

MULTIPLE TERRITORIES IN DISPUTE
Water policies, participation and Mapuce indigenous rights in Patagonia, Argentina

ALEJANDRA
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Promotoren: Prof.Dr. Linden F. Vincent
Hoogleraar Irrigatie en Waterbouwkunde
Wageningen Universiteit

Prof. (em) Dr. Norman E. Long
Wageningen Universiteit

Promotiecommissie: Prof.Dr.Ir. Cees Leeuwis,
Wageningen Universiteit

Dr. Eleanor Fisher,
Swansea University, UK

Dr. Willem Assies,
Independent Researcher

Dr. Jeroen F. Warner,
Wageningen Universiteit

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in Patagonia, Argentina

Alejandra Moreyra

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To my dear son, Joaquín

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ACRONYMS

AIC:	Inter Jurisdictional Watersheds Authority (Autoridad Inerjuridiccional de Cuencas)
APDH/UNC:	Permanent Association for Human Rights-Neuquén /National University of Comahue. (Asociación Permanente de Derechos Humanos / Universidad Nacional del Comahue)
APN:	National Parks Administration (Administración de Parques Nacionales)
CMN:	Mapuce Confederation of Neuquén (Confederación Mapuce Neuquina)
COHIFE:	Federal Water Council (Consejo Hídrico Federal)
DGA:	Environment Management Directorate (Dirección de Gestión Ambiental)
DGRH:	General Directorate of Water Resources (Dirección General de Recursos Hídricos).
EIA	Environmental Impact Assessment
ILO:	International Labour Organisation (Organización Internacional del Trabajo)
INAI:	National Institute of Indigenous Affairs (Instituto Nacional de Asuntos Indigenas)
INTA:	Nacional Institute of Agricultural Technology (Instituto Nacional de Tecnología Agropecuaria)
MPN:	Neuquén's Popular Movement (Movimiento Popular Nequino)
MSMA:	Municipality of San Martín de los Andes
SMA:	San Martín de los Andes
SOySPN:	National Secretariat of Works and Public Services (Secretaría de Obras y Servicios Públicos de la Nación)
SsRH:	Sub-secretariat of Water Resources (Subsecretaría de Recursos Hídricos)
UNO:	United Nations Organisation
UTGA:	Technical Unit of Environmental Management (Unidad Técnica de Gestión Ambiental).
WUA:	Water Users Association (Comunidad de Usuarios de Agua)
YPF:	Yacimientos Petrolíferos Fiscales (Nacional Petrol Company)

1. INTRODUCTION

1.1. Introduction to the research¹

In Argentina, as in most Latin American countries, indigenous peoples struggle to gain their rights to territory, control over natural resources and expression of identity. At the same time new policies emerge that stress new commitments to the participation of users and management of water resources. Therein emerge political challenges for the state and citizens to create spaces for formerly excluded groups to participate in decision making concerning development, resource management and public life. Water is often a focus of both such struggles and new management paradigms. This thesis explores these themes through the lens of public policies and programmes on water in order to understand how the Mapuce Indigenous peoples of Southern Argentina struggle for recognition and territory in a context of disputes among different notions of territory and development.

The thesis starts from the recognition that the cultural repertoires of the peoples inhabiting Latin-American territories manifest a wide range of heterogeneities that persist despite the homogenising efforts of the governing elites during the processes of constructing nation-states (Vázquez, 2002; Boelens 2008). These differences emerge or become visible in intervention encounters where different actors aim to reproduce or change existing forms of organization and administration of these territories. This point of departure for the dissertation is actually an outcome of the research trajectory that began with the study of an initiative to resolve water demands in a territory claimed by Mapuce communities. Fieldwork carried out from an actor-oriented perspective, allowed the unravelling of the multiple realities involved in the genesis and implementation of a Water Users Association proposed (WUA) for a small watershed², the Trahunco stream in San Martín de los Andes (SMA), Patagonia. I conceptualise the actions of the provincial and municipal governments towards implementing the WUA as a process of formulation and implementation of a participatory water policy. These actions were framed within the application of the Water Code of the Province, where it is stated that organizing water use among several users, requires that organizations be formalised.

My first assumption when starting the research was that the watershed was made up of a field of disputes and struggles among multiple actors with different

¹ Throughout this thesis, citations from texts written in Spanish or Portuguese as well as all quotes from interviews, fieldnotes or personal communications, have been translated into English by myself. Also names of Mapuce actors quoted along the text, have been changed from the original.

² In this thesis the term 'watershed' is used to describe the area drained by a river system, recognising that others also use terms such as catchment and river basin for such an area. In this thesis the term 'river basin' is used for larger regional river systems.

interests, projects and therefore perceptions of the problems that were at stake for which the policy was formulated. The interfaces at the implementation of such policy were considered social and political arenas of dispute wherein different actors struggled to impose their definition of the problems and the consequent solutions.

The watershed's interethnic composition and its economic development reinforced this assumption. In the study area, the multiple actors include tourism investors and allied businessmen, employees and administrators of an International Ski resort - as well as the different state agencies relating to the use and control of water resources and the impact of development projects - and, among other actors, two Mapuce communities. All have different views, interests, possibilities and rights in respect to how development is to be defined.

As we will see, the social construction of space is not free of disputes and negotiations vis-à-vis the different notions and interests involved in materializing space into a specific place. Therefore, place is rarely planned and homogenised by consensus or coercion. Rather it is shaped by multiple interests due to the heterogeneity of social actors and projects that struggle to impose their own specific values and priorities on place or territory.

Another assumption in the research was the possibility to identify gaps between definitions of problems and solutions by state agencies and the perceptions and definitions of problems and solutions by other actors. Thus another focus is on how processes of negotiating the formulation and implementation of the Water Users Association (WUA) and therefore the definition of the problems and solutions for the watershed, constitute in fact a particular definition of the territory in question.

The WUA promoted by state agencies is considered here as a participatory policy space that by definition is created for inclusion in water management but that, nevertheless, also implies processes of exclusion in the selection of stakeholders. However this does not necessarily stop 'excluded' actors from searching or creating alternative spaces for pursuing their projects, such that they are not willing to be included in the dominant plan or purpose. Focusing on these processes and the meanings of 'inclusion' and 'exclusion' for the actors involved thus becomes part of the analysis. In this sense, the assumption that excluded actors would struggle to get themselves included was quickly refuted by them. In these ways, the meanings of inclusion, integration, and assimilation come to the fore and the strategies and tactics deployed by the Mapuce people to advance recognition of indigenous rights turn out to be more relevant and even contradictory to accepting to be part of a WUA, as other citizen groups did. Inclusion, exclusion, integration, assimilation or interculturality are central issues under debate among indigenous peoples of Latin America. They are contested issues within the nation-states that have contributed strongly to the creation of societies, now termed 'the wider society' (which already denotes who includes or excludes whom), which discriminates against the cultures of 'others' within the nation.

Therefore, to better understand the processes built into current disputes, it is necessary to sit back and reflect upon the social, historical and political processes on which current conflicting interethnic relations are constructed. According to Bustos Cara (2002: 117), *“territorial systems constitute temporal spaces, understanding their spatiality as territoriality and their temporality as significant historicity. Containers and contained are constructed and produced in durable processes that act as structuring frames”*. This brings to the fore how the process of construction of the nation-state has influenced the structuring of the region in its social and political aspects³. This process has meant the displacement and de-territorialisation of the Mapuce, the indigenous peoples of Patagonia, by the post-colonial regime. The cultural repertoires and meanings constructed to legitimize this process of marginalization of ‘internal others’ for the territorialisation of the nation-state, also influence current debates on the pre-existence of indigenous peoples, relevant to the recognition of Indigenous Rights. These processes of de-territorialisation and re-territorialisation, and the necessary (re) construction of different cultural repertoires contextualise present-day relationships and organising practices within territorial disputes.

Using an actor-oriented perspective as a theoretical-cum-methodological framework allows us to enter these social fields and investigate the meanings, practices, discourses and strategic actions deployed and that influence processes of territorial construction through the interrelationships of the different social actors that dispute them. I conceptualise the processes of territorial construction as the interlocking and/ or distancing of the various actors’ projects which define particular modes of ordering their futures in regard to space. These processes entail the formation of coalitions, contingent relations and the dynamics of meanings and values (Long and van der Ploeg, 1994; 1995).

While analyzing these processes I also reflect upon my own cognitive experience. First formed as an engineer within the positivist paradigm, I began to acknowledge that will and technical knowledge are not enough for working within development arenas. It is necessary to reveal the processes actors are involved in, in order to understand who, what, how and why we are supporting, influencing or contributing to these arenas. This requires understanding of the meanings and interests that actors have, and not taking for granted how we might think about them.

Research, development plans or public policies are all embedded in social processes, influenced externally and internally. They are constructions that emerge, charged with meanings, interests and values, from the intersection of social domains, creating spaces for collaboration, negotiation and/or conflict. In

³ However, as Long and van der Ploeg (1994:80) state, *“these ‘structures’ are not disembodied entities, nor have they a unilinear and uniform structuring effect”* on the territories. In fact, *“actors projects are realised in these specific arenas...[and] articulated with other actors’s projects, interests and perspectives”*. As we will see, the historical process of structuring territories is not seen as *“a set of conditions or forces that delineate and/or regulate specific modes of action... while other modes are defined as impossible”*.

no way are they neutral or objective products of neatly carried out plans, as modernity's' positivism likes to suggest while aiming to reinforce the hegemonic project of domination.

This thesis challenges such positivist paradigms involved in research, extension, development planning and state policy formulation. Instead it focuses on the complexities involved in such endeavours by understanding actors' constraints, differences, meanings, values and rights, which shape and transform the social arenas and institutions associated with development and social change.

1.2. Research objectives and questions

The thesis deals with several issues that unfolded as research was taking place. Initially, the research set out to study why and how the Water Users Association (locally called the Water Users Community) came into being, and how the process of problem definition and solutions evolved. It aimed to understand the process of stakeholder selection and also how this process implied that other actors were selected as non-stakeholders, i.e. those excluded from the process. But who were these and why? A more detailed analysis of the policy process involving the genesis and implementation of this WUA can highlight how political agendas are re-shaped and transformed or abandoned. It is in these arenas where struggles take place among different problem definitions and solutions implied in different projections over space and therefore different notions of territory arise. The outcomes resulting from these negotiations and/or counteractions constitute the making and practice of policy in different, formal or alternative policy arenas.

Policy making processes are considered in this thesis as the tools of modernity for shaping the territory in accordance with the state's dominant project. Alternative policy spaces are those created/occupied by actors other than the state, or through alliance with other specific actors within institutional settings. They evolve as these actors act upon their experiences to achieve their projects – in this case influencing the shaping of what they consider 'their' territory.

Another issue tackled is the definition of the watershed as the unit of planning for water use. Referring to this advocacy for water to be managed at the watershed level (asserted as a new way of achieving more sustainable water management), Wester (2008: 154/155) states that "*this new 'territoriality' in water management has led many countries to embark on new water reforms focused on new institutions for water management*". This approach can be understood as a new tool for the state to formalise a certain construction of territory, introducing many elements that have proven to be functional to this search for territorial control. These include stakeholder participation, territorial planning and committees for civil society involvement in the responsibilities of administration. The author (ibid) stresses the profound institutional and political challenges posed by these reforms which are of a very complex and problematic nature. A central aim in this study is to uncover the different strategies actors deploy and the meanings behind the pursuit of such institutions to exercise such 'new territoriality'.

To these objectives mentioned above we should add consideration of the complex nature of interethnic sites, understood as multiple territorialities disputed within a specific geographical space. I also aim to show how different territories are disputed and how these different projects materially influence the natural resources - especially water - and infrastructure of these geographical spaces. I stress their implications for participatory and stakeholder identification processes; and how these express notions of control and decision-making in the construction of territory. This generates another central concern, namely, the understanding of the wider policy spaces in which actors also pursue their territorial projects and the strategies they use.

Thus, the objectives of the thesis can be summarised as follows:

-To contribute to understanding of the role and meanings of indigenous rights for influencing policy making and participation processes in the context of natural resource management.

-To contribute to the debate on local management of resources and to understanding how these issues are part of political struggles that shape the construction of specific territories.

Nested in these broad objectives are two inter-related points of enquiry for this thesis:

-What are the social interfaces of the WUA in San Martín de los Andes and how and why are different meanings, projects and representations negotiated?

-What are the processes involved in creating alternative policy spaces such as Mapuce countertendencies for furthering their indigenous rights and their notions of territory?

Exploring these questions has required the study of relevant institutional frames (such as the WUA), and then the study of different domains and layers of social action. This first institutional frame is explored in Chapter Five, while subsequent chapters open up not only a detailed account of the processes at work around the WUA, but also around the creation of other alternative policy spaces by the Mapuce.

Although this thesis aims to analyse the construction of territory, it does not offer a detailed ethnography of how different territorial projects are constructed. It focuses more on how different actors struggle to get their project proposals on the political agenda for shaping territory, and who has authority over it.

1.3. The research location and its social actors

This study is mainly concerned with social processes taking place around the lands of Cerro-Chapelko Mountain adjacent to the small city of San Martín de los Andes, in the southern part of the Province of Neuquén, in northwest Patagonia, Argentina.

The watershed of the Trahunco stream (including its tributary the Quitrahue stream) that flows down Cerro Chapelco is a small area of only 4,575 hectares. However, it enables study of very relevant historical, social, political, environmental, economic and therefore, territorial processes whose meanings are linked dialectically to wider debates taking place, regionally, nationally and also at global scale.

San Martín de los Andes and Cerro Chapelco are located within an extensive region of the cordillera that is rich in water resources, called The Lakes' Corridor (Corredor de los Lagos in Spanish), with regional importance for tourist investments. The "corridor" is composed of three National Parks and parts of Rio Negro and Neuquén provincial jurisdiction, articulated through infrastructure that connects the small cities and the parks mainly to promote tourism in the area. The northern part of the corridor lies in the south of Neuquén province, with an extension of 17,832 km² (19% of the province's total area). The city of San Martín de los Andes forms part of this corridor. It is located on the shore of Lake Lácar and, in 2007, had an estimated population of 30.000 inhabitants - surrounded by a landscape rich in nature, mainly sub-Antarctic native forests as well as numerous lakes and rivers. The Trahunco-Quitrahue watershed falls under multiple (national, provincial and municipal) jurisdictions and constitutes a nexus between the urban zone and the Ski resort of Nieves de Chapelco. There are two Mapuce indigenous communities settled within the watershed.

The city of San Martín de los Andes was founded in 1989, as a strategic military post justified by expectations of conflict with indigenous peoples and the geopolitical necessity to consolidate the frontiers with Chile (Balazote, 2003). In its earliest stages of colonisation, the area's economic activities concentrated on exploitation of natural resources, mainly forestry, fisheries and intensive agriculture. Commercial exchanges were basically with Chile due to its proximity and better connections than with national markets. Hence, Chilean currency circulated widely in the region until the late 1930s (Balazote, 2003). San Martín de los Andes (SMA) has been influenced historically by its special situation of proximity to the Chilean border and easily receiving not only migrants but also visitors.

Nowadays the landscape has become very attractive for tourist investment which has transformed the main economy of the area to tourism (Balazote, 2003). Currently the most important exchange with Chile is that of visitors, given the growing promotion of tourism and favourable exchange rates. This transformation has been promoted since the creation of Lanín National Park in 1937 and the establishment of its headquarters in the city. Since then, and especially in the last few decades, the economy of SMA has been based on its image of a touristic ecological village and a mountain hamlet far away from competing centres of mass tourism (Balazote, 2003).

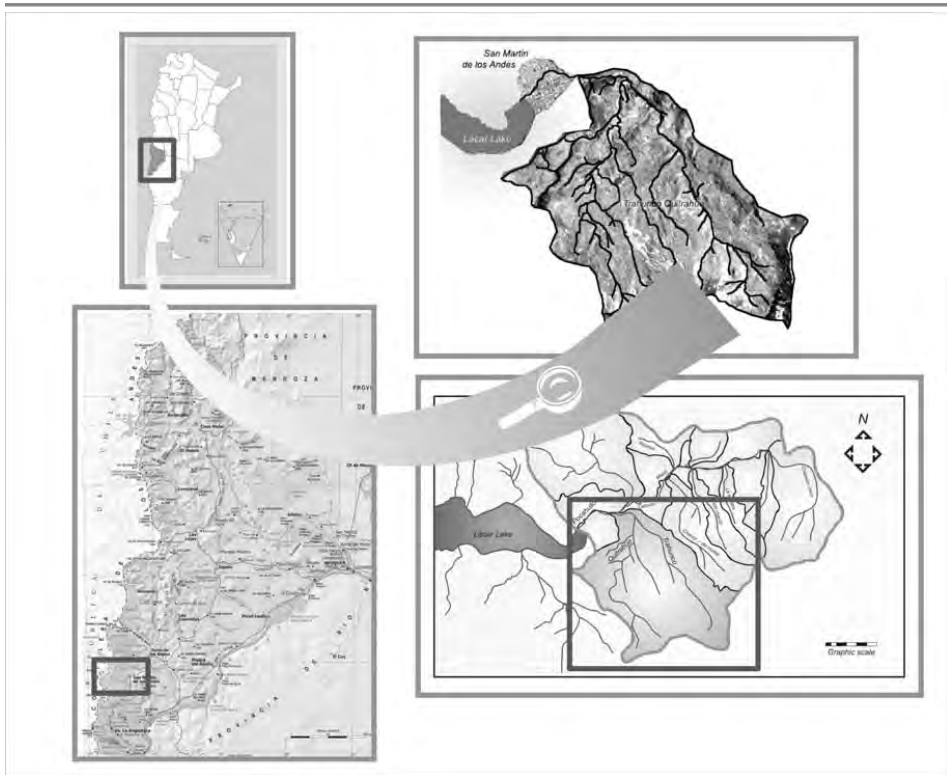


Figure 1.1. Location of the Study Area

During the early process of colonisation Mapuce communities were pushed into areas considered the most remote and marginal, and therefore were not included in the main economic activities developed in the region. However, since the 1990s, the increasing importance of tourism has given a new significance to the territories where they are settled. Their value in economic terms for real estate has therefore become of great interest to different actors of the private and public sectors (Valverde and Stecher, 2006). Therefore, multiple disputes concerning definitions over reshaping the territories are taking place. This research centres on the struggles of the Mapuce of Neuquén and particularly at Cerro Chapelko to control what they consider their territory vis-à-vis the state's policies which - directly or indirectly - support the advancement of tourist developments.

These local transformations are not disconnected with regional and national political and socioeconomic transformations taking place since the 1970s and more intensively during the 1990s. Particularly economic and political restructuring of the state under structural adjustment and neoliberal policies, strongly influenced the role of the state towards 'enabling conditions for investments'. This strengthened alliances with the private sector through top-down privatization and decentralization policies in all sectors of the economy. The role of the state was restricted, and the market was recognized to be the most

efficient organizers of the economy. These processes resulted in profound territorial transformations operating in different national spaces (Manzanal, 2006, 2007). Therefore, actions regarding social issues (linked to poverty, unemployment, health, education) were left in the hands of local and provincial governments, NGOs and grassroots organizations (Manzanal et al., 2006: 24). However, although this process took place within a rhetoric of increased public participation, Manzanal (ibid) asks herself to what extent the interest was actually to increase peoples' participation and decision making, or was more about transferring responsibilities to the local level without the necessary budgetary and institutional capacities?

By the end of the 1990s these processes resulted in massive social upheaval throughout the country. Particularly, "Cutral Co", a town built around the once state-owned oil company (YPF) in Neuquén province, was the scene of the first *cortes de ruta* (roadblocks) in 1995. The privatization of the company and the reform of the provincial government resulted in a steep increase in unemployment and reduction in welfare protection. This type of protest would eventually become the most popular means of raising labour and social welfare demands throughout Argentina. Indeed, in 1997 there was a total of 140 *cortes de ruta*, steadily increasing in popularity such that in 2002, the number rose to 2154, or 195 roadblocks per month (Villalon, 2002: 3).

This study - focused from within this wider complex phenomenon - allows for detailed analysis of the multiple territorial projects in action that shape Chapelco as a contested site. It also allows for interpreting connections across different levels of complexity, with the objective to draw some conclusions that go beyond the specific research area.

1.4. The structure of the thesis

Chapter two presents the theoretical and analytical positioning for the thesis, and the research methodology of this study. It starts with a discussion on notions of territory in order to construct an overall framework of analysis. It then takes an actor-oriented, social constructionist, approach for tackling the research. This approach acknowledges that 'things' do not have a preordained or single, intrinsic, true definition or meaning, but rather a range of meanings that are constructed in the course of social interaction. On the other hand, social interactions are not isolated from the more general societal context, nor do they emerge out of the blue, but are part of a complex set of historical, social and political processes. Interface analysis, which focuses on critical social discontinuities, allows for understanding how the different notions of territory and the exercise of territoriality intersect and are disputed. Also how these different meanings enter the game through the strategies and tactics deployed by different social actors. The social and political uses of water provide the field within which these actor and interface studies are examined. Within this framework I present the concepts used, as well as the research design and

strategies employed in my fieldwork. In reflecting upon the experience of ethnographic research I also give an account of the research journey I went through in order to grasp the issues the actors were involved in. The chapter ends with an explanation of the research methodology developed for the study.

Chapter three contextualises the social fields of interaction and dispute that relate to territory and sovereignty and which are analysed in the case studies that follow in later chapters. The chapter presents an overview of the historical processes of construction of the nation-state and the region, examining the relationships that evolved from the post-colonial creation of the Republic until now. It focuses especially on the relationships between the hegemonic elites in power, other members of society and the Mapuce indigenous peoples of the region. The discourses and actions associated with different social actors that materialized this space into specific conceptions of place highlight how hegemonic notions of modernity have always been consolidated and legitimated through cultural repertoires that were socially constructed through the process. These cultural repertoires influence today's conflicts, relationships and politics, mediated by the history of appropriation and control of natural resources and decision-making within the territory. It also shows how contemporary debates about the pre-existence of indigenous peoples in the region are contested within different power fields - and influence the recognition of Indigenous Rights with regard to the rights to territory and autonomy. These issues are the driving forces of present-day struggles and dealings within local development arenas, primarily between the state and the Indigenous peoples, but also between other actors such as the tourism sector.

Chapter four presents the general socio-political and physical background of Argentina and the province of Neuquén. The chapter emphasises the institutions involved in water, natural resources and environment management, and contextualizes the state's local role. It continues with a description of the power fields at local level, in San Martín de los Andes and the Trahunco watershed at Cerro Chapelko, by introducing the different actors and their organizing practices. Here we start to perceive the projects of different actors that influence the use and control of the territory and its natural resources. This chapter attempts to go beyond a simple listing of stakeholders on the scene to portray the interests and relationships among the actors that dispute notions of territory from different positions. This gives the reader the sense of knowing the actors they will later meet in the case studies.

Chapter five focuses on the process of the creation and implementation of a participatory water policy that brings together multiple users at watershed level, leading to the creation of a Water Users Association. The dynamics of this process reveal the processes of inclusion and exclusion that emerge out of these interfaces. It sheds light on the re-shaping of policy objectives and tools by the various actors involved, who promote different interests and visions, drawn from their different backgrounds. It points to the multiple realities involved in the construction of territory, and discusses the watershed concept and its implications for definition

of problems and solutions, and for the actors involved in them. This chapter shows how contemporary local state agencies manage to reproduce the state's historical notion of territory as a homogenizing process of control. This is reflected in top-down proposals and everyday practices, although often couched in terms of 'participation' discourses. Here I show how these notions confront or are reproduced by other non-state actors pursuing their own territorial projects.

Chapter six is a case study constructed around the actors excluded from the scheme to develop a Water Users Association. I focus here on the disputes emerging among the indigenous peoples, other local actors and various state institutions, contemporary with the setting up of the Water Users Association analysed earlier. It brings to the fore the strategies and tactics that the Mapuce deployed to create alternative policy spaces for their exercise of territoriality: a main element in their struggle for the recognition of indigenous rights. This shows how the watershed has become a site where multiple notions of territory are disputed. The use of strategic discourse as a political practice among Mapuce peoples underlines the ability of their organisation to use their circumstances to make alliances and forge their objectives. Relevant to this is their construction of networks of relationships that are the product of various organisational practices constrained by certain social conventions, values and power fields. Analysis of these processes reveals the resources these actors mobilise for establishing their notion of territory versus the projects of the state and the private business sector, leading to the emergence of countertendencies that shape alternative modernities.

Chapter seven analyses the meanings of 'participation' that are at stake in these interactions between different actors struggling to get their notions on the political agenda. These can derive from the framework of the International Conventions on Indigenous Rights which the Argentinean state signed up to. Centre stage in this framework is the notion of differential modes of citizenship rooted in the concept of autonomy expressed within a plurinational state, whose institutions and parliament should include Mapuce (and other peoples). This only holds of course if the state and wider society acknowledge in practice the rights the Mapuce are defending. This, then, brings us to consider other meanings of participation that are embedded in institutional practices that in fact over-rule or ignore these rights.

These differences and their negotiation are revealed through the elucidation of critical interface situations involving key actors. Three situations are analysed. The first is a meeting to discuss water problems. This event constituted a critical event where discussions held between Mapuce people and municipal officials revealed the discourses and practices deployed in negotiating the meaning of "*participation*". The meeting was organised by the Mapuce community that was not invited in the creation of the water users association. The Mapuce invited the Mayor of the municipality to discuss with them the pollution of the stream that flows through their community. From this some conclusions can be identified on of the meanings of participation for policy-making in natural resource management, and their role in the construction of disputed territories.

A further two situations are analysed which show how government agents 'set' participation spaces. Next studied is a 'working day' workshop for organising a local water committee within the framework of a bi-national watershed programme. In this case, people were invited to present their own visions of the problems of the watershed. Here we detect important differences among the institutions represented and the various officials attending the workshop. In addition, the methodology (or lack of methodology) introduced by the organizers shapes the type of spaces created for participation and its results. For a third example, the Water Users Association discussed earlier is revisited. Here, despite the overlapping of initiatives, one encounters government officials pursuing each of these initiatives separately as if they did not influence each other. The chapter then presents other spaces which Mapuce have managed to open for participation and the tensions present in these processes. These bring us to current debates concerning the construction of new regional territories, and their relationship to various modes of locally-initiated collective action. The chapter ends with some reflections by active Mapuce members concerning their struggles. Here we find that, although they have achieved some advances they still see a long way to go.

Chapter eight highlights the main findings concerning policy making for natural resource management with a necessary acknowledgement of Indigenous peoples' rights, and the implications these have for the process of territorial construction. It links them with mainstream watershed thinking, interventions and participation. The chapter also presents the countertendencies that emerge at a more regional level, linking the local situation with the alternative modernities being shaped at the interface between state institutions and the different proposals brought forward by the Mapuce to advance what they call "the new relationship with the state". These "actors' interlocking projects" are linked to international, national and even provincial political-legal frameworks and the Indigenous Rights Movement in which Mapuce political organisation is an active actor. It finally reflects on some new questions for further research which have emerged in the course of this dissertation.

2. TERRITORIES, INDIGENOUS RIGHTS AND POLICIES: AN ANALYTICAL POSITIONING

2.1. Introduction

The analysis in this thesis involves processes taking place in encounters among different social actors, and the multiple 'truths' they deal with in disputes concerning the construction of territory or territories in plural. Access to clean water is a pivotal issue in the struggles of indigenous organisations to defend their rights to control the resources of their territories for their livelihoods, which are disputed by other actor's for their own territorial projects. The latter represent powerful sectors of the economy whose resource use might be to the detriment to others by affecting its condition, its availability or both. Therefore, water becomes an emergent issue around which we can analyse the different interests and intentions involved in the disputes for shaping the territory, in which the state also has interests and plays a role.

'Territory' as a concept has been approached from many different disciplinary points of view so there are varied theoretical and analytical approaches and definitions, each of them involving different notions, connotations and consequences (Linck, 2006; Schneider and Tartaruga, 2006). Schneider (2008) identifies the principal viewpoints emerging from the different disciplines and groups in three currents. Political geography centres on power relations and the modes of domination of space. For anthropology and sociology, the focus is mainly on social identity and the formation of social capital. For economic geography territory is analysed as a variable of economic development to understand the role of space in innovation processes, the generation of niche economies and the creation of externalities.

Rather than espouse only one of these points of view, this chapter develops a wider framework to study the processes emerging in the construction of territories. To explore the boundaries of this study, the chapter first discusses territory conceptually, especially with respect to the political processes by which people construct territories. The chapter then builds the wider conceptual framework by debating the following concepts. First it discusses interfaces and social arenas and then policies and intervention, also considering the politics of policy. It then introduces participation, in this case seeing participation as a wider social struggle for rights, and not only consensus-building methodologies. Then lastly, the notion of countertendencies is discussed, as different strategies for indigenous actors to participate in social life, blending tradition (identity) and modernity. It means a way of confronting modernity by implementing an entrance to it. Both the policy and participation sections discuss how water has featured as a focus of such concepts. The chapter then discusses the research journey involved in answering the questions of this thesis, and ends with a presentation of the research methodologies emerging with this journey and study.

2.2. Territory and territoriality

Traditionally from disciplines such as geopolitics, the definition of territory has had the connotation of a “space demarcated by limits that have a legal system and a unit of government” (Gottman, 1973; quoted in Schneider and Tartaruga, 2006:74). This could be the notion of territory embedded in the state’s actions. The most conservative notion of territory is that referring to the nation-state, as Greco, (2005) explains when analyzing how the expansion of the nation-state took place in the region of Chaco and Patagonia, where there were spaces left for occupation, of course according to the state itself. She refers to “Argentinean territory as the space appropriated by the society and constructed by that society at the crossroads of political, economic and social logic” (ibid: 3). In my terms this is better expressed by talking about the wider, hegemonic society, which at these crossroads abandoned those ‘other’ societies whose territories were appropriated and populations displaced, not only geographically but also socially, economically and politically.

This notion has also been criticised by Raffestin (1993) because it implies that territory is defined by the exclusive power of the state, defending in his theory the existence of multiple powers that manifest themselves in regional and local strategies (Schneider, 2006; Schneider and Tartaruga, 2006). As we will see, the state, through its institutions and jurisdictions, continues to pursue the exercise of power and forms of delineating territories, even at local level. However, these delineations are never free from counter-powers that emerge at the interface of struggles for different territorial projects of social actors present or with interests in the geographic location.

When analysing the importance that “place” has in political analysis, Jones et al, (2004) say that “there are place-specific characteristics that mediate the impact of wider social, economic and political processes on individual localities that influence the ways people engage with these wider processes” (p: 107). The local scale of politics enjoys a degree of autonomy and agency in which power is produced, circulated and exercised, beyond the state.

In this thesis, and following Vázquez’s (2002) analysis of Mapuce ethnicity, we start visualising how concepts of ethnicity, identity and territory are interconnected, understood as processes, as the dynamics of social interactions that constantly shape and reshape the territories. The Mapuce are the indigenous peoples⁴ of Argentina probably better organised among the indigenous peoples of the country, and who have constructed their ethnic demands strongly. Especially since 1992, representatives of Mapuce communities of Argentina and Chile gathered to coordinate their demands to their respective states and their political strategies as members of one single Mapuce ‘nation’. The Mapuce (people (ce) of the land (Mapu) have their original habitat in regions localised in the south of the

⁴ ILO Convention N°169: the term ‘populations’ in the earlier convention has been replaced in this new one by ‘peoples’ which stresses the binding characteristic of the actors it refers to.

South American continent, and distinguish themselves according to the territories they inhabit as 'Pewences: people of the pewen (araucaria, a forest type)', 'Nace: people of the lowlands', 'Wence: people of the plateau', etc. Those on the west of the Cordillera (Chile) are first the Guluces and on the east (Argentina) the Puelces. Currently in Argentina, "Mapuce settlements are localised in different socio-ethnic fields of interaction constructed in different sectors of the Provinces of Buenos Aires, La Pampa, Rio Negro, Chubut and Neuquén "(Vázquez, 2002:5). The reference to space, the region, and its transformation into different places for Mapuce peoples, has relevance for their identity.

In Latin America ethnic conflicts are inscribed within the processes of transition from authoritarian to democratic states that opened spaces also for indigenous peoples' organisations. The indigenous peoples of Argentina, among them the Mapuce have been historically excluded and stigmatized politically, socially and culturally ever since the process of construction of the nation-state (Vázquez, 2002). This process of conquest and colonisation that mobilised a systematic genocide and concluded with the appropriation (and sometimes destruction) of the ecosystems of indigenous territories by promoting their economic over-exploitation, produced a strong de-territorialisation and different modes of discrimination (Vázquez, 2002: 2; Greco, 2005: 5). This de-territorialisation is still carried out, even today, and not without resistance. Rather, following Haesbaert (2004), this de-territorialisation has meant the territorialisation by other actor's projects, mainly those of the economic elites (internal and external, and allied to post-colonial regimes) that have persisted in different forms up to the present day.⁵

Approaching the processes of de-territorialisation and re-territorialisation involved in the construction of territories, Haesbaert (2004: 26) argues that "most social sciences have rediscovered the geographic or spatial dimension of society but, paradoxically, more for asserting their disappearance than for demonstrating their relevance". He talks about the 'myth' of de-territorialisation, in the sense argued by various authors⁶ who analyse the loss of territory due to post-modernity. Santos (1994) argues that now that people are embedded in networks characterized by the rapid spread of information and communication technologies which have reshaped our notions of distance and time, the result is people experiencing de-territorialisation or de-culturization (Santos, 1994). On the other hand, for Haesbaert (2004) this is a myth because the same processes of de-territorialisation always result in new territorialisations and re-territorialisations.

⁵ It is within these terms that this thesis talks about de-territorialisation - not wishing to get involved in discussions about globalization and its impact on territories and their peoples in terms of 'loss of territories at the hands of network societies' to which the world would seem to be condemned, as Haesbaert, (2004:20) ironically presents it.

⁶ Ianni, 1992; Ortiz, 1994, 1996; Virilio, 1982; Guattari and Rolnik, 1986; Santos, 1993, 1994 (quoted in a discussion on these authors in Haesbaert 2004:26-31).

These assertions go along with Escobar's (2001: 140) approach to the question of place.....which he argues has also *"been raised from a variety of perspectives, from its relation to the basic understanding of being and knowing to its fate under globalization...for some, placelessness has become the essential feature of the modern condition"*.

In this study the central issue concerning territory is the fact that place or territory is still *"important in the lives of many people, perhaps most if we understand by place the experience of a particular location with some measure of groundedness (however unstable), sense of boundaries (however permeable), and connection to everyday life, even if its identity is constructed, transversed by power and never fixed"* (Escobar, 2001: *ibid*). For me, place is the material basis of the lifeworlds and livelihoods of people, which gives it cultural and economic importance. It also validates forms of political organization aimed at defending it and thus gives relevance to the struggles of different actors within the same place who forge strategies for influencing the processes of development occurring in a locale. It is at this point, when a specific place turns politically relevant for social actors, that it is transformed into territory; through the process of disputing multiple territories, whether they arise through political decisions made by state institutions or by other actors' collective actions. Hence the idea of 'territory' may be described as arising from the intersection of different fields of social power and struggles of identity.

Therefore, place making must be contextualised in terms of how geographical spaces are politically controlled and transformed into contested territories and notions of territoriality - all processes that are historically constructed. These emerge from interactions between different social actors that are mediated by the material resources and other objects constituting their geographical space (Santos, 1994). In the end the social construction of territory is never free of disputes and negotiations among the different actors who seek to impose their projections on space over those of others (Raffestin, 1993) involved in materializing space into territory.

I concentrate on how different (symbolic, economic and political) 'actor's projects' of territory intersect in a space where the material basis of the ecosystem is at stake. Acknowledging the processes of time and space compression accelerated by globalization processes that influence the lifeworlds of the social actors involved, the conflicts analysed here centre around the material exercise of territoriality by different actors. These deploy different strategies to produce a territory which, I think, are processes that produce contested, juxtaposed, dynamic territories (in plural), struggling to materialise in a geographic space.

In other words, from an academic analytical position it is interesting to approach the abstract production of de-territorialisation, or multi-territorialities (Haesbaert, 2004: 32), and analyse the time and space dimensions involved. However, this seems to me to depoliticize the more concrete, political-strategic approach that is a fundamental element of a territory and its material condition, so relevant to most of the world's human population. Emphasis on de-territorialisation also

underestimates the role of the territorial interests of dominant, hegemonic actors that far from being detached to place, are furthering the control and management of natural resources associated to the territories (Segato, 2002: 112). As affirmed by Haesbaert, (2004: 25) “the spatial/material mediation in social relations, in its most elemental and concrete sense...[is present in]...processes that re-emphasize a geographic, material basis, to start with those that involve ecological issues (deforestation, erosion, pollution, global warming), and of access to new natural resources (like those linked to biodiversity), demographic issues as well as epidemics, issues of frontiers and control of accessibility (migration flows), new national-regionalist struggles of strong territorial basis, etc.”⁷. I would add to this the relevance of this analysis for understanding the struggles of Indigenous peoples to obtain their rights to territory and autonomy, thus transforming the wider society’s political agenda into an intercultural one.

Assies (2003: 1) refers to the issue of ‘Territoriality’ and ‘Indianness’ in the Amazon, as the product of an encounter of indigenous communities with development and colonisation during the 1960s, when the Brazilian state promoted “the conquest of the last frontier” in the Amazon basin. He argues that “the notion of territory is an element relatively new in the discourse of indigenous movements. However, it has enjoyed a sort of ‘voracious appropriation’ by indigenous movements all through Latin America, in articulation with demands such as the recognition of forms of self authority and indigenous jurisdiction, Together, these are the elements that constitute the foundations of autonomy which has been constituted as the central demand of indigenous movements” (ibid: 1). His description is surprisingly similar to descriptions and analysis of ‘the conquest of the desert’ during 1878-79 in Argentina, only that it takes place more than a hundred years later. This already demonstrates how little the states’ actions and/or views about ‘the indigenous peoples’ have changed in Latin America.

We should also consider contemporary forms of territorial disputes in Argentina that go along with Assies’ analysis of the Amazonia as a disputed territory. Dominguez et al (2006: 240) argue that since the 1970’s there is a huge change in rural Argentina, mainly regarding agriculture, that transformed its social and economic structure. This results in a new configuration of the appropriation of spaces and the use of their natural resources towards the expansion of agrobusiness for exports. These transformations, or the ‘territorialisation of capital’, modified territorialities and opened an explosion of conflicts and disputes throughout the countryside” (ibid: 242). Other authors also refer to how tourism is appropriating space and its resources: lands, water, forests, landscapes, etc. (Dimitriu, 2001, 2002; Otero et al, 2006; Balazote, 2003; Valverde, 2004).

Throughout the chapters of this thesis, I analyse the particular notions of territory and how they are disputed in the locality among the state institutions and their policies, the tourism sector (developments, service businesses, the ski resort) and

⁷ My translation from Portuguese.

Mapuce peoples, among others. Fig 2.1 represents the multiple territories disputed for in the Trahunco watershed under study here.

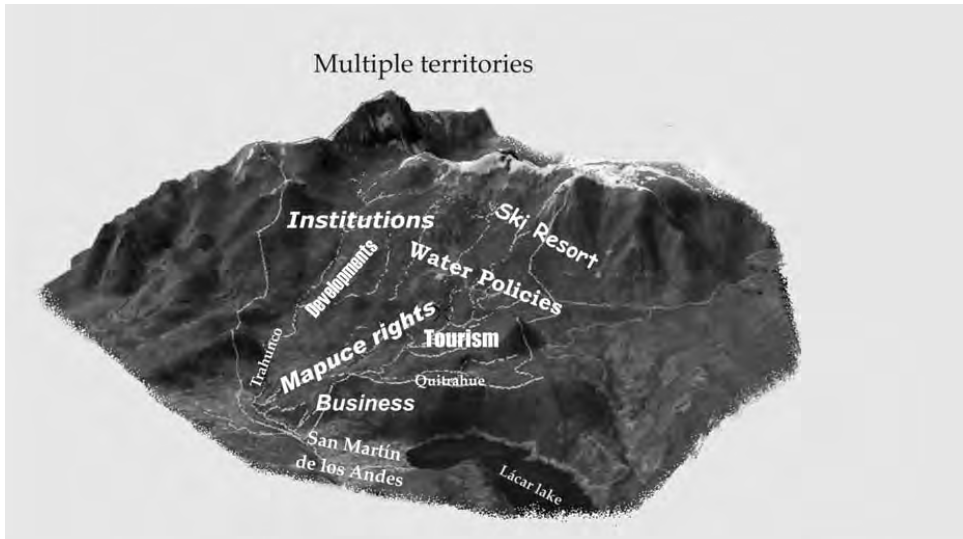


Figure 2.1. Different notions of territory in dispute.

Source: adapted from Muschong et al, 2001

Territory is also a place with limits and otherness: the difference between us and them or 'the others'. These limits can be defined by identity, or for administrative, political, economic and/or environmental reasons by analysing the different *main* interests of the multiple actors (although the multidimensions characteristic of territories demonstrate in the end that all these reasons are interconnected). In sum, territory is produced through social interactions. Territoriality therefore synthesizes power relations materialised in a given space, relations between different capacities for transformation and the imposition of order - that is, control over 'legimate' actions and desires, whether under resistance or open conflict.

Sack (1986) analyses the concept of territory as related to the idea of domination and administration within a specific space, in the sense of sovereignty, appropriation, discipline, surveillance and jurisdiction - linked to public, state or private powers at various scales. This would cover the territory of the state, of rural landlords or closed neighbourhoods as well as that of the market or transnational companies. This delimitation, referred to by Sack, becomes 'territory' only if it has the intentionality of influencing the behaviour of people through the control of access to its limits (Sack, 1986). I define territoriality as the practice of this intentionality. These notions of territory and territoriality, I believe, could be useful for analysing not only what the state but also the Mapuce's political organisation are pursuing. That is, "[t]he strategies deployed by an individual or social group to reach, influence or control the resources and

persons through the delimitation and control of specific areas or territories” (ibid: 1).

Escobar (2001) refers to the struggles for self-determination and territory by black communities of the Pacific of Colombia:

“the territory is seen [by the Pacific communities and their social movement] as the space of *effective appropriation* of the ecosystem, that is, as those spaces used to satisfy community needs and for social and cultural development; it is a multidimensional space for the creation and recreation of the ecological, economic, and cultural practices of the communities” (p:162).

Mapuce’s concept of territory - that will be further discussed in chapters Six to Eight - broadly concurs with that of these Pacific coastal communities:

“...An Indigenous territory is not the addition of the resources it contains as susceptible of appropriation or economic relations. Its nature is based on the integration of physical and spiritual elements that entail a space with its specific Peoples. When they disintegrate our indigenous territories into a constellation of rights over its different components, they hamper the proper economic and social function of the territory and, of course, they interfere with identity rights and respect for the spiritual and cultural integrity of the Peoples with their territory” “...The Argentinean state maintains a traditionally sovereign position regarding natural resources. In this sense, the state reserves to itself the rights over goods that naturally and legally are an integral part of a principal property (such as forests, wildlife, waters and their related elements, sub-soil, etc). This legal stratagem to separate, unnaturally, the integrative parts of a real estate applying differentiated legal regimes (that generally contradict themselves) to its different components, enable the distribution of uses among different subjects. This is an attempt against Indigenous cultural integrity. In the case of indigenous territories, this approach to the nature of the property de-naturalizes it, depriving it of signification. Our natural condition as Peoples is denaturalized with the creation of a legal subject, artificial in most of the cases- ‘the community’- which has broken the territorial management system of each Peoples or Nation in hundreds of particles, many times unconnected spatially or politically” (CMN and Tinkunaku, 2007a ; 2007, b).

We can see here how they project *exclusiveness* on space, by talking against fragmentation in communities, a space with its specific people; and *wholeness* by referring to the physical and spiritual elements that constitute the territory. For doing so, they rely on images or representations of ‘the others’ as the carriers of the segmented orders of the ‘modern’ social institutions and value frameworks, which have a pervasive impact on how territories are conceptualised and controlled, from an economics perspective. *“Such a segmented view of the social [and natural] world would not allow for how viable social organisation might exist outside defined ‘systems’ in the form of multiplex relations that cross-cut several institutional domains”* (Arce and Long, 2000, p: 6).

I have attended meetings in which Mapuce representatives have tried to visualise in maps the connection (and unification) of the territories of ‘the communities’ within the context of a fragmented region-territory of ‘the Peoples’. Their intention is to use this map as a tool for planning their development, as well as for negotiations and strategising further political actions. Escobar (2001) explains this

conception of 'region-territory' in his study of the Black communities' social movement of the Pacific Colombia:

"For a given river community, this appropriation has longitudinal and transversal dimensions, sometimes encompassing several river basins. Thus defined, the territory cuts across several landscape units; more importantly, it embodies a community's life project. The region-territory, on the contrary, is conceived of as a political construction for the defense of the territories and their sustainability. In this way, the region-territory is a strategy of sustainability and vice versa: sustainability is a strategy for the construction and defense of the region-territory. The region-territory can thus be said to articulate the life project of the communities with the political project of the social movement. The struggle for territory is thus a cultural [and I would add, also political] struggle for autonomy and self-determination. This explains why for many people of the Pacific the loss of territory would amount to a return to slavery or, worse perhaps, to becoming "common citizens". The issue of territory is considered by PCN activists as a challenge to developing local economies and forms of governability that can support its effective defense" (ibid: 162).

The latter's collective socio-political actions are inscribed in the counter-tendencies and alternative policy spaces emerging as alternative modernities analysed in this thesis.

2.3. Arenas, interfaces and actors

Through analysing territory and development, the struggles with and resistance to social and institutional orders emerge, manifested within specific arenas such as the case of the Trahunco-Quitrahue watershed. It is in these expressions of conflict centred on a certain place that we find the clue to understanding the power relations exercised by the territories and also conceive the possibility of new models of greater equity and autonomy (Manzanal, 2007: 22).

It is at the interfaces of efforts to put into practice their different projects in appropriating and transforming space into 'their place', that we can reveal the specific characteristics of the social actors involved, whether collective or individual. In this way, understanding agency, that is, actors' capacities and potentials for intervening and modifying their realities, allows for the explanation of the processes of production of territories.

The actor-oriented approach is essentially social constructionist, which means that "things" do not have a preordained, nor single, intrinsic, or true definition or meaning; but meanings are constructed through social interactions. Therefore research is not about the discovery of truth, but rather how knowledge is constructed within the context of the enquiry and is informed by prevailing beliefs, practices, and experiences of the actors involved in specific time and place situations. Hence, meanings are always contested, contingent and dynamic (Arce and Long, 2000, Jones et al., 2004).

I start by recognizing that issues or problematic situations are defined by actors themselves who often perceive and interpret their implications differently. To represent these problematic situations requires accepting that there is no one

reality but instead a series of social arenas that are composed of multiple realities which are contested through the use of discourses and strategic actions (Long, 1989). This marks the importance of analysing the encounters or intersections that take place between different and conflicting social domains and levels of organisation. The approach allows one to identify the different social actors involved and to understand the linkages and networks, as well as the conflicts and disputes around meanings, interests and projects, that develop between them and that shape the interaction of the participants at these encounters (Long, 1989; 1992). These interfaces, as we will see, suggest the establishment of some normative middle ground, endogenously and/or exogenously negotiated, involving contestation between state, private sector and civil organizations and actors, aimed at influencing or controlling the rules of engagement. At the same time, it is recognized that commitments to specific normative or ideological frames and types of discourse and rhetoric are frequently dynamic and situation-specific (Long, 1997).

I find these insights highly appropriate for the analysis of the construction of territories, which may be considered as social arenas where “[h]eterogeneity points to the generation and coexistence of multiple [discursive and] social forms [and projects] within the same context or scenario of problem-solving which offer alternative solutions to similar problems” (Arce and Long, 2000: 191). Hence, the construction of territory may be analyzed as composed of a number of interfaces, wherein complex struggles and negotiations over resources, authority, rights and development projects necessitate the enrolment in networks of actors and their social/cultural constituencies. Here it is important to emphasize that ‘[t]he (different) social actors include not only those present in given face-to-face encounters but also those who might be physically absent but who nevertheless influence the situation, affecting actions and outcomes’ (Long and van der Ploeg 1994: 65).

Interface analysis is a lens for understanding the cultural diversity, social difference and conflicts inherent to such processes. It allows us, that is, to grasp how resources and related conflicts are actually dealt with within and across different ‘domains’ of social action. The concept of domains assists in identifying those areas of social life that are organised by reference to a central core of norms and values (e.g. relating to community, production, consumption, and politics) that imply a degree of social commitment to the construction of interlocking projects. The socio-spatial locations in which contestation associated with different practices and values of these social domains takes place are designated ‘arenas’ (Long, 1997; Arce and Long, 2000; Long and van der Ploeg, 1994). It is in these arenas that actors mobilise social relations and deploy discursive and cultural means to reach their specific ends towards defining territories.

These concepts are essential for understanding negotiations and agreements among social actors that take place in respect to decisions over the use and control of natural and cultural resources, over the exercise of territoriality, as well as for identifying those points where no agreements can be reached and multiple

territorialities are disputed. When conflicts emerge, actors bring to the table many different values, beliefs and interests. In this thesis, we will see how actors avoid or background territorial debates when talking about technical details such as litres per second (l/s) of water to be distributed or how treatment plants can tackle water pollution. The latter is only a representation of the intricate network of meanings that are actually being negotiated. Conceptions of nature, space-place and mutual representations are some of the many elements actors bring to negotiations. They are part of the cultural repertoires that shape the different perspectives of problems and their solutions and that define modes of action (Giddens 1990 quoted in Long 1997). As we will see, many of these elements concern political and economic positioning. Therefore it is also important to identify those actors who are not present at the table of negotiations but who nonetheless influence the process and why the negotiations are taking place in specific situations or arenas.

Social Actors and Agency are associated concepts which are central to an actor-oriented approach. *Social actors* are identified in a variety of forms. They are not only individuals, but also interpersonal networks, informal and formal groups, organizations and the so-called macro actors such as state departments (at different levels, municipal, provincial, national), a community radio station, and neighbourhood organizations. Strictly speaking the latter might be considered 'collective actors' in the sense of a "coalitions of actors", when they share - at least at a certain moment - a common understanding of a given situation and thus can be attributed with some kind of collective *agency*, namely "the capability of processing their experiences, knowing, [deciding] and acting upon... problematic situations [common goals or interests]...[and identifying], organising responses, [and] creatively constructing their life projects" (Long, 2007). All actors operate with beliefs about the other actors' agency, and these representations influence their own actions.

Thus, although the concept of a social actor is often applied to individual actors, this thesis focuses primarily on different social actors mainly arranged in groups, organizations, networks, and institutions with the ability to interact and construct some kind of common purposes. In this thesis, the latter are represented by different notions of territory or contested projections on space that emerge as struggles among actors with differential interests. Regarding institutions as social actors, I wish to emphasize that although "an institutional project leaves an imprint on specific types of institutional management or practices of governability... [institutional agents] are not disembodied from determinate social relations within certain groups of actors..." (de Vries, 1992: 33) either within and outside the institution. They therefore participate in different coalitions of actors.

As the thesis progresses we will see how social actors, their cultural repertoires and representations of themselves and others, and their agency to perform certain actions constitute a series of dynamic social constructions, embedded in historical, social and political processes, that have forged present-day social fields and

relationships. These social fields are not a static result of such processes but are constantly being reshaped by debates and re-interpretations of the past that influence and are influenced by the present and by the various actors' projects for the future. I concentrate on how these processes influence disputes focusing on the materialization of different territorial interests.

2.4. Policies and intervention

Policy and interventions are considered in the thesis as the means by which the state, through its institutions and agents, promotes, establishes and attempts to put in place a particular project, which in general promotes or legitimates particular actor's territorial projects

For Kloezen (2002) (drawing on Weaver and his study of forestry in Nigeria), policy is seen as a planned impetus, energizer, or reflection of constructed and coordinated (induced) change in order to control the production, distribution and use of resources. Viewed this way, the stage for policy making is set by the history of past policies and the socio-economic and political relations among relevant social actors formulating and implementing policies. As such, any one representation of policy (Acts, WUAs, etc.) can be seen as a result of an ongoing process. Rather than accept a linear process between formulation and implementation, studying policy as process allows the study of decisions and actions and changing interests. Suhardiman (2008: 11) notes how study of *"the politics of policy allows analysis of interests, perceptions and strategies in relation to the (to be) defined policy"*, which she also studied at different scales (local, national, international) and different actor networks.

The arenas that emerge within policy-making practices mainly in the water sector are examined here as processes that *"involve complex configurations of interests between a range of differently positioned actors, whose agency matters, but whose interactions are shaped by power relations"* (Brock et al, 2001). This perspective highlights the dynamic social process of definition, negotiation and legitimacy of problem and solution definitions, both in formal as in alternative policy spaces. In most cases, water-related problems are articulated in the arenas of scientific experts, government decision-makers, political operatives and corporate managers, which generally favour a certain project for territory. However, others who have their own territorial interests - such as local entrepreneurs, indigenous community members, farmers, additional local authorities and policy implementers -, must also be included if we look at policy making as the outcomes of a complex process around different actor's interlocking projects.

In this thesis, I analyse the genesis of the policy at stake by deconstructing the ways in which different actors see the problems of the watershed, and their solutions. I seek to visualise whose visions are incorporated or not into the state's 'participatory' proposals and how this takes place. I also explore how alternatives to mainstream solutions to water-related problems are created through *"strategic actions that counter the dominant development trends and thinking"* (Arce & Long,

2000: 18, from Galjart, 1981). Therefore, policy emerges as a process from the analysis of its practice.

Even though updated, 'new' institutional arrangements such as a Water Users Association might be a fresh 'make-up' of a traditional way of thinking policy: that is, the implementation stage of what is defined as the linear model of policy-making. That is, it constitutes part of a series of decisions taken and executed by different actors of the bureaucracy responsible for a given policy area, backed up by expert knowledge. These decisions usually take the form of diagnostic and then prescriptive statements concerning the steps to follow on a certain issue in order to change current conditions. Then the target actors (stakeholders) are invited to participate in these particular projects, and at best, techniques are used to involve people and help them "appropriate" the policy, and legitimate a specific type of territory. Conceived of in this way, policy is a product of a linear process that goes through stages of agenda-setting, decision making, design, implementation and finally evaluation (Keeley and Scoones, 1999: 3/4).

Following this model the Water Users Associations, River Basin Committees or Councils and alike, become normative representations of how things must be done, a rational, technical, therefore neutral tool, for carrying out 'objective' policy solutions, designed by governments or experts to be applied and benefit 'target groups' described as 'the public' (Abers, 2007; Moreyra and Warner, 2003; Brock et al, 2001; Oszlak, 1980).

Hence, with the intention of not problematising or politicising policy issues, the state's policy-makers have a linear model approach to policy-making in order to further their particular projects. Decisions are planned or expected to be made in a series of sequential phases, starting with the identification of a problem or issue, and ending with a set of activities designed to solve or deal with it. But then, "*if policies do not achieve what they are intended to achieve, blame is often not laid on the policy [approach] itself, but rather on political or managerial failure in implementing it*" (Juma and Clarke 1995, quoted by Sutton, 1999: 9; Oszlak, 1980).

Schaffer and others (quoted in Arce, 2003a: 845-861) highlight "*the importance of policy-makers and implementers as part of a policy process that is not always coherently organized as opposed to the idea of administrative efficiency and rationality*". Thus policy analysis that focuses on the linear model fails to capture the complexities and contested realities of policy-making in practice (Brock et al., 2001, Arce, 2003a). This shift in policy analysis introduces the question of agency, which provides an understanding of the purposeful and intentional action of policy-makers and extends the analysis beyond the decision-making of actors in the higher positions of organisational hierarchies towards the interfaces between front-line officials and the public (Arce, 2003a).

This approach detaches policy-making from the linear model that considers state agents as 'the' policy-makers that develop a sequentially neat plan that flows from formulation, through implementation to evaluation and shapes a unique territory. According to Shore and Wright (1997: 10) the lineal model is based on

the objectification and universalisation of political decision-making. By recognizing the role of human agency and the politics of intervention we arrive at an understanding of policy-making as a much more fluid and malleable process with no clear-cut group of decision-makers.

Even though “street-level bureaucrats” (Lipsky, 1980) might belong to institutions with a linear approach as to how policy is made, in ‘the making’ frontline intervenors have to adapt and negotiate policy prescriptions with ‘realities’ at the point of encounter with ‘clients’ or the so-called ‘beneficiaries’ or ‘target groups’. In the end, then, even looked at in terms of the linear policy model, the actual processes do not turn out as tidy as assumed. As Keeley and Scoones (1999:4) put it, “*policy comes from many directions, and implementation can be as much about agenda-setting and decision-making as about execution of decisions*”.

Policy constitutes an arena of struggle: that is of conflicting meanings, interests and priorities put forward by a range of actors involved and influenced by the strategies and tactics they creatively develop. In the process, intentional actions can generate transformations in existing official policy as well as inspire new public policies. This arena of counter-tendencies provides a central focus for the analysis that follows.

An actor oriented perspective offers a lens for looking at the different definitions of the problems and problem-solving actions offered by the various social actors involved (i.e. institutional representatives, state agents, local organizations and the like) as well as the different interests negotiated between them.

Strategies and tactics that actors deploy are essential in these arenas in order to reach certain decisions. In this process actors seek to enrol other actors in support of their points of view and actions. According to De Certau (1984: XIX), a “*strategy assumes a place that can be circumscribed as proper (a spatial or institutional localization) and thus serves as a basis for generating relations with an exterior distinct from it*”. Viewed from this point, political, economic and scientific rationalities may be constructed in this strategic model which bears some similarity to the linear models promoted in formal policy-making.

Ways of operating correspond to procedures that imply a logic of actions relative to types of situations. This logic, which turns on circumstances, has as its precondition the non-autonomy of its field of action; that is it depends on it, which is De Certau’s definition of ‘tactic’. For example, road blockers need the road and others wanting to pass through in order to express themselves. Hence tactics depend on circumstances and timing, whereas strategies are located within a spectrum of legitimate or proven normative or organizational discourses/courses of action (De Certau 1988: 21).

Examining strategic *discourse*, that is, the narratives used for strategic reasons, emphasizes the simultaneous presence of multiple, interlinked realities, and thus enables one to capture the diversity and complexity present in strategic negotiation and bargaining. Such a perspective disrupts the mechanistic model of a linear sequence (Barry and Elmes, 1997; Brock et al, 2001). In this thesis, the

discourses and practices of participation are fundamental in the dealings and confrontations between the street level agents, functionaries of provincial and municipal state agencies and the Mapuce peoples' organization. Other discourses highlight environmental problems as a strategic narrative, in order to articulate demands from other sectors whose economic activities depend essentially on the image of 'the ecological village' in the tourist sector (Balazote, 2003). By 'discourses' I refer to the meanings, metaphors, representations and narratives that promote a particular, situation-specific 'truth' regarding objects, persons and specific events. They also constitute different ways of strengthening identity formation. Discourses produce 'texts' - be they written, verbal or even non verbal, such as rituals or dress (Long, 2007). In addition, alternative discourses are likely to be a blend of mainstream and subaltern languages, since as Hilhorst (2003) argues there is no one coherent single discourse. Struggles aimed at imposing one discourse upon another reflect the dynamics of interface encounters and demonstrate that so-called 'dominant' discourses are not immune to the influence of counter-discourses.

2.5. Watersheds and water policies

Water in northern Patagonia actually seems not to be a problem given its abundance at a first glance. Huge lakes and plentiful rivers are the regions' most important resources and the pride of its people, especially those related to tourism activities. However, this 'logic' of abundance has played against the sustainability of the resource "because tourism tends to destroy the very resource base of its development" (Otero et al, 2006:2). The region is increasing its population at a fast rate, as well as its real estate and tourism developments which imply an intensification of the infrastructure in certain spots and 'small' cities, that generally sit next to water bodies or courses. Waste waters mostly end up being dumped into the waters with insufficient treatment. Tourism developments appropriate disproportionate amounts of territory and real estate businesses have a speculative logic and are developed without any criteria of territorial planning (Otero et al, 2006). In Argentina water is a public good administered by provincial states. Even when, as in Neuquén, water laws give priority to human consumption, the advancement of tourism investments practically turns public water into a private good due to its use -and misuse- for particular territorial projects by powerful actors. Water policies become the state's tools for the management of conflicts that arise among these different actors and their territorial rights and projects, as we will see in further chapters.

Analysing participatory policies and interventions of the water sector brings to the fore the institutional arrangements suggested for their implementation. The recommended formal institutional arrangements for Integrated Water Resource Management that will be seen in this thesis, such as Water Users Associations, Basin Committees and Multi-Stakeholder Platforms (MSPs) are based upon ecological and systems thinking approaches which emphasize the interrelatedness of men mediated by nature. In this trend, water distribution, water pollution and

water uses are generally thought to be better understood and managed at watershed level. Watersheds are understood as the ecosystem unit, and are increasingly being presented as the 'natural' planning unit where reaching consensus among stakeholders is needed in order to identify and solve 'common' -water- problems. However, when seeking for consensus the socio-political context is often ignored. Implicitly these arenas are more or less assumed as neutral spaces where problems are free of conflicts and power differences, neglecting the very complexity the whole 'ecosystems thinking' is based upon (Warner et al, 2008; Moreyra and Warner, 2004; Wester and Warner, 2002).

The use of the 'watershed' concept in policy spaces implies new definitions of territories (Wester, 2008), and establishes those resources and stakeholders that are 'in' and which stay 'out' of the agency's territorial project. These definitions are generally promoted by state agencies or NGOs, mainly as result of 'expert' advice and studies, which can result in new ways of territorialisation and deterritorialisation being involved in the struggles for defining resource use, access and control. These struggles are about which type of actors' projects get imposed over others and are strongly tied to notions of development, technologies, and the lifeworld experiences of not only local actors but also others distant from the place.

Watershed or river basin committees or authorities, currently so highly recommended by policy-makers and scholars are to some extent, a sort of fixed idea about how water management should be done. Most of the experiences they draw upon relate to the setting up of new organisations through interventions, such as watershed or irrigation development projects, backed up by official policies and legislation that delineate the political arenas of action. However, to understand the complexity of these arenas, attention must be paid to other situations or arenas where negotiations take place through the organising processes actors are involved in. "The degree and quality of these organising processes are dependent upon the partial connections ... [by which] actors try to bridge gaps, juxtapose ideas and practices and [for doing so] engage in displays and performances" (Arce and Long, 2000: 19). These partial connections are social relations and networks, the use of institutions and/or the interpretation of policies, and the ways in which actors exchange information, participate in critical events and share and counter pose their perceptions and ideologies, through these processes.

The watershed as a natural unit of planning: The nature of boundaries

"Watersheds are nature's boundaries. A watershed is the geographic area consisting of all land that water flows across, under and through on its way to a particular body of water".... "A watershed-oriented approach to analysis, planning and action provides a superior framework for addressing not only water issues, but many social and other environmental issues as well" <http://www.rivernetwork.org>).

This widespread assumption that the river basin is the 'logical planning unit' for integrated resource management deserves a closer look. Barham (2001) has pointed out that grassroots activists in the United States have contributed towards the popularity of ecosystem and watershed models of planning. "These new models call for 'holistic' or 'integrated' planning that seeks a better understanding of the global functioning of an ecosystem, in this case viewed as an entire river drainage basin" (ibid. p: 6). This has a correlation with the incorporation of this "holistic" perspective into governmental agencies, by scientific communities mainly stemming from ecology and systems thinking (see the Chesapeake Bay case in Constanza and Greer, 1995 for a detailed example).

Barham (2001) argues that in practice, for planners and policy-makers in the public arena, the adoption of the watershed or catchment basin is an ecosystem proxy. The planning process itself is designed to be participatory and integrated, involving different interest groups and points of view, stressing partnerships and coalitions across government agencies at all levels (Yaffee et al. 1996 quoted in Barham, 2001: 7). These authors as well as the river network quoted above refer mainly to the U.S.A. and Europe.

In Argentina the watershed concept has different connotations whether it is enforced from the water sector or the sustainable development one. For example, the Interjurisdictional Watersheds Authority states in its webpage: "Because watersheds are defined by natural hydrology, they represent the most logical basis for managing water resources. The resource becomes the focal point, and managers are able to gain a more complete understanding of overall conditions in an area and the factors which affect those conditions. Therefore, the watershed should be considered an indivisible territorial unit" (See www.aic.gov.ar).

The National Secretariat of Sustainable Development states that "Watershed management is the process that allows formulation and proposal of a group of integrated actions over the natural environment and the social, economic, institutional and legal structure of a watershed, aiming to promote the conservation and sustainable use of natural resources and sustainable development" (Cassaza, 1998).

Despite the soundness of the ecological approach or systems thinking, analysts have shown that there is no one way of implementing integrated watershed management and almost all initiatives fail to achieve their -broad- objectives (for a critical review, see Wester and Warner, 2002)⁸. Regarding policy-making, this holistic view seems to be only possible from experts, who are the ones that diagnose, understand the interconnections and plan what has to be done in some neutral space. Although the discourse is about the complexity of the ecosystem given the interrelatedness of its natural, economic, social, cultural and political aspects, formulation ends up in the hands of a few experts and implementation within formal organisations.

⁸ See also Hirsch 2001; Tortajada 2001; Garcia, 1999

The promotion of this geographic unit easily overlooks the different forms in which societies had historically constructed their social interrelations, their political divisions and administrative units, and the interests involved in them. Based on her review of the concept of river basin, Barham (2001) concludes that "there is no historical precedent for what is currently being attempted in catchment [watershed] thinking: the establishment of systematic social coordination and cooperation systems aiming to achieve a sustainable interaction with nature, based on ecosystems (like river basins)." Apparently, the technoscientific knowledge supporting the idea of river basins managed to enrol powerful political actors and an important portion of environmental organizations, introducing the perspective of river basins in international and national agendas. Indeed, many technoscientists have become senior agency heads and played important political roles in water reforms, as shown by Wester (2008) for Mexico. These networks found the right moment to make their perspective heard, taking advantage of the space created many years ago by water and environmental movements in international relations and the new communication capacities that allow actors to strengthen their alliances without the need to be locally situated.

However, as we will see in the case studies, practical definition of the limits of a river basin is more about the definition of the problem and the working scale. This delimitation is a political decision no matter how "natural" the limits can be presented technically, especially when it comes to management, where decisions involve the resources that will be taken into account and the actors to be involved or left aside (Wester et al., 2003). Different limits imply different stakeholders and decision-makers and therefore different issues to tackle.

2.6. Participation, development and social struggle

From at least the early 1990s, 'participation' became part of mainstream policy discourses in order to move away from traditional state-based approaches to intervention. As von Benda Beckman (1997) puts it, 'participation', 'new partnerships', 'co-management' and 'community-based rights' are the catchwords of today's development policies. This is especially since 'sustainable development and ecological thinking have gained space in international and national political agendas. It now constitutes part of natural resource policy debates as a 'must' for legitimating interventions wherein the roles of the state and other actors are redefined. Watershed or river basin committees as well as users associations, have in many cases been promoted as a way of implementing these policies. For including the voices of 'the invisible', 'the unheard' or of 'all stakeholders', participation has been promoted as a mechanism to empower less powerful groups. However, as Brock et al (2001) show in their study of poverty reduction programmes, it is mostly 'invited participation' which has been exercised and to different degrees of consultation. This type of participation is more related to the dissemination of information and feedback than implying a mandate for action -

what Arnstein classifies as the first steps in the participation ladder (Arnstein 1969, in Warner and Moreyra, 2004).

Participation and water management

Given the extent of water reforms in recent decades referred to in earlier sections, there is considerable research on the dynamics of participation in water development projects and water management reforms (in irrigation, drinking water and watershed management). Looking at the broader field of development and water projects developed in this, Vincent and Khanal (2003) identify three development contexts in which 'participation' has been invoked as a social process and has different meanings and strategic actions. The contexts of economic development and modernisation highlight participation as a means to increase performance and provide conditions and incentives for farmers to take up new –efficient- management. The development contexts of joint planning and problem solving see participation as a process through which stakeholders influence, share control and work together to achieve desired change, assuming there is consensus on what is desired. However it is with the development context of socio-political inclusion, improved equity and reduced vulnerability with which this thesis is really concerned, where participation is a process of organised effort to increase control over resources and regulative institutions by groups hitherto excluded (which is also a definition of the ILO). This 'social participation' by groups claiming not only recognition in society but also their rights to control over resources, has a longer tradition of debate in Latin America (see for example, Parnell, 1988). It needs to be reclaimed above the discourses of participation for modernisation and joint problem solving that more recently dominate international development policy. This thesis will show the interplay of these different domains between state actors in pursuit of economic development, front line agencies struggling for joint action, and excluded actors strategising their own participation for decreased vulnerability and social inclusion with respect to difference.

The struggle explicit in such social participation also requires some reflection on the concepts of dispute and conflict, as participation involves testing of given norms and boundaries. Vincent (1991: 5) suggests it is relevant to see argument and opportunism as very human qualities, with disputing as a form of social interaction in many societies, through which an individual or group tests their position and opportunities in the world. It can be highly ritualised and is not necessarily a sign of conflict to that group. This group in turn can be marginalised and silenced by lack of opportunity to argue, manoeuvre and test alliances. Conflict is a more serious situation which involves issues at a higher scale, also variable with societies. Hunt (1990: 145) suggests that conflict arises when disagreement becomes a public issue. As Vincent (1990) points out, there is a need to understand the risk strategies involved in a conflict, around how groups can see certain policies or projects and their associated personnel as a resource or an arena giving greater power to win a conflict. Water projects can often be a source of such deliberated conflict. This thesis unpacks the dynamics of disputes and

conflict as part of these strategies of participation. These strategies become 'collective actions' of a different kind from those debated for management of resources: rather they are part of the core dynamics of group action to participate in society through the exercise of their rights.

Participation and Indigenous Rights

Centring on the different perceptions, interpretations and meanings given to local interventions and how they are reshaped and transformed by people into their own discourses and practices, allows us to identify the nuances and ambiguities that underlie participation in the policy process. This brings to the fore new issues that are having increased influence over the meanings of participation, such as Indigenous Rights and its place on political agendas. Enforcement of the state's commitment to acknowledge these kinds of rights requires a deeper understanding of the type of participation entailed. In the end, what is of interest in this thesis are the ways these processes take place and the relevance these meanings have for disputed definitions of territory and therefore, for exercising territorial rights.

International Conventions and Agreements are instruments which set meanings for participation of indigenous peoples in public life within the states that have ratified them. This is the case for Argentina. It is therefore important to review them in order to understand how Mapuce peoples construct the kinds of countertendencies analysed in chapters seven and eight. The first two International Pacts on which Indigenous peoples⁹ can rely are the International Pact of Political and Civil Rights and the International Pact of Economic, Social and Cultural Rights, both of which became valid in 1976. Both Pacts prohibited discrimination based on race, colour, sexual identity, language, religion, political opinion, social or national origin, property or birth. Stravenhagen (2004) thinks that if Indigenous peoples do not enjoy fully their human rights, it is not because they require special rights but because there are deficiencies in the administration of justice and in the application of these instruments.

The International Pact of Political and Civil Rights was the first to incorporate the idea of 'minorities', establishing in its' section 27:

"In those states where ethnic, religious or linguistic minorities exist, the rights to have their own cultural life, profess or practice their own religion and use their own language, corresponding to those people, in common with the rest of the members of their group, will not be denied" (ibid:19).

This is the only reference to ethnic minorities in these International Pacts, which Stravenhagen considers a rather vague and weak drafting. It is not precise in defining what exactly a 'minority' is. In Latin American countries indigenous

⁹ This section follows Rodolfo Stravenhagen's inaugural lecture at the conference "Human Rights and Indigenous peoples: International Trends and Local Realities" which took place in Temuco, Chile in 2004 (Stravenhagen, 2004:15-26).

peoples have never been recognized as minorities. And in those countries where a minority is recognized, the Pacts only apply rights to individuals, and not to 'the minority' itself.

"Kymilcka (1996: 152, quoted in Vázquez, 2002: 7) points out that policies implemented by nation states are not neutral. They necessarily benefit certain sociocultural groups and are detrimental to others. It is in defence of the rights of ethnic minorities (to their economic and social reproduction, own language and customs, territorial rights, religion, etc.) that it becomes essential to recognize the differentiated rights by ethnic groups and its correspondent modality of social and political representation".

The Pacts have different 'elements' that can strengthen Indigenous peoples exercise of Human Rights, however there is one fundamental article common to both International Pacts, article n°1 that states:

"All Peoples have the right to free determination. By virtue of this right they establish freely their political condition and provide as well for their economic, social and cultural development" (ibid: 20).

According to Stavenhagen, this might have been, the most controversial text within all international instruments about human rights. On the one side, there are those who consider this the most fundamental human right because without this one, the other rights cannot be exercised; therefore, it is the first article in both Pacts. On the other side, detractors deny its value as a 'human right' because it does not refer to persons but to the term Peoples [pueblos]¹⁰, which is considered an ideological construction. There is no consensus about its definition or its operationality.

The debate about the term *Peoples* is ongoing. Some specialists consider it a sociological concept similar to 'nation', referring to human groups that share ethnic and cultural identities. Others judge it is a political and legal concept referring to a group of inhabitants of a territory or state, independent of their ethnic and cultural elements. In practice Stavenhagen reflects that United Nations Organisation (UNO) is inclined to accept the second definition while many ethnic and national minorities believe that it is up to the group itself to decide if they consider themselves Peoples or not, and if they desire to exercise the rights to free determination.

To tackle these issues, the UNO created a Subcomission with a double mandate:

- Prevention from discrimination
- Protection of minorities

Attention to Indigenous affairs has been oriented towards investigation of discrimination which ended ten years later, published in 1987. Based on its

¹⁰ Peoples can also be translated into nations, but for clarity in the text, I chose to use the term 'Peoples'.

recommendations, a Working group on Indigenous Populations was created as part of this Subcommission.

Another controversial definition which the Subcommission tried to sort out is that of "Indigenous" (p22):

"Indigenous communities, peoples and nations are those that, having a historical continuity with societies previous to the invasion and pre-colonial ones that developed in their territories, are considered different from other sectors of the societies that currently prevail in those territories or in parts of them. They constitute now non-dominant sectors of society and have the determination to preserve, develop and transmit to future generations their ancestral territories and their ethnic identity as a basis of their continued existence as Peoples, in accordance to their own cultural patterns, their social institutions and their legal systems"

The most relevant features present in this definition are: their original existence and occupation of territory (pre-existence); their historical continuity after invasion or colonisation, a distinct identity from the dominant society; a position of subordination regarding this dominant society; their engagement with a proper territory and preservation of cultural patterns, social institutions and legal systems of their own. This varies according to each country. The conquest of the American continent is a relatively recent historical fact but in other regions where this happened long ago and later dominant and dominated groups have been conquered, invaded or colonised, definitions become more difficult.

In his analysis of the politics of indigenous peoples' participation in defining local rights and recognition Boelens (2006: 50), warns us not to fall into "naïve participationism or philanthropic imperialism and to take a critical look at any intention to support so-called 'indigenous knowledge, culture, rights, livelihoods and natural resource management'. Referring to Andean cultures, but also to other peoples of Latin America, he refers to "the concept of 'indigenous' as constructed by various racist currents...") and that indigenous groups have often adopted or contributed to creating stereotypes, sometimes unwittingly, sometimes with clear ideological and political purposes" (ibid). He concludes that participation is desirable and that it should be taken into account that it means that communities want to take a part in their own terms, claiming "both the right to equality and the right to be different" (ibid: 57).

Also, Bello Maldonado (2004) points to the danger of essentialising and naturalising the relationship among the indigenous people, land and territory, that can become an obstacle to understanding territorial processes and the discourses about territory that come from indigenous movements. He invites us to think that "the relation among subjects and the ancestral territory and the community of origin is a social construction that, from different political processes and the action of certain actors, produces meanings that go beyond the material reality and the social action that generated them to turn it into an 'artefact' of an 'imagined community' (quoting Anderson). The territory and the relationship that the subjects have with it would be not only a product of lived experiences but a part of it would be an ideological landscape of political struggle for identity, a keyword" (quoting Appadurai, Bello Maldonado, ibid:100). As Vázquez (2002) argues, it is an ethno-political strategy for

strengthening the construction of an ethnicity that would self-identify them as Peoples. *"It is a legitimate project, considering that all nations of the world have (re)invented themselves"* (ibid: 5). As a representative of the CMN states:

"There is no People without Territory nor there can be a territory without autonomy. Neither of these can stand without the other two (interviews and seminar notes, 2007)".

Finally the persistence of the working group on Indigenous Populations (within the UNO) together with the lobby of indigenous representatives that participated in their sessions gave birth to the project of the Declaration of the Rights of Indigenous peoples in 1994. This was only adopted recently in 2007 by the General Assembly of the United Nations. Government delegates have been debating its content for more than thirteen years. A controversial point of the project is its reference to free determination, an issue over which Indigenous peoples have compelled attention. This right is systematically rejected by many government delegations. Their fear is that free determination can lead to political secession and the fragmentation of existing states as expressed in the communication of the Declarations' adoption:

"The General Assembly today [Sept.13, 2007] overwhelmingly backed protections for the human rights of indigenous peoples, adopting a landmark declaration that brought to an end nearly 25 years of contentious negotiations over the rights of native people to protect their lands and resources, and to maintain their unique cultures and traditions"... .."Countries voting against the Declaration said they could not support it because of concerns over provisions on self-determination, land and resources rights and, among others, language giving indigenous peoples a right of veto over national legislation and state management of resources".

<http://www.un.org/News/Press/docs/2007/ga10612.doc.html>

The Indigenous peoples' representatives participating in the formulation of this declaration through the years have become the emergent political actors at international level as well as within their countries.

Counter-tendencies

Countertendencies in this thesis are considered as new political practices that dynamise social action and become an effective mechanism of human expressions as creative sources of participation that successively rebel against traditional forms of policy-making.

Thus actors' roles are a central issue in decision-making processes which "usually generate the dis-embedding and re-embedding of existing political and economic factors, creating social forms that can only be conceptualised as processes of counter-development to modernity" (Arce and Long, 2000: 18). This notion of counter-development therefore can be applied to understanding the processes of negotiating conflicts over notions of territory, whose outcomes can be seen as 'counter-ways' of policy-making for influencing these definitions. That is, as a more dynamic, ongoing process than simply the intervention of some entity deciding the rules to be followed in order to legitimate a specific projection over space. In this thesis notions of territory are embedded in the exercise of

indigenous rights that give legal status to Mapuce participation in decision-making processes.

However, as indigenous rights are not enforced by the state, Mapuce organisations and people must struggle to create such spaces. Issues of mobilisation, commitment and solidarity are at play but these should not be seen as 'compulsory moral social acts' (Arce and Long, 2000: 20). Rather as everyday commitments and choices that individuals have with their wider political project pushed by collective action through their political organisations. Thus, notions of counter-development are useful for identifying the types of representation, practices, discourses, organisational forms, institutions and forums for counter-tendencies that emerge. Also for identifying the modes of authority and power that open up and are consolidated in the redirection of shapes of territories with social change (Galjart, 1981; Arce and Long, 2000).

Modernity and Development are entangled concepts that have crossed through the historical processes of construction of the nation-state. They are present in most of everyday workings, constituting part of the constraints or opportunities in which the actors move. Escobar (2003) understands modernity as "a social organisation that emerged with the Conquest of America and that crystallised initially in Western Europe in the eighteenth century". Development is considered as one of its most salient manifestations (ibid: 158). He characterises modernity in three main aspects: "Socially [and politically].... by institutions such as the nation-state and the bureaucratisation of daily life based on expert knowledge. Culturally, by orientations such as the belief in continual progress, the rationalisation of culture and the principles of individuation and universalisation; and Economically by its links to various forms of capitalism, including state socialism as a form of modernity" (ibid: 158).

This point of departure helps in contextualising theoretically the issues raised in the following chapters of this thesis. By understanding the wider modernity project (the consolidation of the nation-state) we can trace the link between present day situations and the historical processes by which the region and its peoples have constructed the cultural repertoires that underline the ways actors situate each other and themselves in current struggles over de-territorialisations and re-territorialisations. Understanding how actors conceptualise their actions and the scenario in which they are moving, and how actions for change are built in it we can see the "[difficulties] to dislodge modernity from its position in the lexicons of social change and political ideology" (Arce and Long, 2000: 18).

As we will see, the proposals that arise from the struggles of Indigenous peoples' political organisations for 'a new relationship with the state' - which have implications for policy-making in the shaping of territories - are the blending and juxtaposing of some elements of modernity and tradition.

The case studies of this work focus on collective actions that mobilise and turn to different strategies, such as court suits, demonstrations and protest, what some authors distinguish as active resistance; this classification, as a dichotomy from

the so-called passive resistance (every day forms in the sense of Scott), establishes a distinction that is not really appropriate because “all types of resistance are actions, part of the creativity of actors to push their interests into the scene” (Long, 2005). All forms of resistance engage in a process generating the trend, the climate for the collective moment. As we will see in this thesis the construction of territory for Indigenous peoples refer to their rights to territory and self-determination and not only to a cultural or economic determination of the definition of territory by other social groups. Resistance to dominant ways of establishing territorial control are strategically organised within the modern paradigm of environmental protection and universal rights discourses. We will see how Mapuce strategise to create policy spaces for exercising their rights relying on water pollution as the emergent problem in the watershed due to tourism development, while state agents are busy trying to create a Water Users Association to organise water distribution among real estate and tourism developments, neglecting the claims of these Mapuce regarding the same ‘watershed’.

2.7. The research methodology

Methodological approach

In order to operationalise the analytical positioning presented in previous sections the research approach selected as the most appropriate is ethnography. This qualitative method involves the researcher participating overtly or covertly in people’s daily lives for an extended period of time, watching, listening, asking questions – in fact, collecting data available that can shed light on the issues that are the focus of the research (Hammersley and Atkinson, 1995). This approach allows for grasping actors perceptions and visions about problems, to understand how they frame these and construct them through their interactions with other actors, their discourses and other strategies to pursue their projects. The ethnographic method or strategy enables the researcher to prepare a research design that, although driven by the focus of their interest, is open to the dynamics on the ground and to new insights that raise new questions and even twist the original focus. The reflexive character of the ethnographic approach to doing research creates the possibility of an encounter between researcher and actors researched. This enriches interpretation and gives the possibility of research not only to produce knowledge, but to produce it for action.

Selection of the research site and original questions

I carried out my fieldwork in San Martín de los Andes, Neuquén Province, Patagonia Argentina, where a Water Users Association was being organised for the Trahunco stream. The reasons for the selection of this case study were:

a) The Water User's Community¹¹ (from now on, Water Users Association) was still in its initial stage. So my intention was that my study might contribute to deepening the understanding of and debate about policy-making in the field of natural resource management and decision/making within a context of often conflicting relationships and projects.

b) This organisation was designed to bring together different types of water use and users which I assumed had contrasting interests over the territory and its resources (generally, organisations are sectoral, composed of irrigators only, for example). The International Ski resort at the top of Cerro Chapelko, where the Trahunco stream starts to flow, is said to be a main economic motor of San Martín de los Andes. The resort's activity encourages tourism and real estate developments which are expanding into the rural areas of the watershed, otherwise mainly inhabited by two Mapuce Indigenous communities and a neighbourhood that houses middleclass civil servants and employees. The provincial, national and local state agencies involved in policy making for the water sector complete the set of different actors with interests over the territory, its resources and projections.

c) This was one of the first initiatives in the Province of Neuquén to organise a Water Users Association (WUA) made up of users from different sectors in compliance with the water code.

d) In practical and operational terms, it was feasible for me to settle in San Martín de los Andes with my one year old son and rely on previous social networks which would allow me to work safely. These networks also proved very helpful to open many different doors for my research interest.

As a research strategy, this case study was used to contribute to our knowledge of individual, group, organizational, social, political and related phenomena. This represents a common research strategy in community planning and social science, and arises out of the desire to understand complex social phenomena, while retaining the holistic and meaningful characteristics of real life events. In general, case studies are the preferred strategy when 'how' and 'why' questions are posed, when the researcher has little control over the events and so simply focuses on contemporary phenomenon within a 'real-life' context (Yin, 2003: 1-14). Case studies depict diversity, conflict and individual choice. They shift attention away from the cultural or social 'whole', and away from the imposition of ready-made categories, to explore the experiences of particular actors, though not, violating holism completely, because details must be grasped within their context (Peacock, 1986: 82). As I said before, this case study was considered to contain a myriad of aspects which could be grasped from tracking the everyday experiences of the

¹¹ According to the Water Code of Neuquén Province, the association is called Water Users Community, but throughout this thesis it will be called a 'Water Users Association'. This is done to avoid confusion in use of the term 'community' as Mapuce Communities are the main actors of this thesis. Also because WUA is the common English terminology for these types of institutional arrangements.

actors involved. Yet it also could provide evidence for testing general theory about participation and water policy processes. In the end, compromising with the problems that actors were involved in during fieldwork allowed for the inclusion of struggles aimed at getting Indigenous rights on to the political agenda. It also led to a broader analysis of the implications that all these dimensions have in respect to disputes over multiple territories.

The initial research questions were: How are different actors' views and interests concerning the definition of problems and solutions of watershed issues constructed and negotiated? Why might certain actors be excluded from policy formulation? What room for manoeuvre do local actors have for re/shaping local political agendas?

Thus, broadly speaking, I focused on understanding the processes of participation in policy schemes promoting natural resource management (viewed as development interventions) and on identifying which discourses and actual practices were involved. The general starting point of this research focused on the genesis and implementation of the Water Users Association promoted at two levels by state agencies (the Provincial and Municipal).

My intention to do research on the initial stages of the creation of a WUA gave the possibility of conducting direct observation on the events and interactions among the persons involved. My intention was to be able to follow the process of construction of this particular policy space and by participant observation grasp the dynamics of participation through the interactions of the different actors involved. A case study would allow me to draw some conclusions between a concrete experience and the theoretical generalisations about participation in water management policies. On the other hand, I had the good fortune to be invited to do this research by a state agent promoting the WUA so that I might contribute reflexively to its development. However, this did not work out as intended due to factors that were out of my control. A change in state personnel at the very beginning of my investigations left the process in the hands of other actors with less interest in a wider process than water distribution among a few actors. In retrospect, and in relation to the WUA, it might not have been the best choice. However, as these are processes with ups and downs, and unexpected lifetimes (see Warner 2004, 2007), I was involved in this focus for several months, which gave the opportunity to become involved with other processes taking place in the watershed. The latter turned out to constitute my second case.

Research journey and methodology issues

Fieldwork at local level was done through several periods starting in 2001 until 2004. My last visits were in November 2006 and February 2007, when I participated in discussions over the ongoing conflict between the Mapuce and the state, and the Ski centre. These later visits were no longer as a researcher but as a consultant of the Directorate of Indigenous Peoples and Natural Resources of the National Secretariat of Environment and Sustainable Development.

For the ethnographic case study, I first moved in to San Martín de los Andes for a period of seven months. During this time I used participant observation strategies in several settings: the municipality's environmental unit (the DGA for its initials in Spanish), the events and everyday activities of the different actors in town, and the events going on at the watershed area, which is nearby town.

I decided to start my study by participating in the Trahunco stream's WUA meetings as a starting point. After a few days visiting the Municipality's office and asking about the WUA, I realized that it was still at the stage of birth and not much was going on. I had access to the minutes of the meetings in which the association was created, and could find out who were the participants at that stage. So I started by interviewing them. I wanted to get insights on: what these actors thought about the condition of the resources in the watershed; the problems they were facing and their way of framing them; the ways they dealt with these problems and constructed their solutions; their idea of why and how the creation of a WUA came about; their views and ideas about the other actors, mainly the implementing agencies; and to see what else would come along. Through these interviews I began to realize there was a wider range of actors involved, although some of them were missing in the participants' list.

I also went to the municipality office almost everyday staying there for a few hours or the whole morning, firstly waiting for something to happen more specific to the issues of my interest, and finally participating in their discussions, activities and so on. For being accepted in this, I had to ask formally, by means of a letter directed to the Mayor, expressing my research interests. I then was quickly incorporated within the daily life of the office. As the environmental team was composed of a few technical professionals and two assistants, they thought I could join them in their work and help out with some activities. I explained that I would not do it, avoiding committing myself to specific issues when other actors that were involved in my research topic were engaged. I did give my opinions about issues they were dealing with and helped around checking some writings, presentations and/or documents for them.

Being at the Municipality office allowed me to participate in the talks, discussions and meetings about the main environmental issues related to the watershed and the wider scale, and get to know who would come to their office with projects or claims. I could also see how they organised meetings and what were their interests in these cases. Could this be institutional participant observation? These observations presented me with the 'logic' of participation the officers had, the little, everyday acts that were building the local policy process. They also allowed me to realise the cultural repertoires embedded in their interactions with different actors.

I had interactions with most of the "stakeholders" involved in the organisation of the WUA that were listed in the minutes of the meetings they had held. However, the most important issue was that I started to identify key actors missing in what a straight "stakeholder analysis" revealed as relevant: the inhabitants of the 'watershed'. These actors drew a different picture for understanding the complex

social and political relations around the issue. The fact of having old friends and colleagues living in the area helped me a lot in getting involved in local talks about these issues in different social settings. This allowed me slowly to build my own network of people with whom to enter the different spaces related to my research.

As fieldwork focusing the WUA and the construction of problems and solutions to watershed management developed, by following the actors I started to visit the watershed for the different purposes my informants had for going to El Cerro. I found out that there was one Mapuce indigenous community inhabiting the watershed which was excluded from the WUA while the other one was not. Only at that moment could I realise that they were putting claims to the government and the Ski resort concerning the pollution of the stream which supplied their water for domestic uses. I thought this water-related issue within the same geographical area should be connected to my study. I started to wonder why these particular actors were excluded from the organisation and implementation of the WUA. After some time I realised that these claims were embedded in wider historical, socio-political processes and relationships with the provincial government and the Ski resort located upstream. Was it the issue at stake that made the government exclude them?

Focusing on the strategies and tactics deployed by this Mapuce Community for contesting state interventions in what they defined as their territories gave a whole new twist to the research questions. I started to ask myself how the indigenous communities strategised in order to get their wider claims onto the local political agenda. Which type of negotiations result from these conflicts? And then, why was "water pollution" related to territorial struggles of the indigenous peoples, and what did "participation" imply in this new context I was starting to analyse? And I had to understand the meaning of territorial claims which in the beginning I confused with land property.

This cognitive process was not linear and as I write this chapter almost at the end of the production of the thesis, it would not be fair to say that the research was organised and carried out in this order, sequentially and neatly - or that all this knowledge emerges from my initial research assumptions when going to the field. I want to share the process of confusion, misunderstandings and clarification of research I had to go through to reach the current interpretations. This is because I think it fair to say that most technical practitioners in the field of rural development field in Patagonia are puzzled by these issues, and it is particularly with them that I want to share this process and findings.

It is only within the last phases of making sense of my fieldwork that I became aware of the implications that indigenous rights have for policy-making in the field of natural resource management. Then, the analysis fits into a wider debate about modernity and alternative modernities in the struggles over disputed territories - something that becomes clear when analysing the historical-political process of the region and its peoples and current countertendencies. My first analysis stayed at the level of the strategies of these actors as citizens, to get into

the political agenda, still not understanding the differences between actors in terms of citizenship. However, by means of this process I became aware that actors belonging to the “major” (or dominant) society and actors belonging to other people’s nations within the Argentinean state do have differentiated rights. The profound meaning this has for indigenous peoples struggles to get their rights, deserved a twist in the analysis. Therefore, presented here are the Rights of Indigenous peoples present in several International Conventions (such as Human Rights Universal declaration of the ONU, The ILO 169 Convention) and the national and provincial Constitutions’ recognition of these. Their implications in terms of citizenship, participation and policy-making are analysed for their relevance in understanding the multiple territories at stake.

Diverse techniques and their implications:

This positioning regarding methodology has consequences for the type of techniques used for this research. *Participant observation* is one of the research strategies for doing ethnography. This implies social interaction with the groups researched within their daily activities, gathering information in a systematic, non intrusive way. It implies obtaining a view from ‘within’ the location selected for study. It requires entering the fieldwork without a “formal hypothesis” but only with a preliminary comprehension of the problem to be studied (Hammersley and Atkinson, 1983). These notions guide the first steps of fieldwork, allowing for an accommodation to the circumstances found and the identification of what the actors consider as the problem around my topic of interest as a researcher. While doing participant observation I combined a number of research techniques such as informal and formal discussions, individual interviews and meetings with focus groups. Attendance at local meetings, works and other events such as street protests, celebrations and markets, also drew attention to some aspects of the research and lead me to new, unexpected insights and questions¹².

Open ended interviews: This meant for me to have the research topic and several guiding questions in mind and establish conversations about it. I also had a list of people I wanted to interview for sure, but left it open for new people that would appear in the course of fieldwork. I tried to reach as many people as possible within the area of study and in town, also in different institutions (local, provincial and national). I had a few questions that were asked to almost everyone selected as interviewee, within a context of an open conversation that could lead me to unplanned aspects of my research. As fieldwork developed and the relationship with actors did too, my questions at interviews became more specific and to the point.

¹² I participated in Town Hall meetings, town events (anniversary, protests, fiestas, etc); meetings organized by some of the interest groups specifically involved in the subject of the research.

Informants: In the meantime, a friend of mine introduced me to a radio reporter who was working for the community radio¹³ (a communitarian radio, member of ALER-Asociación Latinoamericana de Educación Radiofónica) that presents itself as the means for citizens to bridge the gap between them and the local government agents and politicians. We had a typical conversation: what were we all doing with our lives and what were we working on? As we started to talk about my research, the conversation started to get really interesting for me. I was informally receiving a full review of what was happening in town. We kept on talking for a long afternoon and we arranged that when ever he was going up to Cerro Chapelco (where the Trahunco stream flows), I would go with him. Joining Pablo in his trips to “el Cerro” (as the place is called locally and I will refer to from now on) was a good way to reach some other people that were not on the municipality’s agenda. Pablo was of great help not only for reaching people but for being trusted by many of them, especially the Mapuce community members in the area. I also checked my impressions and ideas with him all the time.

Another way of having access to people, was accompanying the health worker of rural areas on his scheduled visits to el Cerro. We visited household by household the Mapuce communities in a two-day walk through the watershed. We would have talks with people about health and household issues. This helped me understand different views and interests about the water problem and the linkages between these at the very local level and those posed by the more politically active members and representatives of the communities. The opinions and interpretations of the health worker who is a local *criollo* (lay name for rural people who are descended from a mix of indigenous and Spanish) would also give me a different insight about the issues I was researching.

A colleague of mine, who was the former head of the Environmental Unit of the Municipality who had worked with the previous local government in office (a different branch of the same political party), introduced me to the local scene from a different perspective. Her professional background and specialisation is on watershed management, and her interest in these issues pushed them into the municipality’s agenda. Due to her contacts at national level, she could negotiate funding to develop pilot projects in the watershed. She was very interested to see if my study could add something on how to improve the WUA in order to make it

¹³ The FM radio where Pablo collaborated is supporting people that will not get a voice in the town’s context. Therefore those more marginalized groups would find in the radio the place for expressing their problems, ideas, and proposals. The radio works by having a phone available for anyone to jump in the conversations or to participate after an interview held with different people involved in the town’s hot issues. The radio supports Mapuce communities by training them in communication skills, having local radio communication among the local settlements and from the distant rural areas with the radio. So Mapuce people also have an active say on what is going on. And they make use of this opportunity very often. In November 2006 the radio became a Mapuce AM radio: “AM 800, Radio Wajzugun”, which is a huge achievement given the reach and even the possibility of being heard through internet <http://www.cotemax.com.ar>. This possibility of listening via internet allowed me to keep updated when living abroad or far from San Martín de los Andes.

work. She provided me with maps and materials, and briefed me about the different actors involved in the WUA and how to find them, especially the ones that had their offices in town, the tourism development investors and their environmental impact advisors. She also gave me her point of view about the clashing issues among these actors. Our conversations kept on every time I would go to San Martín de los Andes and she would update me on the political scenario.

Some other people became informants during the course of my research, such as a young Mapuce woman, very active social and politically within the Mapuce organisation. She would visit my home in town and I would visit hers in the watershed. Our conversations were very inspiring, giving me insights about the context of the conflicts they were (and still are) going through and the strategies they were elaborating. My relationship with her allowed me to enter into the worldview they are fighting for and her everyday life issues.

I distinguish these informants from interviewees because of the reflexive character of our encounters. We would talk about the research in an open way, exchanging ideas. They had access to some of my writings as well, mainly in the initial phases. Instead with interviewees, meetings generally were arranged in advance and we met just a few times, and I was not putting forward my points of view.

Research assistants (two) proved to be difficult to deal with, especially when I needed them to do things while I was not there. Even though I did share my research fieldwork and the framework with them and had many talks about ideas and viewpoints, while I was there, I expected them to do things in my absence and sometimes it simply did not work. The influences of their interpretation of my requirements plus their own interpretations of the issues at stake, the preconceived ideas about the actors they would interview and the interpretation of what these would say about the topics exposed, only allowed for using that material to check other information.

Other Sources of information:

- Listening to radio programmes¹⁴
- Checking electronic bulletins and newspapers
- Notes of policy files from the Municipality
- Pamphlets and booklets from different companies and organizations
- Articles, project reports and materials, internal memos and institutional reports.

A year later after the first fieldwork period of seven months, I would come and go to San Martín de los Andes, for shorter periods, according to my possibilities. I

¹⁴ Listening to the local radio was (and thanks to internet it still is) very interesting for my research, because I got to know about local dynamics, actors and conflicts/alliances among them. I could understand slowly about local politics. Water at the initial point was not an issue, but the actors within the watershed I was studying were involved in many important activities. And some months later, water issues popped in.

did this several times during the second year period. While I was not there, I would follow the news papers and radio via internet, e-chat with some of my informants and also exchange emails with some other actors. I also held some interviews with technicians of the National Secretariat of Water Resources and attended a few National and International meetings related to water policies that were held in Buenos Aires.

From August 2006 until August 2007 I worked as a consultant within the National Directorate of Indigenous peoples and Natural Resources, a new office set in the National Secretariat of Environment and Sustainable Development. The chief of this office is a Mapuche representative of the Mapuche Confederation of Neuquén. During this valuable period I could understand, among other things, the ways this organization is strategising within the state towards the organization of an Indigenous Movement of Argentina. This is the political agenda they are putting forward towards the recognition of Indigenous Rights, that implies the regaining their territories, autonomy and self-determination. This scaling up of their struggles puts into perspective the interpretations generated at a local scale. It also revealed more clearly the way representatives relate with other members of the communities and their problems, and how they interact with different levels at wider society, be they functionaries, employees, consultants, supporters and alike. I could deepen my understanding about the worldviews and meanings that are involved in their notion of territory and could capture as well the modes of networking for consolidating their demands and the strategies to pursue them. Therefore, importance is given not only to internal but also external elements of the context of the research, which presented the need to bring in the historical perspective in which current researched problems are embedded.

3. A LITTLE BIT OF HISTORY

DECLARATION OF THE SECOND INDIGENOUS PEOPLES SUMMIT OF THE AMERICAS BUENOS AIRES, ARGENTINA | OCTOBER 27, 28 & 29, 2005

“WHEREAS

*We, the representatives of Indigenous peoples and Nations of the North, Central, South and Caribbean Antilles regions of Abya Yala, pre-existent to the American states, gathered at the 2nd Summit of the Indigenous peoples in Buenos Aires, Argentina, with the ultimate goal of completing a unity pact that respects our cultural diversity; guarantees our historical continuity; makes our rights a reality; and guarantees our **democratic participation in a participatory democracy** that is reflected in **public policies**, based on a relationship of respect between Indigenous peoples and the states.*

We reaffirm the principals of Indigenous peoples set out in the Ottawa Declaration of the First Indigenous peoples Summit of the Americas, 2001, and the spirit of the Declaration, as an exercise of Indigenous peoples’ inherent authority as distinct governments.

We once more reaffirm our right to self-determination as Indigenous peoples and Nations, which we held and enjoyed prior to the colonization of our territories.

*We emphasize the need for all international forums to promote states’ responsibilities to obtain the free, prior and informed consent of Indigenous peoples and **to establish the government-to-government relationship** that impacts positively in the overall relationship between Indigenous peoples and states.*

*We assert our ancestral right, that is irrevocable, to protect and safeguard **our territories**, lands and critical resources. We have been, are and will always be the best stewards of **our collective environment**, which is the fundamental basis of our self-determination as Indigenous peoples.*

*We demand that states acknowledge the detrimental impact of their inappropriate policies respecting Indigenous peoples. The impetus of destructive development has harmed our Mother Earth. It is time to **develop new initiatives** that respect and benefit our Peoples and all of humanity.*

*We make a general call upon all of Society **to construct new relationships** of respect that eliminate the discrimination and the exclusion of Indigenous peoples. The alarming increase of extreme poverty obliges us to take action expeditiously.”*

3.1. Introduction

In order to understand what nowadays is at stake when analysing policy making processes and countertendencies in Patagonia, it is necessary to contextualise them in broader socio-political, historical processes. The ways in which actors resignify today their relationships and define their problems is also a social

¹ <http://www.indigenoussummit.net/Indigenous%20Peoples%20Declaration%202005.pdf>
(emphasis added to highlight coincidence in the discourse along with the materials of fieldwork)

construction that results from historical processes. That is, we need to understand how current forms have been shaped under specific conditions and in relation to past configurations. In other words when trying to understand current conflicts, we need to trace back the genesis and the construction of meaning and interpretations actors have about themselves and the others, in these specifically localised arenas, and the influence these have on processes of territorialisation, de-territorialisation and re-territorialisation. In this study I refer to struggles around the appropriation and control of natural resources for shaping a territory.

This approach, which revisits the traces of the past and reviews the constructions and meanings that were established as dominant, implies entering into the discursive practices that highlight the cultural repertoires reifying social situations and positioning. To “read” discourses helps to frame our comprehension of life experiences because they offer an understanding of different representations of reality (Long, 2007). Even though it is obvious that there are different versions of the same events, there are always versions that are established as dominant over the others. And, as we will see, “[d]iscourse is not the expression of thought; it is a practice with conditions, rules, and historical transformations” (Escobar, 1995 p: 216).

This chapter attempts to reconstruct the historical process of implementation of “the modernity project” for the construction of the nation-state. We will see how such endeavour has relied so much on the construction of images and representations framed by different cultural perceptions and judgements. These have influenced the dynamics of relationships among the Mapuce peoples, the nation-state’s central and later provincial governments, the provincial political parties, the private sector (business) and civil society. It focuses on how these relationships are dynamically shaped through time in order to contextualise the present day conflicts, the ways of dealing with them and the positioning of the different interest groups as well as the implications they have for policy making at local and provincial level. We will see that through time the appropriation of nature and its particular form as natural resources used for the development of space has always mediated in the materialization of different notions of place and territory. The territorial expansion of the state, in this particular case, meant the displacement or deterritorialisation of the indigenous peoples of Patagonia. New processes of territorialisation took place and current debates over the definition of territories are embedded in these processes.

Today, the Mapuce peoples' organisation has managed to establish in Neuquén the debate about their territories, rights and resources. The CMN also articulates its local and regional activities to the national level with other indigenous peoples of different regions of Argentina. They are part of the network of indigenous peoples' movement in Latin America and the rest of the world. We see this in how their discourse is so much associated, among other international discourses, with the Preamble of the Indigenous People Summit (above) held in October 2005 which actually took place in Buenos Aires. Escobar (1995) considers that “one seems to be led to paying attention to forms of resistance to development that are

more clearly legible and to the reconstruction of cultural orders that might be happening at the level of popular groups and social movements" (ibid: 215). He defends the position of a body of work that claims going "beyond" instead of "against" development, in thinking about "alternatives to development". This is somehow different from what Arce and Long (2000) present as "alternative modernities", this is, the blending and juxtaposition of elements of modernity and tradition (ibid: 3), which is the perspective adopted in this thesis. My concern and interpretations are about how the Mapuce find paths to scale up the organisation of resistance to an established dominant order and carve alternative policy spaces for introducing their political agenda into the hegemonic one, therefore changing the latter.

I find that Mapuce projects and the actions undertaken to pursue them in Neuquén reflect the construction of heterogeneous social forms based on the assemblage of diverse cultural elements that include ideas and practices of modernity (Arce and Long, 2000: 7). Besides, and following Escobar again, as we will see in this thesis, among Mapuce's ideas and practices which contribute to such assemblage is the slight change of mainstream discourse, deliberately pushing to talk about territories and not lands, about peoples and not communities, interculturality and not integration, etc. I find this is a way of resisting the fragmentation and dissolution of indigenous peoples rights established through dominant discourses of the state apparatus in its multiple forms. These actions also fall into what Escobar (1995: 216, quoting Foucault) presents as a more lasting transformation in the order of discourse. "[C]hanging the order of discourse is a political issue that entails the collective practice of social actors and the restructuring of existing political economies".

3.2. The 'pre-existence' debate: a history of relationships

The Argentine Constitution of 1994 finally recognizes the pre-existence of the original peoples, among them the Mapuce, from the moment that Argentina became a Federal Republic. However, the implications go beyond a formal recognition in the sense of its political consequences. In particular, they go further into self-determination and the level of dialogue that has to be established (government-to-authority) in the decision-making processes. Therefore, the gap between this formal recognition in the current Constitution and its actual implementation is a matter of increasing conflict. There are important resources at stake, which states have always relied on reasons of economy and control which Mapuce peoples are struggling to regain.

For this analysis I identified some interesting works which have been done by specialists in this field with different stands on these issues. This of course is not detached from my own positioning with respect to the pre-existence and therefore the rights of the Mapuce (and other indigenous groups throughout the country) as Peoples (*Pueblos*) within the Argentinean state, and considering Argentina as a plural nation-state. More than ten years after the 1994 Constitution there is still no

generalised acceptance of this issue. The debate is still there among different actors of civil society, fed by political scientists, lawyers, historians and alike. The indigenous groups have developed new networks, different strategies and alliances in order to obtain application of the Constitution in its most profound sense. However, historic hegemonic positions build into the discrimination that is evident in everyday situations²; therefore it remains an unresolved issue.

We can understand better why and how struggles take place in contemporary processes by finding some parallels with why and how struggles took place in the past. Tracing back to the origins of these confrontations, we can see that the way in which history has been told is now under debate, a debate in which the grand narratives of the “conquest and civilisation of the natives of the desert” (See Orfali Fabre et al., 2001; Cresto, 2004) are contested by counter narratives of the natives’ history told by themselves. Also by the interpretations of those who are, from a different perspective, reviewing the documents written by militaries, travellers, explorers, conquerors and missionaries (See Moyano, 2005; Aizen, 1992; Gutierrez, 2003; Diaz, 2002; Briones et al, 1997; Carrasco, 1997; Vázquez, 2004).

According to Briones (in Carrasco, 1997) in political terms Argentina incorporated the relationship with the indigenous peoples in its Constitution of 1853³. The heritage that the independent state received from the colonial era was a set of agreements and treaties between the Spanish Crown and the free indigenous nations. These demonstrate its relationships with the indigenous groups who could never be colonised by the Spanish, as independent nations living in what today is called Patagonia (Levaggi, 1998 in Moyano, 2005).

In Patagonia the “pre-existence” debate builds different, almost opposed perceptions about the indigenous (Mapuce in this case) issue which are still prevailing in contemporary everyday life. The mainstream current of thought was

² Interview with a participant of a public event during my field work in 2004: “it was the first time in the history of San Martín de los Andes that the Mapuce would participate in the celebrations of the anniversary [since the foundation of the town as such in 1900]. After the event in the main square, while walking through the streets, I heard a conversation between two men dressed as “gauchos”, lay men of the town, maybe from the rural surroundings. They were referring to Carlos’ speech [the lonko-chief- of the Curruhuinca Mapuce Community] in the following way: “...that shitty indio, you heard his speech? Those words are borrowed for sure someone wrote his speech.... Discrimination here is so common”.

³ “Section 67, subsection 15 indicates that it is a duty of the National Congress to “provide security to the frontiers, conserve the pacific treatment with the indigenous people and promote their conversion to Catholicism”. This provision shows two things. On the one hand the indigenous issue was constituted during the formation of the nation, the territorialisation of the State. On the other hand, that the conversion of the indigenous peoples to Catholicism, in a country that sustains its freedom of religion indicates a strong decision to incorporate the indigenous people as a subaltern sector (Carrasco and Briones, 1996). By providing security to the frontiers, while protecting the lives and properties of the non-indigenous population simultaneously, it fixes the indigenous peoples as ‘other internals’ (Briones 1995, 1998a). They then become incorporated into the nation, once neutralised by military force, as potential citizens but without the guarantee of the rights of the rest of the population (in Carrasco, 1997).

and still is linked to the political powers that influence the “official history”. This is a grand narrative written and deployed during the late 19th century and first half of the 20th century that justified incorporation of the region into modernity. This official history maintains that the Mapuce entered Patagonia and La Pampa by what has been called the *Araucanización* process (coming from Araucania -the Mapuce of the east - today Chile’s Ninth region) during the XVII and XVIII centuries. Therefore they were not pre-existent in the Argentinean side of the Andes. This story is the one still used in many curricula at different levels of the education system in our country. When these historians talk about the expansion of the country (Argentina as a federal republic) during 1879-80s, by military invasion into Patagonia, they refer to it as “the conquest of the desert”, a discourse constructed in post-colonial times by the ruling powers of the country (military and politicians, scientists, artists, and alike).

3.3. The beginning of what never seems to end: the construction of a nation-state

Argentina as a nation-state was born after a long struggle with the Spanish colonial power between 1810 and 1816. The original peoples also participated in these struggles. Therefore, as soon as the post-colonial locals were in power (Spanish and mestizos⁴), there was division among the different fractions about the type of relationship to have with them. According to Aizen (1992), many of those in power were influenced by the French Revolution which brought feelings of solidarity towards the indigenous peoples, as “first-born peoples of the Americas”, recognizing that the colonial conquest had been a usurpation of their properties and rights. In the Rio de la Plata, as elsewhere in Latin America, this was not a universal feeling. In opposition, the mainstream thinking among the elite - many of who had been educated in Europe or looked to the “civilised” there -, had a Eurocentric project for the construction of the nation-state. Discourses of modernity were everywhere among their influential positions.

During the first years of independence, there was a policy of peaceful negotiations and treaties. The country at that time was divided into 13 provinces (Federalists) and Buenos Aires province (Unitarians) which had declared secession. Beyond all these lay the separate “indigenous territory” in the south. The Salado River was the agreed internal frontier between indigenous peoples in the south and the authorities of the Rio de la Plata (Buenos Aires) to the north under a treaty established in 1742 between the Spanish and what they called “free indigenous communities” (Moyano, 2005).

The process of building the modern state involved long and bloody struggles between the Confederation of provincial governments and the government of

⁴ “The term has traditionally been applied mostly to those of mixed European and indigenous Amerindian ancestry who inhabit the region spanning the Americas”
<http://en.wikipedia.org/wiki/Mestizos>

Buenos Aires. It lasted around 30 years, years of battles and killings between Unitarians and Federalists which were attracting most of the attention and resources. During these battles the different ethnic groups and fractions within them would join with one or other side according to their own "bilateral" agreements and strategic interests. Focusing particularly on the Mapuce ethnic group, there was never a clear division among the groups which were fighting. Alliances with white people (*wingka*, as they call them) were not automatically established nor were they related with the ideas of the eventual allies (centralists or federalists), but had much more to do with internal dynamics of the Mapuce fractions themselves. On more than one occasion in the Argentinean civil wars there were Mapuce on both sides (Moyano, 2005).

At the same time, around 1820 the growth of the livestock industry created the need to expand the frontier beyond the Salado River. The funds provided by the *hacendados* (large landowners) for maintaining the soldiers did not guarantee the protection of the frontier line. The *malones* (attacks from the indigenous groups) became more frequent because the *hacendados* were expanding their lands over the areas where the indigenous people supplied themselves with wild cattle (Aizen, 1992). This interest in protecting the frontier and the need for more lands for cattle-raising precipitated the military campaigns that between 1820 and 1830s would initiate the extermination of indigenous peoples (Aizen, 1992)⁵.

The Constitution of 1853 was prepared and signed by the thirteen provinces, in which they declared Buenos Aires the capital of the nation, therefore obliging Buenos Aires to hand over its port and customs. It took ten years for Buenos Aires to accept this proposal of a federation, first remaining politically isolated. The port, the bank and other facilities allowed Buenos Aires to grow economically despite this isolation. Once Buenos Aires had to accept the National Constitution (due to endless battles with the Confederation and the loss of the war in Pavon during 1860), it took some years until a National Government was installed in 1862. The other provinces, not as rich as Buenos Aires understood that a strong government not controlled by Buenos Aires would balance the differences among them but mainly between them and Buenos Aires which was much more powerful and rich. Here lies the very origin of the differences still present among regions, provincial and national states. In those times, Buenos Aires managed to co-opt the national government and centralized the federation. Still today the national government and the provinces are in a continuous process of negotiations and disputes mainly for control of resources within the provinces, which by constitution are under provincial government ownership. There are also strong rivalries among political parties that might be able to control the national

⁵ In 1956 Yunque, a poet and historian explains how Rauch (one of many military commanders) would grab thousands of cattle, destroy their camps and make them prisoners, "he chased the defeated until extermination within the rough paths of Sierra de la Ventana...this way he exterminated many tribes of the south and west and brought confidence to the landlords on which the richness of Buenos Aires was raised" (Yunque quoted in Moyano, 2005).

elections but then at provincial level must deal with powerful political leaders who have strong populist networks (Oszlak, 1989).

After Buenos Aires joined the Federation, during the following three presidencies, education, immigration (from Europe), infrastructure and commerce were the basic actions promoted. The political-intellectual core of those times accepted non-critically the role of the country as a primary producer to supply the international market. This positioning required the expansion of the frontiers to include Patagonia and Chaco territories (and accessing their resources) due to the limitations of the historical provinces for such production (Gutierrez, 2003). José Bengoa, in his book about the History of the Mapuce contextualises the occupation of the Chilean Patagonia, the Araucania, as determined by the international context in which it was possible. "The Industrial Revolution had created in Europe the existence of increasing urban concentrations, European agriculture became insufficient to feed the population and, literally, all the world had to support the boom of European capitalism with food. This fact marked the epoch economically" (Bengoa, 2000: 173).

3.4. There was a conquest, was there a desert?

The metaphor chosen to justify the expansion of capitalism beyond the internal frontier was that of a *desert*, somehow contradictory when considering that the interest was in resources and lands for increasing production. Framing the invasion in this way created an image of a region where there was nothing more than the potential to strengthen the frontiers with Chile. This neighbouring state was also developing through the same process of establishment of their nation-state, with many differences in strategy but with the same interest. This was the entrance to modernity for which expansion of the nation-state through usurpation of Mapuce territories was needed. In assuming that the conquest was one of a "desert" they were (and many still are) ignoring not only the inhabitants of the region that the military decided to eliminate. They also avoided portraying the richness in natural resources that motivated the invasion in the first place, and which later on became part of the economic resources of the elites in power and the country as a whole.

The analysis of the narrative of the 'desert' has different approaches. According to Gutierrez (2003), the invasion was legitimised by constructing an opponent that was not fundamentally the people but the space they inhabited, the desert. It was about conquering the desert and consequently doing something with the people living there.

Bandieri (1993: 122) puts the accent in the strategic use of the term desert as a way of denying its people. "[T]he ideological connotation of using the term 'desert', had a prominent social sense, regarding 'an empty space', referring to an 'emptiness of civilisation'. In the same line of thought, Lois argues that "the concept of desert refers to an empty and not inhabited space. Of course, it calls to our attention the fact that a space, in which the indigenous presence was strong

and constantly recognized, could be called a desert. We can suppose that the existence of social, economic and political forms of organization incongruous with the western capitalist world would set the conditions for the generalization of this meaning.... () by ignoring the existence of indigenous population, the emptiness and consequently the desert, is constructed" (Lois, 1999: 6).

Although politicians and economic groups of the 1830s considered Patagonia as a desert to start its occupation, demarcating clearly where they placed "the indigenous as a subject", it was with the military campaigns in the late 1870s and early 1880s that consolidation of the "nation-as-state" model would territorialise and nationalise Patagonia and its inhabitants (Briones & Diaz, 1997: 5).

In 1879 General Roca, at that time Minister of War, carried out his first incursion to "Conquer the Desert" and expand Buenos Aires' internal frontier even further. For this, he prepared an army that in three months crushed the indigenous groups down to the Rio Negro. Later, in a second phase, he campaigned into the valleys of the cordillera and other regions of Patagonia. In this way, the Argentinean state was consolidating its military and administrative presence at the frontiers with Chile. Despite these economic interests there was another objective, to strengthen its sovereignty. Chile, already becoming a Latin American military power, intended to expand its territories over the eastern part of the cordillera by allying with the indigenous groups, relying on their rebellion against the Argentine government. However, Chile had to halt its expansionist intentions due to the Pacific war (Bandieri, 1992: 126).

This "success" was a military victory in internal affairs and the first step towards consolidating the frontiers with Chile. Great swathes of lands invaded in the Pampa and pre-cordillera were used for expanding agriculture and the cold southern lands were allocated to sheep raising, releasing the Pampa húmeda from this activity. This spurred economic growth, making Buenos Aires the centre of power in all senses. Roca used this "success" as a springboard towards the presidency. This only reinforced the decision to invade indigenous lands even further beyond the Negro and Neuquén rivers, into the heart of the last lands in the cordillera that the Patagonian indigenous groups could retain through resistance until definitely defeated in 1885 (Massota, 2001, Aizen, 1992). Finally, these military campaigns and invasion allowed the incorporation of 400.000km² of land into agricultural production, which were not distributed among potential producers but to soldiers and financiers of the invasions.

Therefore, today many of those that oppose recognition of the indigenous peoples as pre-existent and therefore holders of distinct rights also use the "politically correct" discourse of "integration". This means "assimilation", "integrating into" the hegemonic society⁶, with its rules and regulations as well as power fields, considering indigenous peoples just as marginalised citizens as many other excluded groups in the country. This position, backed up by the "official history",

⁶ Nowadays called the "major society".

still neglects the indigenous peoples' claims and rights as pre-existent nations, who are struggling for their own ways of existing as peoples, who cannot consider their own development without control over their territories (see chapters 6 and 7).

3.5. A history of relationships

There is a sort of dichotomy in the way analysts treat this issue, with two main positions. There are those who insist that the indigenous peoples in the west of the cordillera arrived from Chile only in the XVII century, and those that recognize the pre-existence of the indigenous peoples in Patagonia (and other parts of Argentina). Levaggi, a historian of Law (quoted by Moyano 2005) has studied this in detail showing the pre-existence of different ethnic groups. In his book (2000)⁷ he revises the legal legacy of the colonial period and post-colonial powers, and shows that the Spanish treated with those indigenous groups as free independent nations and did not subordinate them. His study of historical documents illuminates the ways in which many peaceful interethnic relationships were established at the level of the state or public affairs. These diplomatic relationships were, according to the author, established with the traditional authorities of those indigenous communities who could not be subordinated by either the colonialist powers or later independent states.

According to Levaggi, and I think this is the main issue, the characteristic of these relationships was that they were regulated not by Internal Rights but by the Peoples Rights, as they was called in the past. These were not relations of subordination (Internal Rights), but relations of coordination, like international ones, which means between juridically equal or similar parts.

"The treaty was the genuine, efficacious means for articulating the indigenous-Spanish relationships and afterwards, because the practice of treaties continued, between republican governments, and indigenous societies" (Levaggi 1998, quoted in Moyano 2005).

Others like the historian Cresto (2004)⁸ refer to the metaphor of the desert to justify Roca's military campaigns. He also states that the "myth of the genocide... () hides interests of territorial claims" (ibid: 2). Cresto presents this part of our history as follows:

"Argentinean history is full of stories of small and very big malones during the XVIII and XIX centuries, until the decisive occupation of the desert by Roca. The policy of occupation was not initiated by this successful soldier, rather it continues since the first independent governments. "Was Roca occupying lands of the Indians? The answer is categorically negative. These deserted lands start to be occupied by the colonialising Spanish expeditions of

⁷ "Paz en la Frontera: Historia de las relaciones diplomáticas con las comunidades indígenas en la Argentina"

⁸ Historian, Director of the National Historical Museum and president of the Argentine Academy of History

the XVI century that, we repeat, brought the cow and the horse. The Indians initiated their occupation 180 years afterwards” (Cresto, 2004: 3).

In a debate with Cresto⁹ about this position, authors like Navarro Floria (in Puente, 2005), attempt to demonstrate that the so called desert was not such, and was inhabited by the original peoples. Floria goes on to explain that he uses “*the concept of ‘genocide’ to characterize the process derived from the conquest of Patagonia by the Argentinean state between 1875 and 1885*”. During 1948 the United Nations approved the ‘Convention to Prevent and Sanction the Crime of Genocide’, after the Holocaust in Germany. Genocide is defined as ‘any act perpetrated with the intention of destroying totally or partially a national, ethnic, racial or religious group as such, and this constitutes an international crime’ (Stavenhagen, 2004: 16). According to this author,

“Many indigenous organizations have invoked this Convention, presenting themselves as victims of acts of genocide, but the United Nations Organisation has not taken these reports into account. Much more insistent have been the claims of numerous indigenous peoples of being victims of ‘cultural genocide’ or ‘ethnocide’, however the United Nations Organisation has not considered these presentations either” (ibid: 17).

In Argentina, the Mapuce, among other Indigenous peoples, claim they were victims of genocide that took place only one century ago through the military campaign coordinated by the Argentinean and Chilean states invading and fragmenting the originally united - ocean to ocean - Mapuce territory (Nahuel, 2004: 204).

3.6. Another appropriation of Patagonia: a national territory

After the military incorporation of Patagonia into the country the central government made various efforts to expand its sovereignty to all corners of the country, legitimated by a nationalist discourse. Analysts explain the origins of the exclusion of the indigenous peoples and the current political struggles as firstly for land rights and finally territoriality rights. “The so called “Desert” was inhabited by about 20,000 people, of whom Roca was recognised in the National Congress as having killed 1323, and imprisoned 10,539 women and children and 2,320 warriors. The military operation was financed by Law 947 of 1878, under which 4,000 bonds were subscribed for 400 pesos each, which entitled the owners to 2,500 hectares of the conquest land. In earlier land conquests, a total of ten million hectares were sold by the state to traders and ranchers of Buenos Aires province. This extra land was sold at auction in London and Paris in 1892, in plots of forty thousand hectares each. This led to the first presence of European landlords in Argentinean fields. As there were still more lands left and nobody thought about the indigenous peoples, in 1885 the wage debts accumulated with soldiers since 1878 were cancelled with land grants. As these soldiers had received no income during the last seven years, they were in need of cash, and

⁹ Historian, Director of the Centre of Patagonian Studies of the University of Comahue

soldiers and officers of the military forces ended up selling these back at a loss to the original financier. Thus all those lands ended in the hands of 344 owners with an average of 31,596 hectares each (Del Corro, 2003).

The current Director of the Museum of National History however, explains the distribution of lands in a different manner, in the article quoted above, in which he rejects the pre-existence of the indigenous peoples, Cresto (2004) also says:

“There are some considerations that have to be weighed up: the expedition [he refers to the Conquest of the Desert] must be adjudicated to President Avellaneda who designated his War Minister, Julio A. Roca to command it, in a strict compliance with the Law of 25 of August of 1867, delayed twelve years due to political and economic difficulties of the country. ‘The presence of the Indian, it said, impedes the access to the immigrants that want to work’. To finance the expedition, they made a grid of the Pampa in plots of 10,000 hectares and issued titles of 400 pesos each that were sold on the Commercial stock market. Although the acquisition of two or more contiguous plots was forbidden, this sale was the basis of many Argentinean fortunes. The law, the expedition and the organization were discussed in the Congress and voted for democratically. All the country, all the population of the nation wanted to finish with this insult, from the Congress and the provincial governments up to the newspapers without exception” (Cresto, 2004: 2).

The post-conquest occupation of space and the geo-political control of Patagonia depended on direct state actions as well as indirect ones such as promoting private initiatives (Briones and Diaz, 1997). The land policy implemented was a model of territorial expansion focused on lands for extensive cattle grazing. According to Orfali et al. (2001) in 1906 the Law of Promotion of National Territories considered the construction of a big dam at Neuquén River and the irrigation system in the Rio Negro Valley. They hired a team of experts to carry out hydrological studies to find water sources in order to develop the rail network system according to water courses, for transport means and also because settlements would always be next to water sources. These were some of the first measures to develop Patagonia for establishing permanent settlements.

Territory of Neuquén, a new territorialisation

Referring to the part of Patagonia that later became Neuquén province, the most important Law for private appropriation of lands was sanctioned in 1878, law N° 947 for funding the military operation mentioned by del Corro (2003). This authorized the state to sell public lands to private hands in plots of 2.500 hectares. Another law (1265), in 1882 established the sale by auction of public lands with the condition of capital investments and the introduction of permanent population (Bandieri, 1993, quoted in Briones and Diaz, 1997; del Corro 2003). These two laws had a great impact on appropriation of lands east of Neuquén.

In the west and south of Neuquén, the process was different because laws established there for the allocation of lands did not require effective occupation and production. Therefore it became a much more speculative type of appropriation, mainly by elites based in Buenos Aires (Briones and Diaz, 1997). In the Northern part none of these laws were applied, so a third situation was created by spontaneous settlements in -what the state called - fiscal lands and also

in private properties remaining unexploited. This gave rise to a new actor labelled as “intruders and precarious occupants”. As the south became privatised there was displacement of small size goat holders towards the north. This type of settlement was actually a practice of transhumance by indigenous and mestizos between the two sides of the cordillera. It is in this process that they become “intruders” of their own territory!

These changes generated the emergence of a land market. Some concessionaires put lands under production by direct exploitation, administration or on lease. However a significant number of them -as absentee landowners- went for speculative sales to businesses built ad hoc, mainly with Chilean capital that employed Chilean and indigenous labour (Briones and Diaz, 1997).

Thus, differences in the application of early land distribution rules between the east and pre-cordillera, and the south, west and northern regions of Neuquén created two basically different situations. One was the current abundance of public lands while the other had clear individualized actors in socio-economic terms. In Neuquén only 41,1% of the lands are private and 44,9% are so called precarious or irregular occupations, reflecting the “intruders or *fiscaleros*” that have to pay grazing permissions to the provincial government (Briones and Diaz, 1997). This situation is reproduced within National Park territories, where private ownership rights were recognized even at the moment of the establishment of the protected areas while the other inhabitants were not given a legal status. Many Mapuce live now or have historically lived within this last condition, although through the struggles of in the last decade, some ‘communities’ have managed to get their communal land titles, although not recognition of their territorial rights.

“We should not think in terms of “community”, this had to do with the law of the white people, when we had to hide in smaller places and later we had to find a way to have a paper or something in order to defend those places. But we did not use to divide ourselves in communities, we are a Peoples -with different territorial identities- within one larger territory” (an indigenous representative speaking in the Indigenous Peoples Seminar “Lands, Territories and Natural Resources”, 2007).

In production terms the east and pre-cordillera was oriented towards Buenos Aires and the port for exports. Then establishment of the railway and the location of the regional capital triggered economic growth based on the production of alfalfa, grapes and fruit trees, and later petroleum was discovered. The economy grew further during the 1940s due to the big irrigation and road works built by the army. The labour demand in the petroleum and fruit sectors stimulated migration to these more urbanized areas affecting the development of the interior of Neuquén (Briones and Diaz, 1997).

The privatisation of lands in the north, south and western sub-regions was directed towards extensive cattle production, leading to less intensive population growth. These sub-regions had a different development from the east that was more actively connected to the Chilean and local markets. The big landowners took over the production of cattle for Chilean markets from other regions, while smaller producers supplied diverse products to the local markets and Chile.

Those expelled by the privatisation of lands ended up raising goats in the north supplying local and Chilean markets. These areas therefore were not connected to the commercial axes of Buenos Aires and through it, the international markets which Argentina was opening to, remaining excluded from the state's "nation model" (Briones and Diaz, 1997).

3.7. Population and the politics of space control

Between 1884 and 1959 Neuquén remained a national territory. This implied that the governors were appointed by the central government and the population would only have influence at local government levels and no participation in the central government.

The region remained marginalised by the central government that was busy developing the area called *Pampa Húmeda* that was the main producer of grains and meat, part of the national project towards international markets. However, Neuquén territory was important in terms of sovereignty related to the extensive and controversial frontier shared with Chile. In this stage of national territory development, the only presence of the national state in the territory was through its political-administrative and military apparatus (Favaro and Bucciarelli, n.d.). The military presence was very strong until the early twentieth century. The controversy between both states (Chile and Argentina) was about how to define the boundaries, either by using the summit-division criteria (the Argentinean proposal) or the water-divider line criteria (the Chilean proposal). This controversy was resolved after a decision to submit it to the external arbitration of King Edward VII of Great Britain in 1902, who accepted the Argentinean proposal (Balazote, 2003).

Still, for the central government the region had to be populated and if possible, by white, European settlers. There were many discussions around the laws needed for this purpose. Connected with this was the issue of how to deal with the indigenous people left within the national territories, who were not considered as "population". There were different views among the politicians of those times on how to tackle the issue. The hegemonic views during the early 1880s are reflected by statements such as that of a deputy demanding a "law of territories" where he argues: "We should make a law of territories (...) It is necessary to be careful with the type of population that can be settled there, that in Europe is called the impoverished: the people destitute of resources, vagrants and so forth. It is necessary to keep soldiers there to prevent that these idlers and all such people that live in an irregular manner, who always prefer these remote regions, go back to their old tricks: depredation and assault" (National Congress 1882: 219, quoted in Briones and Diaz, 1997: 10).

The position of the first governor of Neuquén national territory was to

"Foster the territorialisation of local populations already 'nationalized'. The mestizo is eager for rural life and inimitable in its brilliant predisposition to dominate the fields" (...) why substitute this noble race [now referring to the indigenous people] that seems to be the real

founder of our nationality, the one that occupied and cultivated the land creating richness in the plains, in the cordillera and in Chile" (Olascoaga, in Favaro and Morinelli 1993; quoted in Briones and Diaz, 1997: 29).

However, it was in parliament that the discussions were taking place around how and with whom to populate the region. In this process the ideas of the governor - who was in contact with the reality of the territory-, were often contradicted by the different "solutions" put into practice without much coherence by the central government. The main two options seen for the indigenous people were: to assign them to the military so that in the long term they would become *jornaleros* (day labourers) or to settle them in colonies to live and work on their own piece of land or for others (Briones and Diaz, 1997: 11).

The "solution" of incorporating the indigenous people into the army was argued by one of its mentors as follows:

"During the last session I enunciated the idea that these Indians should be incorporated into the army (...), finding opposition to the idea. It was said that these Indians should be treated according to civilization and humanity, putting them under the protection of the laws that protect the inhabitants of the Argentine Republic. And I must say that if they would be considered inhabitants of the territory and as such referred to the rigours of the laws, it would have been necessary to pass them through the army in La Pampa, without manners of process, because they are in a worse category than the road thieves themselves; and therefore out of the protection that civilization and humanity grant to the good inhabitants of a country (...) all the most humanitarian, the most civilizing, the most honourable that the Nation can do with them is recast them in the army, where they will be taught to read and write and the first patriotic notions that they never have known. They are put in contact with civilization and therefore with aptitude of being useful to their country, separating later from the army to become day labourers" (Deputy Zeballos, National Congress, 1882: 207, quoted in Briones and Diaz, 1997: 29).

And the argument for settling them in colonies was:

"I do not think that the Indians are incapable of working the land (...) it is beyond debate that they are capable of working the land, earning their subsistence and making fortune, it is proved by the experience that has been done to these poor souls by bringing them to the Capital or to other centres of civilization: good servants and unskilled labourers have been formed (...) This shows that this race, near to its extinction now, is not radically against the uses of civilization and that those poor souls, treated suitably, attended to in a Christian manner, can easily acquire the habits of work and make their happiness by means of their efforts. I do not agree with the system of "repartition" of the Indians and even less to take them into the army because there they are useless (...). Once they have been incorporated into our civilization, they have the same rights as anybody else, to be happy by means of their free work" (Deputy Dávila, National Congress, 1882: 222, quoted in Briones and Diaz, 1997: 29).

According to Briones and Diaz, there was no systematic enforcement of any of these alternatives, but a much more eclectic way of dealing with the issue. The privatization of lands was ongoing and with it, also the occasional granting of some land to indigenous chiefs in order to organize their 'cooperation'. Also occupants of land were given permission to apply for them within bureaucratic processes. The last possibility pushed some applicants to put themselves under

the protection of 'being Argentinean', internalising the legal status of their settlement and that of their descendents, affiliating to the nation by birth or voluntarily (Briones and Diaz, 1997). This was the beginning of the denial of a Mapuce identity by some Mapuce people and groups, to some extent a forced denial that with time was internalised, creating differences among the communities and its people.

These different paths taken by different groups of Mapuce were reinforced by the fragmentation of remaining indigenous people who were scattered by the invasions and killings they suffered. Others were arriving from Chile, where they experienced the same situation. Therefore, the Mapuce were trying possible ways to preserve themselves and regroup, guaranteeing the global survival of their families and communities. During the period after the invasion they gathered together creating alliances and adoptions among the groups left. No one considered it important to distinguish the genealogy of several generations in different parts of Patagonia or even of those just arriving from the other side of the Andes. Also, the shared sufferings were giving place to a process of communalization that blurred the different places of origin. They were people from the same Peoples. This process brought about what today are known as the Mapuce communities of Neuquén, with notable fluidity in their ascription (Briones and Diaz, 1997: 12). In the end, they still belonged to the Mapuce Peoples of Patagonia (the Andes were used by the nation-states to divide their nations, but this was not the case for the Mapuce).

The privatisation of lands created even more threats to the survival of the communities with the introduction of fencing, a process that meant even more expulsions and the reduction of livestock numbers given the loss of grazing areas (Cao et al., 1996).

If the pre-existence of the indigenous peoples had the opposition of the 'official discourse', the result of Mapuce communities that are not 'original' in the sense of place reinforces the lay imagery of falsity and suspicion towards these claims, which many politicians and other actors exploit even today.

Why the difficulties for the nation-state to provincialise the territory?

It took 70 years for Neuquén to become a province, a delay not irrelevant in political terms. Setting aside the discussion about indigenous peoples' pre-existence and rights, in general the population inhabiting these territories did not have the same citizen rights as the inhabitants of the already proclaimed provinces of Argentina. Firstly, the so-called 'territorians' could not vote in general elections nor for their governor. Their participation in democratic terms was left to local associations and local governments, like municipalities (Favaro et al., 1995).

According to Favaro and Bucciarelli

"This delay [in the "provincialisation"] was due to the fact that the central government wanted to assure the territorial political situation in order to sustain their annexation

without modifying the power structures at national level. In certain years due to electoral situations, the minority political forces set the debate within the legislative spheres about the 'rights of the territories' people to have rights' " (1995: 4).

Nevertheless, the state continued arguing for a slow gradual process of provincialisation highlighting the lack of capacity these people had for governing themselves autonomously. However, from within the territories like Neuquén, state and private sector activities based on local resources were reason enough not to support judicial and administrative changes that might alter the situations benefiting them. To restructure the territory into a provincial state and redistribute the resources was not very appealing to the central government nor to their allies in the local elite. For example, the national state received the revenues coming from the fossil fuels sector that started to develop in Neuquén in 1905 (this is the province with the major oil and gas resources of Argentina) and to supply the agro-exports sector of the Pampa Húmeda (Favaro and Bucciarelli, 1995).

Another means of control over these territories was the creation of National Parks. The history of the emplacement of national parks in the region explains many of the disputes taking place today between the provincial government, the indigenous peoples and the national government. Despite the discourse of "protecting nature" that legitimised the installation of national parks, the origins of these protected areas was linked directly with the exercise of national sovereignty in frontier zones and military control of international boundaries (APDH-UNC, 1996). The objective of establishing protected areas was presented as the way to preserve nature, however including some particular uses as for example tourism for the development of the neighbouring cities. Diaz (2002) analyses this process not as a relationship between nature and society as presented by the official discourse, but more as an agenda which had economic, political and military objectives. The creation of National Parks has been part of the process of consolidation of the state's power and structural domination. In Patagonia, they have been established in a strip that occupies 30% of the frontier with Chile in the Andes, clearly subordinating conservation objectives to effective territorial occupation.

The national state reserved its condition as owner and administrator of these territories, only allowing cooperation with some individuals, called "particulars", without any other mediation by provincial or local organisations, not even after the territory became a province (APDH-UNC, 1996).

Bustillo was an architect who took over the administration of Nahuel Huapi National Park. He established a plan that linked sovereignty with tourism development. For him the parks should not be a grand natural laboratory but a source for progress and national consolidation. He started by distributing lands among his friends in the high society of Buenos Aires that became the first private owners within the parks. However, this did not help populate (with white, Europeans or descendants) the region and in this way securing the frontier. The

elites from Buenos Aires only had speculative interests in the lands or would use them for a temporary visit to the beautiful region.

Therefore, he developed a strategy based on infrastructure development of roads and services articulated to tourism so that populations could be established. This was firstly directed at international tourism and later turned to internal tourism. For this purpose, the institution was called the Directorate of National Parks and Tourism, and transferred from the jurisdiction of the Ministry of Agriculture to the Ministry of Public Works. This program did not abandon its articulation with the private appropriation of lands, which was taken into account when the park was declared by

“law 12103 by which the area of the Parks was declared inalienable and subject to public domain, respecting the 60,000 hectares in private hands” by that time. The law also authorized the “sale of plots and allowed the location and design of settlements and agricultural or pastoral plots within the parks...” it authorised “to fix prices for their transfer and putting them for sale...” (APDH-UNC, 1996).

Nevertheless, they could not create much interest in investments. Bustillo wanted to create a chain of parks along the frontier with towns established to provide services for the visitors, with hotels, roads, ski runs, etc. As a result of this, by 1996 (when the APDH-UNC report was presented) there were 2,200,000 hectares of parks in this region, representing 85% of the National Park territories in the country (APDH-UNC, 1996).

Today, the inheritance of this territorial occupation - which contributed further to the de-territorialisation of the indigenous peoples inhabiting the area -, is a situation of increasing disputes on land tenure rights. In the case of Lanín National Park, the conflicts are among: private owners; settlers since ancient times, indigenous communities; the Municipality of San Martín de los Andes; the Province of Neuquén; and the nation-state (via the Park's Administration). These to some extent influence the conflicts discussed in this thesis. Even though the discussions in these chapters take place on lands that are adjacent to Lanín National Park, the conflicts occur within the same framework: a) tourism developments are articulated ever since with the existence of the park; b) parts of the Chapelko watershed remain under National Park jurisdiction; c) the Curruhuinca Mapuce are settled both inside and outside the park; the latter settlement being involved in the Chapelko conflicts; and d) the province, the municipality and the national governments have historically constructed tense relationships between themselves and with the indigenous peoples.

3.8. The provincial state: local political organisation

The formation and legitimation of a provincial government for Neuquén in 1955, is rooted in the consolidation of its elites and the relationships they established with the locals and also with the central government during the previous eras.

The strong and lasting influence of the nation-state in the territory after the provincialisation (connected to interests in its hydrocarbons and gas resources) even generated a local consensus around the importance of defending the richness of the region. Concern about the ownership of these energy and mineral resources was central in the debates of the Provincial Convention (Briones and Diaz, 1997).

The tension between the central government and the emerging elites originating from Neuquén grew as the latter gained enough capacity, popularity and power to control the territory. They were a particular group of immigrants (mainly Syrian - Lebanese) who had developed a strong social network by commercializing goods in each small settlement or town, consolidating ethnic bonds, marriages and personal loyalties which became the basis of their political support. By 1914 this group of migrants in Neuquén occupied the fourth place in terms of foreign population of Argentina (unfortunately Arabic migrants were all called *turcos* (Turkish) therefore it is not possible to discriminate how many were Syrian - Lebanese). The Sapag family (who would later rule the province for three decades through the Movimiento Popular Neuquino) entered Argentina in the early 1900s and moved to Neuquén in 1914 as suppliers of goods, accompanying the railway developments, and finally settling in Zapala¹⁰. Later they also developed mining businesses and expanded into cattle raising lands. Other families were suppliers for the military settlements and small settlements of goat raisers and landowners (*hacendados*) in smaller towns inside the territory.

In the area of San Martín de los Andes (1898) and Junín de los Andes (1882) there were families developing forestry exploitation and sawmill production as well as supplying goods. After petroleum was discovered (1918) labour settlements grew up for its exploitation, such as Plaza Huincul with an institutionalized settlement and later in 1934, Cutral-Co, where other immigrant families and parts of the Sapag family accumulated capital and political power.

Therefore, the emergence of the elite in Neuquén is associated with these small entrepreneurs that had the chance of accumulation in economic and political terms, a big difference from the historical provinces that have traditional oligarchies constituting the local powers. In all these settlements they created bonds with the central powers in Buenos Aires and also with the growing local society. This local society was constituted by workers in the petroleum companies; rural settlers with different economic situations (from subsistence farmers, small scale fruit producers to big scale cattle raisers and timber entrepreneurs); and many civil servants working for state institutions enforcing the occupation of the region (teachers, judges, post officers, railway station and administrators) (Briones and Diaz, 1997; Favaro and Iurno, 2004).

¹⁰ The economic function of Zapala as a collection centre for the produce of the region would give way to the emergence of barrack huts, shops, hotels, etc. This development attracted populations of Syrian, Lebanese, Palestinian, Jewish, Spanish, Italian and British origins. During the first year the town reached 100 inhabitants (Favaro and Iurno, 2004).

Around the time of provincialisation, the only way to participate in local affairs was through neighbourhood committees and later on municipalities. In these major and richer towns related to petrol exploitation, society began to be organised through these committees by the Sapag family.

By 1961 the Movimiento Popular Neuquino (MPN for its initials in Spanish) - ruled by the Sapag family ever since - was born. Its emergence has interesting foundations related to the national political context that will not be tackled here (See Favaro, 1993). I am interested to point out two main issues that contextualise today's social and political relationships and influence the ways different social actors interact and try to impose their territorial projects.

One of the main characteristics of the consolidation of the provincial government was the role given to regional planning by the bureaucrats of Neuquén. To some extent it was geared towards creating hegemony through the state apparatus. The consensus generated around the development they promoted tended to diminish internal opposition in local society. They pointed to an external opponent visualised in the decision-making apparatus at national level. As the provincial state grew as an employer, service deliverer, and distributor of resources generated within the territory and revenues received from co-participation with the national state, this created a sense of wealth among the local society groups. In the disputes about federal co-participation the main scenario of confrontation was presented as Federalism versus Centralism, the latter being the opponent of provincial interests (Favaro, 1993; Bucciarelli et al, 1993). To build a sense of local identity, the strategy of local powers in order has strengthened its sense of confrontation with the federal government, labelling it as the common enemy which 'seeks to control (the Neuquino's) resources and influence their political decisions'. In this process of constructing a provincial imaginary, and homogenising Neuquén society, they have appropriated representations of indigenous peoples when referring to their 'roots', nevertheless leaving them outside the agenda as 'marginalised internal others'. At the same time, they strengthened the social and economic conditions of qualified migrants from other provinces, integrating them as civil society forces (Briones and Diaz, 1997).

This set the scene for the continuity of the welfare state and its representatives through the years despite the changes in central government and politics. The dictatorship (1976-1982) did not alter the political continuity of the MPN but did give rise to intensified internal social conflicts and also the in-migration of highly politicised people from other urban centres of the country. These brought along stronger political and socio-organising practices. This local situation was also contextualised in the national Church and its hierarchies within which there were different confronting positions and actions. In this framework, certain actors of the Church had an important role in the strengthening of social organisations. For example the Bishop of Neuquén Jaime de Nevares, who became emblematic during that period, transcended local recognition. For many he provided not only a religious option but a political one as well which made Neuquén's Church stand out. His Church started to appear in public spaces during the Dictatorship, as the

spearhead of social, cultural and political ideas. This shaped a time in which social organisation, resistance to dictatorship, and the formation and maintenance of solidarity bonds, were given in a framework of protection that was offered and promoted from the bishopric (Mombello and Nicolletti, 2005).

The MPN representation as “the provincial interest” was challenged by Jaime de Nevares’ practices, whose ideas (very critical of the traditional Catholic Church establishment) were based on social justice and protection of constitutional rights. During the national dictatorship of the 1970s, his actions positioned him as an unavoidable ethical reference, not only to many Catholics but also to other groups who found in Neuquén a place of contest and utopias (and to hide away from persecutions taking place more intensively in the big cities). Among these groups were some urban Mapuce peoples that participated in informal ways and in doing so, strengthened their own capacities for political participation and furthered different Mapuce organisations. These were the first steps towards the appropriation of what today is known as the Confederation of Mapuce Organisations of Neuquén, which was created by the state during early 1960s.

3.9. Final comments

Revisiting history allows us to highlight the constraints built into notions of modernity brought by politicians and intellectuals after independence. These were embedded in the construction of the nation-state and therefore influenced its relationship with the “internal others”.

This chapter has mapped relationships and interests that allow us to understand the ways in which localized arenas also depict historically constructed images and representations, cultural repertoires and conceptions about the actors involved in the case studies of this thesis. They are intertwined with actors and processes at different levels and positions, resulting in current social practices that interact with various social, symbolic and geographical spaces.

The processes tackled in this chapter explain the historical construction of mainstream thinking and the presence of dominant sectors attempting to control the workings of society and space, setting the constraints and power fields within which the different actors move today. Even though these are not monolithic structures that fix actors’ social practices in local arenas, they nevertheless condition the way actors construct strategies and tactics in order to subvert dominant intentions.

The old established representations concerning the ‘indigenous’ persist even today through meshes of interests and relationships that all work together as pieces of the same machinery. The modernisation of the territories was embedded in the ideals of the creation of the nation-state from its beginning. Its strategic idea was organized around attitudes and policies based on a sense of superiority of ‘the civilised’ above the ‘barbarians’ who ought to be either incorporated into civilisation or eliminated. Therefore, discourses where “the indigenous” are

represented as uncivilized, inferior, lazy and alike, have been used (and still are) in order to justify the genocide and the appropriation of the territories, in political and economic terms. For this, a scientific modern, Eurocentric discourse was created that was assumed as incontestable. It was created for territorial interests, therefore the need for the environmental metaphor of "the desert". Even though these representations are subjective constructions, they are presented and generally accepted as the truth about "the others". However, they consist of simplifications based on dominant cultural repertoires which emerge from specific political and historical contexts.

A nationalist discourse was also present in order to strengthen 'modern' central powers, therefore, the wilderness status of the region needed to be justified. On the other hand, the region was on sale, to expand agriculture and livestock activities in order to play a part in international markets, and in that sense the desert was not a problem anymore, it was a source of economic growth.

As local elites started to build the sense of Neuquén as a territory and in the struggle to become a province like other provinces of the federation, they needed to differentiate themselves from the central government. Thus they created a representation of Neuquén as exploited by the centralized working of the nation-state, and therefore strengthened their identity with local images and discourses, even depicting symbols and representations of the 'indigenous', although ignoring or neglecting Indigenous peoples rights as 'real' others.

The movement originated by the liberation theory of bishop Jaime de Nevares during the 1970s strengthened the social and political organization of urban Mapuce youngsters, as mentioned above. These form most of the current political representatives of the Mapuce organization at provincial level, who strategize with policy proposals as a way of resisting hegemonic powers, which I present as countertendencies in chapter eight.

In the next chapter we will start to notice the resonances of the social constructions presented above, and see why and how modernity as a macro-scale phenomenon has enshrined the notion of one territory dominated by the state. "...[T]he nation-state has been the frame, the water divider, enthroning a juridical-political notion of territory, derived from the knowledge of the conquest of the world, this modern world which values the resources called natural" (Santos, 2006).

In this sense, according to Santos (ibid), the state defined the places, subordinating the territory to it. However, the territory is the scenario of social relations and not only the spatial frame that delimits the state's domain. In space, different territorialities are juxtaposed, manifesting all different interests and values which generate multiple territories of complementary, conflictive and / or cooperative relationships.

Regarding water resources, these relationships also are reflected within the logic of abundance of resources, such that natural resources are left aside in the organising of public life, and taken as a given. "Although Patagonia is considered an important reserve of drinking water of the planet, there are a series of factors

which threaten its preservation in time" (Otero et al, 2006: 2). One of them is tourism which can be analysed according to these authors, from two perspectives. The first is the impact of the increasing amount of tourists arriving to localities which generally are next to water sources or develop activities related to them. The second is the increase of migration towards amenity: this describes those people from urban centres that visit a place and later choose to live there due to its environmental heritage and valued landscape. This implies a growth of urban areas over rural areas often detrimental to nature. This is the case for San Martín de Los Andes (ibid). The history of the region turns these spots into alternative economic and territorial models more related to services than to production. Therefore the state has given little attention to the distribution of resources and their organisation and care. This situation creates a sense of free riding by the private sector and other parties towards access to water which was once clearly a public resource. By appropriation, by unsustainable uses, by miscare and by creating externalities, these growing activities generate new disputes and conflicts due to difficulties in access to - clean - water to all citizens.

In the following chapter we will identify the social forces that transform space into these contested territories. The social actors involved in the reconfigurations of the modern, shape and re-shape these localised arenas, advancing projects of alternative modernities. Therefore, for the same space, actors with different projects of territory are struggling to materialise space as 'their' territory.

4. SOCIAL ACTORS AND MULTIPLE TERRITORIES

4.1. Introduction

The previous chapter has shown the process of construction of the nation-state, and the representations, images and discourses around which the space called the desert was materialized into a place called Patagonia. The analysis focused on how the processes of territorialisation, de-territorialisation and re-territorialisation that took place in Neuquén and San Martín de los Andes signified entrances, displacements and new entrances of different social groups, that disputed the meanings given to the particular locality of this study. The cultural repertoires that were established through this historical process legitimated and became dominant in the area, position local – and extra local actors vis-à-vis each other. The territories become the emergent property of the conflicts and negotiations that take place for its control and appropriation, be it symbolic, material or both. In this chapter I present this particular space in more detail. To show the specific actors and institutions that consolidate the ways resource control is disputed and exercised nowadays.

The next section presents some general features of Argentina and the province of Neuquén in terms of institutions and legal frameworks related to the control of water, natural resources and the environment in order to contextualize the study. I then continue with the local level - San Martín de los Andes and the Trahunco watershed at Cerro Chapelko, its natural characteristics and the different actors related to this specific place. In the following sections I present the different actors and interests involved in the watersheds' use and control and the relationships around this. The presentation of interest groups is not a conventional stakeholder analysis, although in fact they are important stakeholders when looking at water problems. I think that actors involved in particular problems bring wider sets of issues and interactions into a complex scenario of problem solving. Thus, to understand the process taking place in this research, we rather study key social actors who interact in or around the area. In this case, the Mapuce and those who they interact with in their diverse strategies of participation for regaining territorial control, and who emerge in the countertendencies to the formal WUA model and those with other territorial projects.

We will see how the social organization of San Martín de los Andes reflects historically rooted processes of regional settlement, identity formation and economic production, however also rooted in nationalist/provincialist discourses and policies. This chapter aims to set the local scene and create a sense of familiarity with the local context for the case studies in the following chapters.

4.2. The state territory and the Mapuce

Argentina's territorial system is organised as a Federal Republic, which is divided into 23 provinces and the autonomous City of Buenos Aires. The National Constitution of 1994 confers to each province a 'complete' sovereignty over the natural resources within its domain, and allows for dictating its own Constitution and regulating laws in addition to the National Constitution and legislation. The federal regime provides for bilateral co-participation agreements between the National government and each of the provinces. The Constitution's letter also provides for all inhabitants of the country "the rights to a clean environment appropriate for human development and for their productive activities to satisfy the present needs without compromising the future generations". The national government, according to Section No. 41 of the Constitution, has the mandate to dictate the regulations with the minimum requirements of environmental protection, and the provinces to complement them without altering local jurisdictions (GWP, 2000).

At the same time, it declares the original supremacy of the provinces over the natural resources within 'their territory'. This is one of the key elements in the reform of the Constitution towards a deeper federalism. Nevertheless, it is also one of the key elements for disputes between provincial governments and the national government. The latter controls national territories such as National Parks located within the provinces. Control over resources is always at stake between these two levels of government and is always a matter of negotiations or conflicts.

For instance, in Neuquén province the presence of the Lanín National Park influences the relationship between national and provincial governments, which is not open for collaboration regarding natural resources. Particularly for water resources there is overlapping authority on the permissions granted for different water uses within the Park's reserves. Permission grants become the symbol of control and neither of the jurisdiction authorities is ready to leave them in the hands of the other. This example reflects how water appears in disputes about control of resources much more than for - the rhetorical- sustainable development generally referred to.

The observance of the province's "*original domain of their territories and natural resources*" has a strong representation in Neuquén Province. Neuquén is a very rich province in terms of natural resources (especially petroleum, water - and therefore hydropower-, and forests) that have been the basis for building a welfare state that in the past could offer wealthy structural conditions for its citizens (mainly from the 1950s to the 1980s). Nevertheless, the territorial issue is not only confrontational between Provincial and National sovereignties. It also becomes contested by indigenous peoples within the provinces who claim their territorial rights and sovereignty as well.

The same constitution in its chapter four, section 75 subsection 17¹, establishes indigenous peoples' participation in decision-making processes, enforcing their rights to manage and administer (control) their resources.

Generally speaking, water policy-oriented documents and reports (GWP 2000; WB 1999; INA 2005) do not consider indigenous rights for diagnosis, analysis or planning. This issue becomes visible only when indigenous organizations or communities put it forward, as has happened in struggles regarding traditional land boundaries, water rights, access to natural resources, or impacts from industrialisation and/or commercialisation affecting their lives and rights.

There is an institutional void in terms of knowing and acknowledging original peoples rights and incorporating them as part of policy-making processes. Furthermore, policies are often designed for particular sectors, and do not fit into the integrated vision of territoriality rights that indigenous peoples are struggling to get onto the political agenda. This is one of the main issues that will be studied in this thesis for a particular policy and location.

4.3. Different state level relationships shaping natural resource management

Due to the federal character of the Republic, and the tensions mentioned above, the National Sub-secretariat of Water Resources (part of the Ministry of Federal Planning, Public Investments and Services) mainly participates as a third party when there are conflicts over shared river basins among two or more provinces. A major area of action is regarding international waters' issues, shared rivers and coordinated works. The Sub-secretariat also has the mandate to coordinate the National Program that came up "as a response to the neoliberal policies of the 1990s that promoted the fragmentation and loss of 'the public' regarding natural resources" (www.hidricosargentina.gov.ar/cohife.html). In the year 2000 and until December 2002, the Sub-secretariat of Water Resources (SsRH for its acronyms in Spanish), with the support of the World Bank (one of the main promoters for the neo-liberal reforms of the 1990s), promoted a two year process in which provincial and later regional workshops were held. The stated objective was to generate "a vision of the meaning that water has for 'the' Argentines, as a motor of our sustainable development" (ibid). (My emphasis)

¹ *National Constitution: Chapter 4, Section 75 Corresponds to the Congress: subsection 17:* to recognise the ethnic and cultural pre-existence of the Argentinean indigenous peoples; Guarantee respect to their identity and the rights to a bilingual and intercultural education; recognise the legal status of their communities and the possession and communal property of the lands that they traditionally occupy and regulate the granting of others suitable and sufficient for human development; none of them will be inalienable, transmittable nor susceptible to mortgages and encumbrances; assure their participation in the management and administration regarding their natural resources and the other interests that affect them.

However, the “shared vision of the Argentinean water community” as quoted by this document, was shaped only by provincial representatives of the water sector, water experts, and provincial, national and international water-related organizations. Therefore, the text “the Guiding Principles of Water Policy” is an expert-led vision of how water has to be dealt with. Although it is a positive effort towards opening decision-making discussions at different levels of this particular sector, it remains a heavily techno-sectoral view and practice. In March 2003 “the representatives of provincial jurisdictions subscribed the Constitutive Act of the Federal Water Council (COHIFE), to be a space for discussion, consensus building (*concertación*) and coordination of water policy. Since its creation, COHIFE has developed a permanent task of consolidation of the institutional space and an effort at functioning and development with the active participation of *its members*”². By its members, it means the participation of mainly hydraulic engineers, government water officers, water sector experts. <http://www.hidricosargentina.gov.ar/cohife.html>). This is the modernisation paradigm in its full expression. However, this study will show the heterogeneity among state agencies and levels, as it stems from the historical struggles between the federal state and the provinces. The creation of COHIFE reflects the interest in more participation of provincial state agencies in delineating what should be done locally, under a ‘national umbrella’ of coherence as a country. However, it falls short in keeping water issues isolated, where participants only belong to water agencies and institutions.

COHIFE and the SsRH held a national meeting in 2004 to continue with the process of generating the Guidelines for a National Water Policy. COHIFE stated as its main objectives to debate and build consensus on the content of a National Water Policy and the way to implement it among the federal states. The idea presented at that moment was to deliver the proposal to the Legislative Body at the Congress for its approval and regulation. It seems to be more a way for provincial government agencies to strengthen their position vis à vis the federal state offices. It also allows for building alliances among provincial agencies.

On the other hand, the National Secretariat of Environment and Sustainable Development is the office responsible for designing and implementing environmental policies. Therefore, issues related to water quality are within this national domain. In the provinces, the administration of water resources has diverse characteristics according to interests and conflicts shaped by the availability and demand for the resource in each particular state (Dourojeanni, 2001, websites of National Sub-Secretariat of Water Resources and National Secretariat of Environment and Sustainable Development).

Even though the country has experience with organisations for water resource management at watershed level, these organisations in general were never very successful in achieving their goals (Dourojeanni, 2001). According to policy documents this failure is related to the lack of financial support and limited

² My emphasis

independence from provincial and/or national governments that created these organisations. Others argue that the problem in Argentina is the institutional and conceptual dispersion at all levels and the lack of policies for the arrangement and management of watersheds. These issues together with a lack of specific budgets and inter-institutional co-ordination are presented as the main obstacles towards the integrated management of water resources (Dourojeanni, 2001; Cassaza 1998; GWP, 2000). We will see these problems emerging in the case studies.

During the neoliberal 1990s, state reform and Economic Emergency laws were presented as a political, legal and administrative framework for the structural transformation of the state. The provinces reproduced this scheme, separating management (to the private sector) leaving to the state the regulation and control of service delivery. Provincial Constitutions and Municipality Constitutional Laws and Acts defined the degree of decentralisation, and organisation and functions delegated to municipalities. These legislations assigned the Province or Municipality as title holders of services, which then designed the concession and permit schemes for their functioning (GWP, 2000). In particular this promoted the privatisation of public services via decentralisation of administration and the entrance of the private sector, for example, in the management of water supply and sanitation services.

These neo-liberal reforms meant a reduction of administrative structures and privatisation of public enterprises, and therefore of the natural resources they exploit. It also meant massive unemployment, especially in the public services sector and those sectors related to natural resource exploitation which were one of the main sources of funds for the welfare assistance tools of most provincial governments. Since then, many conflicts with different social actors, among them indigenous peoples, have become visible due to social protests taking place against the impact of this privatisation process. With regard to the water sector, these protests occur over both direct control of the resource and indirect concerns like water pollution. There have been many social upheavals in the last years, in different parts of the country against international corporations not only in sectors such as drinking water, but also in mining, oil and fuel, timber and paper and alike (see for example: Giarraca, 2002; Scandizzo and Valtriani, 2003).

These economic, technological and demographic conditions and the organisation of institutions as functionally segmented orders are still part of the mainstream ideology about how the state and its institutions should work. Therefore it is unlikely that the views and projects of modernisation will disappear in the near future. Neither will their problematic, as the wider context of struggle for inclusion and resource control allows for strong horizontal networking of social organisations and indigenous organisations for advancing their own territorial projects.

4.4. What about the place? San Martín de los Andes and Cerro Chapelko³

San Martín de los Andes (SMA) is not isolated from this general context, although the main interests involved in the area are related to tourism. This economic interest in the area has increased in the last decade.

The town grew north from the lake shore along the valleys of the Pocahullo River and its tributaries at a fast rate during the last decade due to internal migration from cities of other provinces, mainly Buenos Aires. People moving to San Martín originally had life projects of living with nature, small scale farming or were public servants searching for better jobs and life conditions (staff for schools, hospital, municipality, police, etc.). The rural areas that are now being urbanised at a fast rate are the ones connected by the route 48 that runs beside the river along the valley and those going up the mountains. On the slopes of the mountains which once were the ideal places for those searching for a bucolic, isolated life with nature, became the target for increasing *loteos* (real estate developments) taking place also at a fast rate. According to the Director of the Municipality's Environmental Office, urbanisation brought along environmental problems as much as people. The Pocahullo River used to buffer the small amount of sewage and waste waters received from urban and rural sources. The lack of organisation of this urbanisation process increases water contamination due to the obsolete sewage treatment or to no treatment in place. There is also interruption of the natural drainage system in the wetlands of the valley by developments, thus creating greater flood and landslide risks and more pollution due to sewage and agro-chemicals (interviews 2001). This happens despite the Municipal bylaw N° 86/80 under which all the streams that flow into the Pocahullo and the Pocahullo itself are classified either as 'Protected water courses' or as 'Water courses under surveillance'. This means in both cases that it is forbidden to discharge -directly or indirectly- into the public water courses any residual waters with a physical-chemical composition or bacterial contamination that can pollute the waters at levels damaging to public health or to water uses downstream.

As part of the explanation of the historical Provincial / National clashes, the fact that 10% of the most biodiverse, rich areas of Neuquén province are under National Parks' Administration is not a detail. Lanín National Park alone is 379,000 hectares wide, next to the area under Municipal jurisdiction of SMA. Contiguously towards the south sits Nahuel Huapi National Park of 710,000 hectares. Its major lake with the same name has a surface area of 55,000 hectares, shared with Rio Negro Province (Figure 4.1). These features show the importance

³ Chapelko: "Agua de chapel". Topónimo con el que se designan dos cerros y un arroyo de San Martín de los Andes. El nombre se debe a la abundancia del arbusto chapel o chepel (*Escallonia virgata*).

of natural resources in the region and therefore the potential for disputes over their control. The major actor looking to impose their projects on this space is the tourism sector, backed up by national and provincial governments, which already promote the region for this purpose.

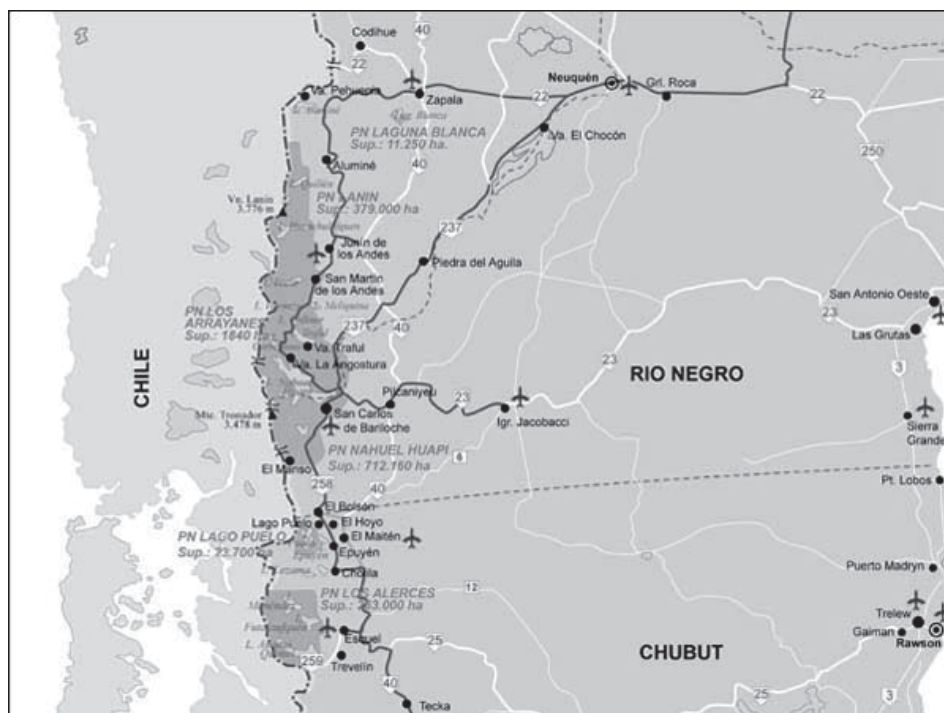


Figure 4.1. Tourism Corridor of National Parks.

Source: Project L1004 “Corredor de Los Lagos” (BID-Secretariat of Tourism). Dark shaded areas represent National Parks.

Through Cerro Chapelko, the Trahunco and Quitrahue streams form a watershed that expands over a small area of 4,575 hectares. Their waters originate mainly from snow melt and springs on top of Cerro Chapelko (2,394 metres) and flow through interconnected streams⁴ that merge into one that later flows into the Pocahullo river. This river collects the waters of many other small streams that run down the cordillera into the valley. The Pocahullo crosses through SMA city and flows into the Lácar Lake in the south.

The Lácar- HuaHum - Valdivia waters form a trans-boundary system with most of its 11,100 km² of surface are within Chile; however, the upstream 1,000km² are in Neuquén province. The bi-national character of shared waters has attracted a decade of attention at national and international level. As an example, it forms

⁴ (figures from map adapted by Ing. S. Castañeda from “Plan Maestro de Desgues Pluviales y Cloacales, Municipalidad SMA y Team Cowi). Actually, it is known as the Trahunco watershed, but it is named as such only at the point in which the Quitrahue stream and the Trehuaco streams join.

part of a UNESCO Pilot project selected by the Argentinean and Chilean governments⁵ for eco-hydrology research and development. The following figure 4.2 shows the international watershed which runs approximately from SMA city westwards towards the Pacific crossing through the Republic of Chile.



Figure 4.2. Neuquén province and the bi-national watershed. Adapted by Catriel Arrigo

⁵ Source: <http://www.unesco.org/water/ihp/eco-hydrology/demos/lacar.shtml>

The transnational character of the basin is receiving more attention since the 1990's, directing new arrangements at national level in terms of institutional water programmes. As negotiations among parties must be made through the Ministry of Foreign Affairs, it became a window of opportunity for the national level water agency to have more influence in the area, given the historical context of disputes between the provincial and national governments over the control of the resources. We will come back to this in chapter Seven.

Cerro Chapelko (locally named El Cerro) has an international ski resort at its top, 20 km away from the city. The first 15 km of road are run through the national route 234, (Ruta de los Siete Lagos) to Villa La Angostura within the Corridor. Then there are 5 kms of road up the mountain, through provincial route 19, within Mapuce territory. The Ski resort makes the spot a very well known one. The streams flow down into the Pocahullo River that crosses the whole city, which lies at the shore of the lake with urban development behind that extends along the valley of the Pocahullo (figure 4.3 below).

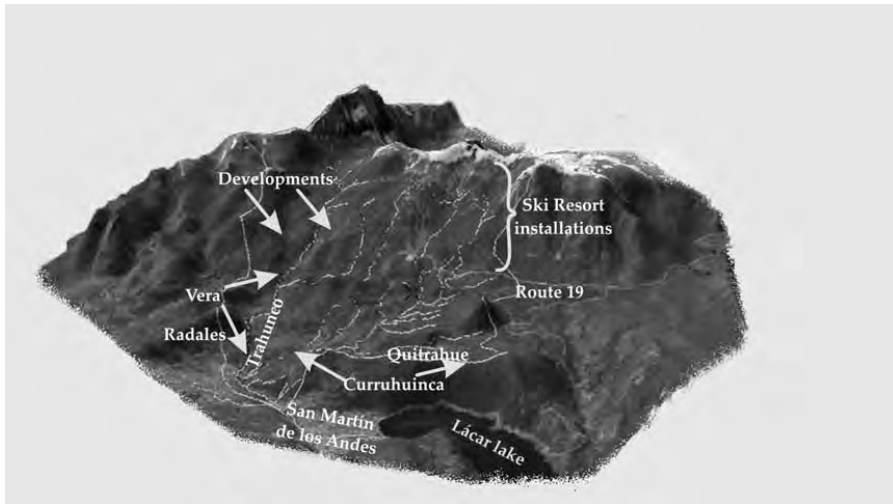


Fig 4.3. The actors' locations in the Trahunco-Quitrahue watershed.

Source: adapted from Muschong et al, 2005.

El Cerro is relatively very populated considering the low population rates of rural Patagonia. Its slopes end at the border of the city and it is counted to have good infrastructure and communication means (roads, school, energy, telephone lines, cable TV, and buses) (Gaviño and Castañeda, 1995). The rural people that inhabit the area are mainly indigenous people belonging to two Mapuce communities. The Curruhuinca Mapuce community is settled along the Quitrahue stream. The Vera Mapuce community is settled in the mid and lower parts of the Trahunco stream and a small portion of the Quitrahue. Among the more urbanised areas of the watershed, there is a sub-urban neighbourhood constructed by housing cooperatives for public service employees created to facilitate access to housing. This neighbourhood is located at the steep slopes of the mid part of the watershed. At the lowest part, already next to the main road to enter the town lies

a residential neighbourhood and a small area with shops and tea houses run at family scale. Almost at the same altitude as the lowest part of the Ski resort (mid to high), there are two real estate tourism developments taking place with exclusive, high investments in construction directed towards the market of seasonal visitors. One of these has its own private tele-chair to access the ski resort directly (Gaviño and Castañeda, 1995; field notes 2001-2004). These investments and the ski resort are expanding over the watershed at fast rates.

Even though the Trahunco watershed is of such small scale, being the site of the ski centre introduces the issue of a seasonally high-populated spot (and its impact in terms of resource use and disposal), in an area of diverse ethnic population. This also turns it into an economically important and politically contested location. The Ski centre is the town's myth as its "economic motor", one of the main tourism attractions during the winter season, which activates some other economic sectors but also impacts on the local natural resource bases. It biases the attention of all initiatives towards tourism, undermining other ways that people have to make a living.

Jurisdictional mix

The area of the study falls under a complex set of different administrative systems (mainly municipal and provincial, but also a small part is national because of the Lanín National park) and therefore, several types of authorities are intervening.

Just to give a picture of this situation, the Chapelko Ski Centre lies within provincial jurisdiction now being trespassed by the Municipality; part of its area is claimed by the Mapuce communities as belonging to their lands. Part of the Vera Community is settled on private property under municipal jurisdiction and a plot they recovered in 2003 (ex-Forestry Nursery) is under provincial jurisdiction. Part of the Mapuce Curruhuinca Community's private property is within National Parks jurisdiction but the other part of their property is under municipal jurisdiction. The municipal jurisdiction ends at the parking of the Ski centre, which also neighbours the present settlements of the Curruhuinca and Vera Communities. The lands of the tourism developments as well as the urban developments and the residential neighbourhood are private properties within municipal jurisdiction (Gaviño and Castañeda, 1995).

According to a Mapuce community member and representative in the CMN who lives in the area,

"The jurisdiction issue is a problem because the watershed is under three different jurisdictions, and each part of the community has to deal with the regulations imposed by the jurisdiction they belong to. That is why we put emphasis in territoriality. We want to participate as one, the Indigenous peoples of the territory, in the decisions made about the type of development that is being promoted and strengthened (interviews, 2004).

Jurisdictions are ways for an administration to establish territorial control, the idea of domination and administration within a specific space, in the sense of sovereignty, appropriation, discipline, surveillance and jurisdiction, linked to public, state or private powers at all scales. This would hold for the territory of

the state, of rural landlords or closed neighbourhoods as well as the market or a transnational company. This delimitation, which Sack refers to, becomes 'territory' only if it has the intentionality of influencing the behaviour of people through the control of access to its limits (Sack, 1986).

Just to add some condiment to complexity, water is treated as a sector and subdivided for different purposes; the Provincial Water Law establishes that surface water is under the provincial public domain, subject to concession for any other than domestic use. Water contamination is monitored by the Municipality, as the local authority that enforces the Environmental Law. Within National Parks there is a controversy about this issue because both National and Provincial authorities claim their domain over water resource uses. This jurisdictional overlapping is a source of conflict that involves other parties, such as the private sector and local communities when water uses have to be arranged. Water in Neuquén Province is administered by the provincial government through the General Directorate of Water Resources (DGRH for its initials in Spanish).

The area's jurisdictional situation is complicated even further by disputes for territorial control, put forward by the Mapuce communities that are surrounded by many other interest groups involved in the process of construction of this particular socio-natural world, to put it in Escobar's terms (2007). This territory has been fragmented by the institutional arrangements that developed through the historical process of state appropriation in its different levels and the settlements of their "new and not so new neighbours". The latter develop their projects without the consultations to which they are compelled in legal terms, especially when their activities impact the landscape and culture of the Mapuce community settlements. Furthermore, the Ski Centre is occupying traditional lands and its developments, according to the Mapuce Organisation (CMN), have impacted negatively on the Mapuce's environment, living conditions and culture. As we will see, this unclear jurisdictional situation also influences contests and negotiations between local community members and different state agencies, because the "official" negotiator in each situation is not always well identified allowing for each officer to throw the ball to the other when claims are put forward to them.

As we said, jurisdictions are the administrative way for the states to exercise authority; they allow administrators to enforce laws, regulations, norms; to collect taxes; to design programmes and policies. So land is not only a matter of use but of abuse, especially in a moment of economic expansion, in this case mainly associated with tourism development. Not only taxes become an interesting source of income for state administrations, but opportunities for investors (and their political allies within the state apparatus) are also welcome. In this context, the struggle of the Mapuce for territory and not land tends to be undermined by politicians due to its (not minor) political connotations. However, this does not mean that the issue is then put aside. These struggles do not depend on simple institutional compromises as recognised power or authority forces. In the end, control over the territories emerges as the dynamic result of the strategies and

tactics deployed in the negotiations and interactions at the interface among the different actors. I will come back to this issue in depth in following chapters.

4.5. The actors at Cerro Chapelko

From this section onwards I present the different 'groups of actors' who are disputing different notions of territory involving the dealings of water and more broadly, of natural resource management, use, access and control within "the watershed". In general, these groups have a formal, or institutionalised organisation, however, this does not mean that they can automatically be considered social actors. I do not assume that they are homogenous groups, with an identity related to these organisations. Within the groups there are many differences and people act according to different circumstances, sometimes allying and creating some sort of collective action, but mainly not. An exception can be made with the Mapuce Communities and their political organisation in the sense of the strategic use of the organisation towards outsiders. Differences among the members are internally discussed and can even be irresolvable, but they have a homogenous discourse for action in order to keep differences closed to non Mapuce. The figure below summarizes the interactions and the main actors I present along this chapter, which are the focus of this thesis.

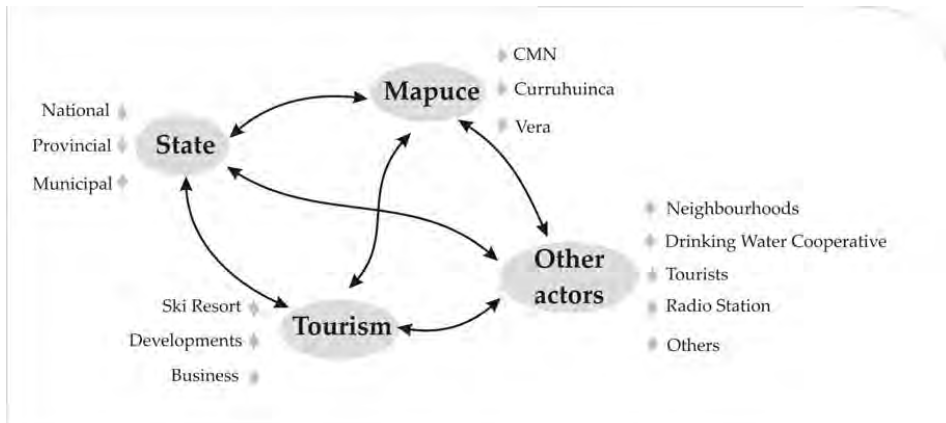


Figure 4.4. Actors and interactions in the territory

For actors to be considered social actors, we must go beyond the listing of people present in the scene and with a stake when a policy is being formulated and implemented. This would be the case if doing stakeholder analysis, which falls short in understanding the relationships and interactions that further peoples' projects for their future (vision). The ground is a complex intertwining of actors with different interests shaped by their lifeworlds and cultural repertoires, where conflicts and negotiations emerge in the process of construction of their "cultural spaces" (Arce, 1995) or socio-natural worlds (Escobar, 2007). By reviewing the different groups involved with the watershed, we start to envision the multiple

and sometimes contested realities that will be interpreted in the case studies presented in chapters Five and Six.

Identifying the actors was a sort of socio-spatial mapping, first in thinking about who inhabits the geographic space involved in the study and then identifying their collective (or not) intentions, projects and relationships, as summarised in the figure above. The following sections introduce these actors and summarise their relationships within interventions by the water sector in these localised arenas. Space is shaped and transformed into place by interactions among these people and with others outside the watershed.

4.6. The Mapuce communities of SMA

The two Mapuce communities, Curruhuinca and Vera, are located in the Parajes Payla Menuko (ex Puente Blanco) and Trahunco respectively, and form part of the Mapuce Peoples which inhabit not only different parts of Neuquén province, but also in the provinces of Rio Negro, Chubut, Santa Cruz, La Pampa, the southwest of Buenos Aires, as well as in the southern part of Chile.

Having to settle in the few lands allocated to them, since post-colonial times Mapuce are traditionally dedicated to cattle farming, applying annual summer-winter rotations, allowing the pastures to rest and renew themselves. This ecological use of the landscape necessitates a wide comprehension of nature in order to keep pastures growing from one year to the other. The way they used to manage this was by using the ecosystems differently in time and space. At present, given an increase in population and the evolution of tourism development since 19960s when the Ski resort was constructed, they have to concentrate their activities in smaller areas. The loss of territory at the hands of these other interests has obstructed integrated land use and the summer-winter rotation previously practised for their livelihood. Those that remain raising cattle have to move north to other regions in the winter time.

Many Mapuce community members have switched to work for the service sector, in off-farm or non-farming activities (Gaviño and Castañeda, 1995). Now that through their political struggles and claims they manage to slowly regain lands, many urban Mapuce are willing to go back to the rural communities where they can claim their rights from an ethno-political perspective. However this generates internal conflicts for space among members of the communities (personal communication Vera community representative) which in time strengthens their claims of expansion.

Production alternatives are limited by the lack of water, particularly in the summer months when irrigation is needed. For the Vera community water shortage during summertime is intensified by competition with irrigation uses for golf courts and gardens upstream. Both communities have attempted to collect water in ponds for its later distribution among families, "but these efforts have

had short life and have failed to provide a definite solution to the issue of clean water supply for human consumption" (local INTA local water expert).

These communities, settled downstream of the Ski resort and real estate tourism developments, are demanding that water be free from contamination. They propose that those activities that have harmed the environment be transformed to halt the damage, and that the managers and government assume the responsibility for the necessary measures to recover the environment (interviews with the Curruhuinca Community 'Longko' and the Vera Community Werken):

"... Taxes paid by El Cerro [the ski resort] should be used to restore the damage caused to the hill"

In addition, there are problems with solid waste within the communities, since waste has to be buried and is not properly managed in order to guarantee that ground water is not contaminated. The same situation occurs with the sewage produced within the communities (field notes 2003-2004).

Curruhuinca Community

Members of the Paraje Payla Menuko are part of the Curruhuinca Community who live in the surroundings of the Quitrahue stream, within municipal jurisdiction. They have communal property rights over 500 hectares, where approximately 55 families live. The other 100 families belonging to the Curruhuinca Community are located on both banks of the eastern headland of the Lácar Lake. These groups have communal property rights over 10,500 hectares within the jurisdiction of the National Parks.

In 1995, the Social Action Department of the Municipality carried out an evaluation of "Production Alternatives" for this community. The objective was to "identify the future water demand for irrigation, based on the interests or expectations of the population's different production activities". The idea was to design a project for the supply of irrigation and drinking water, which the communities were asking for. The survey's results showed that 64% of the surveyed families were interested in cultivating fruit shrubs and trees, 51% in vegetable gardens, 23% in pastureland and cattle farming (Gaviño and Castañeda, 1995).

The project was implemented for a period of one year, but there was no follow-up carried out to maintain and operate the installations for water supply and after a few months it was abandoned. In 2001 the elaboration of a drinking water supply project was once again discussed, although this time only for the school and not for the homes within the area. It was implemented by the Drinking Water Cooperative which manages the infrastructure and charges the provincial state for the consumption. Chapter Five will tell more about actions around this actor.

In 2002, due to protests of the Mapuce communities in the watershed because of the contamination of the streams (Chapter Six), the government had to agree to take new measures for drinking water supply. They had to deliver bottled water until a new small drinking water plant was constructed and connections to all

households were in place. Once this was achieved, a new issue came along. The water of the stream was contaminated by the ski centre concessionaire's wastewaters. To settle the conflict, among other issues, the provincial government had to negotiate that the drinking water cooperative would supply the community with potable water while the government would take care of the water bills. The bills became very high and a new discussion took place. The provincial government complained that the Mapuce people use much more water per day than normal standards; the Mapuce say that there must be a problem in the network because they do not consume that much and the Drinking water Cooperative states that the network is working fine, so keeps charging these large amounts. This is a problem that remains unresolved.

These interventions would not have been possible if the Curruhuinca were not organised for collective action, because in general if they do not ask for these programs, the state does not develop policies oriented towards the communities. This community in particular is located in a place which allows them to influence strategically the local state apparatus more than others that are deep in rural areas. Not only are they settled in very close relation to the urban activities, but the road that goes to the ski resort, which receives many visitors that stay in town and move to the resort everyday, even has a few kilometres that are considered part of Mapuce territory. For instance, the protests (road blocks) organised when the ski centre contaminated the Quitrahue waters, and before, when they wanted to establish the Mapuce Guidelines for managing the environment (Chapter Six) were effective because they could stop local economic activity considered the most important in the area. This is a red light for many actors. The provincial and local governments react quickly and always come to them and negotiate in order to keep the Ski resort working. The fact that the resort is under concession but owned by the provincial government, involves them in every conflict created there.

Their closeness to town is also an important factor because most of the community members of working age have jobs in town or at the ski resort. The youngsters have an urban style of life, which has deepened the differences in interests and motivations with many elders of the community. A few of them have already gone for technical or university studies, especially in Law and as National Park rangers. The interest of the Mapuce for becoming park-rangers has to do with their strategic political view about territory, as most of their lands are within National Parks. That is the framework of the co-management scheme implemented with Lanín National Park, as part of the political struggles that their political organisation is involved in. Having Mapuce park-rangers within the community is part of the long term plan of the Mapuce people regarding their influence in decision-making within this territory.

On the other hand, easy communication with town allows them to connect with other Mapuce communities and expand their networks. Even the possibilities of going to cyber cafes and accessing internet is now being used for the purpose of

networking with media, supportive NGOs, the Mapuce people on both sides of the Andes and their non-Mapuce supporters on the Chilean side as well.

They also participate within the Communitarian radio station, a hallmark in the evolution of the claims of these communities for their rights: they received communication training and the facilities for networking with the whole Mapuce nation and outsiders. In 2006 the local radio achieved the goal of becoming a Mapuce AM radio, which now can be heard not only locally but throughout the whole province and even in neighbouring Chilean regions.

Vera Mapuce Community

Their settlement is close to the Curruhuinca, in the Paraje Trahunco which they have inhabited since 1907, in the lowest part of Cerro Chapelko, also next to a residential area called El Oasis. This community is composed of a group of families living in the rural area of the Trahunco stream and another group living in the lower part, in close contact with town. This causes marked differences among its members' interests, particularly in terms of demands for drinking water and sanitation services, but also in response to real estate business pressures.

The community as a whole however, has common interests in their outstanding property claim for 775 hectares. The Argentinean government had "granted" a "precarious occupancy permit" for these 775 hectares in 1936, to Carlos Vera (from who they all descend), in Plot 69, Colonia Maipú. Until the year 2001 the Vera's had only managed to obtain the property deeds for 250 hectares. The remaining 525 hectares represent a serious conflict for the Vera Mapuce Community with the provincial government. A Provincial Forestry Nursery was situated in 170 hectares of these lands, and was only reallocated to the Vera community in the year 2002. The nursery's management was abstracting waters from the stream for irrigation, diminishing the amount of water available for the community during the dry season, which was a source of conflict as well. During the 1960s, the government constructed the Ski Resort on part of 355 hectares involved in the land claim, which are granted in a concession to the Cerro Chapelko Ski resort.

These lands have been a major source of conflict between the provincial government and the Mapuce communities, and every year, since 1999, when the ski season is about to start there are press releases from the government stating that the conflict is under control and solutions are on their way. In 2008, the government recognised the lands as belonging to the Vera. The latter's relationships with lawyers and the state and some of the actions documented in chapters Five and Six of this thesis have contributed to this restitution.

Both Curruhuinca and Vera are in a political and cultural process of strengthening their ethnic identity to reverse the effects of what they call 'years of trans-culturalisation, loss and denial'. According to the APDH/UNC (1996) (Permanent Association for Human Rights-Neuquén/National University of

Comahue), this is a result of the historical processes of colonisation, first by the Spanish and then by the establishment of nation-states on both Argentinean and Chilean sides, through which Mapuce indigenous communities have been marginalised in socio-political and economic life. Since the land to which they have been relegated is not enough to sustain the increasing population of the communities, many have been forced to move to urban sites or join the labour markets outside the community, thus losing many of their traditions (APDH/UNC, 1996). Migration to urban centres mainly of the younger generations and the loss of contact with their communities has also influenced the loss of their language, Mapudugun. In Mapuce tradition, as knowledge is transmitted orally, their language is the main instrument for expressing their cosmovision and transmitting it to new generations. Thus it is not surprising that since the creation of the nation-state, the first thing forbidden was the use of their language. The official education system has been functional to cultural impoverishment throughout the province, by setting schools within or near the communities where children's cultural background is denied and they are taught the official curricula in Spanish.

These young generations grew up in discrimination that in many cases forced the denial of their own roots. However, most of the people involved in the political process to "rescue" their Mapuce identity as Original Peoples, that started within their political organizations during the 1990s, are younger Mapuce receiving support of their elders (APDH/UNC, 1996).

Mapuce political organisation: Mapuce Confederation of Neuquén

The Mapuce Confederation of Neuquén (CMN for its initials in Spanish) is a formally constituted organisation that can be analysed as a collective actor, and understood as a coalition of actors who share common goals, interests and values, which agree explicitly and sometimes implicitly to pursue certain strategic courses of action (Long, 1997:9). Most of the approximately 54 Mapuce communities of Neuquén are represented politically by the CMN vis à vis the state and other institutions or enterprises. It was formally created in 1968 by the national government with the purpose of recognizing and identifying one unique entity in negotiations with the Mapuce (Villalon, 2003). Another organisation called Coordination of Mapuce Organisations includes the CMN together with other smaller organizations. While politically represented by the CMN, communities still have autonomy in their internal system of power and organisation (Villalon, 2003). This autonomy allows for differences, however sustaining the commitment to collective action when the circumstances require it.

The Curruhuinca are active participants within the CMN. However, this representation is not accepted as homogeneously as some of the representatives would like it to be. Some Mapuce people, especially the older generations see those that participate in politics within the CMN (not party politics) as "problem makers", and express concern over the discontent of those more engaged

politically, especially the younger ones. As a young active member of the community puts it:

"My family doesn't understand very much what I do with the Confe [abbreviation they use for naming the CMN], this making of a fuss, they are colonized, they don't want to mess up, there are many people that don't agree with protesting, it is tough to make them realize that we have to struggle for our rights as Mapuce peoples" (Field notes, 2004)

The case of the Longko (Chief) of the Curruhuinca community that lives in a Paraje within National Parks jurisdiction is interesting in this sense, as some of the community members are not happy with his political involvement and close relationship with the CMN. According to him, many community members consider that their political representatives (in CMN), mainly urban Mapuce, are far from their needs in the rural areas and do not pay attention to everyday problems, such as access to economic resources (interview with Longko, 2004).

CMN representatives highlight the differences between the members of the Curruhuinca Community of Paraje Puente Blanco and the Longko and other members of the community that live in the other settlements (within National Parks):

"On the other side [of the mountain], the timber-men end up engaging with the development model that the wigka [white] society imposes. We want to show that at least here at Puente Blanco [now called Payla Menuko], at a small scale, another development model is possible, that is why it is not the most important thing to obtain a salary for some Indians and a little money for a machine or something. Of course we need money but development has to start from the cultural, the social aspects. Environmental aspects are not separated from politics. We are working for the people to understand this, the economic part comes later" (interview with Ñancucho, CMN representative, fieldnotes 2004).

Despite these differences, when it comes to pursuing social action for their wider, overarching political goals, differences are left behind and actions are carried out homogeneously. In this sense, the CMN works as a centralised body, where to a certain degree, a few individuals control and make decisions backed by higher Mapuce authorities and represents the collective in their dealing with external actors. The CMN representative quoted above had moved into the area in 2001, as one of the directives of the Co-management project between the Mapuce communities and National Parks. He was also supporting the communities in other political activities and networking. The approach of the CMN has been criticized by members of the Curruhuinca community and Vera community and some outsiders that support the Mapuce communities. The CMN moves into communities who have potential members for active political involvement. Critics consider that the CMN is putting too much effort in working always with the same people and not working hard enough to incorporate the other communities and more of their members in the region into the CMN awareness activities.

The CMN works with those groups of more politically aware and active people, in order to make more room for manoeuvre and slowly incorporate those groups that need much more support, due to the fact that they have fewer active

members able to build political capacity in smaller groups (interview with a CMN representative, fieldnotes 2004).

Indigenous peoples' realities are inscribed with precision and persistence within the representations built along time by the discourses of historians, the Church, politicians, intellectuals and alike. This makes it difficult for some more than for others to define their interests in their own terms (Escobar 1995). Even more when the western fragmented ways of understanding the world impinge on Mapuce peoples cosmovision. The members of the CMN, are very aware and politically active, and are able to manipulate or blend the dominant discourses reshaping them into different discourses that are deployed to pursue indigenous peoples' organisations' ends. We will see this in detail in following chapters. However this is not the case for all Mapuce people.

The CMN has a strategy of incorporating its members into different governmental and international organisations as an active up-scaling process. They build alliances at many different levels, regionally, nationally, and even internationally. To give an example, one same representative has represented the CMN in the Continental Summit of Peoples and Indigenous Organizations⁶. In 2008, after going through different formal, institutionalised spaces for Indigenous peoples created during the last years at national level, he was head of the Directorate of Indigenous Peoples and Natural Resources office within the National Secretariat of Environment and Sustainable Development. These are examples of different levels in which this organization actively participates with a high political profile. They also have allies within the AEI, the Spanish Association of International Cooperation, where they apply for financial and intellectual support in different projects towards strengthening the organisation's work. From these places, they are networking to build up an Indigenous Movement in Argentina (field notes 2007). By positioning themselves as part of the decision-making body, and using the state apparatus for their own purposes they find the way to go further.

Mapuce social organisation

Mapuce turn to their traditional forms of organisation as the basis for strengthening their identity. Therefore, their practice in dealing with everyday issues as well as their political confrontation with the state and other actors is supported by their political and social organisation.

Within traditional ways of organising, Mapuce society has very clear norms and keeps certain independence among communities about their own affairs. Each **Lof** (community) has its authorities with clear roles as described as follows (CMN, 1994; APDH/UNC, 1996):

The Longko: are the "conductors, guides, leaders, but differing from other indigenous communities, they are not supreme sovereigns who impose their will.

⁶ This Summit organised activities for the participation of the Indigenous peoples of America in the IV Summit of American States in November 2005 in Mar del Plata, Argentina, where the Presidents of the States of the Americas including George Bush of the United States, met.

They are those who start the discussion processes in the council (Xawvn)". They make decisions as a result of this process.

The Pillán kuse: is the "religious authority that has the knowledge and capacity to communicate men (che) with certain energies (newen)... S/he establishes the moments for and leads the religious ceremonies and rituals".

The Werken: is the "messenger of thoughts". They have the responsibility to guide the implementation of decisions of the Longko and the Pillán Kuse. They work as the voice towards the outsiders. When the Logos speak in their language in an event that requires translation to Spanish, these are the ones in charge. There are several other roles, which are exercised in different moments of social and political life. These authorities are always present in the different encounters and events with the wider society.

Mapuce institutions are defined by the space for meeting and debate. Decisions are taken in the Xawvn: "space where the Gulam appears, the council... It is the collective space where big discussions are held... until a consensus is reached... and resolutions are taken". Consensus is highly valued within Mapuce culture, and to pursue it can take days of meetings and discussions. When consensus cannot be reached, their political strategy is to close ranks and leave the differences within. They might appear as a homogenous entity to outsiders, but of course this is not always the case. This is how the CMN works, but not only them; I have seen this work among Mapuce people of different communities and even different provinces, therefore with different political organisations representing them. They do not show their internal differences to the wider society.

These authorities and institutions that express their own conventions and organisational system are considered by the CMN as the only guarantee for accomplishing the cultural development of its people, and constitute the tools to achieve intercultural and inter-institutional relationships with the wider society (APDH/UNC, 1996). These representatives are the ones that speak out in public meetings and in negotiations with government and other social actors.

However, their organisation is not free from blending with modern organisational practices, as they reveal certain mixture of systems. For example, nowadays Longkos are elected by votes and in many cases, political parties' politics permeate into the Longko's election, while originally it was about kinship, wisdom received as gift, and other values.

Traditional organisation has been influenced by the fact that, in order to be recognised by the provincial government with legal status, Mapuce Communities had to organise into non-profit civil associations or rural associations. This is what makes them possible beneficiaries of different state driven social programs and authorizes provincial states to allocate communal land titles (not only in Neuquén but throughout the country). Within this framework, the Curruhuinca Mapuce community is 'organised' as a Rural Association and its legal status has been recognised since 1989. Also, the Vera Mapuce community has been recognised by the provincial government as a Non-profit Civil Association since 1991. Despite

the fact that both communities continue with their own traditional forms of organisation, there is no single activity that requires formal relationship with government agencies that they can engage in without this figure.

One of the frontlines of struggles of the Mapuce with the state is this legal requirement of having been structured in these types of organisations. It not only denies them as 'Peoples' with their own way of organising, but it has resulted in divisions within the Mapuce, as it is an instrument for political parties to co-opt different groups through patron-client practices such as the delivery of social programmes (interviews, 2007).

4.7. The non-Mapuce inhabitants of Cerro Chapelko

Los Radales neighbourhood

Los Radales neighbourhood is made up of 308 homes, distributed across 20,5 hectares. The majority of its inhabitants are wage-earning people: teachers, municipal employees, police and national gendarmerie. Approximately 1300 people live in this neighbourhood. Currently the Drinking Water Co-operative supplies potable water for human consumption, for which it has a small treatment plant on the banks of the Trahunco Stream (field notes and interviews, 2001).

The neighbourhood is located on a steep, fragile slope, in the mid-section of the watershed. It started with only 100 houses as its location has steep slopes and numerous springs. However, the neighbours organised into a Housing Cooperative that also constructed the infrastructure for water services. Originally the neighbours were organised to manage the service and put chlorine into the water (to make it potable), each day a different group. However the work was too heavy and they transferred it to the Drinking Water Cooperative with the agreement of paying a differentiated tariff. As population increased and housing as well, these arrangements no longer were held. The increase in numbers brought an increase in services needed and the social organization and solidarity among neighbours declined. Increased house constructions took over the original plans that considered green spaces in areas that were too risky for house constructions.

"There is a feasibility study of the zone done by the municipality for the constructions which resulted in negative assessments because the waters coming from the higher parts seep out from the soil on this area. The neighbourhood already has all these springs around, which are problematic." (Interview with neighbourhood representative, 15/07/2001).

Therefore, the municipality selected the area for a pilot project that implemented several measures to diminish the risk of landslides and runoff, as well as to stop sediment that the stream carries on its way down the mountain. As an example, by Decree N° 1036/92, issued by the Deliberative Council, 30 hectares of native forest were declared "Protection Forest". Behind this Protection Forest (in the upper watershed) urban development plots for tourism are being established

including private swimming pools and golf courses that imply big movements of soil.

Neighbours of Los Radales experience the threats of land movements, waste waters flowing into the springs and the effects of constructions in fragile soils in their daily life. Therefore they developed a different perception from the outsiders for whom the tourism developments are constructed, who only see the place as a window to the beautiful landscape. Thus, it is not surprising that tourism construction developments create preoccupations among the neighbours of Los Radales, as expressed by the President of the Neighborhood's committee:

These construction works and subsequent soil digging needed to accomplish them imply a risk for the neighbourhood, because of soil fragility and the possibility of contamination of the springs (ojos de agua) that run down the mountain form the waste waters of the new houses" (interview, 10/07/2001).

All neighbourhoods in San Martín de los Andes are organised in neighbourhood committees, where representatives are elected by direct vote.

"The committees were an invention of the MPN (a provincial traditional political party) in order to have their networks at neighbourhood level working for them but it didn't work that way (political patron-client relations). Some neighbourhood committees have been able to use this organisation for collective action, to put political pressure on the local government, distancing themselves from the traditional political party" (interview, President of Los Radales Committee 10/07/2001).

The Los Radales neighbourhood committee plays an active role in the watershed and its pilot schemes, even though the level of participation in the neighbourhood is very low. In general, the representatives are the active people but still feel the burden of a heavy workload, not shared by many neighbours (interviews with representatives of neighbourhood, 10/07/2001).

The Tourism sector and its interests

In 1996 the Strategic Plan for San Martín de los Andes was prepared, recommending that the city be strategically positioned as the "Patagonian Ecological Mountain Village" with the international ski centre as the structural basis for tourist development.

According to an analysis commended to the Faculty of Tourism by the Chamber of Commerce, Industry and Tourism (Universidad Nacional del Comahue, 1997), in 1994 and 1995, the net production from tourism in San Martín de los Andes, varied between \$60 and \$70 million a year. The income level of the population was higher than that of the rest of the province, with higher consumption rates and a great availability of goods and services. The service sector made a greater contribution to the local economy than the commercial and industrial sectors.

The business sector of SMA

In 2000, the existing businesses in SMA, in general were homogeneous, almost all being classified as small units, when considering their premises, number of

employees and production value. Almost 50% of the production and gross added value of the service sector was generated by hotel and restaurant businesses; 4 out of every 10 jobs in the sector corresponded to this sub-sector (MSMA, 2000). According to this same report, the growth experienced in the supply of accommodation between 1975 and 1995 were in the order of 550%. The variation in growth in the provision of tourist accommodation was about 10% a year. In addition to the offer of nearly 5,300 hotel rooms, an offer of houses for rent was of approximately 1,200 beds and second homes with approximately 500 spaces [this type includes the urban developments known as "loteos"] (MSMA, 2000). These figures are showing the development model chosen and promoted for the area, delineating a specific and hegemonic type of territory.

The International Ski Resort

Within this sector I would say that the central actor is the International Ski Resort "Cerro Chapelco" (locally named as El Cerro). Whether in favour of it or against it, it is not ignored by anyone in SMA nor are there many conversations that do not refer to it.

This international winter sports centre occupies 325 hectares in the upper part of the watershed and it is owned by the provincial government. Ski activities began on Cerro Chapelco slopes in 1948 with the first mountain refuge and ski school. An access road was built in 1961 and the first ski lifts in 1965. In 1974, organised tourism activities began to be developed with different concessions being granted to private companies by the provincial government. In 1999, the concession was granted to Nieves de Chapelco S.A. who is responsible for its functioning. The infrastructure that the provincial government left in Cerro Chapelco by 1995 was composed of the following (Gaviño and Castañeda, 1995):

- 29 ski courses in an estimated area of 140 hectares with slope gradients between 20 % and 45 %. This is all located between 1260 and 1980 meters above sea level.
- Forms of transport with a capacity for 11,468 people per hour: 1 telecabin, 5 telechairs, 4 tele-skis and 1 portable tele-ski.
- One ski school, a ski school for children and a children's day-care centre.
- Parking lot with capacity for 700 cars and 50 buses.
- 3 restaurants, with capacity for 240, 170 and 70, respectively.
- Various self-service, cafes and bars
- Golf course used during the summer season.
- swimming pool

In 1998, some new activities were introduced to Cerro Chapelco, under the name of an "Adventure Park" in order to expand the tourism attractions during the summertime. Horse riding, mountain bike descents, golf, croquet, camping, heated swimming pools are now offered as alternative activities. According to a MSMA report (2000), "these services have been very successful and the park has continued to grow, with alternative activities during the summer months".

The Ski resort is a prominent figure in San Martín de los Andes, where the common say is that “El Cerro is the motor of the local economy”. Actually, many activities related to services for tourism are linked to El Cerro’s activities, and it is a source of labour in different aspects of its functioning. This translates into a power play where managers and administrators of the Centre dismiss other sectors of business, Mapuce communities, government agencies and employees to conflictive extremes which also turn against them.

The main source of conflict is the concession contract that the provincial government signed with Nieves de Chapelco S.A. Among its obligations is the development of infrastructure for housing, the expansion of ski runs and also the implementation of artificial snow production to prolong the Ski season. By 2006, the administration of Nieves de Chapelco S.A. had gone through many conflicts with different frontlines. The main one for the company was with the provincial government because they were about to lose the concession because of the lack of investments in infrastructure and delays in investing for artificial snow. They also had another frontline of conflicts with the employees of the ski resort for delays in their payments and low salaries, among other situations.

Among these other situations, the conflict with the Mapuce communities was increasing from the very moment they signed the concession contract. As we will see in detail in Chapter Six, although the problem is with the ski resort and its plans for development, the conflict is actually held between the provincial government, who prepares the contract and demands for development and the Mapuce communities and their organisation. However, the conflict impacts on the activities of the resort directly, because of the demonstrations and blockades and indirectly, because it also shows the lack of investments in infrastructure such as treatment plants for the sewage it produces.

The image of the Ski resort has been tarnished in the eyes of the tourists and tourism sector. These issues altogether eroded the image and credibility of the administrators not only facing Mapuce and the government, but also many other different actors of San Martín de los Andes. The Mapuce struggles of 2002 mobilized these other social actors, although because of different interests. The protest generated disappointment in the real estate and tourism business who were concerned about how the ski centre’s concessionaire handled the business, as we can see following these newspaper clippings:

“Property businessmen argue that “the irresponsibility of the current concessionaire regarding the sewage management and non maintenance of the infrastructure (...), is a clear manifestation of disparagement towards San Martín de los Andes’ inhabitants and the tourists that choose us regularly” (La Mañana, 7-9-02 (<http://www.lmNeuquén.com.ar>))

It also pushed the local government to take political action:

“... The real estate chamber states its worry for the “lack of municipal and provincial controls on the concessionaire of El Cerro” They also call for active participation of the community (the village citizens they mean) in the “challenge of searching for a stable and mature relationship with the Mapuce communities through dialogue and not through blockades and the Special Groups for Police Operations (GEOP)” ...

“...the note sent to the Major indicates the contradiction between these episodes (blockades) and the image that “during years we have transmitted to the rest of our co-citizens” putting San Martín as an “ecological village economically sustainable” and the people of San Martín as “defenders of the environment” (El Rio Negro 7-9-02) <http://www.rionegro.com.ar>).

For these actors, for San Martín de Los Andes to appear in the media because the Ski Resort was polluting the streams was very bad press; after all, it is their “ecological village”. Even though they did not support the Mapuce's long term claims or the way of dealing with the conflict, their pressure on the government and the ski centre helped the Mapuce's interests. The interests of the real-estate actors as well as the tourism service sector denote some other projects, and other notions of territory at stake.

However, the Mapuce used this channel to expand their supportive alliances among other social groups (unemployed movement, teachers union, etc.). In one of the major protests, even a “tourists’ commission” was improvised in the middle of the road to accompany the Mapuce to court. This situation was framed by Rubianni as “Argentina after the *cacerolazos*” (the financial crisis that turned into an institutional crisis during end of 2001 and along 2002) in the newspaper, because in those days, there were protests all over the country and people were very mobilised and participative (Rubianni, M.F. source: www.clarin.com.ar - 29/8/02). We will come back to this in chapter Six.

In fact, in 2006 Nieves de Chapelco S.A. changed their administrators and started to talk about “*the new Nieves de Chapelco*” (Rio Negro Newspaper, 2007) in order to refresh their image and renew the concession contract for a period of twenty years. In the background, the issue at stake is that the ski resort lies within Mapuce's territorial claims. This has many interpretations and ways of dealing with it. But I will tackle these conflicts in chapter Six.

Water was the main environmental issue put to the fore, not only because of pollution. Within the concession contract, one of the obligations is the production of artificial snow to expand the area for Ski to lower parts of the mountain and to extend the snow time longer into spring. For implementing the production of artificial snow, the resort must double its water requirements. The waters are tapped from the Trahunco stream and the natural springs that form it (interview with Nieves de Chapelco S.A. Administrator, 2001, field notes 2004, 2007). The pipes to bring this water cross a large part of the territory, which also introduces the discussion of environmental impact from this different perspective. By 2008, pollution was no longer the problem. However we will see in Chapter Six how water pollution was a hot issue that mobilised a social field composed of many different actors and interests at local level. Analytically, water and the different issues related to it (including pollution, shortage and unequal distribution.) emerge as symbolic elements around which Mapuce dispute their territory with the notions of territory of the tourism sector and the state.

Real estate development investors

These are other actors related to SMA. Generally, these entrepreneurs do not live in the area. This business involves residential urban planning, particularly for the purpose of tourism, within their private property. Currently, there are two property developments of this nature within the watershed, which locally are called *loteos*.

Las Pendientes is constructed as a closed residential neighbourhood, located near the base of Cerro Chapelko. For the construction of the modern houses, much earth needs to be removed. The gardens are essential to complete the make up of the houses, and therefore much water is required for irrigation. It has ski runs connecting directly to the Ski resort.

Desarrollos Ken is an urban development with 400 plots, also in a closed neighbourhood fashion. It constructed two golf courts, one with 9 holes and another with 18 and green areas and they plan for private swimming pools; this type of setting implies a huge movement of soils and high water requirements for lawn irrigation and swimming pools.

There are an increasing number of these types of developments called *loteos* in neighbouring watersheds in the region, for which water consortiums are being promoted. Some of these entrepreneurs have different perspectives on their businesses, probably for marketing reasons. This is directly related to the perspective on the use of natural resources in their projects. In land developments within areas of native forests, water becomes scarce during the summertime and therefore they pay particular attention to water consumption. As they have to offer something different than the ones which rely on the proximity to the ski resort, they refer to an environmental friendly approach and ecotourism activities (interviews with other investors from outside the watershed, 2001).

4.8. Local and provincial institutional actors

The institutional arena of the study area is quite crowded if we consider its resources and permanent population. The amount of activities and different actors involved in the watershed, and the economic interests at play, make it a very visible and contested spot.

San Martín de Los Andes' Drinking Water Co-operative

During 1999, the provincial government decentralised water supply and sewage treatment services to municipalities. SMAs' Municipality formally granted these service provisions to the local drinking water co-operative for 10 years under direct concession.

The co-operative is responsible for supplying drinking water to the population within the municipality's urban and peri-urban areas. Ninety percent of the water used for this purpose is diverted from the Quilquihue catchment to the Pocahullo watershed area of influence. The Pocahullo River's water cannot be used for

drinking because it is polluted by the sewage produced by several urban developments. Therefore the water supplied to the urban population in SMA city must be pumped from the Quilquihue River (interviews and field notes, 2001).

The remaining 10% of the water needed to complete this supply to the population is taken from the Trahunco stream which supplies by gravity the small drinking water plant installed within the watershed. In the drinking water plant, chlorine is added before being distributed to Los Radales. In general, the amount of chlorine has to be increased two or three times per year, or water has to be completely cut off, due to the sediments that the stream carries during the intense rains in the rainy season. These problems have been intensified with the tourism development constructions upstream. As natural sedimentation only occurred episodically, on these occasions the Drinking Water Cooperative would pump water up from the Quilquihue River. However, this is a costly process that is only used under extreme situations because all users pay for the pumping costs to the neighbourhoods on the slopes. If this has to be done more frequently it would raise conflicts with the users in the city due to the translation of these costs to their bills (interview DWC treatment plant manager, 2001).

Environmental Management Office, Municipality of San Martín de los Andes.

This is the authority responsible for applying the Municipal Ordinance ... "to establish and apply the policy for evaluating the environmental impact of plans, programmes, projects and actions, both public and private executed in San Martín de Los Andes or which affect the municipality" (C.D.N° 2007/96 which modifies Ordinance N° 1584/94).

In addition, the office participates in the evaluation of the plans, programmes, projects and actions executed in provincial jurisdictions that can impact either directly or indirectly on the municipal area. The provincial offices also participate in the Municipality's environmental impact assessment (EIA) of activities proposed for the municipal area which affect provincial jurisdiction. A mutual co-operation agreement exists for these situations.

With regard to water resource management, the Municipality acts as a nexus or coordinator between the private sector and the provincial government. For the Trahunco WUA, the Municipality played an active role in organising and facilitating the process of organisation. This will be analysed in chapter Five.

The institutional and jurisdictional complexity mentioned above has resulted in the creation of certain norms for the decision-making process between provincial and municipal government agencies, particularly with regard to environmental impact assessments. This inter-institutional co-ordination is difficult to implement, since there are a variety of interests at stake. The power plays between political and economic factors make the issue more complicated than it would appear from the simple description of the government agency's mission and functions. As stated by a functionary of the DGRH, "*negative evaluations from technicians of governmental agencies at the end have been approved 'as a political*

decision' at higher levels of government'' (interview, 2001). The box below gives an example.

Reports about the Ski Resort's Projects

With respect to the Ski Resort's projects, the DGRH quotes in an internal document, that they are not aware of actual or intended water consumption levels. More over, "it is not known that in relation to the opening of new ski-runs accumulated snow redistribution is foreseen". The same office states that "this is a fundamental fact as it could alter the natural watershed drainage system". Another question asked by the officers is "if artificial snow generation requires chemical components and if this could influence water quality?" (Interview DGRH, 2001).

The control entity for the Concession of Cerro Chapelko is the Treasury Secretariat of the Province (Decree N° 1283-97). But the Provincial Water Authority "is not aware if for the concession contract for the development of Cerro Chapelko, the Executive Office [provincial] constituted a Reserve of Water Resource according to what the law states...Nor has the concessionaire enterprise applied for water quotas to the DGRH" (DGRH Preliminary Report, pp:167). These situations show how limited is the communication between intervening governmental organisations.

Source: interviews and secondary information, 2001.

The most common procedure followed by these entities to approve investments in the area is to refer the Environmental Impact Assessments performed by private groups from one jurisdiction to another and between the corresponding agencies for their opinion. This procedure is based on the logic that the projects presented in one jurisdiction also have an impact on the neighbouring jurisdiction. In addition, considering that at central (provincial) government level, the participating technical personnel are outside the area of the projects' development it is important to have input from the local government agencies about the issue (interviews with DGA-MSMA and Provincial DGRH technical staff).

It is worth mentioning that in relation to the Trahunco Watershed, both institutions' technicians and functionaries are working jointly. They are the ones that undertook the initiative to create a Water Users Association (that will be discussed in Chapter Five). Definitions about the way to manage the process are in their hands because they evaluate the feasibility of water usage according to legal norms, adjusting them for this purpose.

However, the watershed has been the object of municipal interventions since 1994, when the Environmental Management Unit of the Municipality signed an agreement with the National Water Resources Office for this purpose. Due to the volume of water and the amount of sediments and materials carried into the Pocahullo River in extreme rainy periods (as occurred in the winter of 1993), the flood risk in some sectors of the urban area where the river flows into the Pocahullo increased (Gaviño and Castañeda, 1995). At that moment, the Municipality and National Water office identified "the need to carry out a survey applying land and water management criteria, particularly for the lower section of the Trahunco watershed, where it joins with the Quitrahue stream; it is in this area where there is sediment and other solid material transport by these rivers "

(Gaviño and Castañeda, 1995). The main objective of the municipality at that time was “to prepare a Master Plan for the watershed, performing a series of studies and taking pilot actions to stop erosion of the materials being carried by the torrential river volume” (Gaviño and Castañeda, 1995).

Since that moment onwards, the watershed has been motive for many plans and projects, mainly due to the relationship between the former head of the environmental office of the Municipality and an officer of the National Water Secretariat. These were individuals within the state apparatus that were interested to carry out these actions, very much in tune with the postgraduate studies they had done together. The latest of these programmes is the UNESCO program directed to ecological and hydrological studies of the watershed. Most of the interventions planned for the watershed are of a technical nature, tackling ways to stop runoff, such as soil conservation works, and for improved planning such as geographic information systems about hydrology at watershed level.

Social relationships among individuals in different state level offices generally guarantee more inter-institutional cooperation than agency agreements. This is also a source of conflicts, as I saw during fieldwork. In 2001, the provincial officers had a good relationship with the current officer of the municipality's DGA, but less good relationships with the National water officer who was a friend of the former DGA officer. Therefore plans and programmes would work or not, according to where and who they came from.

Neuquén provincial General Office for Water Resources (DGRH in Spanish)

This is the authority responsible for applying the “Water Code” (Law 899 and its regulatory decree N° 790). Therefore, this office approves the water required for the projects that the different enterprises present to the municipal or provincial agencies (depending on the jurisdiction of the project being implemented), who evaluate the environmental impact of the project. The office's ‘authority of application of the Water Code’ also makes it responsible for promoting the formation of Water Users Associations, entities which would bring together all the users of a same watercourse, in order to organise its use, and for the state to have better control of these uses (Decree 790/99). The Trahunco River watershed was the first to have a WUA, where, together with neighbouring watershed areas, the establishment of WUAs started to be implemented in the year 2000 (field notes 2001). According to interviews and informal conversations (2001, 2004) with some technicians of the DGRH and other local actors, being a technician of a Provincial agency in Neuquén is not only a matter of following the institutional mandates,

“The tasks that are supposed to be performed are tainted with political interests of higher level officers or governors” (interview, 2004).

The officers interviewed are technicians that stay in office independently of the political shifts at higher levels of authority. In order to keep a level of continuity in their working plans, they need to fix them to technical, instrumental rhetoric, and this practice becomes so strong that depoliticizes their actions (Castro, 2007).

4.9. The local and regional role of federal institutions

The National Sub-Secretariat of Water Resources

The National Government does not have direct jurisdiction over water resources in the province. Therefore, their activities rely on two situations: either they have good personal relationships with individuals within the state agencies at local levels or they find some issues that involve two or more provinces or another country (so national government arbitrates or coordinates).

By alliance building at local level, it has participated in different interventions, such as initiatives from the Municipality Environmental Unit. In 1994 within the framework of an agreement between the two government levels and offices, they carried out a “Plan for the Systematisation of the Trahunco and Quitrahue watersheds” (Gaviño and Castañeda, 1995).

This plan proposes pilot actions to be implemented by the Municipality with financial support from the National Water Resources office also referred to in Section 4.8. By means of this agreement they built infrastructure in the watershed, chosen as a pilot area. These hydraulic works are mainly controls to overland flow and river improvements including distribution and comb ditches and sedimentation basins (particularly to retain sediment at the confluence of the Trehuaco and Quitrahue streams, where they transform into the Trahunco stream). A large ditch was built upstream to mitigate the overland flow effects of major storms with a return period of 100 years or more. This construction work was proposed in the second phase of the agreement, as an Experimental Action.

Within international affairs, the Sub-secretariat is promoting and pursuing the “General Plan for the Use of the HuaHum Watershed”, as part of a bi-national project with the Government of Chile for the Lácar-Valdivia Watershed which was referred to in Section 4.4. This project is developing mainly throughout connections with the Secretariat of Foreign Affairs. Within this framework that has been underway for 10 years, numerous workshops were held on both sides of the Andes. Lately they have decided to create a Watershed Committee (*Comité de Cuenca*) in each country in order to plan joint bi-national water management activities. At this stage, a local watershed consultative council (*Consejo Consultivo local*) (for the Argentinean side) has been created in San Martín de los Andes, not without conflicts among the different actors involved, as we will see in chapter Seven.

National Parks Administration (APN)

The importance of the tourism sector in the area is also related to the presence of Lanín National Park and Nahuel Huapi National Park which are advertised as another option for those that “want to rest from Ski activities” reinforcing the definition of the territory by the tourism actors. On the other hand, National Parks Administration is one of the institutions most compromised in the effective

appropriation, control and management of the area originally occupied by the indigenous peoples.

Contrary to the idea of nature being protected by this institution, its genesis and the shape it took afterwards are linked to sovereignty issues and the military defence of the frontier, which implied domination and exclusion of Mapuce peoples, as described earlier.

“National Parks, specially the ones in the south of the country, were created to transform the nominal sovereignty into territorial occupation of a long portion of the cordillera, 30% of the frontier with Chile” (UNC- APDH, 1996).

This strategic territorial occupation is currently a space in permanent conflict through struggles for imposing different definitions of territory among indigenous communities, private landowners of estates, settlers that arrived a century ago, Municipalities, the provincial government and the Federal Government, the latter mainly through National Parks Administration (UNC-APDH, 1996).

A briefing on National Parks, Provincial Government and the Mapuce Communities relationship is important to put into perspective the roles of these actors in the local context and how they are playing in the arenas where conflicts are being negotiated in present day configurations. As already said jurisdictions play a great deal in the study area, legitimating control by different administrative bodies. Therefore, these three actors, and the Municipality as well, rely very much on the definition of jurisdictional competences in their struggles about development processes and the formulation and implementation of policies.

These relationships influence the development of some projects that currently APN has in hand with the CMN. The provincial attitude of putting obstacles to these projects deepens existing conflicts with the Mapuce organisation. The latter is currently promoting the establishment of a ‘new relationship’ with the Administration of the National Parks. They have been working towards a co-management scheme with the institution which was finally created in 2001. In the end, Mapuce have built alliances within the national level institution that allowed setting a record on territorial issues, which set the scene for furthering negotiations with the provincial government on processes of re-territorialisation of the Mapuce.

4.10. Final comments

This chapter has shown the different actors, and the complexities of their relationships as well as their different roles and interests. These allow us to anticipate the multiple realities, projects and practices built into the different territorial projects present in the watershed and wider area. The following graph summarizes the interactions among main actors and the main type of actions they

deploy in order to establish their notions of territory, which will be analysed in the coming chapters of this thesis.

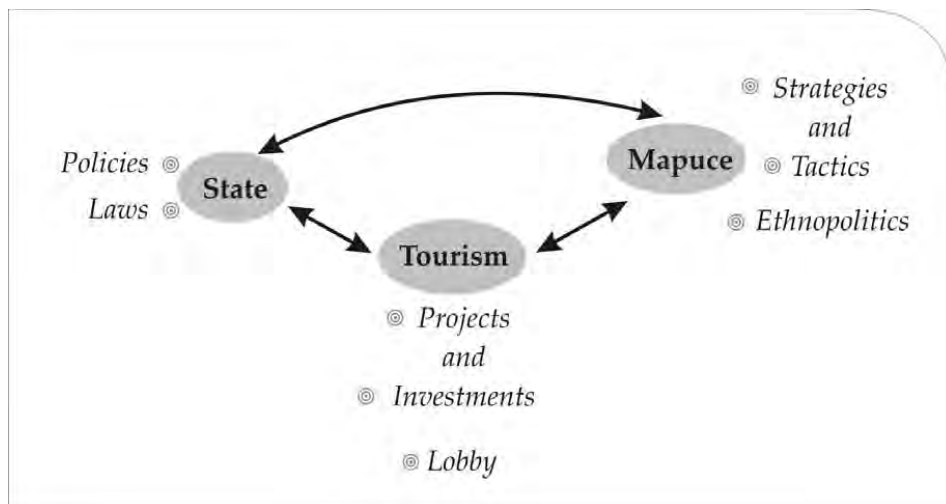


Figure 4.5. Actors, interactions and actions

As we will see, while water distribution is the focus for the creation of the WUA for the local and provincial state agencies and the tourism sector; water pollution is put forward as the main conflict among the Mapuce and these actors - backgrounding issues of territorial rights at stake. These different interests and intentions shape the arenas of negotiation of policy design and implementation, as we will see in chapters Five and Six.

Therefore, these next two chapters present very different studies of social engagement over territorial projects between the diverse actors introduced in this chapter. Chapter Five gives the case study of implementation of a participatory water policy, which I understand as a tool for enabling hegemonic projects for the territory. It will show how definition of problems, solutions and different projects express existing multiple territories. Chapter Six shows how at the same time, the Mapuce were using other processes of contestation in different social arenas, sometimes also around water but not expressed through the WUA. This will show in detail the strategies and tactics deployed in order to get indigenous rights on the local and regional political agenda. Chapter Seven looks overall at the countertendency strategies of the Mapuce organisations operating at different scales and in different networks from local through regional and national to international relations. These hopefully open up the debate about the meanings of participation in policies of development and the territoriality this involves by the people themselves, as discussed in the framework of Chapter Two.

5. POLICY INTERVENTIONS: CREATING THE WATER USERS ASSOCIATION

5.1. Introduction

This chapter opens up the first issue I analysed in the study area, looking at the genesis and implementation of the Water Users Association (WUA) proposed by local and provincial governments for the Trahunco stream watershed. The chapter presents an interface analysis of the processes involved considering it as the implementation of a 'participatory water policy'. The precepts associated with this trend of policy making for water management are that this is "*a way of democratizing water management, rationalizing water resource use, and managing conflict between water users in river basins*" (Warner et al, 2008: 1). Fostering new partnerships or 'participation' became part of policy discourses in order to move away from traditional state-based approaches to intervention. However, study if the complexity of these arenas can show how some actors understand these interventions as a tool to advance hegemonic projects for the territory. This chapter will show how definition of problems, solutions and different projects demonstrate existing multiple territories. It particularly focuses on processes to define representation for watershed management shaped locally by state agencies, while subsequent chapters look at Mapuce strategies to interact with wider policy arenas for water management and territorial representation. Documenting the evolution of these processes of problem definition and solutions among different actors also allows analysis of the discourses and actions deployed in order to impose certain definitions and not others. It is relevant to note here that despite the processes that actors went through in the incipient WUA to negotiate water distribution, formal registration of the WUA to enable further organisation and action - that should have been mobilised by the state offices involved - never took place.

The detailed analysis of the dynamics of the policy process highlights how political agendas are re-shaped and transformed, or abandoned. It is in these dynamic and complex social and political arenas that different and often conflicting interests of differently positioned actors are contested around different projections over space. Thus, different notions of territory emerge as the outcomes of continuity, negotiations and/or counter-actions that constitute the making and practice of policy in different arenas. We will see how different conceptions of water management are argued.

In focusing on the making and shaping of participatory water policies, the chapter also identifies the gaps between discourses of participation and the practices of government officers. This allows understanding of the process of stakeholder selection and how within this process there is always the implication that there are non-stakeholders, in the sense of those excluded from the process. Analysis of who are excluded and how this exclusion is legitimised highlights the need to

scrutinize the definition of 'the watershed as the unit of planning', and reveal how the definition of boundaries of a policy can be as much a political decision as the policy itself. Boundary definitions can shape spatially which stakeholders are included and which remain outside.

Referring to the advocacy for water management on a watershed framework, as a new path for transition to more sustainable water management, Wester (2008:154/155) states that "*this new 'territoriality' in water management has led many countries to embark on new water reforms focused on new institutions for water management*". This approach can be understood as one of the state's new tools to legitimate a certain construction of territory.

Abers (2005, 2007) analyses the Brazilian case of creation of the policy field of integrated water management which implies the creation of new decision-making bodies. She asserts that the problem for the implementation and working of river basin committees lies in the non-existence of pre-conditions for collaboration. According to her study, government institutions have always tackled water issues in a fragmented way before the Federal and state water reforms took place. Therefore they still have weak technical capacities and little experience for coordinating actions among institutions and for bringing civil society organizations and business sector together into the decision-making process; The author seeks to understand which factors motivate the creation of river basin committees and why then people anyway get involved in collective actions around water issues which were never in their agendas before? She concludes that for collaboration to occur at these levels, the river basin must be transformed into a relevant site of action, and potential participants must identify possibilities for collaboration. More than transfer of powers to decentralised levels, she argues that power spaces must be created at new territorial levels. Questions still remain, however, about which actors, and how to, create power spaces for decision making? Does this new territorial level represent a meaningful territory for actors involved or is it that there are different territorial projects disputing space?

5.2. The genesis of the Water User's Association for the Trahunco watershed

In March 1999, by Decree 790, a Water Code was established for the regulation of Provincial Law N° 899 of Water Resources. The Decree declares the General Directorate of Water Resources (DGRH) as the Authority to apply the Law. The Code frames the creation of Water Users Associations. The law in Neuquén Province also establishes that water is a public resource owned by the provincial government¹. The DGRH, responsible for applying the Water Code, has its offices

¹ In Section I, General Considerations, Article 2 establishes the following as "public property" belonging to the Province:

in Neuquén city (428km from San Martín de los Andes). Officers argue that given the extent of the province (94,078 km²) human and financial resources budgeted for their activities are not enough for them to cover the whole province and obtain reliable and up-to-date information about water resources under their responsibility (field notes, 2001). Therefore, efforts to gather information are more likely to be concentrated on important investments such as dams for hydro-energy, or on rivers whose water resources play an important economic role at provincial and national levels². Little attention is given to the numerous streams that flow from the mountains into the many rivers and lakes in areas with lower densities of population, even when these resources are part of the local resource base. However, when these small streams emerge onto the political scene as contested resources, the DGRH intervenes and is expected to have information that can settle disputes.

The map in Figure 5.1 shows the many different streams which flow into the Pocahullo River that runs through SMA city and ends flowing into Lácar Lake. The Trahunco watershed is shadowed and the neighbouring watersheds are all delineated. We can see from this map that the Trahunco watershed includes the Quitrahue stream. In most maps and documents of the region, these two streams are considered to constitute one watershed, mainly because they join to form one stream before flowing into the Pocahullo River. There is a Municipal bylaw n° 86/80 that declares the Quitrahue stream as a 'Protected Water Course'. Section 1 of the bylaw forbids discharge of residual waters whose physical-chemical composition or bacterial contamination can pollute - directly or indirectly- a public water course and damage public health or water uses downstream. Within this same bylaw, there is a second category 'water courses under surveillance', such as the Trahunco, Chapelko Chico and Pocahullo streams (Bylaw 86/80, Municipality of San Martín de los Andes, Neuquén Province).

a) Rivers which start or finish within provincial boundaries and their river-beds, and other water courses - both navigable and non-navigable - which run along natural watersheds and all other water which can satisfy, or can be adapted to satisfy, general use.

b) Navigable lakes and their natural flood-beds.

c) All other water found on land belonging to individual landlords, when they run through natural watercourses.

² For example, the Neuquén, Limay and Negro river basins cover approximately 80.000km². They have a population of 500.000 inhabitants distributed in 20 urban centers on the riverbanks, with populations between 250.000 and 2000 inhabitants. Also 100.000 hectares under irrigation are used for intensive agriculture production. <http://www.paideia.com.ar/proyectos/calidad.htm>

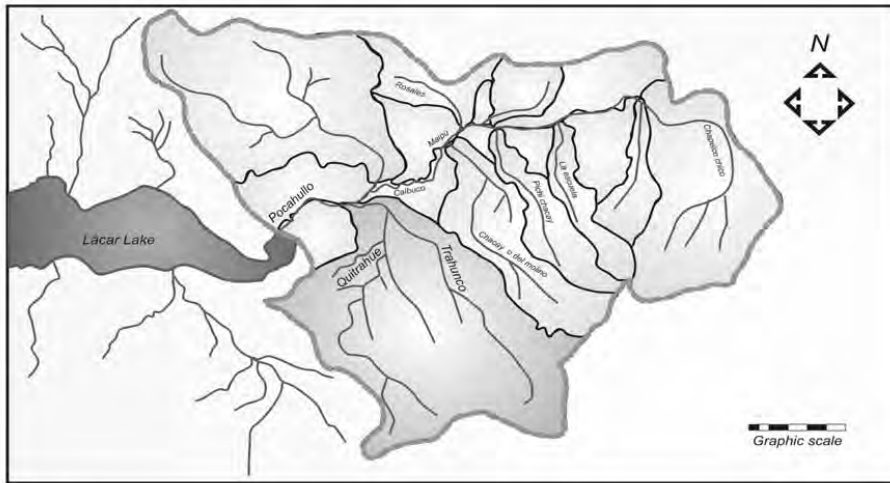


Figure 5.1. The Pocahullo River Watershed.

Adapted from S. Castañeda

The Trahuñco stream is actually a small mountainous stream which could have been one of the numerous streams (and watersheds) left unstudied by the water agencies. However, by the year 2000, tourism projects and the Chapelko Ski centre were expanding in the area and the increasing water demands called the DGRH's attention to the stream, as the risk of granting more water than was available to these development projects emerged. The lack of information in the DGRH became an issue, as criticised by the administrator of the Drinking Water Cooperative:

This watershed is important and while there were only a few users there was water left, but to allocate water you need data about the streamflow and there are no measurements. The DGRH asked us (the Cooperative) to do the measurements. They also have no control of the water intakes... (interview, 06/2001, Administrator Drinking Water Cooperative).

Most of the information available in Neuquén concerning the smaller hydrological systems - if there is any at all - is fragmented. It does not allow statistical analysis of historical hydrological data, to estimate frequencies for planning or predict forthcoming conditions. To overcome this lack of information, for particular cases the DGRH establishes agreements with local level agencies and organisations and arranges joint projects or programmes to deliver specific knowledge. In SMA, the DGRH, the Environmental Unit and the Drinking Water Cooperative currently coordinate their activities to evaluate the viability of water requests for investment projects presented to the Municipality by the private sector. Therefore, to gain control over the resource uses, the DGRH's officers decided to take preventive measures and stop granting water quotas until they could study actual water availability (interview with a functionary of the Water Cooperative, 15/06/2001).

This action of the DGRH raised tensions mainly with the tourism development investors. Local economic activities relied on water resources, particularly tourism activities, such as the Ski Resort and real estate developments nearby (housing, golf courts, residential lawn irrigation, swimming pools, etc.), which are powerful actors at local and regional level. Rural inhabitants of the watershed tap the streams' water for domestic use and irrigating their vegetable gardens. The Drinking Water Cooperative also abstracts water into a small treatment plant to supply domestic water to the Los Radales peri-urban neighbourhood. Domestic uses have quite a stable demand, but become at risk if the tourism developments were to tap waters as well, without control of the amounts required.

The next step was to call a series of meetings with the private investors and other users, together with the local government's Environmental Management office, in order to "*discuss the subject of water demands and to solve, altogether, its distribution*" (Minutes of meeting, 17/05/2000).

The actors invited to the first meeting included: local technicians of government institutions; investors in tourism developments who had asked for water quotas from the Trahunco stream; the Ski resort's managers; the Drinking Water Cooperative; representatives of one of the two Mapuce Communities in the area (Vera Community); and a representative of the provincial Forestry department. According to the mayor of the municipality, the call was

"A possibility for joint decision making on the destiny of the resource" and "to debate the subject among all users" (Minutes of meeting, 17/05/2000).

These participants were asked to "redefine or fit their water demands to the availability of the resource established by the DGRH" (Minutes of meeting, 17/05/2000).

The original water demands existing in 2000 with different registered users, before discussions about their adjustment, were as follows:

Water Users, Trahunco Stream	Original Demand ³ litres/sec (l/s)
Aldea de Montaña/Las Pendientes	29 l/s
Golf Club SMA/Desarrollos Ken S. A.	57 l/s
Drinking Water Co-operative	25 l/s
Vera Mapuce Community	6 l/s
Provincial Forestry Nursery	6,75 l/s
Ski Centre Nieves de Chapelko S.A.	100 l/s

Table 5.1. Original water demands on the Trahunco Stream, 2000

Source: constructed with the information in the minutes of the meeting held at the Municipality (May, 2000) and a DGRH Working Paper.

³ This demand includes all the water currently being used by the Water Co-operative, Vera Mapuce Community, the forestry nursery and Nieves de Chapelko S. A., in addition to the quantity originally requested for real estate developments and the expansion of Nieves del Chapelko S.A. ski centre.

Discussions took place during four meetings, between May and June 2000. The focus of the meetings was water availability. Even though the DGRH had an interest in obtaining this information, they needed to justify the preventive measure of not granting more water quotas with data as well. Of course, the private investors did not make this so easy, as they depended on the water quotas to carry out their projects. Not all these businessmen live in San Martín de los Andes. Most have technical representatives that are also in charge of carrying out the Environmental Impact Assessments of their projects, required by the Municipality for their approval. For these studies, they take their own measurements of the streamflow.

Therefore, the data presented by the DGRH was contested by the private sector's data. During the first set of meetings, no agreement could be reached on the different data sets for the hydrological system presented by the different interest groups. A struggle took place to impose the data that would permit and justify the water quotas demanded, in the case of private investors, and provide an accepted formal framework to assess water availability, in the case of the government water agency.

The DGRH used data obtained from a classification of the Pocahullo River watershed hydrological regime based on rainfall records (Rapaciolli, 1998). This was the only study available that registered the average volume estimates for the low water period in the Trahunco watershed, with data as follows:

February: 170 l/s

March: 110 l/s

April: 120 l/s

Average volume of the Pocahullo River: 133 l/s

Considering the annual variation of monthly volumes and allowance for an environmental flow (using flows received 50% time - the median flow value), the approximate minimum available volume calculated was: **50 l/sec**.

Data presented by a technical representative of one private investor was based on information collected during the low water period of 1996 (an extremely wet year) for the Environmental Impact Assessment of the tourism development project. The data showed a river flow of **300 l/s**, without specific consideration for environmental flow.

A water expert at the local offices of the National Institute of Agricultural Technology (Instituto Nacional de Tecnología Agropecuaria-INTA), estimated the average flow in the low flow period to be **175 - 200 l/sec** (minutes of the meetings, 2000 and field notes, 2001).

Various actors state that the initial problem arose because the DGRH did not have the statistical records to demonstrate the annual flow. The first hurdle was to agree on the data. On the one hand, there was discharge data obtained during the low flow period by the private sector. On the other hand, there was data derived from indirect calculations, based on historical rainfall data for the area, performed

by the DGRH (field notes 2001). After several discussions on the different measurement methods, the DGRH ended up using their formal authority to make their point and force their data on the private sector by stating:

“The DGRH is the one to make the final decision in relation to quantities granted. It is a political decision because the provincial law gives priority to water for human consumption” (DGRH representative, Minutes of meeting 09/06/2000).

The discussion was first presented as *“an opportunity for joint decision making”*, but it then shifted to a technical matter, and finally it was turned into a political statement. Through this the DGRH used its power for granting or denying water quotas to impose their data in a top-down approach. Still, investors did not pull out of the process. The agreement to create the WUA was sealed with the motion to

“Establish a Users Community so that all together we can study and propose different alternatives for water sources as a solution” (Minutes of meeting 09/06/2000).

This was backed by the Province’s Regulatory Decree N°790 of the Water Code which provides for the establishment of ‘Water Users Communities’ (called Water Users Associations in this thesis)⁴. Subsequently it should be formalized administratively by the DGRH.

⁴ Section II of the Water Code, which deals with Users Communities:

Article 191: The communities and consortiums will be formed by the consensus of their members or at the request of one part of them.

The Enforcing Authority may order, officially or at the request of some of other parties, the obligatory constitution of the communities and consortiums, when it is deemed advisable for the use of resources in the same area.

Article 193: The members of each community or consortium will draw up and approve their own Bylaws or Regulations, which must be submitted to the Enforcing Authority for administrative approbation.

Article 194: sets out the content of the Bylaws or Regulations.

a) The objective of the entity; b) The territorial scope or personnel under its jurisdiction; c) Regulations for the obligatory participation and representation which will be in proportion to the extent of their respective uses; d) The governmental regime and administration of the communities and consortiums; e) The members’ obligation to make a contribution to the payment of the shared expenses for the use, conservation, cleaning, reparation, maintenance and improvement of the watersheds, the works and installations, in proportion to the extent of their usage; and the corresponding tariffs, if applicable, according to the institution’s purpose; the obligation to contribute to the payment of shared expenses may be fulfilled in kind or with his/her own work or the work of his/her dependants, depending on the nature of the payment; f) The right of the community or consortium to demand that its members pay their debts for the expenses mentioned in the previous paragraph, under judicial order; in addition to the right to prohibit the use of waters, works or installations while said obligations have not been fulfilled;

Article 195: When the characteristics, features or circumstances of the usage justify it; or the number of users is small, the Enforcing Authority may authorise a *special users’ integration regime*, which will be established via an agreement signed by the users and approved administratively by the Enforcing Authority. (my emphasis)

The meetings also considered the adjustment of water quotas allowed for users in the watershed (see box below) and agreement to start studies of alternative water sources as well as the measurement of stream flow. The proposal was that existing 'original' water demands would be reduced to the minimum required for the following two years, to become a new 'starting quota' -cuota de arranque- for each registered user. After completion of the studies these would be readjusted (minutes of the meeting, June 2000). The DGRH had intended to set the minimum starting quotas for a period of five years but, in the end, the agreement signed was only for two years.

The following box shows the adjusted demands - the new starting quotas - agreed in the debates during the meetings for the different users.

Water Users, Trahunco Stream	Original Demand 2000	Adjusted Demand, Starting Quota
Aldea de Montaña/Las Pendientes	29 l/s	23 l/s
Golf Club SMA/Desarrollos Ken S. A.	57 l/s	39 l/s
Drinking Water Co-operative	25 l/s	25 l/s
Vera Mapuce Community	6 l/s	6 l/s
Provincial Forestry Nursery	6,75 l/s	0.5 l/s
Ski Centre Nieves de Chapelko S.A.	100 l/s	77 l/s

Table 5.2. Adjusted water demands on the Trahunco Stream, 2000

Source: constructed with the information in the minutes of the meeting held at the Municipality (June, 2000) and a DGRH Working Paper.

According to these data, the adjusted amount of water demanded is 170.5 l/sec. This contrasted considerably with the amount of water described as available during the low season, from which allowance for environmental flows was still needed.

The water demands for the different real estate and recreation projects had been calculated on the basis of their maximum development. Most of them were still in the early stages, not really needing the full amount yet. Moreover, water demands vary throughout the year depending on the projects, which fluctuate according to tourism seasons. Investors agreed that at no time would all the water resources demanded be used simultaneously. Since the adjusted demands still exceeded the lowest estimates of water availability, the DGRH managed to receive support for their proposal to carry out studies of alternative water sources. Meanwhile both the current and potential adjusted demands were to be evaluated according to seasonal variations in demand (e.g. according to tourism dynamics) and streamflow. The investors expressed willingness to collaborate in the installation of equipment for flow measurement on their properties. The drinking water co-operative and the Municipality would support the process by taking the measurement readings.

5.3. Framing “problems” for policy making

By framing the problem as basically related to the increased demand for water from the Trahunco stream by the various developments in the watershed, the DGRH and the Municipal Environmental Management Office defined the actors who should be involved in the process. They *invited* these *selected* actors to a series of meetings to discuss *this* problem and work out a solution for it. Information presented by different actors for quantifying the resource gave rise to a debate where different ideas and interests permeate through what each data measurement represents. As we can see, the EIA presents the highest rate of “availability” and the DGRH the lowest.

However, other problems arose. Various actors put their claims on the DGRH, considering that the initial problem had to do with the lack of statistical records for demonstrating with precision the river’s characteristics and its available volume.

A technical representative of tourism enterprises, with experience performing environmental impact studies for tourism development projects in the area, argues that it is technically acceptable to consider indirect volume estimates. According to the DGRH, these estimates obtained from existing rainfall data are used due to lack of historical data. Some technicians in the area go further in explaining the lack of historical data collection. They say this is due to the fact that San Martín de Los Andes is a young town surrounded by numerous small mountain streams only founded in 1898, and still not incorporated into the provincial priorities for data collection. Yet around this small issue, matters ended up being arranged as per the government agents’ original idea of changing allowances, although they had to concede to the private sector that this would be done only for two (and not five) years, while needed measurements would be collected.

The working of bureaucracies

Framing the problem as to who should perform the studies needed, generated other actions. After the agreement reached during the meetings, the DGRH’s General Director issued a unilateral resolution N°050/00 declaring:

“Awarding Water Use Feasibility in Lake Lácar basin is postponed until the corresponding studies to determine water resources available as well as all the potential users and their supply options, are performed”.

According to interviews held with various potential members of the WUA, this was a reaction of the General Director to a dispute he had with the Water Co-operative and other users. This dispute arose when he sent a folder to the Municipality and the Drinking Water Cooperative with the name of the consulting firm that ‘should’ perform the studies of alternative water sources. The Co-operative and other actors refused to accept the proposed consulting firm because it was in their interest to perform the studies together with the Municipality technicians. Imposing a private consulting firm for the study

generated distrust among the other interested parties. The General Director attempted to solve the dispute via Decree, referring to his authority. This decree implied paralysing all activities that would require an authorisation for water use in the entire region, not only for the Trahunco watershed. The Resolution triggered a counter-action of investors who apparently did not take long to use their political clout (field notes 2001). After six months, the Resolution was abolished by a higher level political functionary and the DGRH's General Director was removed from office. It is not officially known if the removal had something to do with the situation of discontent that the Decree generated. However the result was that the measure was lifted and the studies once again were to be performed by the Water Co-operative and technicians of the Municipality subscribing to the agreement (interviews 2001).

Even though the original debate was about facts and figures, and whose information counted, these struggles were influenced by political forces and personal interests which actually re-shaped the policy process, showing the complexities involved *within* the government agencies and the outside. This is in line to what Brock et al (2001) suggest, namely, that "*connections and interactions of the actors engaged in a policy process weave across and within the artificial divide between 'citizens' and 'the state'... different actors within 'the state' as within 'civil society' may take up a range of subject positions and represent a constellation of competing interests*" (Brock et al, 2001: 4).

What was happening with the ski resort?

During the meetings, a difficult actor to involve was the Ski Centre. The concession contract had been signed between the enterprise Nieves de Chapelko and the provincial Government at its highest political level. This seemed to influence the way in which the enterprise responded to the demands of the technicians of the Municipality and the DGRH who form part of the administrative bureaucracy. The Ski centre representative not only did not attend the first meeting. He also delayed in responding when asked to present their water demands, and delayed in presenting the Environmental Impact Assessment for their expansion project, which is a legal procedure within the Municipality's jurisdiction.

The cause of delays might be connected with several issues. The concession contract is a highly political issue managed at Provincial government level. It is highly contested as well at local level on several grounds. Firstly, the expansion of infrastructure involves construction of more residential developments and other accommodation facilities in an area next to the installations. Therefore, it generates soil movements and consequent risks of runoff and landslides on the one hand. On the other hand there is an increasing demand for drinking water, lawn irrigation and generation of sewage for which the area is not prepared (Interviews with the Arenal and Radales neighbourhood committees, the drinking water treatment plant manager, Vera Mapuce representatives, 2001).

Secondly, the expansion project of the Ski Centre involves the use of artificial snow for prolonging the ski season. This is a water consuming activity although this takes place during the winter season when water availability is at its highest levels. It also interferes with the natural hydrological cycle by removing water from one area of the watershed to another with a possible impact on natural vegetation and fauna (from interviews with members of the Curruhuinca Mapuce Community and the Director of the Environmental Unit of the Municipality; Booklets of the CMN; 2001).

Finally, there is the historical conflict between the state and the Mapuce indigenous communities that claim part of the infrastructure is on their territory. They also complain that the resort's activities have a negative ecological, social-cultural and economic impact on their communities. Therefore, any activity that impacts on their territories should not be allowed without their "free and informed consent" according to international declarations and conventions on Indigenous rights (from interviews, provincial representatives of CMN, Members of Vera and Curruhuinca Mapuce communities, 2001, 2004, 2007). This is a more political conflict taking place at that time. These issues are related to territorial control as Mapuce make demands on the provincial state for autonomy and recognition and enforcement of indigenous rights. Regarding the expansion of the concession contract, it would imply the 'free and informed consent' of the Mapuce communities. The processes involved around these issues are presented in following chapters.

None of these issues were considered for discussion in the WUA as a policy space. Even though the DGRH is a government agency and the concession is also granted by the provincial government, the state does not work monolithically. These offices are not articulating their interests and therefore form parts of different coalitions of actors in the conflicts. However, as the technicians of the DGRH frame the conflict in technical terms, they are over-ruled by the functionaries with more political clout. The latter are much more worried about trying to keep the ski resort's rates of occupation and protect its investments, as well as those of other investors. The direct relationships between the ski resort's concessionaire and some government agents, discredits DGRH and Municipal technicians as well as the WUA as a space for negotiation with other actors. Also, these processes of negotiations and decisions were taking place while Mapuce communities settled at the watershed were involved in conflicts about the concession contract and the advances of development projects in the watershed, as we will see in the next chapter.

Oszlak (1980) analyses interfaces among different actors within the state for public policy-making in Latin American countries. He makes the broad distinction between political technocrats and administrative ones in analysing formulation and implementation issues. Sustaining the distinction for analytical reasons (and acknowledging the agency of actors to form coalitions going through these levels) there are still questions about the objectives and plans to be carried out vis à vis the power to overrule them at higher political levels. These might

emerge as contradictions between the political regime's officers, the bureaucratic implementers who need to accommodate to changes at political level, and the front line workers, who also need to negotiate with a wider range of actors outside the state apparatus. While technicians of the DGRH wanted to limit tourism development activities in relation to water availability, functionaries at higher political level promoted the expansion of the contract that implied more investments for tourism.

For other actors outside the state, accomplishment of the developments that figure in the concession contract of the ski resort implies possible impacts on the environment. The perception of these impacts is different according to their main interests. The dilemma for tourism businessmen of the services sector is between the generation of more economic activities via tourism and the negative impact on the "Ecological Mountain Village" environment which is the basis of their own business, labelled as such for marketing reasons (Balazote, 2003).

The Mapuce communities' claims are framed foregrounding ecological problems and criticising the way in which development of the area is taking place as a manner of backgrounding their struggle for rights to territorial recognition. This strategy highlights how representations of the others play an important role in policy processes. To introduce the Mapuce's real claims into the discourse would generate distrust and distance from some actors that neither understand nor want to accept their territorial rights as indigenous peoples. Some government officials argue that the Mapuce peoples put in claims of ecological impact to be compensated with money, showing the historical stereotyping that Neuquén's society has created about indigenous peoples (from interviews, 2001, 2004).

According to the manager of the ski centre (in 2001), the expansion of the centre is not needed for their business but for all tourism activities in San Martín de los Andes. When asked about the Mapuce communities downstream he answered that he did not know where the indigenous communities were (interview, 04/08/2001). Again, these are cultural repertoires constructed through the history of the province. The denial of the indigenous peoples has been functional to the appropriation of their territories by the state and for the economic projects of the elites allied with it, as shown in Chapter Three in the discussion about the conquest of the desert and following phases of territorialisation by the state.

Power play among different groups

As discussed earlier, the DGRH, as a technical, administrative government agency is involved in a power struggle to control the water demands of the private sector, especially the ski centre's concessionaire. This sector has allies within higher levels of government, at political points, that can end up over-ruling the decisions of the technical agencies. On the other hand, it represents the state's intentions to promote development and economic activity, which is a strong argument that also permeates wider sectors of society. This is at the core of the local territorial debates. Therefore the technical agency intended to gain some control in the whole decision-making process over water by the creation of a WUA. By

incorporating the local government, the Drinking water cooperative, the Mapuce Vera representatives and a few more actors, they opened the discussion and tried to apply leverage in this power field. Their interest was to create a space that would neutralise the political influence of the private sector and get them to commit to certain technical and legal responsibilities. In this way technicians would be able to control the expansion of resource use and oblige the private sector to invest in measurement instruments and studies of alternative water sources not budgeted for by the political administrators that influence the workings of the agency. The control of intakes is not organised within the province for areas that are not under irrigation schemes.

Ultimately, through discussions in the meetings the WUA, the officers managed to enrol actors from the private sector in their project, although with different objectives. The result was more synergy. Competition among investors also permeates the way alliances are constructed. For example, one of the investors interviewed who planned a tourism development with environmental considerations and who does not rely on the ski resort for attracting tourists, commented:

“Water issues shouldn’t be isolated from other issues such as land use and water quality. They are all interconnected. They shouldn’t grant water resources without analyzing what the resource is going to be used for” (interview05/08/2001).

Indirectly he is supporting the proposals of the DGRH even when having towards different purposes.

The Vera Mapuce representatives who were invited to participate in the creation of the Water Users Association, when asked about their participation stated,

“We are just stone guests. The committee [WUA] represents the wealthy people of San Martín de los Andes” (interview, 29/05/01).

The definition of “the problem” was framed by the DGRH and the Environmental Unit of the Municipality in such a way that discussions ended up being about whose data was legitimate, therefore circumscribing them to those who could generate information. As the Mapuce were not interested in producing such data, and could not afford to produce their own data about the water flow, they did not have a voice. Although invited, they ended up excluded from the process of decision-making. By framing the problem in a particular way (water quantities in this case), alternative definitions of the problem were not considered in deliberations.

5.4. Different constructions of problems and solutions

Although the decisions were made around the issue of water allocation and distribution, I was also interested in understanding how the problems of the watershed were framed by the other actors involved in the creation of a WUA.

For the Drinking Water Cooperative:

“Sewage production at the ski centre is temporary, with point disposal, but it is dumped in a stream that ends in the Trahunco. They do not have treatment plant. We are worried about this issue because if they pollute the waters, the treatment plant for drinking water that we have there would now become obsolete for the new treatment needed” (interview Drinking Water Cooperative Manager, 06/2001).

This comment is attuned with the expressions of the technician taking care of the current treatment plant up in the mountain when referring to the construction of tourism developments:

“Tourism developments will generate serious problems once they are ready to receive people. One big problem is the cesspits that become sources of water contamination. Due to steep slopes, sandy and rocky soils, low temperatures and intense rainfalls in rainy seasons, the infiltration trenches do not work efficiently. The degradation capacity of the bacteria is very low (and due to the use only during tourism seasons, these bacteria do not survive from one season to the other). Percolation helps sewage to reach the rivers easily without time for decomposing. Therefore the treatment capacity of the drinking-water plant will not be enough in the future” (interview, 07/2001).

Representatives from Los Radales and El Arenal neighbourhoods and representatives of the Vera Mapuce communities were more concerned with the impact of the production of artificial snow, as well as with the increase of sediment in the river flow originating from the tourism developments being constructed upstream. Due to this issue, they joined together for the first time to address a common problem and to define a joint action. In an interview, the president of Los Radales neighbourhood council explained:

“We called for a meeting at the Municipality with representatives of the Deliberative Council (municipal parliament) and the Drinking Water Cooperative to discuss the problem, to ask for more information, and to think about a joint strategy” (interview, 07/2001).

These Mapuce representatives and the neighbourhood councils wanted to expand their outreach further, and put their concerns on the political agenda.

In the meeting the Deliberative Council’s representatives promised them a further meeting with the DGRH. However,

“When the first meeting of the Water Users Committee [Association] was set up, we were not invited. The reason given by the mayor for not having been invited was that the Drinking Water Cooperative would represent us [the neighbourhoods]. But we were not consulted as to whether we felt represented. The original complaints filed to the Deliberative Council were not even considered at the meeting.” (interview with President of Los Radales Neighbourhood Committee, 07/2001).

The neighbourhoods were not represented at all. Furthermore, the Mapuce, who take water directly from the river and are not provided through the Drinking Water Cooperative, were only partly represented and had no power to address their original complaints. Framing the whole intervention around water supply excluded the issues of artificial snow production and sedimentation as well as possible water contamination when the developments would be in use. The definition of the problem by the government agencies not only closed the issue at

stake but also predetermined the 'stakeholders' that should participate in the meetings.

Nor were all Mapuce represented by those Mapuce Vera participating. The divisions within the communities had resulted in several issues not being addressed. The members of the Mapuce Vera that were participating as representatives happened to live upstream, and are water users from the upper section of the Trahunco. The issue of water quality was also not taken into account by the representatives, because it is a problem of the Mapuce Curruhuinca settled along the Quitrahue stream and the Vera settled downstream in the Trahunco watershed, where both streams join. These waters were polluted by the ski centre. While travelling through the area with the health worker, we visited most of the families in the watershed. He confirmed that there had been several cases of children infected with parasites from polluted waters of the stream in the lower parts.

Many of these Mapuce members were not part of the WUA because they do not take water from the Trahunco stream. At that moment they also did not take water from the Quitrahue stream due to contamination. They rely on natural springs throughout the area, but these can dry up in summer time, when the problem of accessing clean water appears. However, differences among the Mapuce are rooted in historical relations, which only came to the surface some time later. These issues were not brought up in this WUA 'policy space' but through Mapuce strategies which opened new policy spaces, analysed in detail in the next chapter.

There were also other differences between the Mapuce communities in how they were negotiating property titles with the state, versus making more political territorial claims (see next chapter), that may also explain why Mapuce representatives did not raise these water contamination and scarcity issues. To understand this situation took me a long time as a researcher. Firstly, I had to be someone who they would talk to about this, and secondly, I needed time myself to understand the meanings and issues at stake between the different strategies of the communities.

5.5. Questions of scale: the watershed as a territory

The WUA in this case study included only those who used water from the upper part of the Trahunco stream, and therefore its area downstream and the Quitrahue stream were excluded. Firstly I find it important to clarify that there is a difference in how agencies and experts name the streams and how these are named and identified locally. In general, agencies and experts talk about the Trahunco watershed, or the Trahunco-Quitrahue Watershed. The former has been adopted in this thesis for the purpose of simplification. However I do acknowledge that at its source, the Trahunco Stream is called Trehuaco stream (in Mapuce: "water dog") by Mapuce settlers and some non-Mapuce as well. It becomes the Trahunco (in Mapuce: "place where waters join") when it joins with

the Quitrahue stream (in Mapuce “place where pipes are made”) and flows into the Pochahullo river. Figure 5.1. helps visualising these differences.

I argue that the problem delimitation adopted for generating a WUA was not innocent since Mapuce communities Curruhuinca and some Vera settled in the Trahunco were very outspoken about water quality and the lack of sewage treatment at the ski centre. Members of these groups also participate in the Mapuce political organisation mobilised around indigenous rights claims. In social and economic terms and even from a watershed perspective, both streams belong to the same river basin, since their waters run jointly to the same collector, and activities in both basins are intimately connected. On the one hand, the ski resort (operated by the company Nieves del Chapelko) located in the upper section, at the source of both streams, impacts on the entire basin (see Fig 5.2).

On the other hand, Mapuce populations established on the banks of both streams have all kinds of relationships (kinship, cultural identity, commercial and labour links, political conflicts) among them and with the tourism sector. These communities and the (non-Mapuce) districts of Los Radales, El Arenal, and Oasis, constitute the stable population of the lower section of the watershed. In the upper section (the Trehuaco stream) lie the real estate developments (locally called *loteos*) oriented to tourism. Private investors in charge of these developments do not live in the area.



Figure 5.2. Boundaries of the commonly called Trahunco-Quitrahue Watershed.

Source: Muschong et al, 2005

This suggests that the definition of scale in this case study was conflictive. Like Russian dolls, each watershed can be considered a sub-basin of a larger one. Therefore, the delimitation of boundaries linked with associations is not as “technical” as it might appear. No matter how “natural” the limits might be, finally the decision is political. When it comes to the implementation of water

policies, the determination of boundaries for the units of a river basin may be arbitrary (due to ignorance) or strategic (driven by interests), but certainly not simply natural or neutral.

Furthermore, decisions taken within an organisation created to represent a unit of a river basin do not necessarily constrain formally excluded actors from taking action. Indeed, social actors have the capacity to counteract “predominant” policies or instruments by developing strategies to manipulate, reformulate, and/or adapt them to their own interests and perspectives (Long, 2001). Another mode of counteraction is by creating alternative spaces for policy making and leaving aside those that are not conducive to specific actors’ purposes. However top-down the formulation of a policy (problems and solutions) is defined, “the language of experts cannot simply render invisible the experience of the people on their development problems” (Arce, 2003).

In the context of the disputed territories and claims about indigenous rights, complex configurations of social alliances evolve. In this case study, the ‘common concern of San Martín de los Andes’ is presented as the need to control the conditions for the development of its main economic motor, the ski resort. This projection of the territory is also promoted by provincial and municipal institutions and the tourist investment sector. These projects impinge on Mapuce rights to territory and the possibility of taking part in the shaping of local development. Struggles for access and control of resources, be it water or other natural resources within the territory, constitute a political issue and not merely a hydrological or ecosystems one. Hence interethnic, disputed territories are involved in social interactions that might not find a way of resolution in a Water Users’ Association. The strategies and tactics in the struggles among different groups to impose their territorial interests on the local and provincial political agenda are the issues to be explored in the next chapter.

5.6. Final comments

As shown in this chapter, government institutions might install a problem (such as water availability) on the socio-political agenda as a way of justifying their “action” to solve it (in this context, the WUA for water distribution). The management scheme or the organisations needed for its implementation thus become the tool to solve the problem that the institutions themselves have previously defined. Problems in such a policy-making process are not identified by the different actors related to them. The proponents of policies for integrated resource management, as mentioned above, by definition include the participation of the actors involved in all stages of the decision-making process. However, actors are first selected and then “invited to participate” by official institutions, according to the particular problem already identified by the latter. The agenda is prepared beforehand and then only the actors who fit this particular agenda are identified. In this way, the design of actions is *a priori* restricted since “the definition of a particular problem... is very much related to

and restricted by the nature of the specific capacities of the development [or government] agencies involved" (Van Ufford, 1993). In this case study, although there were claims and political problems between the different actors, the process started because of pressure on the DGRH to distribute water and the particular needs of the tourism developments, which were advancing without considering water availability. It was not the result of the collective action of other actors which were concerned with landslides and sediments from soil movements, water quality and artificial snow production. In fact, these demands were never tackled and these actors were poorly - or even not represented in the organisation of the WUA, which they thought was being organised due to their claims.

Analysing the policy-making process, it becomes clear from this chapter that an institution's definition of problems and solutions does not follow an orderly sequence on the agenda. Solutions (previously decided policies) can be set aside until there is an opportunity to bring them up. In order to see how problems and solutions are constructed, Hannigan (1995) argues that once a problem is defined, a discourse is constructed by giving examples for its justification and it is closed with a series of numerical estimations that legitimate it. It is here where "technical knowledge" plays a role in transforming the discourse from technical to authoritative.

Other authors have revealed the way in which some policy-makers have handled this component of the complaint, by displaying selected sets of data that are actually hiding assumptions on the shortage of water, incipient water wars, deforestation, soil erosion, etc., as a way of justifying their actions. As time goes by, these assumptions settle down and become incontestable, so that they win power and manage to survive in the realm of policies and projects as "received wisdom". In spite of the frequent absence of empirical data to support them, they become part of the discourse used to assess the state of the resource (Fairhead and Leach, 1998; Leach and Mearns, 1996).

As seen above, in practice institutional actors tend to deny the existence of conflicts in order to avoid controversy. One means of doing so is by selecting the stakeholders and demarcating the field of implementation. In this case study, bureaucratic institutions impose their social, cultural, and political dynamics by making decisions that avoid the complexities of the relationships among the actors involved, at least in their implementation. On the other hand, private investors in the tourism development sector did nothing to help make the WUA work, since individually they were able to negotiate their interests outside it. The result is that traditional ways of policy implementation were not transformed by presenting 'participation' as a more democratic and integrative approach.

There are many definitions of the problems of the watershed, resulting from different interests and different territorial projects that involve worldviews about business, development, livelihoods, environment and entitlements. The organisation of the WUA is an action that generated a wider power field in which the different actors' struggled - with different degrees of success - to enrol other actors and get their definitions accepted. Such a power field is dynamic; power

holders are neither fixed nor normative. In different moments, different coalitions are articulated for different purposes. The state in this case had several faces and different degrees of power according to the issues at stake and to which other actors got involved. While able to impose their purpose over the other participants resorting to their authority, they had to persuade investors for furthering intake measurements and studies of alternative water sources. The Director of the DGRH could not impose the consulting firm to make the studies and measurements. When attempting to stop water intakes by Decree, he lost his position within the institution. Even though he was part of the agency's highest hierarchy, some private sector actors had stronger alliances with other functionaries with much more political influence. They could manage to influence his decisions and even make decisions about him. The ski resort did not comply with the established procedure of presenting the Environmental Impact Assessment to the Municipality and the functionaries had to accept this because the concession was granted by a higher level of political functionaries at the provincial government.

The wider, complex social and political configurations involved in this water policy process required the identification and exploration of alternative policy spaces that actors open, be they formal or informal ones, in which decisions and actions are also taken. It is in these arenas or interfaces that alternative ways of problem definition and their solutions are socially constructed (Brock et al, 2001; Hannigan, 1995; Long, 1999), as will be seen in the next chapter.

6. MAPUCE STRUGGLES FOR CREATING ALTERNATIVE LOCAL POLICY SPACES

6.1. Introduction

This chapter focuses on the wider processes taking place in the watershed at the same time the state agencies were promoting the creation of the Water Users' Association (WUA) analysed in the previous chapter. It allows us to understand the social construction of territory through local struggles at the interface of multiple territorialities. We will see throughout this chapter how the values and practices of modernity are reshaped by the different actors through their agency, transforming or re-creating localised situations. Such an analysis reveals the extent to which mechanisms of support or contestation between different actors' projects emerge in specific interface encounters. It also shows how the discourses of local actors are the outcome of networks linking different social actors in international, national, regional and local arenas. The first section of this chapter refers to my own journey in learning to recognise these dynamics and finding concepts to study them. These concepts shape the following sections, which analyse how the Mapuce have strategised to create alternative spaces and counter-tendencies, and used other forums to project their concerns and concepts for watershed management, and their local territorial claims. These included not only local struggles and but also strategies that led to the launching of the Mapuce Guidelines for Development subsequently used locally (as discussed in this chapter) and nationally (discussed in Chapter Seven). These wider strategies were at work at the same time as the state was offering participation to particular actors through the creation of the WUA. This chapter builds this understanding of strategies by interweaving data from events with their conceptual interpretation.

The previous chapter introduced the policy intervention process for watershed management involving state agencies and investors' actions for a WUA, within a framework shaping the territorial domain from these actors' perspectives. In the process, the Mapuce Curruhuinca community, with a different project for what they consider their territory, was excluded from decision-making. This exclusion was justified by the Director of the Environmental Unit of the Municipality, who stated off the record that the Curruhuinca were left out "because they are troublemakers" (sic). Therefore, I decided to find out what type of 'troubles' they might be 'making' for being "selected" as "non-stakeholders". For interface analysis the research should be oriented towards problems defined by the actors (Long, 2001). If I had only done participant observation within the Environmental Unit of the Municipality I would have remained with the range of actors invited to be members of the WUA. I would have fallen into the trap of a top-down perspective, failing to capture these alternative policy spaces which other actors were carving out and seeking to occupy.

Considering the focus on the WUA as a participatory policy process, I wanted to know Mapuce views of, and interests in, 'this' participation scheme as 'non-stakeholders'. I had assumed that they could be evaluating the WUA as a possible space for engagement and decision-making. After all, was it not what they were claiming for? In retrospect I see myself almost representing the linear model approach in action. I was not prepared for the whole new topic that was entering into my research. I had no background knowledge about indigenous peoples' struggles over rights. I was really unable to frame in my mind the wider picture of why this issue was so relevant. The approach to understanding meanings, interests, perceptions and repertoires, and to reconstruct the multiple realities present at these social arenas, guided me through this journey which in itself has been a milestone in my own learning process.

6.2. Creating alternative policy spaces

Recognising the strategies of political participation

In my first meeting with several Curruhuinca Mapuce members (a focus group, methodologically speaking) we had a long conversation where they expressed very little interest in the WUA. One of them said:

"we are not interested in the Water Users Community [Association] because they are distributing something that has no owner; what do they do with the watershed? They divide it, deciding how much for each and then decide to put a treatment plant...." Another member added: "the treatment plant is not a solution [to the pollution problem]; it doesn't respond to what we presented in the Guidelines, the treatment plant is only a patch to the problem, each time they will need to use more chemicals; activities that pollute and impact on our territory are the problem".

These guidelines mentioned here are explored more in section 6.5 as one of the strategies of creating alternative policy spaces. Actually, I never saw the Curruhuinca at the Environmental Management Unit office, asking about the WUA. Nor did they mention the WUA during protests in their claim statements about water pollution and lands. At another time I interviewed a representative of the CMN about the WUA and he stated:

"we are not interested in the Water Users Association because decisions are not made there, we don't want to waste our time participating in that" (interview, 2001).

This is a more political stand about the WUA. Local members of the Curruhuinca community had framed their worries in relation to the approach for managing the watershed and also referred to the environment (as shown in the previous quote and previous chapter). This is also part of the political, but less structural in action. However, in the end they are pursuing the same objective.

These different expressions are the result of worldviews emerging from everyday life experiences of these actors involved in the construction of strategies to create alternative policy spaces and set different agendas. They do not engage in occupying this formal 'participatory' policy space, which is a subtle way of

providing room for manoeuvre that actually does not allow the “social to break free from priorities dictated by economic management of scarce resources”. Arce refers to this ‘invitation to participate’ as a kind of “negative freedom” (Arce, 2003:850). Mapuce organisation goes a bit farther; they considered this space as powerless even for the actors involved from the side of the state. Actually, social actions were going in a different direction: although the ‘participatory watershed management’ policy was there, it was not determining their social field of interactions. For the same environment, they were trying to create new policy spaces for imposing different territorial interests.

In chapter Four I referred to the way the CMN works, and how they deal with differences among them in order to pursue courses of social action. It is clear by now that I am dealing with collective strategising. However, not all individuals are involved or prioritise in the same way. The CMN works with a centralised pattern, presenting imbalances in the exchange of information, and therefore differences also in accessing strategic resources. For example, CMN representatives are the ones that travel to other parts of the country to build alliances with other Indigenous peoples and groups in the provinces and the region. They are also the ones that visit indigenous organisations in other countries and the ones that represent the Indigenous peoples in international meetings. They are also those who negotiate with the state. Other resources such as vehicles, income and mobility are accessed by them through the finance of projects and programmes the organisation applies for. These differences also build differences in knowledge, discourse and information, therefore strategic planning is mostly in the hands of the ‘representatives’.

Although acknowledging that none of the advances in political recognition of Indigenous rights would have been reached without this happening, these differences also create distances between the representatives and the represented. Their lay people are far from these dealings, trying to make a living. However, their lifeworlds and values are represented in what the representatives try to put to the fore at the interface with the dominant society’s values and actions. Representatives plan and keep in line the strategies for doing so. Then tactics are evaluated by individuals like Francisco, who are Mapuce community members and political activists between these two levels. They become the nexus that enables collective actions where individuals get involved despite these recognised differences.

I consider that Mapuce political actions and organising practices emerge as ‘alternative modernities’. This is because we can see in these dynamics the mixture of their own ways of thinking and their own hierarchies with the patterns of how - what they call the white (westernised) society - works. Translated into everyday interfaces these things appear as negotiated differences. For example, when they work in rural activities for white landowners, arrangements are difficult because in the management of time, small decisions about prioritisation - wages or days off - are all embedded in the different social conventions and values of these different worldviews. However, in the end, when it comes to

Mapuce rights and entitlements, they close ranks and put forward their cultural identity which is materialised by their place, that of 'indigenous territory'¹.

Policy spaces for strengthening Indigenous Rights

Actors' lives are replete with different interests, values, motivations and meanings, which are part of their lifeworlds. Therefore, if policy is looked at from only one perspective you might miss the point of the many other actions that social actors are involved in, that touch, cross-cut or involve particular issues.

On the other hand, actors are not 'out there' waiting for institutions to act upon them, they are actively seeking to occupy spaces, to push their interests onto political agendas, and they are making a living despite the state, although in a semi-autonomous way. These spaces which social actors are carving out in the existing socio-political arenas are what I refer to as 'alternative policy spaces'.

Brock et al (2001) refer to 'alternative policy spaces' by identifying spaces opened by international agencies, NGOs or donors who bring to the socio-political arenas different interpretations of the policy fields - in their case, poverty and how to tackle the issue. However, as they argue, these still remain spaces opened from above, in order to include 'excluded' people into the policy process. Their success in meeting this goal "depends on the degree to which they are used by, or intersect with, other spaces and actors" (ibid: 31). In those cases where there is little democratic practice, and policies are more defined within state-based arenas, social actors have found ways to engage in policy processes or to make their demands heard.

In the remaining sections of this chapter, I analyse those alternative ways in which Mapuce find their ways into institutions and 'trigger' new policy processes, either by themselves or by enrolling other actors to support them. I examine their strategies to make these institutions work towards their aim to be part of the state, not only by influencing bureaucrats or functionaries, but also by creating spaces where they have their own representatives among these decision-makers.

States influence the creation of alternative spaces, which are not designed or opened by state institutions, but which for that very reason influence politics. I study politics here in the sense of different actors or coalition of actors, strategising, confronting and searching for ways and moments to create these spaces to establish notions and actions that support their projects. Also in the sense of the interactions between these actors and state agents, who also strategise by denying or ignoring such projects as issues for policy making within the state's organisational configuration. This is the case of the Mapuce and their different

¹ Indigenous territory, following Gimenez (in Segura, 2005:136) exists in two dimensions that are moments of a continuous dialectic: the space of cultural inscription and a space subjectively appropriated as an object of representation and symbol of socio-territorial belonging. The territory in its material sense is a social construction where culture is objectified and is subjectified by the feeling of belonging.

strategies to press their rights to autonomy and territory to be recognised, and the 'strategies of denial' of the various agents within the state.

The Mapuce organisation's actions demonstrate its agency to analyse the spaces that the state is offering, and strategise to take them or leave them. Building on their past experiences, practices and perceptions based on local cultural repertoires they anticipate other actors' actions. They redefine political and social boundaries, creating alternative policy spaces that go beyond the boundaries of structuration (Arce, 2003).

6.3. Constructing counter-tendencies: lands, environment and territory

In June 1999, almost a year before the first meetings for creating the WUA, the Governor of Neuquén Province signed a Decree about expansion of the area of concession of the Ski resort. The communities' communal land rights were still not settled legally at that moment, and were affected by this decision because the Ski resort is constructed over part of those lands. In the plans presented for the expanded concession, the outlines for new developments were included but not the Environmental Impact Assessment of the plans. This was the foundation from which the Mapuce built a discourse for claim-making which had broader connotations.

The base of the Ski resort hill is situated on different fractions of plot 69B and of plot 69A². These lands were claimed by the Vera and Curruhuinca communities, although with different approaches in the claim-making process. The Vera at those times referred to land rights while the Curruhuinca referred to territory, a major difference in their political stand. All Vera lands were still not legalised although in 1925 the Argentinean state had "granted" 775 hectares under a "permission of precarious occupation" to Carlos Vera. At this time, only 250 hectares were agreed. The 525 hectares left out happened to be very conflictive due the establishment of the Ski resort on a great part of those lands. In addition, the Curruhuinca had a claim on the Vera, that Carlos Vera was married to a Curruhuinca and therefore those lands should be shared as a Mapuce territory, something the Vera are not willing to do. That is why the Vera keeps negotiating with the state, in parallel to the demands for the recognition of indigenous rights that are pushed by the Curruhuinca and the CMN.

The Curruhuinca had solved most of their land titles outside Cerro Chapelko and in the lands where they have their settlements. The lands they claim at Cerro Chapelko, besides being disputed with the Vera, have substantial political significance through their possibility to use direct participation, to influence

² Atreuco Community is a third Mapuce community involved in land issues, but settled on the other side of Cerro Chapelko. They had received the property rights of their plot thirty years ago, but the government denied this legal status including the area within the concession for further developments of the ski resort.

decision-making processes on tourism developments. Indigenous Rights back the fact that they should be part of the negotiations of all those developments that impact on their territory.

The way the Vera worked out their claim-making process was much more functional to the state system, relying on lawyers and constitutionalists as ordinary citizens, by presenting the documents that show that their grandfather received those lands from the military in 1925. The Curruhuinca have legal titles so their claim-making process was much more inclined towards building political alliances with other marginalised sectors within the local socio-economic and political scenario. These include the unemployed, the assembly of Employees of the Ski Resort, and the Association of Education Workers of Neuquén (ATEN).

By 1999, in terms of land, the Vera community was in the process of obtaining legal recognition of part of the lands they are settled in. They also had claims on the restitution of 325 hectares within plot 69b, and the measurement and recognition of 200 hectares in plot 69A. The Curruhuinca were claiming the regularisation of a parcel in plot 69B and the five km of access road to the Ski resort that are within their territory.

Therefore, the Mapuce Communities first separately and later jointly, presented documentation to the Deliberative Council of the municipality stating their objections to the extension of the ski resort's concession. They asked for an audience with the government agency in charge, threatening to block the access road to the Ski resort otherwise. On 26 of July of 1999, a delegation travelled to Neuquén city (400kms) but they were not received at the House of Government.

They delivered a note with two main demands. One was related to the land recognition of the Communities, (Atreuco: plot 17; Vera: 525 hectares -parts in Plot 69A and parts in 69B- and Curruhuinca, the regularisation of plot 69B west). The other was related to studies of the environmental and cultural impact which the Ski resort's activities had on their communities, considering the expansions projected.

In the meantime, in order to hurry a new meeting with the governor, the Mapuce went for more direct action and blocked the road to the Ski resort, stopping thousands of tourists on their way to their winter sport's day. They called the Mayor and the concessionaire to a meeting, demanding they guarantee an interview with the Governor. The provincial government had never responded to their demands, and continued with the extension of the concession contract without taking into account these claims, not even meeting the Mapuce representatives.

"The blockade was the most effective way to get the provincial government down to San Martín de los Andes in twenty four hours" (interview with representative of Vera Community).

The result of the protest was an agreement signed by the Governor, a representative of the Municipality of San Martín de los Andes, the Chiefs (*Longkos*) and Messengers (*Werkenes*) of the three communities involved and a

representative of the Ski resort. The state parties compromised to give “real solutions” to the Communities within the next 60 days. In the following weeks the Decree of extension of the concession contract was modified leaving plot 17 out (Atreuco community). Then they had a meeting in Neuquén where they agreed that: the Lands Department would measure plot 69; the Municipality would regularise them; and a Joint Committee would be created to follow the Environmental Impact Assessments of the ski resort’s plans.

Therefore, the Mapuce reached their objective of generating reactions from the state and spaces for participation, towards strengthening their political project. Blocking the road was a foundational “tactic” that, as we will see, is repeated every time local Mapuce peoples claim a negotiating space with the state and have to force it to happen. One of the important material resources they mobilise is the road to the ski resort that goes through their communities’ territory. They only need to wait for the right moment for a blockade.

6.4. The symbolic text: Mapuce Guidelines for Development with Identity

As part of the agreements resulting from the blockades, representatives of the Mapuce communities, the CMN and the Environmental Unit of the Municipality³ started to work towards the joint Environmental Impact Assessments that would be done. They first established the Objectives and Methodologies for a series of workshops in which they would elaborate the “Guidelines for Environmental Impact Assessment from Mapuce cosmovision”.

The workshops on ‘Environmental Impact Studies and Ecosystem Protection’ started in April 2000 and were financed by the National Institute of Indigenous Affairs (INAI), therefore involving the state at national level in the process. This can be understood as part of their strategy for legitimating their actions. From this process they concluded with the elaboration of “Mapuce Guidelines for Development with Identity” (Directrices Mapuce para el Desarrollo con Identidad, 2000 see Appendix 1).

This process and the financial resources obtained, enabled these Mapuce communities to gather and participate in the workshops (to move from their dispersed rural community sites). However, it was also an opportunity to create a space for strengthening their political capacities and vision. These meetings allowed them to work out indigenous rights and identity issues at grass-roots level, towards constructing the Mapuce Peoples project.

In addition, the proposals produced were legitimised by the three levels of government. The INAI (national) and the Municipality participated in the

³ The same agency that at the same time, together with the DGRH would organise meetings to organise a WUA for the same watershed where these Mapuce blocked the road and would not invite them to join it (Chapter Five).

agreements and documents produced, which were then formalised by a decree from the provincial state. Even though this is not a direct path to policy making, it is a step in the long term political strategy they have. They turned around the terms of reference: they have “invited the state to participate”, therefore creating an alternative policy space, which was expected to further allow direct influence on the shaping of the territory in dispute. This process also shows Mapuce agency in how they put into action their knowledge of the workings of politics and state practices, using it for their own purpose.

As analysed in earlier chapters, we can see that each institution and social actor constructs its own territory with particular meanings and struggle for the political power to sustain it. Searching for the spaces to influence the others’ project through some of its dimensions is a political action. Considering that each territorial project implies its own type of territoriality, the interfaces of relationships and interactions show the presence of multiple territorialities. The multidimensional characteristics and geographical scales of representation of these projects, yield overlapping arenas for political action at local, regional, national and international level.

Already during this process the Mapuce managed to advance around other dimensions of the territorial project of the state, moving from the proposals for the functionalist Environmental Impact Assessment guidelines to presenting guidelines for Development with Identity.

The presentation of these Guidelines to the local government took place during a central event of the Mapuce and other indigenous peoples of the southern hemisphere. This was the annual celebration of the new natural cycle, their new year (like our western calendar of the New Year) the *Wiñoy Xipantv*⁴ (winter solstice) of the year 2000. This cultural resource is mobilised within their experience in organising politically. It demonstrates why and how they blend and mix modern and traditional practices to deal with wider political structures.

During these celebrations, authorities of local and provincial governments were ‘invited to participate’ in one selected moment of the ritual, where there is what Mapuce call an “exchange between cultures”. This moment in the event was used to present their political demands. The ritual had not been practiced for many years due to forced discrimination, but was regained in 1993 as part of the decision to exercise their territorial rights in practice. They expressed their cultural representations and identity linked to the territory by carrying it out in

⁴ The start of the winter for Mapuce peoples means the moment in which the sun is at the furthest distance from the earth and starts to come closer very slowly everyday. Mapuce consider it the moment in which their knowledge (*Kimvn*) communicates with the natural forces and establishes a new commitment of coexistence and interdependence (Cayuqueo, 2005). This way of experiencing the world is expressed in many ways by different Mapuce people I met during these years. It is not something they just celebrate once a year and then turn to something different (interviews 2004, 2007).

areas reserved for this purpose. The ritual is a cultural resource they mobilise into the political process.

During this event, the Neuquén Mapuce Confederation (CMN) presented the guidelines

“with the objective of tackling environmental issues that concern the communities of the area. They are the result of more than a century of changes in natural resource use and space occupation, accounting for current homogeneous ways of exploiting natural resources and an unequal distribution of wealth [by western society]. This presentation advances the need to establish guiding principles of land and natural resource use within the cultural and social contexts of the Vera, Atrouco and Curruhuinca Mapuce Communities” (CMN, 2000).

The ‘Mapuce Guidelines for Development with Identity’ are a set of Mapuce environmental norms presented to the Municipality to incorporate them into existing environmental legislation. The formal objective is to use them as a basis to analyse and define criteria for natural resource management and regulate development projects to be implemented in Mapuce Territories (Raventós and Monopoly, 2004) (See Appendix 1:).

This explains the strong environmental focus without attacking development but aiming to be part of its planning. This is how the CMN constructs an ideology that allows the articulation of an ethnic concept of Mapuce identity with an ecological conception both linked to, and constitutive of, their notion of territory. This contains the ideas of ecosystem equilibrium present through religion, ancestral knowledge and social solidarity: it is culturally integrated and symbolically expressed and transmitted through Mapuce language (*Mapudugun*). This ideology carries ethno-political demands centred on the territorial claims put to the provincial and national governments (Radovich and Balazote, 1998).

Their long term project is once more expressed in the strategy of inviting to their Wiñoy Xipantv “guests from the white society”. These are mainly political functionaries and influential people, to whom they present, in a sacred way, their political demands. One example came during the Wiñoy Xipantv of June 2004 for the Mapuce peoples of Neuquén, hosted by the Curruhuinca Community in Payla Menuko, at Cerro Chapelko. Veronica Huilipan, Werken (messenger) of the Coordination of Mapuce Organisations (an overall organisation of which the CMN is a member), started the “guests’ day” as follows:

“...For no more municipalisation of Mapuce Territories, for no more speculators in our Pijan Mawiza (land), for our territories not to be devastated by enterprises that come to say how to administer this province, for that we need an urgent reform of the provincial Constitution”

She continues with this ethno-political discourse in which ethnic identity and an ecological conception are articulated (Radovich and Balazote, 1998):

“The world has acknowledged the importance of a relationship between the states and the Indigenous peoples. The world needs knowledge that we have developed for millenniums in relation with our space, with our Wajmapu (territory), with each of the elements of nature that offer us our identity and that for the system are no more than exploitable goods. The government of Neuquén Province - that should administer society as a whole, for Neuquén society and Mapuce Peoples - has been converted into a corporate government that is only

interested in offering guarantees to its strategic allies [she refers to the transnational corporations]". (Published in: <http://www.8300.com.ar/> August 7, 2004)

This purposeful fusion and blending of traditions and modernity entail the disembedding of western discourses and standards and the new embedding of non-western representations of modernity, that emerge as counter-movements to modernity. The declarations quoted above, were pronounced in a strategic moment related to Mapuce culture and identity, and in a strategic place, where there are contested projects for the definition of territories. They therefore reinforce Mapuce political dispute while playing the rules of the modern game.

The concept of semi-autonomous social fields (Moore, 1973) is useful to explore the reason for enforcing their Guidelines into Municipal legislation. The existence of a law according to this approach of semi-autonomy would mean that it could affect current relationships within a specific social field. In referring to the semi-autonomous social field, Moore (ibid) emphasises the extent to which a government law impinges on the social norms and rules among collective actors, and how other rules of engagement work semi-independently of such law within distinct social fields. Moore (ibid) shows how there is no autonomous or isolated social field, but also that it is impossible for laws to impinge completely on the social field.

Paraphrasing Moore in the opposite direction and considering a social field as an arena where power differences among actors are almost structurally present, "the various processes that make it *possible to generate internal effective rules* are often also the immediate forces that dictate the mode of compliance to state-made legal rules" (ibid: 721). I refer to internal rules here as rules for the area or the territory...a way of influencing the shape of relationships between the multiple territories.

In other words, transforming Mapuce norms into state legislation could be a way for the Mapuce to bind their neighbours, such as the Ski resort and other tourism developments, to the communities' interests and values, therefore creating some room for changes in the current non-legal rules of engagement.

On the one hand, this strategy could be a good start for effecting change in the way development is traditionally (or better modernly) thought of as rational, economic administration of natural resources. Then Mapuce definitions of territory would be influencing the territorial project of the state and tourism sector. On the other hand, it would set legal precedents of compliance to international agreements and the National Constitution. Going even one step further, Mapuce would be entering the spheres of decision-making at state-level. This is what I think the Municipality is most afraid of.

"[Many] laws are made operative when people inside the affected social field are in a position to threaten to press for enforcement" (Moore, 1973: 744) She suggests that for people to be in the condition of pressing for enforcement, they must be aware of their rights and be sufficiently organised and independent to reach and

mobilise the coercive force of government in order to have this effect. A semi-autonomous social field can make law its custom.

In my interpretation, Mapuce social actions are guided by this idea as a long term strategy. The CMN is trying to impinge, with Mapuce rules and customs, on the wider society's legislation, and therefore influence to some extent the social fields where the power balance is unfavourable to them.

6.5. Studying the reframing of claims: about strategies and tactics

It was after an interview with another focus group (2001) that I began to understand that something else besides the state water project was happening. I faced the dilemma of doing something about it and letting go of my single focus on the WUA, in order to follow these new (for me) actor-defined problems or critical events.

One afternoon, I went to visit Francisco, a politically active member of the Curruhuinca community, a *Kona*⁵, also part of the CMN. He was at home together with some young Mapuce members of the community and other members of his family. I went with Pablo, my informant, who introduced me as a friend. Being introduced by Pablo made things smooth because he worked in the local communitarian radio station that supported Mapuce peoples' claims. Francisco and the others were very friendly to me and talked very openly, especially when I told them what I was doing there. Doing research on water issues had finally become interesting for some of them, but why?

At that very moment they were planning a new protest, a different one, not focused directly on claims to lands and concession contracts but referring to the content of the guidelines that 'were sleeping' (sic) in the deliberative council. They wanted to hit the Ski resort because it was contaminating the waters of the stream by dumping its waste waters and sewage into it. The stream was used by the Mapuce for drinking water and other uses and now they had some cases of diarrhoea among children in the community.

During this meeting, discussion of the pollution issue evolved into how to be effective with a protest. As the afternoon was turning into night, they asked Pablo and I to film a video and make pictures at the Ski resort, showing the sewage running out of the installations and into the stream. The idea was that nobody would suspect that we ("white faces") were filming the illegal behaviour of the ski centre's administrators, while if they filmed themselves it would be noticed. We accepted to do it.

By the next week everything was organised; we had to pass by the community on our way to the Ski resort to pick up the camera. They had contacts at the entrance of the resort. An employee of the resort was waiting for us. They gave us the

⁵ A messenger that presents the words of the Longko or chief of the community

tickets to take the chair lift and told us that Julian would be waiting for us up at the first launch pad, where there are some restaurants and bars.

We went up the mountain on a sunny day, everything covered with snow and lots of tourists around. I had never gone there before, it was very beautiful. Once up at that platform Julian, a (Mapuce) ski-guide of the resort was waiting for us. He would show us what to film, but it had to be done in a way that nobody would notice he was guiding us to the key spots. He could lose his job if the Ski resort administrators found out that he was part of this. So we were walking around, just following him "surreptitiously" until we identified the most important spots to film and shoot pictures. I felt almost like James Bond!

We said goodbye to him, had a drink in the bar and went out again. We started filming and making pictures of the sewage flowing into the snow while, as a background, there were tourists having drinks just a few meters away. We also filmed in a way that made it obvious that all those waters flowed away down across the mountain - passing by the Mapuce settlements and reaching San Martín de los Andes city, until flowing into the Lácar lake, at the foot of the Argentinean side of the watershed. Being on top of the mountain had visual advantages!

Afterwards, on our way back down to town, we passed by the community again and gave the material to the group of young active Mapuce community members that would do the rest of the job.

A month later (June 30, 2001), the Curruhuinca invited the Mayor of San Martín de los Andes to a meeting at the school of their community in Payla Menuko. Here they presented the video and a sequence of pictures edited for a debate about the Ski resort's water pollution. They used the images we had recorded in our trip to Chapelko very well. We will come back to this meeting in the next chapter, because it clarifies the different meanings of 'participation' at play.

By displaying these issues they brought back to the fore the need for Environmental Impact Assessments of the Ski resorts' developments. This was the entry point for the Mapuce to claim to the government that they must implement the Guidelines. Their discursive strategy relied on the 'Mapuce's relationship with the/their environment'. This action also allowed them to highlight health issues and the impact of neighbouring developments on their people and territory, strengthening the point of their rights, stated in section 45 of the Constitution, to 'participate directly on the decisions made over issues that affect them'.

A few weeks after that meeting the Head Officer of the Environmental Management Unit explained to me what she thought were the points of conflict of the local government with the guidelines:

"the historical reparation funds and the fact of incorporating one person in to the environmental unit to bring their issues into discussion are the problem. But for them [she refers to the Curruhuinca, "the troublemakers"] the main issue is money, not co-governing. They don't want political autonomy but to solve the issues of land occupation, to

manage the Ski resort...the Vera community doesn't intervene because they only want the land property titles of their plots (interview 09/2001).

The fact that she thinks that 'they only want money' is part of the cultural representations (discriminatory image) many people have of Mapuce peoples, who, anticipating these images, work out strategies for creating alternative policy spaces. However considering the social field of interactions, these work more like the game of the Snakes and Ladders, going up and down and forward and backward, only not (mainly) by chance. The CMN deploys a number of tactics to advance a strong strategy to pursue their long term project. The accent put on their 'cosmovision' allows them to distance themselves from the institutionally 'modern' territorial project, where the dominant relationship between society and nature is through economic administration and rational management of resources. This instrumental view of nature as tradable economic resources is a point they always put forward to counteract. Their stand is that society is part of nature and that a different development is possible; this value contestation then becomes part of an active political countertendency (Arce, 2003).

A strategy, according to De Certau (1988) 'assumes a place that can be circumscribed as proper (a spatial or institutional localisation) and thus serves as a basis for generating relations with an exterior distinct from it'. Political, economic and scientific rationality have been constructed on this strategic model. Strategies allow for capitalising on its advantages.

In De Certau's terms, I would say that the Mapuce *do* have a proper place, they are Indigenous peoples. This means they have a series of specific rights and there is where they are placed. However, they depend on tactics because this 'proper place' is not recognised by the others. The words of the Head officer of the Environmental Management Unit express clearly a representation that many members of the wider society have about "the Mapuce". As already seen these representations were developed during the socio-political process of construction of the nation state and are found everywhere, although not homogenously.

A tactic according to De Certau (1988) is a calculus which cannot count on a 'proper place'. The place of a tactic belongs to the other, it depends on circumstances: because it does not have a place, it depends on time; it is always on the watch for opportunities. As this case study shows, Mapuce's political organisation has an overall strategy which can only be put in practice with the support of numerous tactics deployed in localised situations.

The discourse the Mapuce construct I think is a main practice of their strategy. Deploying a road block or a meeting is a way of materialising their actions. Choosing the discourse, the right moment to put in practice and the manner in which the road block or meeting takes place, are the heterogeneous elements combined in a certain moment as tactics. This is how they achieve a tactic that constitutes a vital element for the effectiveness of the process. Therefore, a tactic is "the intellectual synthesis of these given elements that takes the form, not of a

discourse, but of the decision itself, the act and manner in which the opportunity is seized" (De Certau, 1988 p: xix).

6.6. Water pollution enters the scene: blockades and court interventions

By 2002 the Mapuce Guidelines were still not approved by the Deliberative Council of the Municipality of San Martín de los Andes, where many disputes arose around the issue, involving different political party members. However, the Intercultural Committee of Environmental Management, within the Municipality's Environmental Management Unit was accepted and implemented. The objective was to analyse all the Environmental Impact Assessment (EIA) reports of the projects presented by investors in Cerro Chapelko. The normal procedure was that the Committee reported its evaluation to the Deliberative Council, who had the final say.

As the Ski resort had never presented EIAs to the Municipality, the CMN and the communities started to claim the need for this step to be done. This time they put forward as further justification the lack of efficient sewage treatment within the resort and therefore, the pollution of the streams flowing within their territories.

This demand was presented in the meeting held with the Municipal authorities, when they presented the video (detailed further in Chapter Seven). In that meeting the Mapuce linked their presentation to the ratification of the ILO Convention and the National Constitution of 1994. In its section 75, the National Constitution recognises the original peoples' participation in decision-making and sets compulsory norms for compliance by the Argentinean state in all its powers and levels. Mapuce knowledge and management of this information helps them sustain their long term strategies and dynamically shift tactics according to the situation. By doing so, they counter-act the "strategy of denial" of the state agents.

As the ski resort and the municipality did not comply with the agreement, they decided to force a response to these demands by again blocking twice the access road to the Ski resort, in March 2002, stranding many tourists. However there was also a shift in the discourse deployed in the blockades: this time they resorted to 'water contamination' as the main cause of their claims. Instead the Guidelines were transformed into a policy solution for the environmental problem they presented to the local authorities.

Framing their demands in environmental terms was much more appealing to different actors in the wider society. By mobilising this resource into their strategy they start building wider alliances, receiving support even from the halted tourists. At the same time, they resorted to institutionalised procedures by presenting the case to local and provincial courts.

Water Pollution became the hot issue under debate among all types of groups and parties in the region, especially when court decisions took place. As we will see in the next section, the Mapuce fore-grounded the 'problem' of the impact of the Ski

Centre's activity and behaviour on the quality of the waters of the Quitrahue Stream. They backgrounded their intention to establish implementation of their Guidelines (their cosmovision) as the 'solution' to guard Cerro Chapelko's environment (their territory). The process was followed by the media during the whole of 2002 and the debate was put on the political agenda allowing different social actors to take part in the conflict of Cerro Chapelko. The Mapuce strengthened their network by building partial alliances in different events.

6.7. A year of conflicts

We should recall that 2002 was a year in which the whole country was involved in social unrest and upheavals due to the institutional and economic crisis the country was going through. This situation facilitated the Mapuce strategies and it also became easier for them to reach the media that was eager to present these conflicts all over the country.

In this section I analyse the multiple realities present in social processes not necessarily by focusing on resistance to a policy intervention, but more on how actors' lives bring together different interests where policies crosscut their actions. We will see how different actors organise in the process of opening new alternative policy spaces.

The empirical material used for the analysis is a 'chronology of the conflict' made up of regional newspaper clippings⁶ which I collected during the year 2002. We will see the CMN's practical strategies to widen their network of support not only at local level but also at regional and national levels as well as the discourses and cultural constructions that are in play and the resources they mobilise.

In other words, we can trace the agency of this actor and its capacity to enrol other actors to its project. The CMN is a formal, centralised organisation, but in this section I analyse the informal un-institutionalised network they built upon, the dynamic process of emergent forms of interaction. This was a social network composed of direct and indirect relationships and exchanges in which each social actor had its specific interests within the political context.

It is interesting to analyse certain actions, such as denouncing the pollution of the Quitrahue stream from the ski resorts' activities in the Infractions Court of SMA. The fact that the court decided to close preventively the ski resort two months before the high season, triggered actions by a whole range of actors from different institutional settings. The tactic of choosing a few months before the high season, as *the moment* to put the demand in court and at the same time block the roads, would force the court and government officers to act, and quickly. Nobody wanted the Ski resort to be closed on the 15 of June, when tourists arrive from

⁶ The chronology is built with the articles published during the year 2002, while I was living abroad and was following the process at the On-line regional newspapers Rio Negro (http://rionegro.com.ar/ediciones_anteriores).

many parts of the world for ski activities. But this action also triggered other actors that seized their opportunity to use this critical event for their own purposes. Some fragments of the cuttings allow us to delineate the CMN's organising and symbolising practices, and the interlocking of their project with other's projects for specific collective actions (Long, 1997). The Ski resort is a symbol of economic activity for the businessmen and people working in the tourism sector of SMA and even for the province. It is also a symbol of exploitation for many poor people (and leftists) of the region, and a symbol of westernized development and tyranny for the Mapuce. As we will see below in the media clippings of 2002, to stop it from opening is a symbolic practice that triggers different emotions and interests in almost all people of the region:

On April 12, the regional newspaper wrote that *"For the first time the Infractions court of San Martín de los Andes decides a 'preventive closure' of the Ski resort's installations based on the reports and inspections made by the Environmental Control Agency of the Municipality"*. The newspaper recalls the *"Municipal bylaw N° 86/80 by which the Quitrahue stream has been classified as a 'Protected Water Course'"*. According to the bylaw in its section 1, it is forbidden to discharge - directly or indirectly - into a public course or irrigation canal, residual waters which physical-chemical composition or bacterial contamination that can pollute the waters with damages to public health or to water uses downstream. Within this same bylaw, there is a second category 'water courses under surveillance', in which the Trahunco, Chapelko Chico and Pocahullo streams fall. These streams are part of the same hydrological system as the Quitrahue (see Chapter Five)

By April 20, we could see in the clippings that *"The Ski Resort Employees' Assembly threatens a strike if the concessionaire does not comply with their sectoral claims about working conditions (delayed payments, clothes, infrastructure, etc)"*. They also state their *"doubts about the maintenance of the infrastructure of the Ski resort"*, referring to the missing sanitation works claimed by the Mapuce Communities. This social actor uses the opportunity created by the Mapuce claims for their own project, however strengthening Mapuce protest.

A few days later (May 3) *"Mapuce and the Unemployed movement took over the deliberative council. The negative response towards implementing the Mapuce Guidelines generated the Mapuce's reaction that was supported by some of the Unemployed groups, who started to sing out loudly as usually done in street protests, this time inside the building. The councillors could not continue their deliberations and left the place. The Mapuce and unemployed sat at the councillors' table and discussed the recent closure of the Chapelko Ski resort. The Mapuce Guidelines would allow the Mapuce to control their own territories within the Municipality, therefore having control over the expansion and development plans of the Ski resort and the other tourism activities at Chapelko Cerro. The denial to incorporate the Guidelines into the environmental legislation of the municipality transformed the Mapuce presence at the Deliberative Council into a protest that ended with the councillors abandoning the place except for two representatives of a minority political party"*. Sitting in the councilors abandoned

seats in the Deliberative Council and discussing local issues, is an appropriation of a symbol of the modern state and democracy. It is a representation of the place they seek to occupy and rework from within, incorporating their own values and projects. And this story was being spread by the regional media, a tool of the hegemonic powers of modernity.

After ten days (May 12) "By coincidence the Mapuce organized a protest at the Municipality's assembly hall just at the same time and place where the National Writers Meeting was starting (an event where more than 100 national Writers convened in San Martín de los Andes); there was a huge Mapuce flag hanging above the writers' table. One of the well known writers, Guillermo Saccomano chose for the event's kick off speech an acid and political portrait of the treatment the literature has given to Patagonia. Saccomano also referred to the slogan of the conference "... *'the recuperation of the word'... is just what the Mapuce are claiming now: that politicians keep to their word*". Many writers chose to begin their speeches by referring to the Mapuce's struggles for recognition. The Mapuce took advantage of the situation and also presented a speech at the event: "*Argentina is not a melting pot of human races; it is a pluri-cultural country. We don't want to separate from the state, we want to defend it and we want our culture to be respected as part of it. For us the only thing that matters is the word, it is our personal presentation card*".

In this way the Mapuce resorted to the issue of the event, 'the recuperation of the word', and assembled a discourse accordingly. Their values intersected with notions of modernity and caught the attention at national level, by the words of recognized writers and even pronouncing their own speech in the event. Coincidences do not just happen. There was again a symbolic moment and the right timing and capacity to enrol writers in their struggle, even though it was a spontaneous and partial enrolment. Writers' speeches were followed by the general public interest as the main value of the whole event, thus to get them referring to Mapuce's claims added to the current purpose.

The media cuttings also allow highlighting of government's strategies and the roles played by different individuals within the government, as shown in the following paragraphs. Here actors also have different interests and projects that interlock with other projects of the so-called civil society. However, those aligned with the more dominant position of the state can delineate strategies to stop other actors from exercising their room for manoeuvre. This shows that 'governments' are not a monolithic power machine that imposes its structures upon actors' lives. Dominant actors must also be active networkers, although in governments and institutions they may be better positioned regarding the type of resources they can mobilise.

In the meantime, on April 12, the news also showed that the Deliberative Council had been asking the municipality for reports and had pushed the local government to intervene due to the claims put in to them by the Vera and Curruhuinca communities.

On May 10 “The project presented by the minority political party represented in the deliberative council was passed to commission for its analysis, and released the tensions created the week before. The project consists of the creation of the Intercultural Committee to discuss the Mapuce Guidelines and their incorporation into the local environmental bylaw (1584/94). This action opened a space of dialogue among the different sectors which still remains uncertain as this research was completed. If the Committee is finally approved, it will integrate representatives of the communities involved, representatives of the CMN, the different blocks of the Council and the Municipality. The project also proposes the creation of a position for a Mapuce representative in the Environmental Management Technical Unit”.

On May 21 we can see in the newspapers how the opposition also used the situation for their own ends. “The opposition political parties at the deliberative council considered the lack of control of the works [treatment plant at the Ski resort] a negligence of the Executive power, ‘incapable of enforcing regulations’. They demand ‘immediate resignation’ of the functionaries identified as responsible.

Also on May 13, we can see another territorial project in action. This time, the Hoteliers Association state in a note submitted to the Deliberative Council that the Guidelines that were presented by the Mapuce, “constitute a limitation on local development related to tourism activities”. Regarding the Historical Reparation Funds claimed by the communities, they consider that this claim “violates the concept of enterprise, putting at risk current investments and further projects, and with no doubt will bring problems to the already scarce job opportunities in the community [they refer to San Martín de los Andes as the community]”. This discourse was the typical neoliberal threat used during the 1990s to any challenge from local actors towards change.

The same day that the Mapuce’s presence at the “writers national event” (May 21) was presented on the news, they also reported “The Under-secretary of Public Finance has arrived to San Martín de los Andes to be updated about advances in the sanitation works as well as to advance the negotiations with the Vera Mapuce community over the regularisation of the 550 hectares which are currently part of Chapelko Ski resort (under provincial ownership). The Vice-Governor, who is in charge of the negotiations with the Mapuce since last week, will possibly arrive within the next few days”. “().The Assembly of Popular Organisations has called today for a meeting at the Deliberative Council to ‘debate about the future of Chapelko’. This call was preceded by an assembly of the Union of Employees of Commerce, another sector that is involved in the future of the main winter sports centre of Neuquén”. We can see how different state and non state actors were mobilising their different territorial projects for Chapelko.

Through the media cuttings we can also visualise the heterogeneity within Mapuce interests and the role of the collective actions carried out by the CMN and its allies. Although I talked briefly about these differences in Chapter Four, the following section shows how these differences become apparent in the action

field. The conflictive issue between communities is about land, because the Mapuce Curruhuinca consider they also have rights to the lands claimed by the Vera. They argue that Vera's certificate demonstrating land rights of 'their' ancestor is legitimate, but do not consider that his wife was a member of the Curruhuinca community. The Vera community does not accept this argument about communal lands, developing their own strategies for negotiating with the state. We will see that, even though the Mapuce Vera take part in blockades and court interventions together with the Curruhuinca, the issue of their community's land property titles is built into their claims and actions. Whereas the Curruhuinca stress political positioning as they consider it is more important to emphasise the territory of Mapuce peoples, to confront the state and resolve land issues among themselves. For the state, it is easier to treat the issue as a private, individual issue of a community, in this case the Vera, than as a public issue of the peoples, which has wider political implications. The location of these lands is an emblematic one, because parts of the ski resort happen to lie on those lands.

On April 19 the Vera Community is stated in the newspaper as not allowing the construction of a treatment plant on "their lands" until the provincial government gives them the property titles. "Only when the government delivers the property titles of our lands we will sit to talk about the location of the treatment plant". A member of the Vera Community added that "the municipality and the concessionaire should ask the provincial government to intervene and comply with what it had committed to in the agreements reached in October 2001 over land rights"... "we want to make clear that the Community does not want the Ski resort to continue discharging its sewage downstream of Chapelko; the resort should treat the sewage first....we wish that the treatment plant be constructed where it should be, but only when the government arranges the property rights' titles of the lands involved".

The clipping of May 16 presents more actions towards the recognitions of their land rights. "The Vera Mapuce Community presented a legal case to declare null the new law that supports the transfer of 1,600 hectares in Chapelko from the province to the municipality until the regularisation of their land titles is solved". "The Vice-Governor required the General Lands Department to make the measurements of the plots under conflict at Chapelko, a fundamental step to release part of the conflicts that risk the future of the winter complex. The Vera Mapuce have a precarious possession act of this plot received from the Nation state in 1936. This plot is the main cause of frictions in the negotiations because the base of the complex is constructed on it. The Vera manifested having no interest in the investments and the real estate and personal properties set in the plot, which they recognise as belonging to the provincial state. They are also not willing to assume an eventual co-administration as future owners, although they want to regularise the situation on what they consider their lands".

In the clipping of May 26 we can see two levels of dispute working. The political project of the Mapuce as Peoples carving institutional spaces....and then, the state negotiating alone with the Vera to resolve land rights...diluting the issues of

Indigenous rights, that is, territory, autonomy, self-determination, all issues that are not in consideration if approached as 'land rights'.

"Conflicts with Mapuce Communities are released. The unanimous approval of the creation of the Intercultural Committee for the eventual incorporation of the Mapuce Guidelines in the municipal environmental legislation resolved part of the conflict between the communities and the authorities of the commune. At the same time the incorporation of a Mapuce communities' representative to the Technical Unit of Environmental Management as a Non-governmental advisor has been approved, in order to participate in the analysis of all those projects that impact on community lands within San Martín de los Andes. The Vice-governor met the Vera community to advance the analysis of their claims for the regularisation of 'the' community lands in Cerro Chapelko"

Negotiations put El Cerro in motion again. We will see now how last minute negotiations took place considering that the official opening day of the ski season is June 15. This shows that correct timing is a fundamental tactic for Mapuce's strategies.

On June 11 the news sources were announcing that "Chapelko will start the ski season without strikes: The Ski center's Employees Assembly decided to continue working after negotiating their claims with the concessionaire. These were: a remuneration guarantee fund; improvement of the infrastructure for the employees; and provision of the working clothes and equipment needed'. In the following hours it is expected that the conciliation hearing will take place with the participation of the communities that reported the pollution of the streams in Chapelko, and that the preventive closure will be raised by the ordinary justice court".

Among the claims not solved, the CMN representative mentioned to the media on June 13, was 'the measurement of the plots 69A and the so called Third reserve (already ordered by the Governor to the Lands Department) and the titles of the plot 69 B, all of them within Cerro Chapelko. They also demand the recognition that route 19 that accesses the ski center is in Mapuce territory'.

On June 15 (the official opening day) the paper read: "Chapelko opens its doors after agreement with the Mapuce Communities: The Ski resort starts the season today with plenty of snow and at 80% of its capacity, due to the raising of the closure.... Even though temporary, the agreements reached by the parties clear up the uncertainties over a very promising season. Lifting the closure is a temporary measure, linked to the results from monitoring the sanitation works to make sure the Ski resort is not contaminating. The Mapuce will have participation in this process".

June 16

"Splendid initial day in Chapelko: hotel occupation in San Martín de los Andes is estimated at 75% with 1,500 tourists arriving for the first day of the winter season".

6.8. A happy ending or a never ending story?

Five weeks later, on August 23, the Environmental Guards of the Municipality verified that the concessionaire had not taken the appropriate provisions to solve contamination problems with the temporary works. Therefore, another round started. On 28 September, Mapuce blocked the road - the day of the Nokia International Snowboard Competition. They prevented more than 5,000 tourists from reaching the resort, and the event had to be suspended. The Mapuce had already presented an appeal to the judge and were putting pressure for a closure with the blockade.

This time the story was picked up also by national newspapers: "There was 3 kilometre car line at the roadside, and the Mapuce were explaining to these tourists the whole situation. While some tourists were furious - although not discriminating between the provincial government, the concessionaire and the Mapuce - others expressed solidarity with the indigenous group. They even improvised a Tourists Committee at the spot that got involved when the judge arrived, putting even more pressure for a new closure. The employees of the Ski resort also supported the action taken by the Mapuce stating that 'whatever happens we will not work'. The public prosecutor arrived and tried to end the blockade by force: 'if you don't leave in half an hour, we will get you out by public force'. The tourists jeered at him. When the judge arrived, the Mapuce and tourists decided to go further. She proposed to go for water samples with a technician, a group of Mapuce and - surprisingly - of tourist 'representatives' in a joint mission. They took the samples, met the administrator of the concession and finally the judge decided to close provisionally the resort" (both national newspapers: *Página12* and *Clarín*; August 29, 2002).

In commercial terms, the blockade put at risk the high season that was supposed to last until October. The tourists were claiming their money back from the concessionaire and the hotels - busy up to 70% of their capacity - were afraid the tourists would leave (Balazote, 2003). However, the next day the closure was raised, after the province and the concessionaire presented a plan to install chemical toilets in the base and to monitor the discharge system daily. The municipality had the responsibility to inform the judge, who stated that if there was any evidence of contamination she would proceed to close the resort definitively for the rest of the season. The Nokia Continental Snowboard competition could start and Chapelko was functioning again.

Two days later the Mapuce halted more than 4,000 tourists, blocking the road again in discontent with the measure taken by the judge that had re-opened the resort after only promises from both the government and the concessionaire. Now they demanded a meeting with the vice-governor, claiming the final regularisation of plot 69A and the route 19, as well as the property rights title to plot 69B. They also demanded an integral environmental management plan for Chapelko and power of control (*poder de policia*) to guarantee the sanitation measures were implemented. They obtained this compromise from the Mayor

who promised to hire a Mapuce representative for these environmental control purposes. The Mayor was continuously communicating between the blockade and the vice governor's office. The vice-governor stated to the media that the measurement and entitlement of the plots under dispute was in process, which would be announced by the Governor in a visit appointed for the last week of September.

The Mapuce raised the blockade temporarily until the promised meeting with the vice-governor took place after in three days. The economic loss due to these two blockades in three days, was calculated at 300,000 pesos (86,000 euros approximately) (<http://rionegro.com.ar> 1/09/02).

This second blockade created great tensions among the different actors at local and provincial level. Most of the tourists tried to go through the blockades with minimum success, even with violent acts such as rocks being thrown to those who wanted to cross the roadblock. In a letter sent to the Mayor, the Real Estate Chamber of San Martín de los Andes pronounced itself very strongly against the concessionaire:

"The irresponsibility of the concessionaire in the management of its sewage and the lack of maintenance of the infrastructure is a manifestation of disrespect towards San Martín de los Andes' inhabitants and towards the tourists that choose us regularly".

The Real Estate Chamber also expressed its discontent to the local government authorities regarding the lack of municipal and provincial control on the concession of the resort. Finally they suggested to the Mapuce that *"they should understand that they are Argentinean citizens and must respect the Constitution in all its rights and obligations"*.

They called on the Mapuce

"...not to use unconstitutional ways to put their claims by blockades that manifest violence unknown in the locality, adversely affecting everybody and not those really responsible that are the concessionaire, the municipality and the province" (Regional newspapers El Rio Negro and La Mañana, 7-9-02).

These statements are expressing a different notion of territory of the watershed and locality, which appeared when the news jeopardised the real estate business which relied on the image of an 'ecological hamlet'. They entered into disputes with the concessionaire and governments although at the same time distancing themselves from the Mapuce's project.

On the other hand, we can see in the Chamber's words a 'taken for granted' ideology that even sounds progressive to unaware readers: the reference to 'Argentinean citizenship'. This discourse is functional to the states' approach of normalisation through its positivist legislation, which aims to 'merge identities' portraying society as an 'homogeneous reality, into which no diversity of rights conceptions can fit' (See Boelens et al, 2005 for a deeper analysis regarding indigenous peoples water rights in the Andes). This issue is approached further in the next chapter.

This conflict at Chapelko is not isolated from the overall strategy Mapuce have for the construction of their region-territory. Mapuce throughout Neuquén are strengthening their organisation towards the recognition of indigenous rights, articulated with the regional, national and international Indigenous movements. In this sense, contestation among multiple territorial projects is manifested by conflicts about degradation of natural resources and territorial rights in several provincial spots. These include: petrol companies in the north of Neuquén (Loma La Lata especially); the private sector's advances in the appropriation of lands and water; the national and provincial states together with the military in Pulmarí; large-scale landowners for sheep farming (such as Benetton); and the advances of timber companies like CORFONE in "provincial public lands" in the north and central part of the province. Even with Lanín National Park with whom they managed to agree on a co-management scheme, there are conflicts over implementation.

In August 2008, the following news was in the headlines of the same newspaper:

"'Access to Chapelko is liberated': after eight hours members of the Curruhuınca Mapuce community raised the blockade over the route 19 that serves the basement of the Ski Resort Chapelko. The force measure was taken at the access through Payla Menuko. Throughout the day intense negotiations took place so that the demonstrators would stop their actions. After notice of the Minister of Government's commitment to be present tomorrow at the dialogue table, they decided to take a more flexible position and raised the roadblock. Demonstrators demand the signing of an agreement that allows them the property titles of the plot 69 A, located at the base of the hill, under the same conditions that the government accorded to the Vera community. As already reported by this newspaper, the agreement with the Vera community consisted in the recognition and regularisation of plot 69 A, which covers none other than the base of the ski resort Chapelko and spans to the mountain's mid elevation. Properties of third parties (restaurants, tea houses, and other installations) are excluded from that property normalisation.

Afterwards, the Vera will receive an extraordinary payment of 70,000 dollars and a 50,000 dollars annual toll (reviewable each four years) for the next thirty years, renewable if there is agreement between the parties.

The Curruhuınca ask for the co-management of a 'single territory' including the strategic plot 69 A, an option that was rejected by the Vera, arguing historical documentation about the limits between communities. Neuquén government ratified the Vera's criteria after analysing historical and legal records". (Source: Rio Negro online Agency, San Martín de los Andes)

As we can see from this detailed clipping, only in the year 2008 (almost ten years after the first disputes started in Chapelko) have parts of the disputes been resolved. Analyzing how the disputes are settled for the time being, we can bring to the fore some differences between the Vera and the Curruhuınca in their ways of dealing with the issues presented throughout this chapter. The main differences in this process can be inscribed in their political positions regarding territoriality. This influences a series of aspects regarding the actions taken vis à vis other actors, and specifically with state institutions.

Vera Mapuce are apparently on the edges of political pragmatism and are uneasy in abandoning their private and material interests to the political ends for which Curruhuinca representatives and other members of the CMN, are embarked. This is not to put naively the Curruhuinca as the ones that have put aside personal interests in the name of the public good of the Mapuce Indigenous peoples. In this conflict the Curruhuinca were struggling for the co-management of the territory, as a communal place for both Vera and Curruhuinca. However the Vera went for the more private interest of regularising their lands for themselves, albeit communally as Vera. The latter have constantly interlocked their project of land titling to the Curruhuinca' and CMNs' political project of recognition of Indigenous rights (not only ownership of land, but of Territorial rights, see next chapter), however pursuing their own goal. In this way, they do participate in road blocks and many other demonstrations, they sign up to Mapuce Communities' presentations to courts and institutional spaces and the like. The state has capitalised on these differences among the communities, for its project: to avoid the recognition of indigenous rights to territory and autonomy.

6.9. Final comments

We have seen throughout this chapter how actors conceptualise their actions and the scenario in which they are moving, and how actions for change are built in it. It seems "[difficult] to dislodge modernity from its position in the lexicons of social change and political ideology" (Arce and Long, 2000:18). The alternative policy spaces actors intend to set for their projects from below involve the blending and juxtaposing of some elements of modernity and tradition (Arce and Long, 2000:3). The wider modernity project of consolidation of the nation-state and the way its structures work has set some features for social actions. These are embedded in the historical processes by which people of the region have constructed cultural repertoires, underlining the ways actors situate each other and themselves in the current scenario.

SMA has constructed its identity historically as rooted in its environment. Almost 40 years after its foundation, the Lanín National Park surrounding the town has proved to be an important means for making itself an object of consumption of the tourism industry. The city as the place of urban comforts next to it allows for enjoying nature; both are so complementary, to the point of being referred to indistinctly by lay people: 'going to San Martín de los Andes or to Lanín National Park'. Added to this, the construction of the Ski Centre in Cerro Chapelko also articulated with historical aims to promote tourism in order to populate the frontier with Chile sufficient to maintain national sovereignty easily without the need for military forces. From the conquest of the desert onwards, this area has been shaped and reshaped in terms of modernity values, currently expressed by the tourism industry, directed at white, educated, economically well off tourists. Within this scenario, the site is a contested one where Mapuce communities have their own, contesting claims over the territory to exercise their values.

The strategic issue of water pollution has served well for these ends. To make the pollution issue so visible in the media and stopping the tourist was much more effective towards government and tourism business administrators. Almost all businesses are dependent on tourism for which they rely on the image of the town as an "ecological village", as a tourism agency promotes it (Balazote, 2003). There is also a website which states: "San Martín de los Andes, Natural Reserve of the New Millennium" (<http://www.smaldea.com.ar/>) (Moreyra and Wagerich, 2006).

However, while water pollution was foregrounded in the Mapuce's actions, who could thereby enrol other groups of San Martín de los Andes and many tourists (there was even a 'Commission of Tourist' organised for talking to the judge), their unresolved issues of the Guidelines and territorial claims were backgrounded. These were brought back to the front when they could create negotiation spaces with government agents or politicians. Although water pollution is in fact a problem, it is more of a political use of water if contextualized in the history of conflicts during the last decades between the Mapuce communities and the provincial government, around land rights, territorial control and political recognition.

Therefore, "water pollution" has been incorporated into the Mapuce's discourse as a resistance strategy, a way of forcing the government to negotiate with them. As stated in the local radio station FM Pocahullo, nowadays it is widely acknowledged that "land rights and territorial control are the fundamental issue (el tema de fondo)" (Radio Program "Aire Puro", April, 2005)

We should also stand back and take a wider look that links the blockades the Mapuce implemented in Cerro Chapelko into the national political context which is very influential in the strategies deployed during these conflicts. The year 2002 was a year in which the whole political system was being questioned by massive representations of civil society everywhere in the country. Horizontal alliances were taking place in which political parties were not the binding force. They were actually and generally declared the ones who "had to leave". Every protest in the streets was carried out with the watchword "you (politicians) must all leave". The meanings for different social actors behind this slogan were very different, their interests and ideologies as well, but the objective was the same: politicians had to understand that people were rejecting the traditional way in which politics operates, far away from peoples' interests. People wanted something more than just political party patron-client relations. Governments were in a very weak position, having lost their constituencies' support. Since December 2001, Argentina as a whole was experiencing the dynamism of multiple alliances being built horizontally to contest politicians and politics.

At regional level, it was an opportunity for the Mapuce to go beyond identity discourse strategies while still building on ethnic identity. The Mapuce had been strengthening their organisation during the nineties, when the provincial government started a neoliberal phase in concordance with the federal government, in which privatization was the driving force of policy design. This

context created opportunities for the state to build partnerships with the private sector in all natural resource exploitation sectors. "The government of Neuquén in this sense represents a symbol of the neoliberal policies of the 1990s. Its impact on the relationship with the Mapuce peoples was that the most productive resources the government needed to continue with its privatisation policies are within Mapuce territory" (Diaz et al 2003). Therefore, we must understand the Chapelko conflict in relation to the Mapuce "conflict-process" that also had different frontlines and outcomes in the region. For example, in the conflicts with the Petrol Companies and the provincial state they were negotiating a U\$S 400.000 compensation for the impact of the companies' activities on Mapuce territory.

We could see that even when the National Constitution and different international conventions are in place for the exercise of indigenous peoples rights to autonomy and self-determination, and therefore to decide the shape of their territories, in practice this still does not affect the state's ideology and sovereignty. Although negotiations ended in very beneficial terms for the Vera, these can also be interpreted as a way of postponing the debate over political recognition that Mapuce peoples are struggling more widely for.

The last two chapters have shown what I believe are key points, that there is no understanding between policy-making and indigenous rights regarding territories and the management of their natural resources. I think ignorance is functional to intentions of denial. The Rights of Indigenous Peoples are not something the state is worried to make known to all members of the country, not even by the persons who work within the state apparatus as technicians and/or functionaries. It has been left in the hands of the indigenous peoples themselves, by means of struggles and protests as seen in this chapter, to inform wider society about their rights. These are still something they must fight for to be put into practice.

The next chapter looks into the meanings of participation regarding the exercise of indigenous rights vis à vis state driven policy-making and participation issues. It also reviews the wider countertendencies Mapuce are putting forward to build this intercultural relationship with the state and wider society, to which they are committed.

7. THE MEANINGS OF PARTICIPATION

7.1. Introduction

This chapter tackles the meanings¹ of participation that emerge in local disputes but become linked to the wider political context of Indigenous rights. The exercise of territoriality is constitutive of Mapuce Peoples' identity, and is the core political struggle of their organisation in Neuquén. This shapes local policy processes and spaces, as we have seen in previous chapters. Hence the importance of acknowledging these meanings of participation in terms of their intentionalities for change, and for understanding the contestations influencing social development processes locally.

In Chapter Five I presented the interfaces at implementation of a policy that “invited participation”, then in chapter Six I focused on the symbolic and organising practices and the social relations that make Cerro Chapelko a significant site of contestation. These processes went on almost regardless of the space of invited participation, and were strategies that led to many new interactions and arenas of participation. Both chapters show different notions of territory and organising strategies and practices, struggling to impose one on the other. In this chapter I present the different meanings, interests and practices of participation that actors have brought into the social fields of their lifeworlds, and to “participating” in policy arenas, and show the gaps and bridges between them. Participation in policy spaces is an entry point towards influencing the definition of territory; therefore, different actors struggle to get their projects on to the political agenda. I end this section by briefly revisiting participation as a concept related with action for policy-making (see Chapter Two), to relate this with the actions of the Mapuce discussed thereafter.

In the second section I tackle the meaning of participation that emerges from the practice of indigenous rights, backed up by international conventions, so that later in the chapter we can see the links between local disputes around this issue and the wider political context. The ways governments intend to practice participation influence the possible exercise of territoriality and autonomy. As these shape local actions in policy processes and spaces, it is also important to acknowledge these meanings in policy-making for local development and territorial projects, as well as for understanding social contestations and conflicts.

¹ Meaning is given to experience from a particular perspective through discourse, understood primarily as a manner of conceptualising and speaking (Fairclough, 2001). In the process of building meaning, people struggle to present their accounts as factual and stable representations of the world and to deconstruct other accounts as the product of personal or group interests. They apply rhetorical strategies and techniques knowingly and intentionally (but sometimes also unknowingly or unwillingly). People likewise ‘position’ themselves in ways that support each other’s accounts, creating a consensus of meaning, or challenge each other’s views, leading to a negotiation of meaning. In this thesis, I consider meanings to have purpose and intentionality.

In the following section I analyse the meanings and practices of participation present in three “policy spaces” in Chapelco, related to local policy actions on water and the watershed. For this I look yet further into one case study already outlined in earlier chapters of this thesis. These three spaces are, firstly, the Mapuce’s invitation to the Mayor and his functionaries to a meeting in 2001 to debate the pollution issue. Here we can see the links between local counteractions and discourses with international conventions and agreements – which relate to discussion in chapter Two on the politics of such processes. In this case we will see that the Mapuce have moved from protagonists to becoming key players in arenas directing new opportunities for participation. I then present two top-down experiences, which show participation as a rhetorical practice of state functionaries. The first of these is based on the experience of the Water Users’ Association (WUA) and how different actors interpret participation in that process. The second one is an analysis of a ‘working day’ organised by the DGRH and the DGA for creating a local committee for the bi-national Lácar-HuaHum watershed organisation.

The chapter ends with a section that presents Mapuce countertendencies, identified as spaces they have managed to open for participation, and the tensions present in these processes. I also present some reflections on these struggles by some of their key actors.

Participation, development and interventions

We have already witnessed the rise and fall of debates and academic analysis concerning participation within development policies. The range of work goes from methodologies and tool kits of optimistic enthusiasts (Chambers, 1983, 1997; Jiggins and Roling, 1997) to participation as ‘tyranny’ (Cooke and Kothari, 2001; Boelens, 2006; Mosse, 2001; Cleaver, 1999, 2001) and/or ‘negative freedom’ (Arce, 2003). There is also much literature that analyses the politics of participation, showing mainly how to enhance engagement or open better democratic spaces from an institutional perspective. Participatory approaches to policy making and natural resource management have focused primarily on involving or engaging individuals and groups in plans and programmes in their implementation phases. Other attempts go further in seeking to find ways to involve actors in earlier stages, whether by creating new institutional forms between society and bureaucrats or by using different methodologies for collaboration or cooperation between both.

However, as Arce states (2003: 85-86) “...it is not a matter of facilitating participation and engineering democracy, nor it is simply a matter of generating synergies through new institutional perspectives on development”. Consideration of the issue of rights and how they influence the remodelling of citizenship can lead to the emergence of social perspectives critical of traditional political processes (ibid).

Participation is part of the rhetoric in policy-making spheres but often remains nominal for certain interest groups. For example, the water sector is mainly

controlled by hydraulically oriented engineers whose planning often focuses in design of works and investments without a vision of how water users perceive their needs and value the resource. As shown in chapter Five, investors or the ski resort generally prefer their lobbying activities which benefit them more and faster, not having to share their say and negotiate it with other actors.

For Mapuce peoples and their rights, participation is complex because their participation requires a different perspective with respect to other actors. The status given to indigenous peoples by their indigenous rights is different from common citizenship and is often not considered. There is a generalised neglect of what international and national legislation means for fostering their participation in decision-making processes. For them to enforce their rights to control their territories and resources, therefore, means recognising them as Peoples and leads to a different notion of citizenship. Considering that participation of indigenous peoples is almost a “must” nowadays, its meaning is hardly understood or put into practice. These issues, analysed more in detail in the following section, are especially important nowadays, when private developments and government plans increasingly expand over and impact on indigenous peoples' natural resources and territories.

7.2. Indigenous rights and participation: Long term goals of the Mapuce Peoples

Within the international system of defence and protection of human rights, the movement for indigenous rights reflects the need to search for a new relationship between the state and the Indigenous peoples. I find it important to keep in mind the different levels of legal instruments available for Indigenous movements to rely on and refer to in their struggles. This enables understanding of why and how Mapuce construct their discourses and strategise to create spaces within the state's institutions. By analysing these instruments, we start to have a different perspective to understand the countertendencies that emerge from the struggles presented in previous chapters. They also shed light on why meanings of participation are so important in the establishment of a different relationship with the state, and the core differences for participation with other actors involved outside the state.

Therefore, another issue which seems crucial to these discussions is that of *Differentiated Citizenship*. As Vázquez (2002) analyses, the formal construction of a legal concept of differentiated citizenship should articulate with the capacity of socio-ethnic self-determination, and allow political representation of such socio-ethnic groups within the institutions of a democratic state. In other words, the issue refers to the existence of specific rights that emerge from belonging to a particular socio-cultural group and the political representation of such a group within the institutions of a democratic state.

Kymlicka (quoted in Vázquez, *ibid*) “proposes to add to the human rights declared by the United Nations, other types of rights that would allow for the protection of ethnic minorities in vulnerable conditions. Among these, *special rights to representation according to group identity*. These facilitate the participation of national groups and ethnic minorities in defence of their common cultural interests through their participation in the institutions of the wider society. Rights to representation are only collective rights insofar as they refer to the interests of the group, transcending mere individual interest” (quoted in Vázquez, 2002: 6).

International Conventions and Agreements

An important remark for considering the issue of International Conventions and Agreements is that they are considered as an umbrella to laws within those states that ratify them. However, as a Mapuce representative put it in a speech given at the conference, “Human Rights and Indigenous Peoples: International Trends and Local Realities” in Temuco, Chile (2004) “...there is not one International Convention that the Argentinean state did not ratify, there is not one Rights issue not subscribed to. It also did not deny recognising us in the Constitution. However, this is not a great thing because it is one thing to recognise the instrument, and another to enforce it, to implement it” (Nahuel, 2004: 206/207).

The main issues under debate for approving the Declaration of Indigenous Peoples Rights within the UNO were precisely the definition of the term *Peoples*: the definition of ‘*who are the indigenous*,’ which introduces the issue of *pre-existence* and therefore *territory*; and the issue of *free determination* (see chapter Two). These are all issues that influence the type of participation that indigenous peoples should have in decision-making processes.

I think these express the many interests at play when it comes to the struggle of Indigenous peoples to put their claims on to the political –international- agenda. Through the processes of shaping the Pacts, these debated concepts built significance slowly over the years. These serve to help us grasp Mapuce discourse and see the links between their discursive strategies at local and provincial level up to this international level. These actors have the agency to access this type of information and networks, and incorporate it into their own knowledge and plan their actions, linking with wider debates in international arenas. For example, they turn to statements of international conventions in the conflicts at Cerro Chapelko, as well as in different situations of other Mapuce communities within the province of Neuquén. They also bring their local experiences to international platforms like the meeting mentioned above in Chile. This shows their dynamic capacities to act in multiple scenarios and the socio-political lifeworlds of these actors.

The next section studies how this knowledge was mobilised locally in Chapelko, and into the interfaces where meanings struck the issue of participation in its very

heart, from which different notions of citizenship, as well as different participation practices emerge.

7.3. Participation as politics: Mapuce invite local authorities to a meeting

This section presents a local debate around the issue of participation, where different meanings are being negotiated. The Mapuce put forward the problem of pollution of Quitrahue Stream in order to generate an encounter with local authorities; it allows for reflection on the politics of territorial struggles. The Mapuce involved in organising the protests at Cerro Chapelko decided that a good strategy to push for legitimating the Guidelines (discussed in chapter Six) was to show the failures of the Ski resort to keep the waters clean. So they decided that they would run the video they had edited (see Chapter Six) thereby surprising the Mayor of San Martín de los Andes.

Therefore, on 30 June, 2001, they invited the Mayor to a meeting at the primary school of Payla Menuko, 'to discuss the contamination of the Trahunco and Quitrahue streams'. The Mayor did not go: in his place to represent him he sent the Municipality's Secretary of government together with the Environmental Unit head officer, the head officer of the Public Services Control Agency and the head of the Secretariat of Planning. A representative of the Drinking Water Cooperative and the legal advisor of the communities were also present. Pablo went to transmit the meeting through the local radio. Many members of the community were there, elders, youngsters, children and the core group promoting the action. I was there as a researcher interested in the watershed issue.

Francisco was acting as the host², and invited "their guests" to see a video. They played the video and the images said everything. There was no way to avoid the situation. Afterwards Francisco begun saying:

"Now, how can we improve this? We are not against development, we are in favour of growth with equilibrium so we can all enjoy. We think this needs a political solution".

The representatives of the Municipality had brought many files with them, which they put in front of them, as if the files were a physical barrier that might impress their counterparts in the meeting³. They started to talk about "the work they have been doing" as if they had not seen the images played in front of them a few

² We should keep in mind that not all Curruhuinca live in Payla Menuko, some of them, such as their Longko, live elsewhere within National Park jurisdiction, near the shores of Lácar lake. The Longko was present but Francisco, as a Kona (leader) of Payla Menuko, hosted the meeting.

³ I observed this as a usual attitude the Municipality officers have in most meetings not only with Mapuce groups but with other groups of civil society as well.

minutes earlier. The Municipality's Secretary of government was leading the official group, orienting the conversation towards the plans of the Municipality:

"At the moment we have three plans to discuss with you:

The first one is that we are working with the DGRH towards measuring the water availability of the Trahunco stream for different developments and improving water distribution".

He mentioned that since the previous year (2000) they had organised the WUA. They listed the people they had invited: the Ski resort, tourism investors, the drinking water cooperative, potential investors and of course, they put the accent on Vera Community's participation⁴. They continued recounting that

"..Within this framework we reached agreements with the Inter-jurisdictional Basin Authority⁵ (the Autoridad Interjurisdiccional de Cuencas-AIC) to oversee the estimates of the water resources of the Trahunco, planned to start in March the following year. The second activity is an agreement with a private enterprise for monitoring water quality and environmental indicators of all Cerro Chapelko's streams"

He continued with the third aspect: *"in October, the Control Agency is going to take direct action regarding sanitation - not only on the Ski resort- but throughout the jurisdiction of the municipality".*

Then he listed again the three "concrete" activities they were planning to carry out. After that repetition, the Head officer of the Environmental Control Agency took over to explain her responsibility in more detail, "the plan is to map all the focal points which are a source of contamination". She said they were going to start at the Ski resort and, "then we will come here to see the treatment you give your sewage". They would then continue downstream to the neighbourhoods and finally the town. *"You can also be contaminating the people below".*

She explained technically that the idea was *"to search for the sources, evaluate the treatments and those that are not doing well will be urged to improve their systems".*

The Secretary of government repeated again the three activities (he really repeated them) and proposed that the Environmental Unit officer explain more in detail about her responsibilities.

The Environmental Unit officer explained the techniques for mapping of quality and sources of contamination:

⁴ This is in line with the suspicion the Mapuce had that the Vera members were invited to participate just to legitimate the decisions of the WUA; the municipality functionaries were already arguing that the Vera were part of the process.

⁵AIC has its headquarters in Neuquén city. It was created for management (evaluation, monitoring, use-planning, basin developments, hydro-energy production and developments) of the basins of Limay, Neuquén and Negro Rivers, which are rivers shared among several provinces. However, it is an institution that the provinces of Neuquén, Rio Negro and La Pampa refer to for technical support with the other basins in the region. AIC's activities are financed by the provinces that are members together with the National government, which participates as arbiter in case there are conflicts among the provinces involved.

"The control agency checks the different individual units (domestic, commercial, etc) taking the necessary measures. A private company will develop plans for monitoring water quality and environmental standards. The AIC will be responsible for evaluating water quantity for possible developments, to have an idea of how much water is available for this". She stressed their "achievement with this agreement because the private company can start working more quickly, not being involved in so many bureaucratic steps, so they will also measure quantity while we wait until March when AIC starts the measurements to define how much water can be distributed". She also ended her speech with: "These are the three options we plan to do".

All functionaries were trying to close the debate, actually to avoid the Mapuce opening it further, and keeping things within a technical discourse. This was mainly to distance themselves from discussing the political issues at stake. Thus they portrayed an attitude of demonstrating they had come to the meeting to tell them [the Mapuce] what they [the Municipality] are doing and that they are working on the issues the Mapuce consider at stake, setting the boundaries of the discussion they wanted to have, as if this attitude was not "political".

The way they presented their agenda shows also how the government officers understand "participation". Their idea of "participation" was to tell the Mapuce about what they were planning to do, stressing the point that 'they are working on the issues claimed by the Mapuce'. This is not new; it is quite a widespread way for governments to 'do participation'.

We see now that at this interface between the bureaucrats and the Mapuce at the meeting, agreements were difficult to reach. This is shown in the interactions that followed. The Mapuce had opened the meeting presenting the "problem" of water pollution and the "cause" (the Ski resort). During the course of the debate they focused on what they presented as the "solution", which was the implementation of the Mapuce Guidelines and therefore their incorporation into the municipality's environmental legislation. For them it was not about technical solutions, as the government officials tried to put it. It was about a political solution.

Carlos Curruhuinca, Longko of the Community, opened the debate from the Mapuce side:

"When we started this meeting, we asked if you have a political solution and when you talk it is because it is on its way, but this is not what we agreed upon in the meetings after the road blockades. We do not want you to come to give us a determination of WHAT YOU ARE GOING TO DO. What we proposed, and the Act of Agreement states it, is that WE PLAY A PART in this".

Francisco continued by saying: "it is useful to dwell upon this matter" and read the item 3 of the agreement:

"Mapuce communities will name a representative for their participation..."

We should hold on here and remember that in that moment, when we talked about our participation, we said that we would do it as Mapuce Communities, in order to give our recommendations from our own cosmovision. We worked on the Guidelines -which we already presented to the local government.

The thing is that if today we only talk about 'water pollution' we would be tackling only one point of all our general preoccupations. We know that water is polluted and it is a problem for us and for those downstream, but if we don't create a normative framework where the communities can guarantee an intervention that favours us, it is of no use to talk about measurements and treatments, specific issues. We think that the solution for us is in the Guidelines which are delayed at the municipality".

Francisco continued his talk and stressed the fact that the functionaries present in the meeting represented the political powers in office, thereby shifting their 'technical' framing to his 'political' one, connecting their claims to International agreements that back up their rights as Indigenous peoples.

"The Guidelines are based on Mapuce knowledge but they are also based on the legal recognition existing today and valid in all the world, such as the 169 ILO Convention, the Biodiversity convention and also so many groups in the world worried about the environment, that accompany Latin American countries intending to give back to their Indigenous peoples the care of the environment. But we say that we can only be good guards if today we also have legal means through which we could intervene. Up to now, we have been historically the environmental guardians here. But only that, because we have never been consulted on what has been done, we have never been told about the tourism developments planned here, to what extent these measures will harm our Mapuce people.

Therefore we think it is very necessary that you, who came here representing the political powers, bring back this concern to the Mayor and that you can transmit our reality here and the position of this Mapuce Peoples. We hope that for once and for all he speeds up the approval of the Guidelines. Because we also believe that the suggestions we have been able to give throughout our knowledge are not enough if we do not have a legal endorsement. We hope the Mayor commits in these coming days and ensures the participation that we want from the very beginning."

In Francisco's discourse we see elements depicted from more global discourses that reinforce their ideological positioning - which articulates ethnic concepts of identity and ecology, therefore legitimating their claims. Referring to stereotyped images, mainly romanticised discourses about the 'indigenous', as the 'guardians of nature', to give them back the role of 'caring for the environment', is part of their more general discursive strategy. In their protests, the use of these symbols and images is also used to seek empathy from parts of the general public, mainly urban people, tourists, and some of the professionals in the media, who have incorporated this romanticised repertoire.

The Secretary of government continued talking about the impossibility of responding concerning the Guidelines because they did not make political decisions: the executive branch of the government took care of technical matters. However, he ended up positioning himself in political terms and sheds light on the differences in meaning:

"Mapuce have the rights to participate as any other citizens do"....

With his statement he had exposed - maybe without noticing - the main difference in the discussion, which the communities' legal advisor picked up quickly:

“The Municipal Office is not positioning itself in correct legal terms because the participation demanded by Mapuce communities is not the same as it is for any –common-citizen. There is a special legal framework for the Indigenous peoples established in the National Constitution of 1994 and it is also established by the 169 ILO Agreement and the Convention for Biodiversity: They all establish the political participation of Indigenous peoples in certain decisions that affect them. But the structure of the Municipal state of San Martín de los Andes has no receptivity to these norms; therefore it is violating the mandate of superior norms. Indigenous peoples should not have the same type of participation as for example a Neighbourhood Committee; this requires the municipality to adapt its norms to the Constitution and the international agreements”.

The arguments presented in this local meeting are at the core of all the conflicts the Mapuce Peoples have with the local and provincial government, framed within a national debate as well.

Linking local counter-actions to international conventions

The 169 ILO Convention was declared in 1989 and incorporated it in the new 1994 National Constitution, however it was only ratified by the Argentinean state in the year 2000. As Salgado (2006: 271) interprets the 169 ILO Convention,

“Indigenous peoples’ participation is the first and general disposition of the [ILO] convention, and must be present in all decisions made by the state that have effects on the lives of Indigenous peoples... Therefore, planning, coordination, execution and evaluation of all the programs that ‘affect’ them must be fulfilled with their ‘cooperation’; this stresses that ‘particular decisions and actions need the concurrence of will between the state and the Indigenous peoples, who will act through their representative institutions’ (section 6.1.a)”.

Here a clear distinction is made between ‘other citizens’ and Mapuce peoples regarding participation. This states that the representative of non indigenous citizens is the state itself, while in the case of Indigenous peoples, it is their own institutions. It is a different level of relationship. This aspect of Indigenous rights is tackled by the Mapuce of Chapelko by continuously struggling to organise, within local government, intercultural committees. In this notion the difference is clear; Mapuce peoples see their central commitment linked to their ethnic identity, authority and territory rather than to the national identity and state.

Another distinction that must be made is the fact of being in the position to participate. That is to be able to cooperate with the state in ‘all phases of decision making’ in those affairs that affect their lives, according to the ILO convention. In territorial terms, this means much more than those development policies and programmes directed at their physical locations or in neighbouring areas which ‘can affect them’ as well. It should be interpreted much more broadly towards actions carried out to reach more general spheres of public life.

These are the underlying wider meanings and intentionality at stake in the conflicts at Chapelko, as we have shown in the case study. Mapuce foreground the issue of water pollution as a way of creating space for discussing their *participation* in decision-making at local government level.

Policy and the void for indigenous peoples participation

Although policy-making is a political phenomenon, one of its features is the disguise of its political nature by portraying it through neutral, objective, legal, rational idioms. Therefore, policies appear to be the instruments for promoting efficiency and effectiveness. As Shore and Wright (1997: 8/9) put it, "political technologies advance by taking what is essentially a political problem, removing it from the realm of political discourse, and recasting it in the neutral language of science". And, as Arce emphasises, "we still need to obtain detailed knowledge about development situations and processes in which people participate and try to achieve their local social meaning about the construction of organisational solutions, and how these actors perceive their positions within the existing contexts of intervention" (Arce, 1995: 32). This brings to the fore the first question we should ask ourselves: what does participation actually mean for the different social actors involved in such interventions, and what is the relation of this meaning to the context?

Francisco explains:

"...We are interested in participation if it entails decisions. We are not interested in Consultative Committees or putting up representatives if afterwards the decisions are made by others. The same holds when they talk about integration, we do not want to integrate but to discuss as equals" (interview 2004).

An interesting issue to analyse here is that the International convention's stipulations of the Rights of Indigenous peoples to participate (in cooperation with the state) are declared as in: "...*planning, coordination, execution and evaluation of all the programs that 'affect' them*. Hence, the linear model of policy-making is still very pervasive. Yet traditional ways for the state to intervene are being contested, and shifts are taking place, creating alternative ways of policy-making, as we will see in the discussion of countertendencies presented in the remaining sections.

Why not Indigenous Rights?

Now why is it so difficult to implement the Convention when Argentina could ratify it, as well as many other conventions which go in the same direction? Already Zaffaroni⁶ (2006), comments that "the delay in the ratification of the ILO Convention, was due to the questionings and uneasiness of jurists and politicians. There were many questions that emerged and still are present regarding the Convention which, together with section 75, subsection 17 of the National Constitution, became the big challenge". The issues at stake, quoted by Zaffaroni are, that "equality does not allow differentiated jurisdictions to operate; that legality impedes the validity of a right with a source other than the formal; that it is not possible to fragment sovereignty, the jurisdictional unit nor the proper national unity" (ibid, 2006: 5). These are examples of the points of the debate ongoing even after ratification.

⁶ Minister of the Supreme Court of Justice, Argentina.

It is not surprising then that in San Martín de los Andes, the same uncertainties and differences in positions are present. After the meeting held in Payla Menuko (where they showed the video), Mapuce communities presented a bylaw project for the approval of the Guidelines. At the same time they proposed the creation of the Intercultural Committee of Environmental Management, within the Municipality's Environmental Unit. The claims were now framed in terms of the scenario of environmental protection, given that they had demonstrated that the Ski resort was polluting their waters.

In this meeting the Secretary of government had positioned the local government:

"This exceeds local government decisions and rules and must be analysed within provincial or national legislation" (tape transcription of meeting 30/june/2001).

The Legal Advisor of the municipality tried to dissuade the municipality from accepting the idea of creating an Intercultural Committee for Environmental Management. The lawyer that commented on the issue said that

"Even though the local legislation adopted the original peoples' participation principles, the participation concept must be differentiated from the governments - executive and legislative-responsibilities which cannot be delegated by the constituted powers. The Legal Advisor suggests channeling the dialogue through existing municipal agencies or to create new ones but without giving away faculties and responsibilities that are proper to the powers of the state" (<http://rionegro.com.ar/edicionesAnteriores/> 17/October/2001 and internal documents of the Municipality).

The Mapuce's argument to present the project was that

"San Martín de los Andes' society is characterised by ethnic diversity that results from two cultures which are living together: the original peoples culture and the historical migratory culture"... "Therefore, it becomes necessary to adapt local rules to the principles of intercultural decision-making that are in the dispositions of the ILO 169 agreements".

An emergent dilemma between current state legal systems and the co-existence of customary (traditional) legal systems is that the conception of collective rights is different from the positive legal status of individual rights (Vázquez, 2005). This also generates confusions and misunderstandings within institutions at lower hierarchies in the state, especially because it is not (only) a matter of technical order.

I argue there is a degree of ignorance and also connivance by legal advisors such as the Municipality's legal advisor and higher level government officials, where there is little intention to tackle "the challenge of the Conventions". Recognising Indigenous rights to which the country is committed is a highly political issue. It is not debated unless Indigenous peoples and supporters contest formal policy spaces, and manifest themselves at all those occasions in social life that broaden exposure of these issues.

This institutional void opens up conflicts and misinterpretations of what participation actually means for the different actors. Many lay people as well as academics, technicians and bureaucrats still ask themselves why is it that Mapuce

do not consider themselves simply as 'citizens' that can participate like any other social group?

7.4. Participation and interventions: some local experiences

Brock et al (2001) consider that "[m]aking sense of participation in the policy process requires that we identify and explore "policy spaces" in which alternative views [in their case, concerning poverty] may be expressed by a variety of voices and the dynamics of exclusion and inclusion that surround them". In this section I have focussed on the dynamic of 'invited participation', drawing further on the case of implementation of the WUA presented in Chapter Five.

Participation in the Water Users Association

Although participation in this particular case was promoted by the state agencies, actors have different interests and meanings when getting involved in a policy process, associated with their territorial project, and influencing the political agenda favouring it. I recount here the different interests and perceptions expressed by the different actors invited to the process of organising the WUA of the Trahunco Watershed.

The private sector members of the WUA expressed interest in participating, because they needed to resolve the problem of water distribution (or actually receive water quotas) and pursue their projects with some degree of certainty.

"...instead of acting individually [each private investor with the state], the consortium [WUA] would be the one who negotiates with the state. Internally the resource can be distributed among ourselves as its uses are temporary and do not necessarily overlap" (informal interview with private investor, 2001).

However, they have not pushed for more meetings among themselves and they left it to the DGRH and the Municipality to summon them again. As a government functionary put it:

"The private sector in general keeps on going with their projects. So by the time the state says: 'No'. They answer: 'But we already have all this done!' ...So then there is a need for new negotiations. They have the cleverness of submitting their paperwork to the most insignificant office or to who they know is inefficient, and they gain time for advancing their projects..." (interview with provincial government official, 06/2001).

Lastly, for the DGRH the most important thing was that the private investors would install water meters to control intakes, and agree to finance studies to find alternative water sources and create hydrological measurement networks. In the end these were resolved by inter-institutional agreements between the Municipality, the DGRH and the AIC. In conversations about the lack of information, the technicians of the DGRH and of the Environmental Unit of the municipality expressed that they

"are no exception in relation to the general situation of the state: there is no budget to have a controlling entity, there is no job stability for those qualified for these tasks and international financing organisations do not give funding for the implementation and execution of

monitoring and control processes, but only for network designs and some equipment” (notes from meeting 17/07/01).

This situation is acknowledged by several representatives of the private sector in the watershed, who showed willingness to collaborate in installation of measuring equipment within their developments.

The Drinking Water Co-operative and the Municipality allocated personnel to do the measurement readings. For them, participation from private investors represented a chance to have more studies of their area and of resources they depend upon for their activities. All these partnerships were consolidated by agreements with the DGRH. This was confirmed by the way a technical representative of several tourism developments interpreted what was going on:

“The state doesn’t comply with its mission; they don’t have any idea of the [water] resources they have”.....“during this year [since the last meeting in June 2000] the Province and the Municipality have been working on the agreement: The state puts the technicians and the private sector supports [financially] the completion of the studies” (interview with technical representative, 06/01).

He refers here to the study of the characteristics of the water resources, the hydrologic measurements. During the same interview he went on to explain that the interest behind financing this study was that

“what we can know after two years of studies, can be used for correcting the adjusted demands, so we can expand our water quotas” (interview, 26/06/01).

Technicians of the DGRH wanted to delay the private projects until water availability was defined through the studies proposed. They could only negotiate a smaller quota until they had the studies. However, the DGRH could not enforce the measurements agreed and therefore could not change the private sector’s water use in practice. The flow gauges are in place but no representative of the state is reading the water intakes. The projects of the private sector would continue working until the DGRH had the studies and accurate data to discuss water quotas again. The WUA - as a space for definition of problems and solutions for the watershed - never went further than installing these meters. The WUA was not even formalised by the DGRH, which in the end abandoned its own proposal. We should also keep in mind that the issue of water pollution of the Quitrahue stream, which involved the Ski resort’s management and generated so much local action, was not even mentioned within this WUA process and plans. The state agents worked hard in separating the issues and denying the conflicts they were already involved in from the year preceding the creation of a WUA.

Analysis of this process shows that among these institutional actors there was little awareness of the development debate about participation, nor were they familiar with participatory methodologies. They were far behind any attempt to further the positive discussions of the 1980s on forging participation or the criticisms of participation from the late 1990s. Maybe this brings some hope

because it can allow (from an enthusiastic perspective) for learning from past experiences elsewhere and thus avoiding a few steps of failure.

However, it also highlights the way policy processes developed in this particular case. It seems that the linear model of policy making analysed in chapter Five is still quite vigorous. Decisions are top-down, and legitimacy is reached through setting up several meetings with a number of involved actors. There is no problematisation of the meanings of participation or acknowledgement of the real influence citizens can have. These policy actions, even at a small scale, could have been an opportunity to promote more citizen involvement and collective action for change, even empowering local state agents to pursue more interesting work and impact. However, they actually maintained their bureaucratic practices and just did what they were asked to do in the minimum level of creativity.

Workshop for constituting the Lácar Bi-national Watershed Committee

This section reflects upon the process of organising another local watershed committee - while I was doing participant observation within San Martín de los Andes - that arose within the Environmental Unit of the Municipality, where I used to go almost every morning over several months. The Lácar watershed was identified in the year 2000 as a possible site for organising a bi-national watershed organisation together with Chilean counterparts. The first step decided by the representatives of the two countries was to set up local committees on each side that could later in the process develop into a bi-national organisation. During the meetings held between March and June 2001 to prepare this, struggles among the different levels of state authority intervened to influence the process.

Municipal and provincial officers were allied in order not to leave too much space for national level officers. The central office of Lanín National Park was located in San Martín de los Andes. It was considered to be the institution with prime administrative responsibility for the bulk of the territory falling within the watershed. On the other hand, the (National) Ministry of Foreign Affairs and the (National) Sub-Secretariat of Water Resources were responsible for negotiating agreements with Chile due to the transboundary nature of the waters.

This touches upon a series of historical disagreements that occurred between the federal and provincial governments over territorial control. The national level officers communicated the results of the process with the Chilean side, mainly the need to create local committees on each side, at local level. This already created more tensions: at local level, officers were complaining that they had not participated in the whole process. So at the moment of organising the local committee, provincial officers, together with their municipal colleagues did seek to involve the national-level institutions with branches in SMA. This attitude in a small town - where the people involved all know each other and probably have other connections outside the institution they represent - creates gossip, manipulation of information, etc. and certainly influences the mood with which local officers take up the tasks they are given. Later in the process, the national agencies became involved.

It was not my intention or part of my research to follow the process all the way into the national scene. Nevertheless, I think that this particular event can shed more light on how these local institutions approach the issue of participation, especially when it refers to watershed management, the point at which it does touch my research topic. Furthermore, as already pointed out, it is not institutions in abstract but particular actors within institutions that really shape the outcomes of given institutional actions. Therefore, the fact that the same functionaries, who organised the WUA, and who participated in the meeting organised by the Mapuce in Payla Menuko presented in the previous section, were involved in the organisation of the local committee. This makes it worth focusing on this 'working day'.

The agencies' invitation went to selected representatives of the different interest groups and sectors of San Martín de los Andes, such as: the Social Development Office of the Municipality; the Tourism Chamber; the Tourism Secretariat of the Municipality; the Drinking Water Cooperative and the local delegate of the Ministry of Production of the Province. Also to a few social organisations: one of the rural neighbourhood associations and members of the Vera Mapuce Community. Again the Curruhuinca were left out, although this time they were definitely 'one of the watershed stakeholders'.

The procedures for organising the event called the Jornada de Trabajo (Working Day) - which was to be the starting point for creating the Local Committee and setting a working agenda - already showed that there was little experience in working with people, let alone in talking about intentions.

They sent the invitations without material informing people what the meeting was all about. There was no follow up of the invitations to ensure people would actually come and no working plan or agenda was prepared. The furnishing of the meeting place was a circle of chairs and one small table. Upon this table, the officers of the municipality and the DGRH put their files and papers and sat behind them.

That morning the first to arrive were the Mapuce Vera representatives that stayed standing in one corner. After a while other people started to arrive who stood here and there, in groups of two or three, until the officers arrived and invited them to take a seat and begin the meeting. The officers first explained the reason for the meeting and then went through the activities they thought necessary to undertake.

The first issue put forward by the functionaries was the Trahunco watershed. They explained that they were working on installing meters on the water intakes and also a hydrometric network to gauge the flows of several streams. In addition, they explained that they asked the tourism developments to present their minimum water requirements and that they would search for alternative water sources. They ended up stating that the only item left was a territorial management plan for the Vera community.

This gave room for the Vera to start talking. They insisted that before putting the accent on territorial planning for their community, the Ski resort and the private investments should be part of a territorial plan so they did not expand too much. They added that this was important because these are at top of the mountain and their activities would impact downstream. Participants from the Tourism office asked why the ski resort concessionaire was not present, to which the officers replied that it was not necessary since *they only had technical problems to consider which the technicians would solve*.

Then the officers asked the other participants to express their problems in order to incorporate them into the watershed plan. Each group identified an issue according to the focus of their sector, and left then, not even staying to listen to the next one. By the end, only the rural neighbourhood association, Vera and the local delegate of the Provincial Ministry of Production remained discussing how to allocate water for production and where to take it from.

The 'working day' lasted two hours. There were no exchanges, debates or discussions, just a delivery of complaints and demands between each group and the state agents who were hosting the meeting. The issue of organising a committee was not put forward by them.

After the meeting the officers and I went to drink '*mate*' (*the typical Argentinean drink*) with the Environmental Unit offices and talk about the results of the 'working day'. They invited me to come along, mainly I believe because the two DGRH technicians and the Environmental unit officer are women, and more or less the same age as I am, so it was not difficult to incorporate me. They were always very nice to me and I would always become involved in their discussions. So, in a way, I was considered as one of them while they discussed the meeting.

I decided not to take part in the conversation, but just listen. They were astonished that people would not 'participate', and complained about each group only posing claims and difficulties affecting them and no proposals. Finally, they decided on their own that **they** would be the technical committee and would organise a consultative committee with the representatives invited so that "*we (the officers) keep control of the process and make the decisions*" (sic).

A closer look into these processes reveals their political unwillingness to be open to more democratic processes. Institutions of the state function in a top-down manner; higher level functionaries make decisions, even overlooking the opinions of the officers of the different 'technical' agencies. Thus if participation does not exist as a common practice within or among formal institutions, then it may be too much to expect these officers to promote participation at the implementation stage within a wider public. It could become troublesome for doing their job, or for their evaluation within the institution, and might be a practice they have no capability to fulfill. It did not seem to me that they were cynical about the lack of participation. It was just that they did nothing to make this happen! In this type of institutional setting, if participation is wanted, it is assumed that it should be

organised by higher levels of decision-making and carried out by those people who understand about these processes.

7.5. Towards territory: Mapuce countertendencies

The previous section presented the political demands and actions that the CMN promotes at local level, debating the issue of participation and how it relates to indigenous rights. These are new political practices that dynamise social action and become an effective mechanism for human and collective expressions that successively rebel against traditional forms, and promote new creative sources of participation.

In this section I present the multiple arenas of social life in which Mapuce peoples act. They adjust to the fragmented order in which institutions and their policies influence their territory, and create countertendencies that delineate their notion of territory, which is at the base of their struggles for recognition of Indigenous Rights.

Countertendencies are defined as those collective actions in which actors create opportunities to further their projects carving alternative spaces within the hegemonic workings of the state thus, "shaping and establishing the here-and-now of modernity" (Arce and Long 2000: 20). As suggested by these authors, approaching countertendencies "allows understanding the diversity of difference, engaging with local peoples' images and discourses that give meaning to their actions" (ibid: 18)

This part of the dissertation analyses how localized practices in Neuquén to install the notion of Mapuce rights to their territories, were actually constructed by the appropriation and re-embedding of modernity into alternative modernities. The emergent properties of these interactions are in some cases countertendencies in the arenas of development. As Arce and Long clearly argue, we can see how discourses, values and localised practices associated with tradition re-shape and appropriate the ideas and practices of modernity, fragmenting them into multiple modernities (2000). The processes involved in these encounters are the dynamic "blending and juxtaposing of elements of modernity and tradition in the creation of various modernities" (Arce and Long, ibid: 3). Therefore, outcomes of contestation or resistance are shaped by the capacities and strategies deployed by the subaltern as well as the malleability of institutional frameworks in the dialectics of dominant and subordinate social forms (Long 2005).

In the present day, multiple forms of deterritorialisation are taking place, this time by the territorialisations of corporations and new interests in the exploitation of natural resources within the territories earlier left to the Peoples (CMN and Tinkunaku, 2007). The recuperation of the territories they consider invaded rely on countertendencies, worked out in this case by the Mapuce peoples by means of resignifying discourses and practices of institutions, bureaucrats, intellectuals and academics, the media and other constitutive elements of modernity.

One of the most important achievements Mapuce consider they have reached in this sense was the agreement for a co-management scheme with the Administration of National Parks. The following words of a Longko on how this works provide a clear understanding of the difficulties and tensions present in these processes. The Longko lives in San Martín de los Andes and does not participate in national or international events or in defining political action strategies within their political organisation. Indeed, he has been criticised by some CMN members for what they consider weakness in political capacity and commitment to CMN's actions. Nevertheless, we will see how the Longko's political discourse in fact permeates his way of analysing the meaning of territory.

"...non-Mapuce society, and by this I refer concretely, for example, to the administration of National Parks, its functionaries, lets say they are trained. They come from a different culture. This state has a different culture that is not exactly original from here, Argentina, but comes from Europe. They have a different vision of the place. This culture fragments everything: the water, the air, the trees, everything. They see everything fractioned into parts; but for us it is a compact whole.

For example, the Curruhuinca community has a lake that separates two Parajes [settlements]. The Lácar lake, for the 'huinca's' [white people] cosmovision, wouldn't fall into our territorial space; it is as if the lake had no owner. For us neither, but we understand it is part of the territory, why do they divide it? For us it is part of the territory- the Waj Mapu as we say- you cannot divide it. A river also cannot be divided; but they always start with this and the law. I don't know [why]. The thirty meters from the shore for public use, that does not make sense, for what? For us the notion of Waj Mapu is very different from the notion of land or universe that the non-Mapuce has... (interview, 2004).

These clashes between Mapuce and dominant notions of territory and how to control them are already blending into material ways of appropriating the territory.

Lanín National Park is now managed in a collaborative manner between Mapuce representatives and the people of their communities, together with technicians, functionaries and park rangers of the National Parks. These arrangements of course are not free of differences in meanings and ways of doing, which emerge in the process of producing new knowledge and practices for the management and control of the territories. The Longko comments in the same interview, when asked how they manage the interplay of these different meanings?:

Well...it is difficult sometimes to make them [the National Park's functionaries and technicians] understand, because they have a different training. They went to school to study this and we have learned it from one generation to the next. But slowly, they say yes, we understand from your point of view what you mean; we see it differently but we understand your view. So slowly they understand what we mean with territorial space that includes water, birds, trees, medicines and animals, all as a whole. They've always said, for example, we will give you the land but everything below and above it is state property. I don't know, they give you a property title but in the end you do not own anything, most of it is of the nation or the province, then what? (interview, 2004).

Co-management is a policy which also conflicts within the wider institutional setting of National Parks where its acceptance or rejection depends very much on

the persons involved. That is, the meaning of co-management for the institutional actors involved is very different, especially at the interface of implementation. This is the only institution of the state that has proper, material territories and the people within the institution have an attitude of ownership which is not found in any other type of state institution. Therefore, for indigenous peoples it is a double task to reach agreements and the recognition of rights.

The social construction of a territory results from different ways of appropriating space in which the diverse actors participate. As we saw in the reflections of the Longko, different socially and culturally constructed notions do not always combine into one commensurate definition of territory. Therefore, we cannot talk about one territory but instead of multiple and contested territories, with clashes in meanings and specific modes of appropriation that express different territorialities. Antagonism obviously results from differential power relations, and, according to their subordinated position and level of organisation, indigenous groups can act upon their own notions of territoriality or upon those imposed on them (Bello Maldonado, 2004). In fact it is not rare to witness indigenous peoples assuming for tactical reasons the territorialities imposed on them by the state and other powerful groups. However this is not free of conflict and negotiation, as evidenced by the struggles to resignify and reappropriate those hegemonic territorial 'proposals' into new, mixed ways of constructing territory.

During the last decade the Mapuce have been struggling with the state in Neuquén on many frontlines. Through all these struggles they have strengthened alliances with different sectors, political actors and civil society groups who in the process have also transformed their views and knowledge about "the indigenous". To the extent that in 2006, when a reform of the provincial constitution was under debate, their organisations presented a proposal of reform which meant a great advance in their recognition status. To achieve this, there was no absolute confrontation with "white society" or the "state". They also found allies within wider society, such as the Interbloque⁷, which was recognised by the CMN as a major actor in this dispute. They went for this reform, which was considered by most political actors and progressive opposition groups as a manoeuvre of the MPN and UCR (majority parties) to change the constitution. This was in order to amend the part in which the provinces' natural resources, mainly gas and oil, were considered as "only possible to be exploited as a public good by state owned companies". Even though the Mapuce agree with this analysis, the old constitution did not respect the rights of indigenous peoples already recognised by the National Constitution and the international conventions, so they supported the reform anyway, this time in line with official interests, and negotiated their points into the Constitution - thus reaching their purpose. These dynamic redefinitions of representations and discourses generate

⁷ Interbloque: 16 convention delegates of the political opposition to the MPN and the UCR were in the process of drafting a new constitution.

countertendencies to traditional views (including Mapuce traditional views) and interpretations of actors and interests, advancing new ways of decision-making.

The provincial government deals with conflicts as they arise, and ambiguity and uncertainties emerge. On the one hand they sign agreements with Mapuce representatives and on the other hand, they boycott agreements that the same Mapuce have with other organisations or institutions such as the case of the Araucaria Program among Mapuce, National Parks Administration and the Spanish Agency of International Cooperation (AECI).

Of course, none of the negotiations mentioned above are 'results' established once and for all. They are part of the zigzagging of ongoing processes of the multi-dimensional social and political changes taking place, where actors accommodate, adapt and search for spaces where they can reshape the outcomes of agreements and negotiations.

Spurts and counter-spurts: Mapuce of Chapelko reflect on collective actions

When I met again with Mapuce representatives and community members at the beginning of 2004, the process at Chapelko was still ongoing (see chapter Six) and even though there were social and political changes between 1999 and 2004, the essence of the conflict remains.

Being a Mapuce activist and living in a community is not an easy task. In Payla Menuko, the settlement of most of the Curruhuinka community, there are 70 families and around 500 persons, most having jobs outside their lands. Most people do not want trouble. Lucas complains that his family does not understand what he is doing in the CMN, 'this thing of making noise about things'.

"They [his elders] are colonized...they do not want to be rowdy...there are a lot of people that do not agree with protesting, it's hard to get them to realise that we have to fight for our rights as Mapuce Peoples...but we have made great progress in this aspect - these issues were not even discussed before..."(interviews 2004).

Lucas has been very involved in all the actions and strategising during the protests and blockades. As a young member of the Curruhuinka Community and of the CMN, he is their representative in the Intercultural Commission of the Environmental Management Unit, a policy space that they managed to get created. The intention was also that within this space, he would learn about and be trained for environmental issues.

"I learned a lot, especially about how the commercial licenses are granted. Those from El Cerro ask for the commercial license after half of the tourism season is gone. The same with the construction permissions, first they construct and then, who is going to tell them to deconstruct what is already there?"(interviews 2004).

"It was very interesting [the start of the Intercultural Commission of the Environmental Unit], at the beginning Julieta [the Director of Environmental Unit] didn't understand, but later on she did understand what we were putting to them, but this Commission does not have decision-making power and she also did not have political weight, she could not push too much even if she would agree with us, because her decisions were not taken into account" (interviews 2004).

One of the CMN representatives also reflects on how the Intercultural commission works. They had fought a lot to reach this point of participation in decision-making, but in practice, things are different from how they sound. These particular processes are influenced by practices developed by individuals and their networks within the state over time. Changes are not straightforward and these processes which I interpret as countertendencies are not free of the inertia of bureaucratic processes. In the end, the struggle continues, but at a new battlefield, the structures of the state.

“When we advanced in having a Mapuce representative in the UTGA, where Lucas is representing us, we would check the projects submitted for authorisation to the UTGA; we got our companion technicians to make their observations but when we objected to a Project because it did not comply with the conditions demanded by the law, the Project would go to the Deliberative Council where the decision was made, and the Project was approved ‘with the objection of the Mapuce Communities’. We are not interested in participation for this” (interviews 2004).

Their strategies are deployed always at different levels and their local actions and knowledge are always within a wider range of activities. For instance, in 2007, the Mapuce Curruhuinca asked the Directorate of First Peoples and Natural Resources, of the National Secretariat of Environment and Sustainable Development, to mediate in the misunderstandings between the technicians of the UTGA and the local Mapuce communities and their representative in this intercultural commission⁸. Besides the actual conflicts at stake and the role that higher levels of state agencies could have had in dealing with them, I find this ‘small event’ very meaningful for my analysis of the countertendencies at play. In this act Mapuce are putting into practice the ‘new relationship with the state’ they are struggling for. These actions are also part of their overall strategy to create alternative ways of dealing with the state from within; therefore, to exercise their indigenous rights.

They also struggle through other more overt actions such as protests and presentation of proposals, as we have seen earlier in this thesis. However, actions such as putting forward a formal claim to the state agency of National level, to ‘help’ deal with differences with the local government commission, are very strategic. This is a way of “gaining access to political institutions of the state, while at the same time trying to strengthen their own institutions in order to make feasible their participation” (Assies et al., 2002: 101) and to weave a web of institutions at different levels of the state around their claims.

Another action and some reflections about it

In 2003 the Mapuce Curruhuinca, the CMN and Neuquén government’s Cabinet Chief signed what the media labeled as “An unheard of agreement”.

They agreed upon the following points:

⁸ I participated in this as a consultant working for the national Directorate of Indigenous peoples and Natural Resources.

-The establishment of the intercultural educational centre with a building for high school and tertiary school levels built within the community's lands in Payla Menuko (ex Paraje Puente Blanco). The study plans and building design would be according to the Community's needs and culture.

-Recognising "the provincial tutelage of the environment according to the current legal framework", they agreed to carry out environmental studies in Payla Menuko and the Ski resort. The agreement states that these would try to assure the sustainable development of the area. The Curruhuinka would incorporate their technicians and observers in these works with the specific objective of "contributing to the exercise of environmental control of the area and verify the treatment plant's management and functioning". This participation would be financed by the government.

-The province would also finance and carry out housing plans for the residents of the Curruhuinka community and also the extension of existing houses even in the other settlements (Parajes) of the Curruhuinka community (Pil Pil, Trompul and Quila Quina).

-The province would allocate funds for the construction of a community building and support a forestry development project and mobile sawmill.

In this opportunity the Mapuce reached an agreement that included the incorporation of four Mapuce environmental "guards" for monitoring the area together with civil servants - all paid by the Provincial government.

The Minister stated that *"this is a new road, a new strategy that the provincial government raises to the communities and it reveals a constructive attitude that allows us to seal a surprising treaty"*

This was answered by the Longko of the Curruhuinka: *"this is the first time that this government that is in power for 30 years, listens to the Mapuce. This is just the beginning of a path, but the Mapuce territory is a whole and there are still many other agreements like this one to sign for the benefit of the 8 communities within Lanín National Park and the 40 communities of the province"* (Rio Negro, 10 July, 2003).

Regarding this treaty a CMN representative reflects,

"For us it is not finished because they [the government] put some money for the treatment plant. What we want is to be part of the control agency, to reach the administrative structure. A first step is to have four representatives controlling how the treatment plant works. It is an advance towards being part of the decision making process about how the water that the Ski resort takes is managed, especially considering that it is at the spring of the watershed (nacientes de la cuenca). The ideology of the CMN in Payla Menuko is not to keep the money that the provincial government gives as a palliative. We are interested in participating in the management and administration".

Francisco, the representative (Werken) of the community in Payla Menuko commented as follows (interviews 2004):

"It hurts me to see that after mobilising people over here so much, everything stays quiet after an agreement. They accepted the money (others within the community, including the

Longko) but it was not a good political decision, because they got frightened and did not demand compliance with the other issues. Then, with what face are we going to come back to the claims if we have been quiet for so long? And how are we going to get people to move again? We don't care if other settlements benefit from what we do but we should keep going".

"We want to control the Ski resort so it stops polluting, but the idea is also to keep claiming for the implementation of the Guidelines that are still with the deliberative council that has to decide about their implementation. The government talks about "communities" because then they create rupture and they negotiate separately with those communities that are co-opted by the MPN (the provincial traditional political party that has won elections for the last 30 years), but we talk about Mapuce peoples so that the agreements must be reached as Peoples and not as communities".

The disillusion of Francisco is partly because the state in Neuquén, once again managed to demobilise people. It is opportune to remind oneself that the state in Neuquén is always present through its public works, services, employment, programs, welfare assistance and patron-client networks,

"...[T]he MPN is more of a 'clan' party. It is rather a hierarchical machine that has been working extremely well due to the extraordinary resources the province has managed over the years thanks to its natural advantages and the political capacity of its administrators to deal with the national government and more recently with the foreign companies to the benefit of the provincial arcades. This extraordinary wealth has been used to maintain the state/party welfare assistance apparatus that was working well, despite economic downturns and conflicting social activism. Income redistribution through patron-client networks has always been its strength. Although many activists in Neuquén fight this, they still demand that resources and solutions come from the state. Even when contesting the state, all activist organisations have been recipients of public funding or assistance and demand the public support to be maintained or improved, not to disappear. This contradictory process reflects the high level of embeddedness of the welfare assistance /clientelist workings as well as the perverse aspects of it: cooptation and/ or demobilization" (Villalon, 2003).

7.6. Final comments

From the analysis of these localised situations we further our understanding on the particular meanings of participation and the existing gaps present between the rights of indigenous peoples, the level of participation they are struggling for the state to recognise, and the actual capacities of state agents to meet these interests. The later statement might have ideological connotations but I believe that if the state apparatus has no overall political commitment towards considering and acknowledging Indigenous rights, it is too much to expect that particular officers be the promoters of such deep cultural, political and social transformations in Argentinean society.

This does not take away responsibilities, because these functionaries probably could have enforced more participation than was actually reached by only intending to do so. However, the frustrations and disagreements among the Mapuce themselves, also show how difficult it can be to keep the struggles coherent. Also for them to avoid that the fingers of certain state actors impinge on

these processes and interfere with them. That is why it is so important for Mapuce people to reach agreements with other levels of the state which can become supportive in their local struggles.

Interculturality will not be reached only by sitting people down together to discuss a project. Technical knowledge is still a matter of exercising power, not only in pushing for a project or not but also in having the last word on what is correctly presented and planned or not. Discourses that pretend that politics is separated from technical decisions allow the latter to pretend neutrality and 'objective truth'. Technicians manage to generate a sort of 'abstract' atmosphere, where nothing is problematised, unless the technical design has a problem. In this process, the Mapuce representative becomes 'discriminated' against, because they participate through a political lens which technicians find uncomfortable compared to their traditional way of dealing with the issues at stake.

Understanding the state and its institutions as monolithic powers, leaves no chance to capture the interstices from which processes of change emerge, overlooking the very practices of Mapuce people who, as this thesis shows, have experience in finding their way into institutions to advance their political agenda.

I have mostly analysed the agency of Mapuce to pursue their wider political project by its materialisation in one contested site, the Mapuce's territorial struggle in Chapelko. However, this process is strongly articulated with other processes materialising in what Escobar (2007) denominates the region-territory. In pursuing their territorial notions, Mapuce search for the right political moment and through their interactions, the right functionaries and technicians that support their projects from within several state institutions.

8. CONCLUSIONS

8.1. Introduction

This study has focused primarily on a participatory water policy in formation at a local interethnic site, in order to expose the complexities involved in what empirically seems to be a simple task. It has identified the variety of actors and issues that are intertwined and which make research interdisciplinary and development planning and policy-making, dynamic and almost unpredictable processes. These go far beyond linear models of policy analysis in which policy remains within the realm of the state as the only field of interaction to be studied.

In this chapter I first comment on the implications of the methodology to get to grips with the issues at stake. I then revisit the objectives and main research questions given in chapter One, in order to present the main findings of the study. Finally I present some ideas for future research emerging from this study.

8.2. On my own research process

In Chapter Two I presented a theoretical overview of how to conceptualise Territory. Actually, for me this is a finding, because it was only in the process of writing that I realized that this notion allowed me to articulate the struggles I was trying to make sense of from my materials. These were the encounters and disputes among different actors over resource use and over control, identity and the definition of their territorial projects in space. The social and political uses of water provided the focus from which actors and interfaces emerged and were examined, reflecting the multiple dimensions of the problems analysed.

In these processes, the state plays an important role as it facilitates or confronts these different projects according to the extent they are compatible or not with its own territorial project. The latter influences these arenas by means of interventions, which are also tools for controlling space, therefore exercising territoriality. However, this does not stop other actors from struggling to find ways to develop their own projects in space. These interface outcomes are shaped by the social, economic and political dimensions at play, constituting what I call multiple, disputed territories which co-exist, sometimes being imposed one over the other.

In the same chapter I presented my research journey, from which I also have some findings. I had planned a research project which was going to deal with participatory water policies for multiple water users. Fortunately my fieldwork methodology and theoretical framework allowed me to have an open mind about the definition of the research problem, which would surely be re-shaped by my encounters with actors in the field. This allowed me to enter into different complex dimensions intersecting in the arenas of water development issues. A

classic stakeholder analysis would not have shown those actors who were not part of the policy process in a formal and explicit way.

The case study was selected on the basis of the presence of a wide range of different actors involved in water distribution policy processes. It also happened to be an interethnic site, which for me implied the certainty of multiple actors or water users. I was completely unaware of the differences between indigenous peoples, (for me at that moment 'indigenous people' in the singular) and other marginalized actors, such as farmers and unemployed people. Therefore, my theoretical-methodological framework proved crucial for incorporating the rich social dynamics present in the field and so I followed these other actor's problems and actions. In this way, my case study became case studies in plural. These different actors and their interests and actions relating to the watershed are analysed in chapter Four.

Another important issue concerning my theoretical and methodological approach was that it implies that things do not just happen. It requires consideration of larger historical, social and political processes to contextualise the social fields of interaction and disputes triggered by policy interventions. By preparing a chapter on the history of relationships and how the region came into being, I realised that current cultural repertoires were socially constructed through these historical processes of building the nation-state, in which indigenous peoples had been deeply marginalised. These cultural repertoires legitimate the discourses and actions associated with different social actors, thus materialising the space into specific conceptions of place. These processes highlight how hegemonic notions of modernity define the ways in which the different actors developed their relationships and how the territories had been shaped, re-shaped, and shaped again. The processes presented in Chapter Three depict the driving forces of present day struggles, discourses and projects. I had entered into a whole new area of study again, indigenous rights and the different debates among social and political actors within my country and in Latin America at large.

This research process allowed me to make visible the complexities involved in the many tasks that for example, engineers (forestry, hydraulic and agricultural), ecologists or biologists carry out in their working field. Activities such as territorial planning, policy-making for natural resource management and development work are many times carried out in a reductionist fashion, which tends to simplify processes into facts and figures. Exploring these complexities helps understanding that reality is multiple. As shown in this study, managerial approaches risk pretending to solve "the problem" based on assumptions that result mainly from cultural repertoires built into different scientific disciplines that support the hegemonic projects of modern societies.

8.3. Multiple territories and Mapuce struggles

The strategies and tactics that Mapuce political organisation deploys in its struggles for the recognition of their rights to autonomy, territory and identity are

analysed in chapter Five. This studied how the different actors used different means in order to pursue their territorial projects at Cerro Chapelko, concentrating mainly on the processes through which Mapuce peoples are involved to recovering their rights to their territories. I presented the multiple arenas of social life in which Mapuce peoples contest their fragmented order, in which institutions and their policies influence the appropriation of the resources and territories. In doing so, they assembled a discourse which consistently referred to territory as a concept that involves all elements and levels of their social, cultural, political, spiritual and economic life, therefore pointing to high levels of decision-making. Along with these processes, Mapuce organisations create countertendencies aimed at putting forward their specific notion of territory, and the recognition of indigenous rights to autonomy and self determination. This notion contests other notions of territory such as those of the tourism sector and the state whose policies tackle particular aspects of this whole.

The localised practices of both the CMN and its members are actually constructed by the appropriation and re-embedding of modern policy concepts and discourse into alternative modernities. The emergent properties of these interactions are in some cases countertendencies in wider arenas of development. I have shown how discourses, values and practices associated with Mapuce tradition re-shape and appropriate the ideas and practices of the modern state and wider society, fragmenting them into multiple modernities.

The study also revealed the strategies and tactics of the CMN to put the projects of the Mapuce communities on the political agenda. For this, Mapuce find - in the interstices of institutions - allies and room for manoeuvre. The outcomes of their contestation are shaped by the strategies deployed as well as by the malleability of the institutions according to the different agents representing the state and other actors influencing the territory.

In entering these interstices of modernity, actors put in motion their creativity to find the opportunities and create partial alliances with actors from other spheres of social life. Just to recall one example, such was the day they organised a demonstration that 'by coincidence' was at the same building and time in which a national writers' conference was taking place. Writers became supportive and their speeches were read or heard by many people in the wider society who listen differently when messages come from generally respected and admired writers. By adopting these tactics they disseminated information and built awareness of the situation of indigenous peoples within wider spheres of society. This is also another way of putting pressure on governments.

Towards the recovery of the territories that they consider lost to the hands of other territorial projects, they construct countertendencies by means of resignifying discourses and practices of institutions and bureaucrats, intellectuals and academics, the media and other constitutive elements of modernity.

It is interesting to retrieve the analysis that Raffestin (1980) makes, linking spatial processes to social processes and their relation to culture and power. For this

author, space is the raw material for territory, it exists before the latter. The territory is generated by the actions of an actor who materialises his/her project. In this appropriation of the abstraction of space, the actor territorialises it. I find important the issue of the 'abstract' or 'ideological' because it allows the study of contestation over the territorialisations of space. Actors enter the interstices of hegemonic power, and therefore make other territories possible, as we could see with the Co-management scheme of Lanín National Park advances in the intercultural education programmes, and conflict management by Mapuce's own institutions analysed in Chapter Seven.

The analysis of my case studies (Chapters Five to Seven) showed some successful actions. For instance, the creation of the Intercultural Commission within the Environmental office - although it still has to improve a lot - is a policy space that was negotiated by the Mapuce with the local government, implementing creative strategies to gain support which governments had to acknowledge. At national level, the Directorate of Indigenous Peoples and Natural Resources, which was also a result of Mapuce negotiations, shows the wider agenda in which they contextualise local action. Mapuce construction of networks of relationships demonstrates the ability of their organisation to use different circumstances to make alliances and forge their objectives.

The exercise of territoriality obviously results from negotiations between the state and the different actors involved. However, it seems difficult to establish the boundaries between the 'abstract or ideological' idea of territory emerging from indigenous rights and the actual implications of its practice for local arrangements, especially considering non Mapuce who might support them or not. Hence the need to de-essentialise it, otherwise it can be seen as impossible to implement. As researchers, I think we should go beyond the environmental and culturalist discourses of indigenous peoples' movements, which means not assuming such discourses as given, not to 'read them' but to interpret them as strategic tools for their political struggle.

8.4. Policy processes, participation and the creation of the WUA

Pulling together the threads of the many socially constructed problems and solutions at the interface of a local water policy process, a whole range of conscious and unconscious meanings, interests and intentionalities emerge. Only then we can start to understand what is actually being negotiated or contested when what seems to be a simple water distribution debate takes place.

The dynamics of creation of the WUA revealed processes of inclusion and exclusion where the various actors involved re-shaped policy objectives and tools to further different interests and visions, drawn from their different backgrounds and projects. By analysing the ways water problems and solutions were socially constructed allowed exposure of the multiple realities involved in the construction of territory, and the discussion of the watershed concept as a new territoriality of the state. Contemporary local state agencies managed to

reproduce the state's historical notion of territory as a homogenising process of control. This is reflected in the top-down proposals and everyday practices of its agents, although often couched in terms of 'participation' discourses.

Proponents of policies for integrated water resource management by definition include collaboration and participation of the actors involved in all stages of the decision-making process. However, actors are first selected and then "invited to participate" by official institutions, according to the particular problem already identified by the latter. The agenda is prepared beforehand and then only the actors who fit this particular agenda are identified.

The case study of the WUA analysed in Chapter Five shows that although there were claims put forward by different actors who are settled within the watershed area, the process of organising the WUA started because of pressure on the DGRH to distribute water and the particular needs of the tourism developments, which were advancing without considering water availability. It was not the result of the collective action of these other actors which were concerned with landslides and sediments from soil movements, water quality and artificial snow production. In fact, these demands were never tackled and these actors were poorly or not even represented in the organisation of the WUA.

In analysing the policy-making process it was shown that, in practice the institutional actors tend to deny the existence of conflicts in order to avoid controversy. One means of doing so is by selecting the stakeholders and demarcating the field of implementation. In this study, bureaucratic institutions imposed their social, cultural, and political dynamics by making decisions that avoided the complexity of relationships with the excluded actors and issues. On the other hand, private investors in the tourism development sector did nothing to help make the WUA, since individually they were able to negotiate their interests outside this space.

We can conclude that framing the problem influences the solutions that will follow, and also who can be considered a stakeholder or not. This study shows some of the pitfalls of mainstream thinking in the water –and other natural sciences- sectors which so easily prescribe the watershed as the natural unit for planning. The definition of boundaries is not natural (neutral), as shown in this thesis. Definitions of this type influence the shape of the territories at stake. We have seen in the thesis that the definition of the watershed for creating the WUA was biased towards one stream – the Trahunco, on which the tourism investors depend for their developments, as well as the ski resort for its expansion. The decision not to promote a WUA for the whole Trahunco-Quitrahue watershed was influenced by the claims of the Mapuce settled at the Quitrahue's shores on the state to implement their Mapuce Guidelines for Development. These would imply their participation in the environmental impact assessment of tourism developments taking place. These conflicts were avoided by defining boundaries that left Mapuce actors out of the process.

The complex social and political configurations relating to this water policy process required exploration of alternative policy spaces and processes that the excluded actors were seeking to open, be they formal or informal, where decisions and actions could be taken to further these actors' projects.

This has brought to the fore the dynamic of participation as engagement in social spaces where disputes and not only voices can be heard, and where participation is visible as contestation and not only negotiation or information sharing

8.5. Alternative policy spaces and the meanings of Indigenous Rights

The alternative policy spaces that actors intend to set for their projects from below involve a mixture of both elements of modernity expressed in the institutions and the ways politics work, and traditional ways of organising dimensions of social and political life. The consolidation of the nation-state and the working of its structures set certain features for social action that are embedded in the historical processes under which people of the region have constructed cultural repertoires. These situate actors vis à vis each other in current political and social scenarios.

SMA has constructed its identity as historically rooted in its environment. The Lanín National Park surrounding the town together with the Ski resort, have proved important means that make it an object of consumption for the tourism industry. Almost all businesses in San Martín de los Andes are dependent on tourism and they rely on images and representations of the town promoted by tourism agencies. The International Ski Resort is the main attraction. From the conquest of the desert onwards, this area has been shaped and reshaped in terms of modernity values, currently expressed by the tourism industry, directed to white, educated, economically well-off tourists. Within this scenario, the site is a contested one where Mapuce communities have their own, competing claims over the territory in order to exercise their rights and values.

Therefore, the strategic issue of water pollution has been used as a resource that Mapuce mobilised in their struggles to get their claims heard. To make the pollution issue so visible through the media and stopping tourists on their way to the ski resort, proved very effective for creating negotiation spaces with government and tourist business administrators, who otherwise would have overlooked Mapuce demands.

A polluted stream from which indigenous communities take their drinking water is much more appealing to the general public for gaining support, and therefore enabled the enrolment of other groups of San Martín de los Andes and many tourists to their struggle. In the protests and blockades, water pollution was foregrounded in Mapuce discourses and actions, while their unresolved issues of the Guidelines and territorial claims were backgrounded. These were returned to the front once they could create negotiation spaces with government agents or politicians. Although water pollution is in fact a problem, it also allows for its

political use, contextualized in the history of conflicts during the last decades between the Mapuce communities and the provincial government, around land rights, territorial control and political recognition.

We should also analyse the tactics employed within their wider context and see the links of the blockades the Mapuce implemented in Cerro Chapelko with the national political context which was very influential. The ongoing questioning of the entire political system through massive demonstrations of civil society everywhere in the country, allowed the CMN to build upon these processes and construct horizontal alliances with other groups where political parties were not the binding force. Every protest in the streets was carried out with the watchword "you (politicians) must all leave". The meanings behind this slogan were very different for the different social actors, as were their interests and ideologies, but the objective was the same. Individuals and all types of civil organisations were rejecting the traditional way in which politics operated. Mapuce people and their organisation seized this opportunity to enter with their proposals and claims. As governments were in a very weak position, having lost their constituency support, negotiation spaces were opening. At regional level, Mapuce used this opportunity to go beyond identity discourse strategies while still building on ethnic identity. Therefore, the Chapelko conflict was one part of the network of actions in the different Mapuce frontlines shaping outcomes of their regional "conflict-process".

In terms of enforcement of Indigenous rights, this study shows that even when the National Constitution and different International conventions are in place for the exercise of indigenous peoples rights, in practice this still does not affect the state's ideology and sovereignty. Although in Chapelko the provincial state finally negotiated - with the Vera - in very beneficial terms for the latter, in the end this can be interpreted also as a way for the government to postpone the debate on political recognition that the wider Mapuce population is struggling for. Formalising the Vera's land titles and granting royalty payments of the Ski resort is an advance for the Vera's livelihoods but also a fracture of the wider political struggle for territory which the Curruhuinca and the CMN are involved in.

Regarding the meaning that indigenous rights have concerning participation in decision-making, a fundamental issue is the notion of differential modes of citizenship rooted in the concept of autonomy expressed within a plurinational state, whose institutions and parliament should include Mapuce (and other peoples). This only holds of course if the state and wider society acknowledge in practice the rights the Mapuce are defending. In this study, the evidence shows that although Mapuce confront the state, they are also negotiating and articulating with it. Their purpose is not to reach an 'independent' territory, but to exercise their autonomy - and therefore their territoriality - within the political system.

There is a great amount of ignorance within society in general and functionaries in particular about its significance. This is functional to others' intentions of denial

and neglect. The rights of indigenous peoples are not something the state is worried about and which needs to be made known by all members of the country, not even by the persons who work within the state apparatus as technicians and/or functionaries. It has been left in the hands of the indigenous peoples themselves, by means of struggles and protests to inform wider society about their rights, and still this is something they must fight to be put into practice, as seen in these chapters. Abers (2007:1454) quotes Melucci (1996: 73) who argues that "collective identity is not produced only by the members of a group, but also requires recognition by the 'other social and political actors'". Therefore, strategic denial might frustrate or weaken the processes of strengthening indigenous identity .

However, the frustrations and disagreements among the Mapuce themselves, also show how difficult it can be to keep struggles coherent and avoid the strategies of denial or cooptation that state actors deploy towards these processes and that interfere with them. That is why it is so important for Mapuce people to reach agreements with different levels of the state which can become supportive in their local struggles. As they struggle to access different institutional spaces of the state, they are also struggling to strengthen their own institutions so that this participation can be possible. This double process is not linear nor without external and internal confrontations. Therefore, the synergies they reach with individual state agents and other social actors of the wider society are very important. By finding these interstices they advance their political agenda for an intercultural state.

However, as demonstrated in this thesis regarding the UTGA, interculturality is difficult to reach in these spaces if state agencies consider that it is enough to sit people down together to discuss a project and allow indigenous representatives to give a 'technical' opinion. Technical knowledge is still a matter of exercising power that overrules any other perspective or knowledge, although presented in a non-political fashion. Discourses that pretend that politics is separate from technical decisions, allows state technicians and their like to pretend neutrality and 'objective truth'. The sort of 'abstract' atmosphere generated with these discourses, where nothing is problematised within its wider implications, ends up discriminating against Mapuce representatives who participate through a political lens which technicians find uncomfortable as compared to their traditional way of dealing with the issues at stake.

8.6. Mapuce countertendencies for indigenous territoriality

Countertendencies in this study are considered as Mapuce collective actions for creating opportunities to further their political project, carving alternative spaces within the hegemonic workings of the state. The experiences of collective action analysed in the case studies presented in this thesis are articulated into the wider agenda of the CMN that supports different processes in many sites of the Province. Their initiatives denote the constitutive elements of the CMN's project

as Indigenous peoples of the region. The strategies deployed to tackle the localised conflicts of different communities that interact with different social actors are embedded in the experiences and knowledge constructed at different scales. I understand their 'political agenda' as the countertendencies that Mapuce generate in opposition to the state's hegemonic project.

In promoting the implementation of the "Mapuce Guidelines for Development with Identity" to be incorporated as environmental norms and regulations, they search for ways to influence development in Mapuce territories and surroundings where different governmental or private projects might impact on their territory. The struggle to get this into the Legislative body of the Municipality is an entrance to modernity, but on their own terms, as analysed in Chapter Six. This goes along with wider processes in Latin America, such as the constitutional reforms that recognise their states' multiethnic configurations. Assies et al. (2002: 96) stress that these "processes of [constitutional] reform imply much more than the recognition of multi-ethnicity and pluriculturalism. They also [should] search for the formulation of a new model of development and to renew [or redefine] democracy".

The experience of the Co-management of Lanín National Park is now a public policy, which implies legal and political space for to extend it into other protected areas where other indigenous peoples territories are at stake. At the same line they are working towards the declaration of Pulmarí (in Aluminé, Neuquén) as a Protected Indigenous Territory.

All these frontlines of action for the Mapuce imply the shaping and reshaping of their ethnic identity and its relation to the recognition of their rights to autonomy, which implies reaching a new relationship with different government levels and with wider society. In pursuing their territorial notions, Mapuce seek the right political moment and, through their interactions, the right actors from within several state institutions and in other spaces of the wider society, in order to strategise the furtherance of their political project.

8.7. Looking to future research

A key intention of this thesis was to present the complexities involved when considering natural resource management research, programmes and projects, which is a weakness in the formation of technical professionals, at least in Argentina.

To do so, I concentrated mainly on the way political actions are constructed by Mapuce political organisation and its members to further their proposal for an intercultural state and society. I showed how this is embedded in disputes among multiple territorial projects, all anchored in the natural resources of the geographical space called a watershed (already a technical definition).

Future research can follow on this by analysing further the heterogeneity within Mapuce communities and organisation and how individual agency influences or

is influenced by these ethno-political collective actions. It has been stressed that there is a gap between community members' lifeworlds vis à vis the lifeworlds of Mapuce representatives of the CMN. To what extent the latter's political actions can be sustained by local Mapuce people and on the other hand actually improve their autonomy and life conditions within the territory is something to be studied. Another issue which remains for follow-up research is the relation between particular Mapuce people's life projects and the territorial project of Mapuce Peoples, as presented and struggled for by political active Mapuce. These research questions could contribute to strengthen Mapuce's exercise of territoriality in practice.

Territories do not exist without territoriality, so regaining lands does not automatically mean they recover their territory; for the latter to exist, its peoples must have its overall command. I believe this is the wider and long term challenge for indigenous peoples and wider societies in the nearby future. Technical professionals and scientists can contribute to this challenge on the one hand, by developing new ways of understanding sustainability and management plans which incorporate the many meanings a territory's nature has for its peoples. On the other hand, they can incorporate in their analysis the wider context of disputes taking place in territorial terms, that give meaning to these different values. Taking up these challenges allow new questions on strategies and methodologies. How to develop new ways of working in environmental plans, production projects, co-management schemes and the like, which acknowledge the ongoing disputes for resources and the different meanings involved? Can we develop working strategies that incorporate the analysis of these disputes, embedded in political, economic and historical processes of inequalities, so as to contribute to their leverage? Can natural scientists start to understand difference and not only diversity? How can technical scientists and professionals escape from this positivist thinking of neutrality and objective truth without needing to become a social scientist? For such future research and action, I believe it is not a matter of interdisciplinary work: it is more a choice of transdisciplinary mind.

I find it very important to further investigate the dynamics between tourism and urbanization development actors at the interface with other – rural - social actors. This brings to the fore issues of water access, use and control in the domains of different citizenships' access to water in sufficient quantity and quality for their livelihoods. How to construct policies of water management that build upon agency, knowledge and articulation in the interstices of hegemonic state structures? Which particular types of participation can truly bring different water users and water uses together towards more environmentally sound water management for particular territorial disputes? Would these balance the co-existence of multiple territories?

Local discussions and actions are connected to wider, national and Latin American processes, as we have seen throughout this thesis. This is at the heart of the definition of territory, where interculturality goes beyond the recognition of

different *peoples* within one nation-state. It requires a rethinking of 'development' into new paradigms. Part of this rethinking is where indigenous peoples should play a role and take part. Our role as researchers is challenged by this if we are to contribute to further development and policy agendas incorporating a politicised perspective of difference and countertendencies.

These countertendencies are an important area of research and understanding not only for participatory processes but also for understanding how new forms of citizenship will be negotiated and built.

The countertendencies in which Mapuce are involved, such as the co-management schemes and their strategies for declaring Pulmarí a Protected Indigenous Territory offer much to learn. How do Mapuce guidelines and new environmental approaches differ on the one hand, but also come together for new options in natural resource management? In this line of thought, the detailed analysis of inter-cultural committees might shed light on how these processes work and transform local public and political life. How to bridge the gaps between indigenous peoples' rights and other marginalised people who actually are also excluded and might depend on the same resources?

Finally, it was not set as an objective for the research to support Mapuce's outreach into wider society. However, going through the research process led me to the concern with the struggles for indigenous rights and how these need to be considered in policy-making. Therefore I hope this thesis contributes to such an endeavour by presenting an interpretation that links academic analysis with practical concerns and by sharing my own learning process.

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APPENDIX 1:

**MAPUCHE GUIDELINES FOR DEVELOPMENT WITH
IDENTITY**

CONFEDERACIÓN MAPUCHE NEUQUINA, 2000

Algunas definiciones sobre Impacto ambiental, Términos de referencia y Planificación ambiental



Impacto Ambiental

Son las consecuencias derivadas de las actividades socioeconómicas sobre el medio ambiente, en el que se desarrollan, y pueden alterar el equilibrio de los ecosistemas o algunos de sus componentes y/o afectar al bienestar social, en términos de salud humana y desarrollo social.

Términos de referencia

Son los parámetros a partir de los que se vincula una actividad específica y sus consecuencias directas e indirectas sobre los elementos de los sistemas naturales, sociales, económicos y culturales que configuran al ambiente a afectar. Actúan como marco de referencia para el desarrollo de Evaluaciones de Impacto Ambiental, con indicadores de los elementos susceptibles de ser impactados y que requerirán de una ponderación y una estimación de las medidas protectivas necesarias para mitigar o prevenir el daño.

Evaluación de impacto ambiental

Es el conjunto de actividades de relevamiento y recopilación de datos y entrecruzamiento de variables intervinientes en el estudio del impacto de una acción determinada, tendientes a clasificar los posibles impactos, ponderar su gravedad en función de términos de afectación de la salud e irreversibilidad de los cambios producidos en el ambiente y realizar un plan de protección que permita amortiguar el impacto y/o prevenirlo.

Plan de Protección Ambiental

Es el conjunto de medidas a tomar para la mitigación o prevención de impactos ambientales, en el transcurso de la ejecución de los proyectos evaluados y posteriormente en su etapa de funcionamiento. Los planes de protección se sustentan sobre acciones de control y vigilancia del cumplimiento de normas legales y acuerdos, monitoreo ecológico de los procesos naturales afectados y monitoreo de la población afectada y planificación del uso del suelo.

Planificación ambiental

Es el conjunto de actividades tendientes a lograr la optimización del uso de los recursos naturales y ocupación del suelo, con el fin de evitar la incompatibilidad en los usos del mismo y los conflictos sociales derivados del uso del espacio y asignar restricciones y pautas de manejo sobre aquellos elementos que requieran un tratamiento especial a fin de garantizar la perpetuidad de los recursos y el respeto por las diversas expresiones de la cultura en el ambiente.



Directrices mapuches para el Manejo del Ecosistema. Comunidades Currulhuinca, Vera y Atréuco.

Introducción

Las presentes directrices constituyen un aporte complementario a los principios elaborados en Puente Blanco, provincia de Neuquén, por las comunidades mapuches del ejido urbano de San Martín de los Andes, los días 15 y 16 de abril de este año.

Con el fin de abordar la problemática ambiental de las comunidades de este sector, derivado de más de un siglo de cambio de las pautas de uso de los recursos naturales y de ocupación del espacio, y bajo las formas actuales de homogeneidad en las formas de aprovechamiento de los recursos y de inequidad de la distribución de la riqueza, este acontecimiento avanza en la necesidad de establecer principios rectores de uso del suelo y los recursos naturales en los contextos culturales y sociales de las comunidades mapuches Atréuco, Vera y Currulhuinca.

Los aportes que en este trabajo se realizan son complementarios de los principios establecidos por las comunidades a partir de su conocimiento del medio que ocupan y cultura que conforman.

Articulación de las directrices mapuches y el uso del suelo

La planificación ambiental es una herramienta que permite establecer pautas de regulación del uso del suelo a partir de las condiciones ecológicas, de cada lugar en particular y de los recursos naturales aprovechados o potenciales. Las diversas expresiones culturales que se manifiestan en el ambiente como una forma, modalidad o práctica de vinculación sociedad - naturaleza, configuran un paisaje, en donde el hombre y su historia van construyendo un mecanismo de articulación indisoluble con la naturaleza. De estas prácticas pueden resultar formas comprensivas de los ciclos de regeneración de los recursos o pueden sobrevenir daños irreversibles al equilibrio ecológico, pero también de las diversas manifestaciones culturales que se expresan en una modalidad de uso irracional pueden subyacer conflictos por el uso, e inclusive el avance de formas de tenencia y aprovechamiento de la naturaleza, que avasalla derechos de otras culturas.

En este sentido la planificación ambiental viene a brindar una herramienta que va más allá de los alcances que estrictamente el equilibrio ecológico impone al uso del suelo, sino también incorpora la dimensión cultural del uso del territorio, como forma de protección del paisaje como expresión que sintetiza a la sociedad y la naturaleza.

El pueblo mapuche a través de prácticas ancestrales, percibe a la naturaleza como un todo integrado con el hombre, y las actuales autoridades de este pueblo vienen desarrollando una estrategia de recuperación de estos valores, que en el último tiempo han sido restringidos a prácticas marginales o periféricas de una cultura que como ya se mencionó anteriormente avanza tanto en el plano de la apropiación de los recursos como de los derechos a la diferencia (o diversidad cultural), estableciendo pautas homogéneas de uso de la tierra.

Si bien las comunidades mapuches en diverso grado han incorporado las mismas pautas impuestas en la producción y ciertas formas de vida de la sociedad actual,

como parte de esta "globalización" de la cultura y la economía que caracteriza a este siglo; todavía sobrevive la férrea voluntad de consolidar una cultura, a partir de un derecho humano elemental, como lo es el derecho a la identidad, inspirado en la creencia, la filosofía, la ideología de este pueblo que se manifiesta en el campo de la organización comunitaria y las formas de tenencia y uso del suelo y los recursos naturales.

Con el fin de abordar la dimensión cultural - ambiental de la planificación del espacio en torno de las comunidades mapuches de San Martín de los Andes, reunidas en Puente Blanco los días 15 y 16 de abril del 2000, representantes de estas comunidades sentaron las bases para la elaboración de las Directrices Mapuches para la planificación del uso del suelo y la Evaluación del Impacto Ambiental de los proyectos de desarrollo del área.

A partir de lo que genéricamente se denominó criterios de manejo del ecosistema, sobre la base del conocimiento y prácticas del pueblo mapuche, el presente trabajo pretende aportar desde las herramientas de la ciencia y más precisamente de los paradigmas nuevos surgidos de las denominadas ciencias ambientales, un elemento más a la elaboración de las Directrices Mapuches.

Debo aclarar que de ninguna manera los aportes reemplazan o sustituyen ninguno de los puntos planteados como bases y ni siquiera interpretan su contenido, solo complementan los lineamientos a la luz del saber científico que como mencioné en el contexto de los nuevos paradigmas de las ciencias del ambiente se enriquecen del saber popular o como en este caso de los saberes ambientales acumulados a lo largo de la historia como resultado de una práctica milenaria que atravesó por distintas fases y se enriqueció de distintos momentos por los que sin duda constituyó una alternancia de éxitos y fracasos en la relación de un pueblo con su medio ambiente y entre los componentes del mismo, hasta consolidar una relación que la hace particular y llena de instancias a considerar como tecnologías y percepciones ambientales valdeadas para la gestión de los recursos naturales y los ecosistemas en general.



Directrices del Pueblo Mapuche para el manejo del ecosistema en las comunidades Curruhuinca, Vera y Atreuco.



Los aportes técnicos a las directrices del pueblo mapuche se fundamentan sobre tres aspectos esenciales, la protección de la cultura y todas las formas de relación del hombre con la naturaleza en su contexto cultural y de los hombres, mujeres y niños entre sí; la protección de los recursos naturales que sostienen la economía de estas comunidades en la actualidad y a futuro; y el establecimiento de términos de referencia (tarea que será encargada a la luz de los proyectos que afecten a las comunidades a futuro) para la evaluación de impactos ambientales de proyectos de desarrollo ajenos a los intereses de las comunidades en cuestión.

1. Cultura y medio ambiente.

- 1.1 – Todo proyecto de inversión que se desarrolle en el ecosistema, dentro de territorios mapuches como en los entornos, constituyen una alteración no solo de los componentes físicos sino de los principios que hacen a la constitución del paisaje y su valor simbólico para el pueblo mapuche. Cualquier obra u emprendimiento no puede alterar los rasgos sobresalientes del paisaje entendido no solo por los componentes naturales sino también por aquellos que fueron configurados por la acción del hombre mapuche en su entorno, en lo que denominamos el resultado de la interacción sociedad (pueblo mapuche) – naturaleza.
- 1.1.2 – Los elementos que configuran el paisaje están “atravesados” por un conjunto de representaciones de orden simbólico, que le confieren a determinados rasgos del paisaje natural y/o modificado, como a componentes de la naturaleza, un valor especial. Estos componentes deben recibir el mayor de los cuidados por el conjunto de la sociedad, como del tratamiento específico en los estudios ambientales, por su significación.
- 1.2 – Toda acción sobre el medio ambiente comprendido por el ecosistema de las comunidades mapuches y su entorno, será comunicada a las autoridades mapuches locales, asumidas como autoridad específica en lo concerniente a la aplicación y conocimiento de estos principios y como representantes legítimos de los dueños de la tierra: la comunidad.
- 1.3 – Los sitios sagrados tendrán categoría de zona restringida al uso y modificaciones, que indirectamente puedan promover cambios a la configuración del paisaje y su entorno inmediato.
- 1.4 – La lengua mapuche constituye una de las formas esenciales de comunicación del pueblo mapuche y de transmisión del conocimiento sobre la biodiversidad. Toda forma de desarrollo social en la zona, comprenderá planes específicos de rescate de la tradición oral mapuche en su lengua original y de enseñanza, por

medio de los propios integrantes de la comunidad, salvo expresa solicitud de los mismos de apoyo extracomunitario en este sentido.

- 1.4.1 – Cuando el desarrollo urbano o de otra forma de asentamiento (de tipo turístico, por ejemplo), obras de circulación (caminos y rutas) y de medios de comunicación social, en los entornos de las comunidades: implique una fuerte generalización de las formas de comunicación de nuestra cultura dominantes, bajo la expresión de la lengua castellana; se recomienda la adopción de medidas de mayor difusión de la lengua mapuche y su significado, a través de los medios de comunicación y la cartelería, como forma de reconocimiento de los habitantes originarios y como forma de fomentar el respeto por la diversidad cultural entre los visitantes de esta región y los propios pobladores.
- 1.5 – El desarrollo y la promoción de la producción artesanal de las comunidades, será consolidada con el establecimiento de normas de protección de la producción local y de difusión de su uso y comercialización en los centros comerciales de la ciudad y los centros turísticos.
- 1.5.1 – Se asistirá a la producción artesanal a través de exposiciones y habilitación de espacios para su promoción, y las ganancias que de esta resulten, serán de estricta utilización de sus productores.
- 1.5.2 – Se alentará al desarrollo de la tecnología y formas de producción rústicas, a partir de los principios rectores de la producción mapuche, a través del aporte técnico y científico; y la documentación de sus resultados estará encargada a miembros de la comunidad, cuyos avances serán registrados exclusivamente como propiedad intelectual de la comunidad.
- 1.6 – Los daños que el desarrollo actual causó a los componentes del medio natural y social del pueblo mapuche en la región, serán resarcidos a través de un fondo de reparación histórica, que se conformará del aporte de un porcentaje de la ganancia de todos aquellos emprendimientos económicos y/o productivos que se desarrollaron o desarrollarán en las inmediaciones del ambiente de las comunidades.
- 1.6.1 – El fondo podrá comprender un porcentaje de tasas de inspección, control y vigilancia ambiental en la zona, o futuros y nuevos tributos de los llamados “ecoimpuestos”
- 1.6.2 – La utilización del fondo comprenderá estudios específicos y monitoreos de tipo ambiental a cargo de la comunidad o las personas que esta designe.
- 1.6.3 – En términos generales, el fondo servirá para la remediación de las zonas alteradas y el desarrollo de la comunidad.
- 1.7 – Todo estudio de carácter ambiental que involucre las tierras de las comunidades y su área de influencia (cuencas altas y zonas limitantes, particularmente), contará con la participación de representantes de las comunidades o las personas que estas designen, con el fin de reflejar estos principios en la ponderación del ambiente y sus valores de conservación, tanto desde la necesidad de preservar la biodiversidad, como a los efectos de salvaguardar el bienestar de los integrantes de la comunidad y asistir a todo proyecto de desarrollo para que redunde en un desarrollo armónico de todos los sectores sociales.



1.7.1 - Se entiende por estudios ambientales a Evaluaciones de Impacto Ambiental (EIA), Términos de referencia para EIA, Informes ambientales, Planes de Protección del ambiente y los recursos naturales, planes de manejo, Planificación del ambiente y las cuencas hídricas, estudios del paisaje y cualquier forma de estudio del ambiente que se desarrolle, especialmente aquellos que hacen a la factibilidad de aprovechamiento o la planificación general.

1.8 - En condiciones normales de desarrollo socioeconómico las comunidades tendrán al crecimiento y a la retención de los jóvenes, para lo cual se establecerán planificaciones que contemplen el crecimiento territorial de las comunidades, en ejes de desarrollo favorables para el sostenimiento de las actividades y en condiciones ecológicas adecuadas para la producción y el desarrollo sustentable.

2. Protección del ambiente

2.1 - El agua y el suelo constituyen los dos recursos naturales esenciales sobre los que se sustenta cualquier actividad humana, por lo que ninguno de los dos componentes pueden ser alterados en la medida que su composición físico - química, altere la calidad de vida de las personas, su salud y su producción.

2.1.1 - El agua es además de fuente de vida, el vehículo de la energía que modela el paisaje, por lo que se contemplará a este recurso, como fuente de energía, factor de desarrollo de la vida (biodiversidad) y como factor de riesgo natural por manejo inadecuado.

2.1.2 - El suelo es el soporte físico de las actividades de producción primaria, y de su conformación dependerán diversas formas de ocupación y de uso. Cualquier alteración de las condiciones y uso del mismo, reviste un factor de cambio sustancial para las formas de vida de la comunidad, por incompatibilidad de usos y mal manejo.

2.1.3 - Toda modificación de los recursos suelo y agua, mas allá de los límites comunitarios, serán comunicados a las autoridades mapuches con suficiente anticipación, y serán partícipes de los procesos de decisión de ejecución de los proyectos como de la evaluación y fiscalización del impacto ambiental.

2.1.4 - Se conformarán comisiones que con carácter permanente y/o ad hoc, llevarán adelante las tareas de ponderación de los impactos ambientales, estimación de las medidas de protección y el monitoreo que certifique la remediación o corrección de los impactos, con la participación en condiciones equitativas de las comunidades mapuches o los representantes elegidos por estas.

2.2 - Se promoverá el ordenamiento territorial y la planificación de las cuencas con la participación activa de las comunidades y el empleo de las directrices aquí planteadas.

2.2.1 - Se desarrollarán planes de manejo dentro de los territorios ocupados por las comunidades, asistidos por técnicos al servicio de las directrices aquí planteadas y la comunidad, solventados por el fondo de reparación histórica.

2.2.2 – Los planes de manejo apuntarán a la optimización del uso de los recursos naturales, la conservación de áreas frágiles, sitios religiosos o ceremoniales y la restauración ecológica de sitios degradados por mal uso. Establecerá una zonificación conforme a los principios rectores de la comunidad y estimará medidas de protección, de reordenamiento, de corrección de impactos y de formas de uso y producción alternativos.

2.2.3 – Las medidas allí dispuestas serán de estricto cumplimiento para aquellos impactos originados en emprendimientos ajenos a las comunidades, en sus tierras.

2.2.4 – Las autoridades de la comunidad comunicarán a las autoridades correspondientes, de las medidas necesarias en los entornos, para la protección de las tierras y valores culturales de la comunidad, que se deduzcan del plan de manejo; para luego concertar con el responsable del emprendimiento o las tierras circundantes una articulación en el manejo del ecosistema.

2.2.5 – Toda planificación y evaluación de compatibilidad del uso del suelo debe comprender el uso rotativo del suelo practicado por el pueblo mapuche, por su dimensión ecológica y por su extensión.

2.3 – Todo impacto que afecte a la calidad del agua será observado en toda su dimensión, es decir como sistema complejo, en donde una cuenca hídrica encadena una serie de relaciones, mas allá de la localización del evento.

2.4 – Se evitará toda modificación en la cabecera de cuencas que afecten a la comunidad por el factor de riesgo que esto representa y por la posible alteración a la calidad del agua.

2.4.1 – Se preservarán todas las cabeceras de cuenca como áreas de conservación estricta.

2.5 – Se preservará con sumo rigor todas las especies en riesgo de extinción y aquellas a las que el pueblo mapuche asigne un uso medicinal o especial, asimilando a áreas intangibles.


2.5.1 – No se promoverá ningún estudio de tipo etnobotánico que sea encarado por decisión de las autoridades mapuches.

2.6 – No se podrán desarrollar estudios de carácter genético en las personas ni en las especies que conforman la biodiversidad del ecosistema, fuera de los que las autoridades mapuches desarrollen en el marco del desarrollo autónomo de las comunidades.

2.6.1 – La forestación es una herramienta para el mejoramiento y la restauración ecológica, por lo que no se podrá promover cambios de la naturaleza de la diversidad del paisaje de las comunidades y su entorno. Solo se promoverá la forestación de especies nativas.

2.7 – Toda planificación promoverá la articulación del espacio territorial de las comunidades, con el resto evitando fronteras abruptas y favoreciendo gradientes entre las distintas formas de uso y planificación.





2.8 – Las Comunidades y sus autoridades son las únicas encargadas de disponer de las mejores formas de uso de los recursos naturales y ocupación del espacio, conforme a sus necesidades y prácticas ancestrales, dentro de su territorio. Todo aporte técnico y/o científico al respecto, por parte del Estado como de ONGs y particulares, quedará a consideración de las mismas para que en el marco de sus formas de resolución de conflictos y toma de decisiones, resuelvan lo mas conveniente.

2.9 – Establecimiento de planes de educación ambiental y articulación con las curriculas de los distintos niveles de la enseñanza, para la promoción de la protección de la naturaleza y la cultura como componentes indisolubles en la construcción de un ambiente sano y para todos.

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Suscriben estas directrices, las autoridades de las comunidades mapuches Confederación Mapuche Neuquina y los representantes técnico y legal de las comunidades, en la ciudad de San Martín de los Andes, el día 24 de Junio del 2000.

Carlos Curruhuinca
Lof Curruhuinca

Bautista Sayhueque
Lof Atreuco

Silvia Jofré
Lof Vera

Roberto Nancuqueo
Confederación Mapuche Neuquina

Leonardo Datri
Técnico en Planificación Ambiental y en Administración de ANP

Juan Manuel Salgado
Asesor legal

SUMMARY

This thesis is about the multiple territories which dispute the shape and control of the development of the Trahunco-Quitrahue watershed, at Cerro Chapelko, Neuquén province in Argentinean Patagonian. Built into these disputes are the struggles of Mapuce peoples -indigenous peoples of the region- for the recognition in practice of their indigenous rights and the implications these have for natural resources management policies and actions, as well as for participation in decision-making processes.

This study began focusing on a proposal of local and provincial water agencies to resolve local water demands by creating a water users association proposed for a small watershed⁴⁹, the Trahunco stream in San Martín de los Andes (SMA), Patagonia. This territory was claimed by Mapuce communities and hosted several tourism enterprises. As fieldwork developed, the unravelling of the multiple realities involved in the water policy process, whether through the WUA or outside of it, made me broaden the scope of the research.

The interethnic character of the site is reflected in its multiple actors, which include among others, tourism investors and allied businessmen, employees and administrators of an International Ski resort, different state agencies relating to the use and control of water resources and the impact of development projects - and two Mapuce indigenous communities, one of them very active in a Mapuce political organisation. All have different views, interests, possibilities and rights in respect to how development is to be defined.

Therefore, once into the writing of this text, I decided that the notion of territory was the most appropriate for bringing together into the analysis the multiple dimensions intertwined at this local water policy implementation process. Territory is a concept that allows articulating the processes of social interactions and relationships, disputes for resource uses and control and, identity formation.

The main questions of the research are:

-What are the social interfaces of the WUA in San Martín de los Andes and how and why are the different meanings, projects and representations negotiated?

-What are the processes involved in creating alternative policy spaces as Mapuce countertendencies for furthering their indigenous rights and their notions of territory?

For answering these and other nested questions, I followed an actor-oriented perspective which engages with ethnographic research and participant

⁴⁹ In this thesis the term 'watershed' is used to describe the area drained by a river system, recognising that others also use terms such as catchment and river basin for such an area. In this thesis, the term 'river basin' is used for larger regional river systems.

observation as one of my main research strategies. This implied social interaction with the groups researched within their daily activities, gathering information in a systematic, non intrusive way, in order to get a view from 'within' the location selected for study. It required entering the fieldwork without a "formal hypothesis" but only with a preliminary comprehension of the problem to be studied. These notions guided the first steps of fieldwork, allowing for an accommodation to the circumstances found and the identification of what the actors consider as the problem around the topic of my interest as a researcher. My primary interest was to do research on the processes of genesis and implementation of a Water Users Association. While doing participant observation I combined a number of research techniques such as informal and formal discussions, individual interviews and meetings with focus groups. Attendance at local meetings, works and other events such as street protests, celebrations, markets, also drew attention to some aspects of the research and led me to new, unexpected insights and questions.

For carrying out the fieldwork of this research, several periods of time were spent at San Martín de los Andes: seven months during 2001, three months in 2004 and shorter (one or two weeks) visits in 2003, 2006 and 2007. During the year between September 2006 and August 2007, I was working as a consultant within the Directorate of Indigenous Peoples and Natural Resources, at the National Secretariat of Environment and Sustainable Development. In this opportunity I worked closely to the Director, who is also one of the main Mapuce representatives of the political organisation whose actions this study focuses on. In this period, I met and shared discussions with many indigenous people's representatives and other Mapuce actors.

This study analyses Mapuce peoples struggles for carving alternative policy spaces for enforcing indigenous rights and establish a 'new relationship with the state'. For doing so, I firstly focused on a participatory water intervention in which a variety of actors were involved. Acknowledging the politics of participation in policy processes aiming to regulate the management of such vital resource led me to other arenas of action where actors excluded from the formal intervention, were actually generating new spaces of negotiation, not without conflicts.

The social fields of interaction and dispute related to territory and sovereignty in Cerro Chapelko, at San Martín de los Andes, in the province of Neuquén are contextualized in the historically constructed cultural repertoires which influence today's relationships between the hegemonic elites in power, other members of society and the Mapuce indigenous peoples of the region.

Despite the formal recognition of indigenous rights in the national Constitution and the state's agreements to International Conventions, the indigenous peoples of Argentina do not have access to their enforcement. Contemporary debates about the pre-existence of indigenous peoples in the region still influence the practical recognition of their rights. This is not a minor issue due to the relevance it has for exercising the autonomy in their territories.

This permeates into the workings of state institutions involved in water, natural resources and environment management and control. At local level, the study focuses in the particular workings of such institutions in the process of implementation of a participatory water policy that brings together the multiple users at the watershed level, leading to the creation of a Water Users Association. The dynamics of this process reveal the processes of inclusion and exclusion that emerge out of these interfaces, so much related to the denial or ignorance of indigenous rights. The study shows how contemporary local state agencies manage to reproduce the state's historical notion of territory as a homogenizing process of control and the denial of the rights of indigenous peoples.

The exclusion of Mapuce political organisation from the scheme to develop a Water Users Association was not a cul-de-sac for them to pursue their political project. The strategies and tactics that the Mapuce deployed to create alternative policy spaces for their exercise of territoriality, which is a main element of their struggle for the recognition of indigenous rights, resulted a much more effective way for their participation in decision making. The construction of these countertendencies, that Mapuce call in general 'the new relationship with the state', emerge as alternative modernities which by incorporating difference into policy agendas and institutions, start to put in practice a recognition that in general is still only on paper.

Therefore, the watershed is a site where multiple notions of territory are being disputed through different means and for different interests. Tourism developments advance their economic territorial projects supported by the sector's businesses at local and regional level, The state, which influences the control through interventions as tools, shapes the territory sometimes favouring such projects. Mapuce people's community members and political organisation, and their allies from different civil society sectors, claim their rights to participate in such definitions and propose new forms of participation.

The meanings of 'participation' therefore, become a central issue of debate among these different actors struggling to get their notions on the political agenda. A main issue for getting indigenous rights right therefore, is the notion of differential modes of citizenship rooted in the concept of autonomy expressed within a pluri-national state, whose institutions and parliament should include Mapuce -and other peoples, as such. This is the issue from which all other aspects of indigenous rights unfold, therefore, constituting the motor of Mapuce peoples political movement.

However, state institutions approach participation as an invitation to stakeholders to be informed on policy programmes and actions. Participation is reduced to a method or technique even in the best of the cases. From the discourses of state functionaries and legal advisors, in this study it becomes clear that the issue of differentiated citizenship is not incorporated into how institutions work.

The coexistence of multiple territories without conflict requires that the state and wider society acknowledge in practice these rights the Mapuce are defending.

Otherwise, the meanings of participation that are embedded in institutional practices that in fact over-rule or ignore these rights, most probably will continue to generate conflicts and disputes.

SAMENVATTING

Dit proefschrift gaat over de verscheidene territoriale gebieden die de wijze van en regie over de ontwikkeling van het Trahunco-Quitrahue stroomgebied betwisten. Dit stroomgebied is gelegen bij Cerro Chapelko, in de provincie Neuquén in Argentijns Patagonië. Inherent aan deze geschillen is de strijd van de inheemse Mapuce gemeenschappen om erkenning te krijgen van hun eis om hun eigen rechtensysteem uit te mogen oefenen. De studie behandelt ook de implicaties daarvan, zowel voor het beleid en de beheersactiviteiten ten aanzien van natuurlijke hulpbronnen, als voor participatie in besluitvormingsprocessen. Aanvankelijk richtte deze studie zich op lokale en provinciale waterinstituten van de overheid, die voorstelden een oplossing te vinden voor lokale waterbehoefte door het creëren van een watergebruikersvereniging (WUA) voor een klein stroomgebied⁵⁰, de Trahunco vallei in San Martín de los Andes, Patagonië. Dit gebied, dat enkele toeristische ondernemingen huisvest, werd geclaimd door Mapuce gemeenschappen. Naarmate het veldwerk zich ontwikkelde kwam ik er toe het onderzoek te verbreden omdat steeds meer bleek dat er meerdere aspecten en realiteiten betrokken zijn bij het water management, zowel binnen als buiten de WUA.

Het interethnische en pluriforme karakter van het gebied wordt weerspiegeld in zijn diverse actoren, waaronder investeerders in toerisme en aanverwante sectoren, medewerkers en bestuurders van een internationaal ski-oord, verschillende staatsinstanties op het gebied van het gebruik en het beheer van water en water-ontwikkelingsprojecten, alsmede twee inheemse Mapuce gemeenschappen, waarvan er één zeer actief is in een politieke Mapuce organisatie. Zij hebben allen verschillende meningen, belangen, mogelijkheden en rechten met betrekking tot de manier waarop de regionale ontwikkeling moet worden opgevat en uitgevoerd.

Toen ik deze tekst schreef merkte ik dan ook dat het begrip 'territorialiteit' zich het beste leent voor het bijeenbrengen en analyseren van de diverse onderzoeksdimensies die in dit proces van lokaal waterbeheer met elkaar verweven zijn. Met het begrip 'territorialiteit' kunnen de processen van sociale interacties en verhoudingen, geschillen over het gebruik en beheer van hulpbronnen en identiteitsvorming benoemd en met elkaar in verband gebracht worden.

De belangrijkste vragen van het onderzoek zijn:

Wat zijn de maatschappelijke raakvlakken van de WUA in San Martín de los Andes, en hoe en waarom worden de verschillen in betekenissen, projecten en representaties uitonderhandeld?

⁵⁰ In dit proefschrift wordt de term 'stroomgebied' gebruikt om een gebied te beschrijven dat door een rivierensysteem wordt gedraineerd, in aanmerking genomen dat anderen voor een dergelijk gebied ook termen gebruiken als 'afwateringsgebied' en 'rivierbekken'. In dit proefschrift wordt de term 'rivierbekken' gebruikt voor grotere regionale riviersystemen.

Op welke wijze wordt er alternatieve beleidsruimte gecreëerd, als tegenbeweging van de Mapuce om hun inheemse rechten en hun territoriale uitgangspunten te bevorderen?

Om deze en andere daarmee samenhangende vragen te beantwoorden volgde ik een actor-georiënteerd perspectief, met als belangrijke onderzoeksstrategieën de toepassing van ethnografisch onderzoek en participatieve observatie. Dit betekende sociale interactie met de groepen die in hun dagelijkse activiteiten werden bestudeerd; ik verzamelde informatie op een systematische manier zonder inbreuk te maken op het dagelijkse leven, om 'van binnenuit' een beeld te krijgen van de lokale samenleving die voor deze studie uitgekozen was. Hiervoor was het vereist het veldwerk te beginnen zonder 'formele hypothese' maar met slechts een voorlopige notie van het te bestuderen probleem. De eerste stappen van het veldwerk werden door deze noties geleid, en daardoor kon ik me aanpassen aan de omstandigheden die ik aantrof, en identificeren wat de actoren beschouwen als het probleem rond mijn onderzoeksthema: het ontstaan en de implementatie van een WUA. Bij de participerende observaties combineerde ik een aantal onderzoekstechnieken zoals informele en formele discussies, individuele interviews en bijeenkomsten met doelgroepen. Ook het bijwonen van lokale bijeenkomsten, werkzaamheden en andere gelegenheden zoals straatprotesten, festiviteiten en markten relateerde zich aan enkele aspecten van mijn onderzoek en dit leidde ertoe dat ik nieuwe, onverwachte inzichten en vragen kreeg.

Om het veldwerk van dit onderzoek uit te voeren bracht ik enkele periodes door in San Martín de los Andes: in 2001 zeven maanden, in 2004 3 maanden en in 2003, 2006 en 2007 korte bezoeken van 1 of 2 weken. Tussen september 2006 en augustus 2007 werkte ik als consultant in het Directoraat voor Inheemse Volken en Natuurlijke Hulpbronnen, bij het Nationale Secretariaat voor Milieu en Duurzame Ontwikkeling. In deze hoedanigheid werkte ik nauw samen met de Directeur, die ook een van de belangrijkste Mapuce vertegenwoordigers is van de politieke organisatie die zich bezig houdt met dezelfde thema's als die van mijn studie. In deze periode had ik veel ontmoetingen en discussies met inheemse volksvertegenwoordigers en andere Mapuce actoren.

Deze studie analyseert de strijd van Mapuce gemeenschappen om alternatieve beleidsruimte te creëren voor het toepassen van inheemse rechten en voor het vestigen van een "nieuwe verhouding met de Staat". Om dat te doen concentreerde ik me eerst op een participatieve waterinterventie waarbij een verscheidenheid aan actoren betrokken was. Vanwege het feit dat het participeren in beleidsprocessen aangaande een zo vitale hulpbron noodzakelijkerwijs politiek is, begaf ik me ook in andere aandachtsvelden waarin actoren die uitgesloten waren van de formele besluitvorming feitelijk nieuwe onderhandelingsruimte ontwikkelden – hetgeen niet zonder conflicten verliep.

De sociale velden van interactie en geschillen die gerelateerd zijn aan territoriaal gebied en heerschappij in Cerro Chapelko, worden in de context geplaatst van het historisch gevormde culturele erfgoed dat van invloed is op de huidige

verhoudingen tussen de hegemonische machthebbende elite, andere leden van de samenleving en de inheemse Mapuce gemeenschappen.

Ondanks de formele erkenning van inheemse rechten in de nationale Grondwet en het onderschrijven door de Staat van internationale conventies, kunnen de inheemse volken van Argentinië hun rechten niet uitoefenen. Tegelijkertijd oefenen huidige debatten over de pre-coloniale aanwezigheid van inheemse volken in het gebied nog steeds invloed uit op de praktische erkenning van hun rechten. Dit is niet onbelangrijk aangezien het relevant is voor het vergroten van autonomie in hun territoriale gebieden.

Dit werkt door in het functioneren van staatsinstellingen die betrokken zijn bij water, natuurlijke hulpbronnen en het milieubeheer. Op lokaal niveau richt de studie zich op het functioneren van zulke instellingen tijdens het implementeren van een participatief waterbeleid dat de diverse gebruikers op stroomgebiedniveau bij elkaar brengt met als doel de oprichting van een WUA. Door de dynamiek van dit proces worden de processen van in- of uitsluiting zichtbaar, die sterk gerelateerd zijn aan het ontkennen van of de onbekendheid met de rechten van inheemse volken. De studie laat zien hoe huidige lokale staatsinstanties erin slagen de historische opvatting van de Staat te reproduceren, namelijk dat territoriale gebieden op uniforme wijze kunnen worden aangestuurd, waarmee de rechten van inheemse volken ontkend worden.

Het feit dat de politieke Mapuce organisatie werd uitgesloten van het plan om een WUA te ontwikkelen leidde voor hen niet tot een impasse om hun politieke project voort te zetten. De strategieën en tactieken die de Mapuce aan de dag legden om alternatieve politieke ruimte te creëren voor het uitoefenen van hun territoriale wensen – een hoofdelement in hun strijd voor de erkenning van inheemse rechten – resulteerden in een veel effectievere participatie in besluitvorming. Dergelijke door de Mapuce ontwikkelde tegenbewegingen, die zij in het algemeen “de nieuwe verhouding met de Staat” noemen, komen naar voren als alternatieve moderniteiten die, door het begrip ‘verscheidenheid’ op te nemen in beleidsagenda’s en instellingen, een erkenning op gang beginnen te brengen die tot nu toe alleen op papier bestaat.

Daarom is het stroomgebied een gebied waar diverse opvattingen over ‘territorialiteit’ betwist worden op verschillende manieren en voor verschillende belangen. Toerisme-ontwikkelaars bevorderen hun territoriale economische projecten die door de bedrijfssector op lokaal en regionaal niveau worden gesteund; de Staat, die interventies gebruikt voor beheer en beheersdoeleinden, hervormt het territoriale gebied door zulke projecten soms te begunstigen; de gemeenschapsleden en de politieke organisatie van de Mapuce en hun bondgenoten uit verschillende sectoren van de burgermaatschappij claimen hun recht om in zulke stichtingen deel te nemen en nieuwe vormen van participatie door te voeren.

De verschillende betekenissen van ‘participatie’ worden daarom een centraal discussiethema tussen deze verschillende actoren, die zich allen inspannen om hun opvattingen op de politieke agenda te krijgen. Een belangrijk aangrijppunt waarmee recht kan worden gedaan aan inheemse rechten, is daarom de idee van

verschillende soorten staatsburgerschap, geworteld in het autonomieconcept dat in een multinationale Staat wordt weergegeven, een Staat waar de Mapuce - en andere gemeenschappen - deel van uit zouden moeten maken, binnen instellingen en in de regering. Van hieruit ontvouwen zich dan alle andere aspecten van inheemse rechten, en deze vormen dan ook de motor van de politieke beweging van Mapuce gemeenschappen.

De staatsinstellingen beschouwen 'participatie' echter als een uitnodiging aan stakeholders om geïnformeerd te worden over beleidsprogramma's en -uitvoering. 'Participatie' wordt - zelfs in het beste geval - gereduceerd tot een methode of techniek. In deze studie wordt uit toespraken van staatsfunctionarissen en juridisch adviseurs duidelijk dat het thema 'gedifferentieerd staatsburgerschap' niet is geïncorporeerd in instellingen.

Voor het naast elkaar bestaan van meerdere territoriale gebieden zonder conflicten is vereist dat de Staat, en de maatschappij in bredere zin, de rechten die de Mapuce verdedigen in de praktijk erkennen. Anders zullen de verschillende betekenissen van 'participatie' die binnen instellingen gebruikelijk zijn en die in feite deze rechten verwerpen of negeren, hoogstwaarschijnlijk conflicten en geschillen blijven voortbrengen

RESUMEN

Esta tesis trata sobre los múltiples territorios en disputa por la forma y el control del desarrollo de la cuenca de los arroyos Trahunco y Quitrahue en Cerro Chapelko, San Martín de los Andes, en la provincial de Neuquén, de la Patagonia Argentina. Imbricada en éstas disputas está la lucha del Pueblo Mapuce –el Pueblo Originario de la región- por el reconocimiento y puesta en práctica del derecho indígena. El estudio indaga sobre la implicancia que este tiene para las políticas y acciones de manejo de los recursos naturales así como para la participación en los procesos de toma de decisiones.

El trabajo de investigación comenzó focalizando en una propuesta conjunta de las agencias estatales municipales y provinciales encargadas del recurso hídrico para resolver demandas locales de cuotas de agua. Dichas instituciones proponían la creación de un comité de usuarios para la pequeña cuenca del arroyo Trahunco para redefinir la distribución del recurso hídrico. Este espacio alberga diferentes proyectos terriales sostenidos por varios emprendimientos turísticos en conflicto con los sostenidos por comunidades del Pueblo Mapuce que demandan no solo la propiedad de parte del territorio sino el derecho a participar –ser parte de- la toma de decisiones sobre el destino del desarrollo local ya que las actuales acciones de desarrollo los afectan. Estos aspectos tangenciales al tema específico de la distribución del agua y su institucionalización, fueron develándose a lo largo del desarrollo del trabajo de campo. Estas múltiples realidades que emergían en el proceso de manejo del agua, sea dentro del comité de usuarios o por fuera de él, hicieron que se ampliara el recorte de la investigación.

El carácter interétnico del sitio es reflejado por sus múltiples actores, que incluyen inversores en desarrollos para el turismo y los empresarios del sector aliados, empleados y administradores del Complejo de Esquí Internacional Chapelco, diferentes instituciones gubernamentales provinciales, locales y nacionales relacionadas al uso y control de los recursos hídricos y del impacto de proyectos de desarrollo, y –entre otros- dos comunidades Mapuce, una de ellas muy activa en su organización política, también considerada un actor en el estudio, la Confederación Mapuce Neuquina. Todos con diferentes perspectivas, intereses posibilidades y derechos respecto de cómo debe ser definido el desarrollo de la región.

Por ello, una vez comenzada la escritura de este texto encontré a la noción de territorio como la más apropiada para indagar sobre las múltiples dimensiones entramadas en este proceso de implementación de una política hídrica local. El concepto de territorio también permite articular los procesos de interacción social y relaciones, disputas por los usos y control de los recursos y la construcción de identidad.

Las principales preguntas de investigación son:

¿Cuáles son las interfaces de la Comunidad de usuarios en San Martín de los Andes y cómo y porqué se negocian los diferentes significados, proyectos y representaciones?

¿Cuáles son los procesos involucrados en crear espacios alternativos para la implementación de políticas en tanto contra tendencias Mapuce para promover sus derechos indígenas y sus nociones de territorio?

Para responder a estas y otras sub-preguntas emplee la perspectiva centrada en el actor que se involucra con la investigación etnográfica y utiliza la observación participante como una de las principales estrategias de investigación. Esto implica interacción social con los grupos sujetos de estudio en sus actividades diarias, la una forma de recolección de información sistemática, no intrusiva, que permita obtener una mirada desde adentro de la localidad elegida para la investigación, asumiendo su heterogeneidad. Requirió entrar al trabajo de campo sin una hipótesis formal, sino solo con una comprensión preliminar del problema a investigar. Estas nociones guiarían los primeros pasos del trabajo de campo, permitiendo ir acomodándose a las circunstancias encontradas y a la identificación de lo que los actores consideran el problema alrededor del tema de mi interés como investigadora. En este caso, se trataba de la génesis e implementación de la Comunidad de Usuarios del arroyo Trahunco.

Mientras realizaba la observación participante, combiné una serie de técnicas de investigación tales como discusiones formales e informales, entrevistas semi estructuradas individuales y reuniones con grupos focales. La participación en reuniones locales, trabajos y otros eventos tales como protestas callejeras, celebraciones, mercados, etc. También llamaron la atención hacia aspectos de la investigación que me llevaron a nuevos, inesperados elementos de comprensión y preguntas.

Para desarrollar el trabajo de campo, se requirió de varios períodos en San Martín de los Andes: 7 meses durante el 2001, tres meses en el 2004 y estancias más cortas, de una o dos semanas, en el 2003, 2006 y 2007. Durante el año entre septiembre del 2006 y agosto del 2007 estuve trabajando como consultora en la Dirección de Pueblos Originarios y Recursos Naturales, en la Secretaría de Ambiente y Desarrollo Sustentable de la Nación. En esta oportunidad trabajé junto con el Director, quien es además un representante de la organización política Mapuce, cuyas acciones han sido abordadas en el estudio. En este período he conocido y compartido discusiones con muchos representantes de los pueblos originarios así como de otros actores Mapuce.

Este estudio analiza la lucha del Pueblo Mapuce por crear espacios de políticas alternativas para hacer cumplir y respetar los derechos indígenas y establecer una 'nueva relación con el Estado'. Para ello, primeramente focalizo en una intervención participativa de aguas en la cual una variedad de actores están involucrados. Considerando lo político de la participación en los procesos de creación de políticas que apuntan a regular el manejo de un recurso tan vital me llevo a otras arenas de acción donde los actores excluidos de la intervención estaban generando estos espacios de negociación, no sin conflictos.

Los campos sociales de interacción y disputa relacionados al territorio y soberanía en Cerro Chapelko están contextualizados en los repertorios culturales construidos históricamente, que influyen en las relaciones actuales entre las elites hegemónicas en el poder, otros miembros de la sociedad y los Mapuce, pueblo originario de la región.

A pesar de el reconocimiento formal de los derechos de los pueblos originarios en la Constitución Nacional y los Convenios, Acuerdos, Pactos y Convenciones internacionales a los cuales el estado ha suscripto, los pueblos originarios de Argentina no tienen acceso a su aplicación. Los debates contemporáneos sobre la pre-existencia de los pueblos originarios en la región todavía influyen el reconocimiento práctico de sus derechos. Esta no es una cuestión menor dada la relevancia que esto tiene para el ejercicio de autonomía en sus territorios.

Esto penetra en el funcionamiento de las instituciones del Estado involucradas en el manejo y control del agua, los recursos naturales y el ambiente. A nivel local, el estudio focaliza en el particular funcionamiento de tales instituciones en el proceso de implementación de una política participativa de recursos hídricos que reúne a los múltiples usuarios a nivel de cuenca, llevando a la creación de la comunidad de usuarios. La dinámica de este proceso revela procesos de inclusión y exclusión que emergen en estas interfaces, tan relacionadas a la negación ignorancia sobre los derechos indígenas. El estudio muestra como las actuales logran reproducir la noción histórica estatal de territorio como un proceso homogenizador de control y negación de los derechos de los pueblos originarios.

La exclusión de la organización política Mapuce del esquema para desarrollar una comunidad de usuarios del agua no fue un callejón sin salida para ellos para perseguir su proyecto político. Las estrategias y tácticas empleadas por los Mapuce para crear espacios de políticas alternativas para el ejercicio de su territorialidad, que es un elemento central en su lucha por el reconocimiento de los derechos de los pueblos originarios, resultó una forma de participación en los procesos de toma de decisión, mucho más efectiva.

La construcción de estas contra-tendencias, que los Mapuce llaman en general, 'la nueva relación con el estado', emerge como modernidades alternativas que a través de incorporar la diferencia dentro de las agendas e instituciones, comienza a poner en práctica el reconocimiento que en general esta aún solo en papel.

Por lo tanto la cuenca es un sitio donde múltiples nociones de territorio esta siendo disputadas, a través de diferentes medios y para distintos intereses. Los desarrollos turísticos adelantan sus proyectos territoriales económicos, apoyados por el sector de negocios local y regional. El Estado, que influye sobre el control a través de la intervención como herramienta, da forma al territorio, a veces, favoreciendo dichos proyectos. Miembros de las comunidades del Pueblo Mapuce y su organización política así como sus aliados provenientes de diferentes sectores de la sociedad civil e instituciones estatales, demandan su derecho a participar en estas definiciones desde su propia cosmovisión y proponen nuevas formas de participación.

Los significados de la 'participación' entonces se transforman en cuestiones centrales de debate entre estos diferentes actores que luchan por imponer sus

nociones en la agenda política. Un tema central para lograr que los derechos indígenas se apliquen correctamente es la noción de ciudadanías diferenciadas enraizadas en el concepto de autonomía expresado dentro de un Estado plurinacional, cuyas instituciones y parlamento deben incluir a los Mapuce y demás Pueblos, como tales. Este es el tema desde el cual los otros aspectos del derecho indígena se desarrollan, constituyendo por lo tanto, el motor del movimiento político del Pueblo Mapuce.

Sin embargo, las instituciones del Estado abordan la participación como una 'invitación' a los grupos de interés a ser informados sobre los programas y acciones de las políticas. La participación es reducida aun método o técnica en el mejor de los casos. El discurso de funcionarios del estado y sus asesores legales se revela que el tema de ciudadanías diferenciadas no es incorporado en cómo las instituciones trabajan.

La coexistencia de múltiples territorios sin conflicto, requiere que el Estado y la sociedad más amplia reconozcan en la práctica los derechos que los Mapuce están defendiendo. De otro modo, el sentido de la participación que esta imbuido en prácticas institucionales que de hecho anulan o ignoran estos derechos, muy probablemente continuará generando conflictos y disputas.

CURRICULUM VITAE

Alejandra Moreyra was born in 1960 nearby Buenos Aires, Argentina. She received her B.Sc. degree as a Forestry Engineer in 1984 from the Universidad de La Plata, Argentina.

In 1997 she arrived at Wageningen for post-graduate studies with a W.W. Kellogg Foundation fellowship, and in 1999 received her M.Sc. degree in Management of Agricultural Knowledge Systems at Wageningen University, The Netherlands,. The same year, she became mother of Joaquín.

In between her two degrees, she worked as an independent consultant for national government agencies and non-government organisations as well as international organizations in the field of Rural Development and Sustainable Management of Natural Resources, especially in policy and programme design and implementation. She has also been involved in the analysis and facilitation of social issues regarding management of Protected Areas and Buffer Zones as well as in management of local vulnerabilities and organizational skills regarding responses to natural disasters.

In the year 2000 Wageningen University granted her a sandwich scholarship for a PhD, and at the end of 2001 she won a WOTRO scholarship for the four years of research needed.

Her research experience started in the field of agro forestry. It then developed into other fields such as the interfaces around the creation of Protected Areas. She has also participated in research projects related to social issues involved in Natural Disasters, and in the Emergence of Multiple Stakeholder Platforms for Watershed Management in Latin America, at Wageningen University. She has co-ordinated and facilitated workshops, seminars and training programmes in fields including Rural Development, Environment and Natural Resources Management, Multiple Stakeholder Platforms for Water Management, and Conflict Resolution. These have been held in different parts of Argentina, and in neighbouring countries such as Paraguay, Brazil and Bolivia. She has also been involved in a joint project of institutional capacity building between NUFFIC, The Netherlands and the Technical University of El Chocó, Colombia.

Currently she is a staff member of the Institute of Research and Technology Development for Small Family Farming for the Pampa Region, within INTA, the National Institute for Agriculture Technology of Argentina. Here, she is developing research projects concerned with territorial issues and water problems of small family farmer organisations.

Cover & Invitation Design: Gabriela Hegi, gabrielahegi@gmail.com

Maps and Figures: Catriel Arrgio, catrielarrigo@ciudad.com.ar

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Email: alemoreyra@gmail.com

