin, J. (2011). Struggling to localise human rights: The experience of indigenous peoples in Chile. In K. De Feyter, S. Parmentier, C. Timmerman, & G. Ulrich (Eds.), *The Local*

Relevance of Human Rights (pp. 240–269). Cambridge University Press. http://ebookcentral.proquest.com/lib/gu/detail.action?docID=802932

Azocar, G., Sanhueza, R., Aguayo, M., Romero, H., & Munoz, M. D. (2005). Conflicts for Control of Mapuche-Pehuenche Land and Natural Resources in the Biobio Highlands, Chile. *Journal of Latin American Geography*, *4*(2), 57–76. https://doi.org/10.1353/lag.2005.0035

Baer, M. (2014). Private Water, Public Good: Water Privatization and State Capacity in Chile. *Studies in Comparative International Development*, *49*(2), 141–167. https://doi.org/10.1007/s12116-014-9154-2

Barrera-Hernández, L. (2010). Indigenous Peoples, Human Rights and Natural Resource Development: Chile's Mapuche Peoples and the Right to Water. *Annual Survey of International & Comparative Law*, *11*(1). https://digitalcommons.law.ggu.edu/annlsurvey/vol11/iss1/2

Bauer, C. J. (1998). *Against the Current: Privatization, Water Markets, and the State in Chile* (Volume 14). Kluwer Academic Publishers. https://doi.org/10.1007/978-1-4615-6403-4

Bauer, C. J. (2015a). Water conflicts and entrenched governance problems in Chile's market model. *Water Alternatives*, *8*(2), 147–172. Scopus.

Bauer, C. J. (2015b). *Water Conflicts and Entrenched Governance Problems in Chile's Market Model*. *8*(2), 26.

Becerra, S., Merino, M., & Mellor, D. (2015). Ethnic Discrimination against Mapuche Students in Urban High Schools in the Araucanía Region, Chile. *International Education Studies*, *8*(10), p96. https://doi.org/10.5539/ies.v8n10p96

Bluemel, E. B. (2004). The Implications of Formulating a Human Right to Water. *Ecology Law Quarterly*, *31*(4), 957–1006.

Boelens, R., Getches, D. H., & Guevara Gil, J. A. (Eds.). (2010). *Out of the mainstream: Water rights, politics and identity*. Earthscan.

Britannica Academic. (2021). *MapucheBritannica Academic*. https://academic-eb-com.ezproxy.ub.gu.se/levels/collegiate/article/Mapuche/50706

Budds, J. (2010). Water Rights, Mining and Indigenous Groups in Chile's Atacama. In R. Boelens, D. H. Getches, & J. A. Guevara Gil (Eds.), *Out of the mainstream: Water rights, politics and identity*. Earthscan.

Cabrera Silva, A. G. (2021). *At the Margins of the Indigenous Rights Ecosystem: Underrepresented Struggles for Self-Determination*. https://harvardhrj.com/2021/04/at-the-margins-of-the-indigenous-rights-ecosystem/

Carter, D. (2010). Chile's Other History: Allende, Pinochet, and Redemocratisation in Mapuche Perspective. *Studies in Ethnicity and Nationalism*, *10*(1), 59–75. https://doi.org/10.1111/j.1754-9469.2010.01070.x

Carvajal, J. F. P. (2021). Advocacy NGOs and the neoliberal manufacture of the street voice. *Journal of Education Policy*, *0*(0), 1–21. https://doi.org/10.1080/02680939.2021.1875266

CESCR. (2003). *General comment no. 15: The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)* (E/C.12/2002/11). UN,. https://digitallibrary.un.org/record/486454

CIA. (n.d.). *Chile—The World Factbook*. Retrieved 16 March 2021, from https://www.cia.gov/the-world-factbook/countries/chile/

Coghlan, D., & Brydon-Miller, M. (Eds.). (2014a). Empowerment. In *The SAGE Encyclopedia of Action Research*. SAGE Publications Ltd. https://doi.org/10.4135/9781446294406.n122

Coghlan, D., & Brydon-Miller, M. (Eds.). (2014b). Indigenous Research Ethics and Practice. In *The SAGE Encyclopedia of Action Research*. SAGE Publications Ltd. https://doi.org/10.4135/9781446294406.n181

ConstitutionNet. (2016). *Constitutional history of Chile*. ConstitutionNet. https://constitutionnet.org/country/constitutional-history-chile

Cox, D., & Pawar, M. (2006). *International Social Work: Issues, Strategies, and Programs*. SAGE.

De Feyter, K., Parmentier, S., Timmerman, C., & Ulrich, G. (Eds.). (2011). *The Local Relevance of Human Rights*. Cambridge University Press. http://ebookcentral.proquest.com/lib/gu/detail.action?docID=802932

Degarrod, L. N. (2011). Mapuche. *Religion Past and Present*. http://referenceworks.brillonline.com/entries/religion-past-and-present/*-SIM_13544

Donoso, G. (Ed.). (2018). *Water Policy in Chile* (Vol. 21). Springer International Publishing. https://doi.org/10.1007/978-3-319-76702-4

Donoso, G. R., Valderrama, C. G., & LaBrenz, C. A. (2020). Human Rights in Chilean Social Work: Lessons from Chile to Prepare Social Work Students for Human Rights Practice. *Journal of Human Rights and Social Work*. https://doi.org/10.1007/s41134-020-00156-8

Down To Earth. (2020a). *Every 6th person under water stress: FAO*. Down to Earth. https://www.downtoearth.org.in/news/agriculture/every-6th-person-under-water-stress-fao-74437

Down To Earth. (2020b). *Water on Wall Street: Finally, humanity can bet on the future price of water*. Down to Earth. https://www.downtoearth.org.in/news/water/water-on-wall-street-finally-humanity-can-bet-on-the-future-price-of-water-74585

Etchemendy, S. (2020). The Politics of Popular Coalitions: Unions and Territorial Social Movements in Post-Neoliberal Latin America (2000–15). *Journal of Latin American Studies*, *52*(1), 157–188. https://doi.org/10.1017/S0022216X19001007

Falleti, T. G. (2020). Invisible to Political Science: Indigenous Politics in a World in Flux. *The Journal of Politics*, *83*(1), e5–e12. https://doi.org/10.1086/711568

FAO. (2021). *Indigenous peoples—Free, Prior and Informed Consent*. Food and Agriculture Organization of the United Nations. http://www.fao.org/indigenous-peoples/our-pillars/fpic/en/

Fragkou, M. C., & Budds, J. (2020). Desalination and the disarticulation of water resources: Stabilising the neoliberal model in Chile. *Transactions of the Institute of British Geographers*, *45*(2), 448–463. https://doi.org/10.1111/tran.12351

Fuentes, C., & Cea, de, M. (2017). Reconocimiento débil: Derechos de pueblos indígenas en Chile. *Perfiles Latinoamericanos*, *25*(49), 55–75. https://doi.org/10.18504/pl2549-003-2017

Funk, K. (2012). "Today There Are No Indigenous People" in Chile?: Connecting the Mapuche Struggle to Anti-Neoliberal Mobilizations in South America. *Journal of Politics in Latin America*, *4*(2), 125–140. https://doi.org/10.1177/1866802X1200400205

Galaz, V. (2004). Stealing from the Poor? Game Theory and the Politics of Water Markets in Chile. *Environmental Politics*, *13*(2), 414–437. https://doi.org/10.1080/0964401042000209649

Giminiani, P. D., & Gálvez, M. G. (2018). Who Owns the Water? The Relation as Unfinished Objectivation in the Mapuche Lived World. *Anthropological Forum*, *28*(3), 199–216. https://doi.org/10.1080/00664677.2018.1495060

Gobierno de Chile. (2021). *Gobierno de Chile—Proceso Constituyente*. Gobierno de Chile. https://www.gob.cl/procesoconstituyente/

Graneheim, U. H., Lindgren, B.-M., & Lundman, B. (2017). Methodological challenges in qualitative content analysis: A discussion paper. *Nurse Education Today*, *56*, 29–34. https://doi.org/10.1016/j.nedt.2017.06.002

Hale, C. R., & Reinao, R. M. (2018). Privatization of the 'historic debt'? Mapuche territorial claims and the forest industry in southern Chile. *Latin American and Caribbean Ethnic Studies*, *13*(3), 305–325. https://doi.org/10.1080/17442222.2018.1510658

Harvey, D. (2019a). Neo-liberalism and the restoration of class power. In D. Harvey (Ed.), *Spaces of global capitalism: A theory of uneven geographical development*. https://public.ebookcentral.proquest.com/choice/publicfullrecord.aspx?p=6062000

Harvey, D. (2019b). Notes towards a Theory of Uneven Geographical Development. In D. Harvey (Ed.), *Spaces of Global Capitalism: A Theory of Uneven Geographical*

Development.   Verso.
http://ebookcentral.proquest.com/lib/gu/detail.action?docID=5651421

Haughney, D. (2007). Neoliberal Policies, Logging Companies, and Mapuche Struggle for Autonomy in Chile. *Latin American and Caribbean Ethnic Studies*, *2*(2), 141–160. https://doi.org/10.1080/17442220701489555

Hendriks, J. (2010). Water Law, Collective Rights and System Diversity in the Andean Countries. In R. Boelens, D. H. Getches, & J. A. Guevara Gil (Eds.), *Out of the mainstream: Water rights, politics and identity*. Earthscan.

Hollander, J. A., & Einwohner, R. L. (2004). Conceptualizing Resistance. *Sociological Forum*, *19*(4). https://doi.org/10.1007/s11206-004-0694-5

IFSW. (2014). *Global Definition of Social Work – International Federation of Social Workers*. https://www.ifsw.org/what-is-social-work/global-definition-of-social-work/

ILO. (1989). *Convention C169—Indigenous and Tribal Peoples Convention* (No. 169). https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_IL O_CODE:C169

Instituto Nacional de Estadísticas. (2017). *Demografía y Vitales*. Default. http://www.ine.cl/estadisticas/sociales/demografia-y-vitales

Iroumé, A., & Palacios, H. (2013). Afforestation and changes in forest composition affect runoff in large river basins with pluvial regime and Mediterranean climate, Chile. *Journal of Hydrology*, *505*, 113–125. https://doi.org/10.1016/j.jhydrol.2013.09.031

Jaffee, D., & Case, R. A. (2018). Draining us dry: Scarcity discourses in contention over bottled water extraction. *Local Environment*, *23*(4), 485–501. https://doi.org/10.1080/13549839.2018.1431616

Johnson, J. T., & Bird, M. Y. (2012). Indigenous Peoples and Cultural Survival. In *Handbook of International Social Work*. Oxford University Press. http://oxford.universitypressscholarship.com/view/10.1093/acprof:oso/978019533361 9.001.0001/acprof-9780195333619-chapter-031

Kowalczyk, A. M. (2013). Indigenous Peoples and Modernity: Mapuche Mobilizations in Chile. *Latin American Perspectives*, *40*(4), 121–135. https://doi.org/10.1177/0094582X13484292

Krausova, A. (2019, November 14). How the Recent Protest in Chile Legitimises the Historic Struggle of the Mapuche. *OxPol*. https://blog.politics.ox.ac.uk/how-the-recent-protest-in-chile-legitimises-the-historic-struggle-of-the-mapuche/

Macpherson, E. J. (2017). Beyond Recognition: Lessons from Chile for Allocating Indigenous Water Rights in Australia. *University of New South Wales Law Journal*, *40*(3), 1130–1170.

Macpherson, E. J. (2019a). *Indigenous Water Rights in Law and Regulation: Lessons from Comparative Experience*. Cambridge University Press. https://doi.org/10.1017/9781108611091

Macpherson, E. J. (Ed.). (2019b). Recognising and Allocating Indigenous Water Rights in Chile. In *Indigenous Water Rights in Law and Regulation: Lessons from Comparative Experience* (pp. 161–212). Cambridge University Press. https://doi.org/10.1017/9781108611091.007

Marin, A. A. (2016). Constitutional Challenges of the South: Indigenous Water Rights in Chile - Another Step in the "Civilizing Mission? *Windsor Yearbook of Access to Justice*, *33*(3), 87–110. https://doi.org/10.22329/wyaj.v33i3.4888

MDG Monitor. (2016). SDG 6—Ensure Access to Water and Sanitation for All. *Millennium Development Goals*. https://www.mdgmonitor.org/sdg6-ensure-access-to-water-and-sanitation-for-all/

Merino, M. E., & Mellor, D. (2009). Perceived discrimination in Mapuche discourse: Contemporary racism in Chilean society. *Critical Discourse Studies*. http://www.tandfonline.com/doi/abs/10.1080/17405900902974902

Morales, D. (2021). Negotiating Local Development within Processes of Neoliberalisation: Empirical Evidence from a Campesinos Cooperative. *Bulletin of Latin American Research*. Scopus. https://doi.org/10.1111/blar.13216

Moreira-Munoz, A. (2011). *Plant Geography of Chile* (Vol. 5). Springer Netherlands. https://doi.org/10.1007/978-90-481-8748-5

Napadensky, A., & Azocar, R. (2017). Espacios globales y espacios locales: En busca de nuevos enfoques a los conflictos ambientales. Panorámica sobre Sudamérica y Chile, 2010-2015[*]. *Revista de Estudios Sociales*. https://doi.org/10.7440/res61.2017.03

Narain, V., & Singh, A. K. (2017). A fine muddle: (Re) Configuring water conflicts? *Geoforum*, *85*, 9–11. https://doi.org/10.1016/j.geoforum.2017.07.004

Nincic, M., & Weiss, M. (2016). The Future of Transboundary Water Conflicts. *Political Science Quarterly*, *131*(4), 717–748. https://doi.org/10.1002/polq.12531

OHCHR. (2017). *UN experts urge Chile not to use anti-terrorism law against Mapuche indigenous peoples*. https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22209&LangID=E

OHCHR. (2020). *Water: Futures market invites speculators, challenges basic human rights— UN expert*. https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26595&LangID=E

openDemocracy. (2020). *Chile: 17 of 155 Constitutional Assembly seats will be reserved for Indigenous groups*. OpenDemocracy. https://www.opendemocracy.net/en/democraciaabierta/chile-17-of-155-constitutional-assembly-seats-will-be-reserved-indigenous-groups/

Pros and Cons. (2019, March 9). Pros and Cons of Water Privatization. *Pros an Cons*. https://prosancons.com/government/pros-and-cons-of-water-privatization/

Richards, P., & Gardner, J. A. (2013). Still Seeking Recognition: Mapuche Demands, State Violence, and Discrimination in Democratic Chile. *Latin American and Caribbean Ethnic Studies*, *8*(3), 255–279. https://doi.org/10.1080/17442222.2013.779063

Rivera, D., Godoy-Faúndez, A., Lillo, M., Alvez, A., Delgado, V., Gonzalo-Martín, C., Menasalvas, E., Costumero, R., & García-Pedrero, Á. (2016). Legal disputes as a proxy

for regional conflicts over water rights in Chile. *Journal of Hydrology*, *535*, 36–45. https://doi.org/10.1016/j.jhydrol.2016.01.057

Rothwell, J. (2020). Chile's water crisis. *Latin America Bureau*. https://lab.org.uk/chiles-water-crisis/

Seelau, L. M., & Seelau, R. (2014). Making Indigenous Self-Determination Work: What the Nation Building Principles and Three Case Studies from Chile Teach Us about Implementing Indigenous Human Rights. *American Indian Law Review*, *39*(1), 137–200.

Serageldin, I. (2009). Water: Conflicts set to arise within as well as between states. *Nature*, *459*(7244), 163–163. https://doi.org/10.1038/459163b

Skjævestad, A. (2008). The Mapuche People's Battle for Indigenous Land. Litigation as a Strategy to Defend Indigenous Land Rights. *CMI Working Paper*, *WP 2008: 3*. https://www.cmi.no/publications/3002-the-mapuche-peoples-battle-for-indigenous-land

Stanziola, J. (2002). Neo-liberalism and cultural policies in Latin America: The case of Chile. *International Journal of Cultural Policy*, *8*(1), 21–35. https://doi.org/10.1080/10286630290032413

Staub-Bernasconi, S. (2016). Social Work and Human Rights—Linking Two Traditions of Human Rights in Social Work. *Journal of Human Rights and Social Work*, *1*(1), 40–49. https://doi.org/10.1007/s41134-016-0005-0

Swain, A. (2011). Challenges for water sharing in the Nile basin: Changing geo-politics and changing climate. *Hydrological Sciences Journal*, *56*(4), 687–702. https://doi.org/10.1080/02626667.2011.577037

Taylor, M. (2010). Evolutions of the competition state in Latin America: Power, contestation and neo-liberal populism. *Policy Studies*, *31*(1), 39–56. https://doi.org/10.1080/01442870903395614

Torres-Salinas, R., García, G. A., Henríquez, N. C., Zambrano-Bigiarini, M., Costa, T., & Bolin, B. (2016). Forestry development, water scarcity, and the Mapuche protest for

environmental justice in Chile. *Ambiente & Sociedade*, *19*(1), 121–144. https://doi.org/10.1590/1809-4422asoc150134r1v1912016

UN General Assembly. (2007). *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP): Human, Civil, and Indigenous Rights* (A/RES/61/295). http://www.jstor.org/stable/10.5749/wicazosareview.28.1.0009

UN General Assembly. (2010). *Resolution 64/292: The human right to water and sanitation* (A/RES/64/292). https://www.refworld.org/docid/4cc926b02.html

UN Water. (n.d.). Human Rights to Water and Sanitation. *UN Water*. Retrieved 20 April 2021, from https://www.unwater.org/water-facts/human-rights/

UN Water. (2013). *Chile. UN-Water Country Briefs.* UN-Water. https://www.unwater.org/publications/un-water-country-briefs-chile/

UNDP. (2020). *The next frontier human development and the anthropocene*. http://hdr.undp.org/sites/default/files/hdr2020.pdf

Vinthagen, S., & Lilja, M. (2007). Resistance. In G. L. Anderson & K. G. Herr (Eds.), *Encyclopedia of Activism and Social Justice* (Vol. 1, pp. 1216–1217). SAGE Publications, Inc. https://doi.org/10.4135/9781412956215

WHO. (2019). *1 in 3 people globally do not have access to safe drinking water – UNICEF, WHO*. https://www.who.int/news/item/18-06-2019-1-in-3-people-globally-do-not-have-access-to-safe-drinking-water-unicef-who

Wildcat, D. R. (2014). Introduction: Climate change and indigenous peoples of the USA. In J. K. Maldonado, B. Colombi, & R. Pandya (Eds.), *Climate Change and Indigenous Peoples in the United States: Impacts, Experiences and Actions* (pp. 1–7). Springer International Publishing. https://doi.org/10.1007/978-3-319-05266-3_1

Appendices

Appendix A: List of Analysed Journal Articles and Book Chapters

Azocar, G., Sanhueza, R., Aguayo, M., Romero, H., & Munoz, M.D. (2005). Conflicts for Control of Mapuche-Pehuenche Land and Natural Resources in the Biobio Highlands, Chile. *Journal of Latin American Geography, 4*(2), 57-76. doi:10.1353/lag.2005.0035.

Baer, M. Private Water, Public Good (2014). Water Privatization and State Capacity in Chile. *St Comp Int Dev, 49(2),* 141–167. https://doi.org/10.1007/s12116-014-9154-2

Barrera-Hernández, L. (2005). Indigenous Peoples, Human Rights and Natural Resource Development: Chile's Mapuche Peoples and the Right to Water. *Annual Survey of International & Comparative Law, 11*(1), Article 2. Available at: https://digitalcommons.law.ggu.edu/annlsurvey/vol11/iss1/2

Bauer, C.J. (2015). Water conflicts and entrenched governance problems in Chile's market model. *Water Alternatives, 8*(2), 147-172. Available at: https://www.water-alternatives.org/index.php/current-volume/289-volume-8-issue-2

Bluemel, E. (2004). The Implications of Formulating a Human Right to Water. *Ecology Law Quarterly, 31*(4), 957-1006. Retrieved May 14, 2021, from http://www.jstor.org/stable/24114282

Carter, D. (2019). Chile's Other History: Allende, Pinochet, and and Redemocratisation in Mapuche Perspective. *Studies in Ethnicity and Nationalism, 10*(1). 59-75. https://doi.org/10.1111/j.1754-9469.2010.01070.x

Correa-Parra, J., Vergara-Perucich, J. F., & Aguirre-Nuñez, C. (2020). Water Privatization and Inequality: Gini Coefficient for Water Resources in Chile. *Water, 12*(12), 3369. http://dx.doi.org/10.3390/w12123369

Falleti, T. G. (2020). Invisible to Political Sciences: Indigenous politics in a World in Flux. *The Journal O Politics, 83*(1), 5-12. https://doi.org/10.1086/711568

Fuentes C., Cea,de, M. (2017*)*. Reconocimiento débil: derechos de pueblos indígenas en Chile. *Perfiles Latinioamericanos, 25*(49), 55-75. https://doi.org/10.18504/pl2549

Funk, K. (2012). "Today There Are No Indigenous People" in Chile?: Connecting the Mapuche Struggle to Anti-Neoliberal Mobilizations in South America. *Journal of Politics in Latin America, 4*(2), 125–140. https://doi.org/10.1177/1866802X1200400205

Di Giminiani, P. & González Gálvez, M. (2018). Who Owns the Water? The Relation as Unfinished Objectivation in the Mapuche Lived World. *Anthropological Forum, 28*(3), 199-216. https://doi.org/10.1080/00664677.2018.1495060

Gutierrez, G. M., Kelly, S., Cousins, J. J., & Sneddon, C. (2019). What makes a megaproject?: A review of global hydropower assemblages. *Environment and Society, 10*(1), 101-121. http://dx.doi.org.ezproxy.ub.gu.se/10.3167/ares.2019.100107

Hale, C. R., Reinao, R. M. (2018). Privatization of the ,historic debt'? Mapuche territorial claims and the forest industry in southern Chile. *Latin American and Caribbean Ethnic Studies, 13*(3). 305-325. https://doi-org.ezproxy.ub.gu.se/10.1080/17442222.2018.1510658

Haughney, D. (2007). Neoliberal Policies, Logging Companies, and Mapuche Struggle for Autonomy in Chile. *Latin American and Caribbean Ethnic Studies, 2*(2), 141-160. https://doi-org.ezproxy.ub.gu.se/10.1080/17442220701489555

Kowalcyzk, A. M. (2013). Indigenous Peoples and Modernity. Mapuche Mobilizations in Chile. *Latin American Perspectives, 40*(4), 121-135. https://doi-org.ezproxy.ub.gu.se/10.1177%2F0094582X13484292

Macpherson, E. (2019). Recognising and Allocating Indigenous Water Rights in Chile. In Macpherson, E. J. *Indigenous Water Rights in Law and Regulation: Lessons from Comparative Experience* (pp. 161-212). Cambridge University Press. https://doi.org/10.1017/9781108611091