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*“Rethinking Ethnicity and Democracy:  
Argentina and its Silenced Voices”*

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*“Examining Ethnicity and Democracy: Argentina and its  
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*Introduction*

The aim of this paper is to analyze the conditions, under which political discourses in Argentina have helped or prevented indigenous communities to become engaged in decision-making and political representation, thus exercising fair citizenship. While a great deal of research on indigenous groups has been focused on their historical situation, it is appealing to address processes of inclusion/exclusion through the lenses of deliberative democracy, since the re-instauracion of democracy in Argentina.

Argentina has cultivated a long-standing discourse as being a “homogenously ethnic” nation. This political discourse had its main argument in the massive flux of European immigrants that arrived to the country in the nineteenth century. However, recent studies by scholars of the Service of Genetic Prints of the University of Buenos Aires present findings showing that 56% of the Argentine population has at “least one Amerindian component”, while the other 44% hold European ancestry along with other ethnic minorities. As many Latin American scholars argue, this important study has certainly challenged the subtle and

historic discourse of *exclusion and invisibility* emanated from both the Argentine state and civil society. Yet, the argument is going through a political debate of whether or not Argentina is a multicultural society.

Although the *Argentine Association for Native Peoples* estimates the existence of fifteen ethnic groups in the country, the purpose of this paper is to focus on the main indigenous communities (with a special focus on the Mapuche minority) and their quest for inclusion. It is also the aim of this research to understand and explain the main narratives of these indigenous groups<sup>1</sup> vis a vis the state and civil society, along with the examination of their main claims within the framework of the neo-liberal reforms advanced since the 1990's.

In order to structure this paper, four parts will follow in the analysis. The first part will deal with the central elements of indigenous groups in Argentina. The second part will address the interplay between the processes of structural discrimination carried out by the Argentine state and the main claims of these indigenous groups in terms of enhanced inclusion and citizenship. In addition, it will consider the kind of paternalistic attitude that has characterized the action of the state up to the 1970's with its aim to "homogenize" the ethnic make up of the

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<sup>1</sup> The most quoted definition of "indigenous people" is that of the UN Convention ILO 169, both Article 1 (b) and Article 2. Article 1 (b): "*Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions*". Article 2: "*Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply*", ILO Convention (No. 169) Concerning Indigenous and Tribal Peoples in Independent Countries.

Argentine population. As well as the way, this attitude is challenged by the political action of ethnic minorities that claim to belong to a “heterogeneous” multicultural society based on ethnic diversity. The third part will discuss the “indigenous situation” through the lenses of *deliberative democracy*, examining the permanent tension between both the normative and factual arenas. Finally, this paper will examine the advantages and disadvantages that have followed the formal acknowledgment of indigenous rights in the Constitution of 1994, and its effects on the process of implementation and effective participation of these ethnic minorities in the issues in which they are involved.

### *Ethnic Identities in Multicultural Argentina*

The *Mapuches* represent an indigenous group of approximately 105,000 *people in Argentina*. The name “*mapuche*” derives from “*mapudungun*” where *mapu* is “*land or territory*” and *che* is “*people*”. They live in the southern part of Argentina and Chile. However, this paper will focus specifically in the provinces of Rio Negro, Neuquén and Chubut<sup>2</sup> of the Argentine territory. It is commonly held that the Mapuches are the most ancestral indigenous group of the country, and have been the more difficult to assimilate. As they had never been

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<sup>2</sup> “*Report on the Situation of the Rights of the Mapuche People*”, by the Program of Indigenous Rights, at the Institute of Indigenous Studies, Universidad de la Frontera, Chile

conquered during the Spanish invasion of South America, they resisted any kind of attempt of domination by foreign intruders.

Following the invasion, the Mapuches decided to sign a treaty with the Spanish called "*The Treaty of Quillin*" (1641), in which the Spanish recognized some political and territorial independence in the region. After the independence of Argentina and Chile, the Mapuches faced not only two destructive military campaigns ("Campaña del Desierto" and "Pacificación de la Araucanía") in order to eradicate the population but also, long-standing exclusionary policies from both states attempting to "homogenize" the ethnic make-up of the population by neglecting their rights to the land and their multicultural diversity.

The Mapuche people comprise both sedentary and nomadic communities, involving farmers, hunters and, anglers within its population. Their community is structured along small family groups called "*lof*", under the authority of a "*lonko*"<sup>3</sup>. They also are driven by the interplay between "*man, land, and nature*", being their social organization shaped by political, social and ideological concepts along with religious and spiritual beliefs<sup>4</sup>. The language called Mapu-dugun (language of the land) is also a determinant element of their identity, and remains unchanged from generation to generation. It is deeply rooted in the interaction and communication of the man and nature. The mapuches

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<sup>3</sup> "*The Mapuche Nation*", by R. Marhiquewun in <http://members.aol.com/mapulink3/mpulink-3i/map-nat.html>

<sup>4</sup> *Ibid*

also have a profound knowledge of science, astronomy and spirituality. As many others indigenous groups, they were able to explain the movement of celestial bodies long before the arrival of the Spaniards to America.<sup>5</sup> Their communitarian way of living is reflected in the way the group faced times of war, epidemics or famine. In times of war, the families gathered in “*rehues*” forming what we nowadays call tribes. A military chief called “*toqui*” guided these tribes. This same structure was implemented in times of starvation or epidemics, and played a determinant role in their permanent struggle with the Spaniards conquerors. The organization of the Mapuches has been determinant in their struggle to preserve their history, common descent, cultural identity, language and economy. They also base their identity in the strong sense of nationhood upon which they have built their existence.

There is no consensus on the number of Mapuche people in Argentina. However, one serious study by the *Complementary Survey of Indigenous Peoples* (ECPI) and the INDEC have calculated that 105,000 people are first generation descendants of the Mapuche people.<sup>6</sup>

The actual situation of the Mapuches in Argentina presents extremely precarious social and sanitary conditions. Although they preserve the kind of communal organization characteristic of many

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<sup>5</sup> “*Mapuche*”, in Wikipedia, <http://es.wikipedia.org/wiki/Mapuche>

<sup>6</sup> Estudio de la “*Encuesta Complementaria de Pueblos Indígenas*” (ECPI) 2004-2005 desarrollado a través del Instituto de Estadística y Censos.

indigenous groups, they are still not owners of the lands in which they live.

The indigenous group *Guaraní* extends its presence along Misiones (northeast Argentina). Its population has been estimated at 3,000 people. They live in extreme poverty, without necessary resources to solve urgent sanitary problems. The jungles are their natural habitat and they have been displaced continuously due to the proliferation of wood companies.<sup>7</sup> They live in small communities, but are less organized than the Mapuches in terms of socio-political organization.

The *Tobas* represent about 50,000 people of the Argentine population. Their incipient organization in communal associations and neighbor's councils has led them to an active role in the struggle for recognition of the land they occupied since ancestral times. They also advanced a participatory system, where their own communities elect the elder's leaders. However, different kinds of illnesses are usual in their communities due to the precarious sanitary conditions in which they live.<sup>8</sup>

The indigenous group *Wichi* has a population estimated at 18,000 people, within which two other ethnic groups constitute the Mataco-Mataguayo family.<sup>9</sup> As most of the other ethnic minorities, the Wichis organize themselves in communitarian ways that constitute the socio-

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<sup>7</sup> T. Zamudio, "*Población indígena en la Argentina*", Equipo de Docencia e Investigación, 2006, Universidad de Buenos Aires, p. 8

<sup>8</sup> C. Martínez Sarasola, "*Nuestros paisanos los indios*", Emecé, 2005, p. 411

<sup>9</sup> T. Zamudio, *Op. Cit.*, p. 11

political channels through which face the struggle for the land vis a vis the white landowners and the State. Yet, they have high levels of illiteracy in their communities (39,5%)<sup>10</sup>, thus negatively affecting their possibilities of completing their education.

The *Mocovíes* represent 8,300 people in northeast Argentina. This indigenous group has improved its organization towards the achievement of minority rights and affirmative actions.<sup>11</sup> This ethnic minority has shown interest in forming alliances with other ethnic groups in order to participate in the process of law making of their particular concerns. However, the geographical dispersion and the structural poverty conditions represent essential obstacles to reach new conditions of inclusion, preventing them to become part of a new “citizenship”. Moreover, half of the Mocovi population has lost its original language due to the process of assimilation and acculturation to the white majority.

The indigenous group *Diaguita* is one of the most ancient ethnic groups of Argentina, and certainly one of the most affected by the process of forced assimilation during the era of colonization. This group has been historically harassed and forced to abandon their territories by white landowners. The process was accompanied by a compulsory disorganization in order to destroy their cultural roots and freely appropriate their lands. However, they managed to keep their ancestral traits by practicing rituals of the Pachamama and maintaining their

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<sup>10</sup> M. Sarasola, *Op. Cit.*, p. 412

<sup>11</sup> T. Zamudio, *Op. Cit.*, p. 9

cosmic knowledge actually developing networks with other ethnic minorities to achieve affirmative action from the Argentine State.<sup>12</sup>

The *Tehuelches* represent about 2,200 people of the Argentine population. They are one of the most ancestral groups, and have lived in argentine soil for 1,500 years. They have been extensively persecuted and segregated. Due to the forced assimilation to the white majority, their culture has been scattered and its language has lost its identity. The women are economically inactive, and the community as a whole is being affected by a structural disorganization that prevents this group from maintaining their language, culture and traits.<sup>13</sup>

The indigenous group *Pilaga* occupies the northeast lands of the country, and constitutes an ethnic minority of 5,000 people. In marked contrast with other minorities, they have achieved relative success in obtaining affirmative action from the State in recognition of their land rights. Many communal organizations have achieved legal status and are currently participating in territorial claims that affect their communities.<sup>14</sup> They have also enforced their culture by the implementation and preservation of bilingual education, and have created different public spheres in which meet, deliberate, and discuss different positions to solve the current situation of exclusion and marginalization that face indigenous groups nowadays.

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<sup>12</sup> Ibid

<sup>13</sup> M. Sarasola, *Op. Cit.*, p. 114

<sup>14</sup> T. Zamudio, *Op. Cit.*, p. 10

*Structural Discrimination and Politics of Exclusion*

The Argentine State has carried out since its creation a rhetoric that has deepened and perpetuated long-term politics of exclusion of indigenous groups. The Mapuche group has been one of the most affected by these policies. This rhetoric is built upon the belief that the Argentine identity was largely forged by the flux of European immigrants that arrived to the country in the late nineteenth century. The leaders of the so-called “Generación del 80” who develop a political discourse that opposed the notions of “*civilization*” vis a vis “*barbarism*” neglected the existence of the ethnic make up of indigenous groups.<sup>15</sup>

The argument was that indigenous groups were “illiterate and uncivilized”, and unqualified to contribute to the political and economic development of the country. In marked contrast, European immigrants were viewed as the only hope to develop a consistent project for the country in terms of development and economic success. This argument helped to cultivate the belief that European immigrants were the core group that shaped the Argentine identity, regardless the advantage of any other ethnic minority. White European settlers were viewed as the only ones that would put their knowledge and technical skills to the service of the state, in order to develop and industrial economy. At this

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<sup>15</sup> Politician and President of Argentina, Domingo Faustino Sarmiento carried out this political discourse.

point, the action of the state neglected the possibility of considering a multicultural society and preferred to privilege only the white majority. As Van Cott argues, the recognition of multicultural society supposes the acknowledgment of “*indigenous peoples as distinct sub-state entities with their own forms of social and political organization*”.<sup>16</sup> This recognition will only take place after the constitutional reform of 1994, allowing some extent of legal standing to take part in public/private contracts and enable them to litigate in the court system.

Thus, the construction of this discourse by the State, and the structural beliefs of the Argentine civil society, prevented the birth of any inclusive articulation for these communities, and they remained being neglected and considered “*outliers*” of the predominant white majority.

As P. Dávalos argues, the creation of the nation-state in South America marked the social and political exclusion of the representation system, where Indians were excluded from the whole institutional network of the Argentine state. The conditions upon which this exclusion was constructed were particularly race, wealth, and literacy<sup>17</sup>.

In the analysis of politics of exclusion in Argentina, it is interesting to advance a working definition for what ethnicity is. Smith’s definition is to me, the most compelling as it addresses not only the historical but also the symbolic-cultural characteristics of ethnic identity. An ethnic

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<sup>16</sup> D. Lee Van Cott, “*The Friendly Liquidation of the Past*”, 2000, p. 269

<sup>17</sup> P. Dávalos, “*Movimientos Indígenas en América Latina*” *El derecho a la palabra*, in Pueblos Indígenas, Estado y Democracia, FLACSO, 2005

group is “...a type of cultural collectivity, one that emphasizes the role of myths of descent and historical memories, and that is recognized by one or more cultural differences like religion, customs, language or institutions. Such collectivities are doubly historical in the sense that not only are historical memories essential to their continuance, but each such ethnic product of specific historical forces and is therefore subject to historical change and dissolution”.<sup>18</sup>

In the case of Argentina, the quest of inclusion has involved indigenous claims of affirmative action that acknowledged the rights of these groups, and their sense of attachment and belongingness to the territory that has been occupied by them since ancient times.

However, the state developed policies that attempted to eradicate the different indigenous groups during a period that spans from the late nineteenth century to early twentieth century. The national army and militias of white landowners carried out these wars. The “Desert Campaign” (1879) and the military campaign of the “Pacification of the Araucanía” (1882) constituted the two main efforts to eradicate these indigenous populations. These two parallel campaigns were carried out by both the Argentine and Chilean states and covered most of the territory of Argentina, including the Chaco, Pampa and Patagonia regions. Mainstream Argentinian scholars consider that the surrender of

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<sup>18</sup> A. Smith, “National Identity”, 1991, p. 20

Cacique Valentín Sayhueque in January 1<sup>st</sup> 1885 as the signpost of the Argentinian conquest over the different indigenous groups<sup>19</sup>.

The existing black population had also suffered the practices of extermination of the Argentine state. As C. Schulmaister points out, they were sent to fight and die in the Triple Alliance war against Paraguay, between 1865 and 1871. The secret goal that motivated this action was that of eliminating the black population within the white ethnic homogeneity of the population.<sup>20</sup> The aim of these military campaigns was the usurpation of indigenous lands and territories along with a forced process of assimilation. Following L. Kropff, this ideological argument favored the negation of the indigenous presence and marked the birth of discriminatory policies by the state that attempted to detach these communities from their ethnic identities.<sup>21</sup>

From the standpoint of indigenous people, state's policies have extensively pursued the aim of neglecting and diluting the influence and presence of the original indigenous groups. They claim that their existence is considered nowadays as irremediable, as the different military campaigns have failed in the attempt to completely eradicate, assimilate or acculturate the indigenous populations.<sup>22</sup> Specifically, the

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<sup>19</sup> L. Kropff, "*Activismo Mapuche en Argentina: Trayectoria Histórica y Nuevas Propuestas*", en *Pueblos Indígenas, Estado y Democracia*, Clacso Libros, 2005

<sup>20</sup> C. Schulmaister, "*Argentina: Sociedad, escuela y discriminación*", 2005, p. 4

<sup>21</sup> L. Kropff, *Op. Cit.*, p. 106

<sup>22</sup> H. Sandizzo, "*Argentina – Mapuches, Un camino de racismo, exclusión y resistencia*", Enlace Mapuche Internacional, Lamgen, Ecotopia, 2003

Mapuches have been one of the bravest and boldest indigenous groups in the attempt of preserving their territory, traits and social organization.

*Indigenous Status and Deliberative Democracy*

Deliberative democracy addresses notions of equality, argumentative discussion, deliberation, consensus, inclusion in equal terms, and differentiated-rights as core terms in the quest of a more inclusive and participatory democracy. Many advocates of this theory, such as I. Young, believes that this model holds a deep commitment to include and enlarge civil society by improving political equality, suggesting that when this goal is achieved more chances are opened to “democratic decision-making processes (that) will promote justice”.<sup>23</sup>

Looking at Young’s conception of democracy, where inclusive and ample discussions constitute a paramount condition upon which advance and achieve a strong and fruitful “democracy”, how “real” has been the democratic transition in Argentina? Are the voices exclude a result of government policies and globalizing forces or do they reflect the structural perpetuation of discriminatory beliefs that live in civil society? If we adjust to the deliberative model, we may say that Argentina has not arrived yet at the moment where a deepening and widening of democracy has taken place, as indigenous minorities are victims of a forced process

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<sup>23</sup> I. Young, “*Inclusion and Democracy*”, 2000, p. 6

of assimilation while treated as “aliens” within the dominant white majority, thus lacking the resources to participate in the deliberative process.<sup>24</sup>

One compelling aspect of deliberative democracy, specifically in the case of indigenous communities, is not only the achievement of “abstract equality of all members”<sup>25</sup> but also, the need to recognize social distinctiveness in groups that have differentiated “needs, interests and perspectives”<sup>26</sup> and hold specific positions. As Young points out in *“Inclusion and Democracy”*, one key element to be taken into account is the notion of civil society. Where globalizing forces help to create socio-economic conditions to “exclude” certain groups from the political arena, civil society enhances the possibilities of these groups to find the way to channel their claims through networks of “mutual aid and articulation of group consciousness”.<sup>27</sup> Looking at the ethnic make-up of Argentina, the socio-political organization of the Mapuches has allowed them to advance these networks through which defend their claims.

Looking at politics of exclusion, Young distinguishes between “*internal*” and “*external*” exclusion, both of which challenge the success of deliberative democracy. In the Argentine indigenous reality, both of these practices take place in the deliberative process. In the case of

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<sup>24</sup> Although it may seem paradigmatic, reality shows how the original and ancestral inhabitants of what is now the Argentine territory, are seen nowadays as strangers vis a vis the white majority.

<sup>25</sup> I. Young, *Op. Cit.*, p. 119

<sup>26</sup> *Ibid*

<sup>27</sup> I. Young, *Op. Cit.*, p. 165

“*external*” exclusion, not all indigenous groups that have legal recognition of their status have the same access and opportunities to organize in civic associations that would make the path into civil society much easier. In the Argentine ethnic composition, the Mapuches and the Tehuelches have been the two main indigenous groups that have been able to participate, up to some extent, in the deliberative process. The “*internal*” exclusion can be seen in the dichotomy between the constitutional recognition of indigenous rights and the permanent attempt from the State along with civil society, to keep these voices out of the decision-making forums. Nevertheless, Young is confident that both internal and external exclusion can be mitigated in several ways, such as focusing on the communicative process (greetings, rhetoric and narrative) and public criticism of mechanisms of external exclusion.<sup>28</sup>

Interestingly, S. Benhabib in “*The Claims of Culture*” underlines three principles that constitute part of the make-up of deliberative democracy: 1) egalitarian reciprocity, 2) voluntary self-ascription and 3) freedom of exit and association. *Egalitarian reciprocity* aims that “members of cultural, religious, linguistic and other minorities must not, in virtue of their membership status, be entitled to lesser degrees of civil, political, economic, and cultural rights than the majority.”<sup>29</sup> If we look at the example of indigenous people in Argentina, according to Benhabib’s arguments, members of the Mapuche community should have fair

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<sup>28</sup> I. Young, *Op. Cit.*, pp. 52-53

<sup>29</sup> S. Benhabib, “*The Claims of Culture*”, 2002, p. 19

opportunities to run for public office. Reality shows, that most of these indigenous communities have a high percentage of illiterate population<sup>30</sup>, thus these constraints function as obstacles that cut off the possibilities to reach a fair access to hold public offices. *Voluntary self-ascription* refers to the right of the individual to define freely its membership regardless of the specific group he/she belongs by birth. In Benhabib's logic, the individual should be asked at some point in time, whether he/she accepts their "continuing membership in their communities of origin". This principle touches with the constructivist approach of ethnicity, where although primordial elements are acknowledged, such as birth, name, religion, culture and the like, the ethnic identity of the individual rather than a binding categorization is "socially constructed" in the interaction and fluidity that is involved in the process. The third principle that is pointed out by Benhabib is the *freedom of exit and association*, where although the individual needs to acknowledge the loss of certain benefits, the exit of any association should be unrestricted.<sup>31</sup> Interestingly, Benhabib underlines that the aim of deliberative democracy is to achieve just and legitimate decisions that conciliate different narratives, rather than establishing a normative system that would rule multicultural societies where civil society is the "principal

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<sup>30</sup> Here, Benhabib is clear to underline that Under the umbrella of discourse ethics, it is inexcusable to deny the "exposure of children to the most advanced forms of knowledge and inquiry available to humankind". She understands that the educational background of a determined society, including "moral teachings, life-forms, and religious traditions can be made available to these children alongside other forms of knowledge". See Benhabib, *Op. Cit.*, p. 123

<sup>31</sup> S. Benhabib, *Op. Cit.*, p. 19

arena for the articulation, contestation, and resolution of normative discourses”.<sup>32</sup>

*Citizenship claims and Indigenous Rights*

Many scholars agree that the beginning of Latin America’s democratic transitions marked the rise and reorganization of indigenous movements in Latin America. Argentina is not an exception, and since the normative recognition of indigenous rights in the Argentine constitution, these groups have achieved some kind of advantage at the political level. This process has begun long time before and involved the formal acknowledgment of political recognition. It is relevant to note, that the closure of the authoritarian regime and the re-achievement of democracy favored the upsurge of indigenous claims, while civil society was eager to become engaged in the strengthening and deepening of democracy in the public sphere. As Jelin underscores, these indigenous movements were embraced by the central discourse of the human rights’ movement that characterizes the period.<sup>33</sup>

However, it is interesting to note, that specifically in the case of Argentina this constituted a minor reform, whereas the main objective was to extend the term of the presidency to two periods. The reform,

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<sup>32</sup> S. Benhabib, *Op. Cit.*, p. 115

<sup>33</sup> E. Jelin, “*Los movimientos sociales en la argentina contemporánea: una introducción a su estudio*”, en L.Mombello e Instituto de Desarrollo Económico y Social, “*Evolución de la política indigenista en Argentina en la década de los noventa*”, Center for Latin American Social Policy, 2002

states in article 75 inc. 17 that the Argentine state recognizes the pre-existence of indigenous communities.<sup>34</sup> Other national and provincial laws accompanied this formal recognition, among which the Law 23.302 of Indigenous Policies and Support for Aboriginal Communities, and the Law 24.071 approving the OIT article 169 are the main important.

It is also in this period that indigenous organizations gained some kind of visibility by beginning to challenge practices of exclusion carried out by the state and civil society. This process also encompassed a profound opposition to the neo-liberal reforms implemented since the 90's in Argentina.<sup>35</sup> In this breath, Kropff argues that the fact that these organizations have gained some kind of legitimacy within the society, they have to face the “hegemonic political discourse” that neglects and discriminate indigenous peoples.<sup>36</sup>

From the 1980's onwards, diverse indigenous organizations were created in order to advance and carry out the main claims of the Mapuche people. The three provinces of Neuquen, Rio Negro and Chubut developed the strongest organizations that supported Mapuche's claims. Indigenous organizations in Neuquen have been deeply related with the Movimiento Popular Neuquino (MPN). Yet, the main organization Confederación Indígena Neuquina (CIN) has been able to recuperate mapuche lands from the state in eighteen recognized communities

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<sup>34</sup> Constitución Argentina, Reforma 1994, art. 75, inc. 17

<sup>35</sup> L. Kropff, *Op. Cit.*, p. 109

<sup>36</sup> *Ibid*

(UNC/APDH, 1996). However, these achievements would not have been possible without the paternalistic attitudes of the MPN who attempts to manipulate the mapuche people with electoral purposes.<sup>37</sup> In the case of the province of Río Negro, the constitution of indigenous organizations can be traced back to the 1980's when the provincial state passed a law that recognized some indigenous rights. The main organization that advanced mapuche's claims was the Consejo Asesor Indígena (CAI), who was strongly related to the church and to non-mapuche farmers. The law 2.287 followed the negotiations between the Consejo and the provincial state and created the Consejo de Desarrollo de Comunidades Indígenas (CODECI). This organization was one of the first ones to advanced indigenous claims by active political participation in the implementation of policies.<sup>38</sup>

Kropff explains how during the anti-celebration of Colon's arrival to America, there was a process of integration of the main mapuche's organizations comprising the Mapuche people of Puelmapu, Nehuén Mapu (Neuquen), Newentuayíñ (Buenos Aires), the Centro Mapuche Bariloche (Río Negro) and the Confederación Mapuche Neuquina. All these organizations had similar claims regarding the acknowledgment of political, social and economic rights and the demands for self-differentiated rights in order to achieve a fairer citizenship for their

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<sup>37</sup> L. Kropff, *Op. Cit.*, 110 (Briones y Diaz, 2000)

<sup>38</sup> *Ibid*

communities.<sup>39</sup> This unification took place with the Taiñ Kiñe Getuam (TKG). Briones spells out the main goals of the organization: the consolidation of the Mapuche nation as a preexistent entity to that of the provincial and national states that illegally occupy their territory, continue with the struggle for the right to the territory by an official recognition of the Argentine state, and the constitution of new spaces upon which discuss the rights to autonomy and auto-determination of the Mapuche community.<sup>40</sup> Yet, the final articulation of the TKG did not go very far, and only attempted to defend a cultural recuperation of mapuche's traits. Finally, the case of Chubut is different from the other two provinces. The claims advanced by the mapuche community were sustained in common with other indigenous group, the Tehuelches. The Organización de Comunidades Mapuche-Tehuelche was only circumscribed to specific conflicts where landowners and multinationals have taken them illegally from their lands, access to resources, and cultural traits.

A new trend is envisioned since the institutional crisis of 2001 that takes three different but complimentary dimensions: 1) attempts to create spaces of discussion at a national level (this is the case of ONPIA, Organización Nacional de Pueblos Indígenas Argentinos), 2) direct negotiations for the creation of development projects between indigenous

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<sup>39</sup> *Ibid*

<sup>40</sup> C. Briones, "Cuestionando geografías estatales de inclusión en Argentina. La política cultural de organizaciones con filosofía y liderazgo Mapuche" in Cultural Agency in the Americas: Language, Ethnicity, Gender and Outlets of Expression

leaders and international organizations, such as the IDB and World Bank, and 3) political alliances with social movements and political parties (indigenous and non-indigenous) in order to pursue a broader agenda.<sup>41</sup>

The official organism created to address the indigenous' situation was the Instituto Nacional de Asuntos Indígena (INAI). Although the original norm established that this institution would remain as a decentralized entity with indigenous participation, it worked under the umbrella of the Secretary of Social Development, thus lacking the necessary autonomy to initiate and implement policies that truly reflect the necessities of the mapuche community<sup>42</sup>. Mainstream Argentinian scholars agree that the creation of this entity instead of favor a positive channel of communication between indigenous groups and the state, it worked as a propagandistic unit that attempted to show how the latter provided these communities with social and paternalistic policies. It is clear enough that the Argentine state has not abandoned yet the long-standing paternalistic attitude towards indigenous groups. In the stark neo-liberal state that spreads over Latin America, these social programs are, the most appropriate means to keep silencing excluded voices and maintaining them aside from both the deliberative and decision-making processes.

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<sup>41</sup> L. Kropff, *Op. Cit.*, p. 113

<sup>42</sup> L. Mombello, *Op. Cit.*, p. 15

Regardless of the formal recognition described above, mainstream scholars argue that indigenous groups (specifically the Mapuches) have been poorly represented and permanently excluded from the debate arena and the process of will formation. At this point, we can say that the Constitutional reform of 1994 operated in a legal vacuum and indigenous peoples have been neglected in the decision and control of implementation of policies that decide over issues that affect them. Schulmaister has noted that although indigenous groups are now formally “included” in civil society, this does not hold up in reality being continuously economically overexploited and manipulated for electoral purposes.<sup>43</sup>

One paradigmatic case that merits to be considered regarding the Mapuche community is the territorial conflict between the former and Compañía de Tierras del Sur Argentino (CTSA). This company is related to the Italian company Benetton, who has bought almost one million hectares of Argentine land in Patagonia. The Benetton Company along with the aid and connivance of government leaders has sold to the company the property of communal lands. As these lands were for historic times inhabited by the Mapuches, the state did not clearly hold titles of ownership on these territories. With the escalation of the territorial conflict, the Mapuche community decided to demand from the Argentine state, a clear enforcement of the reforms established in the

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<sup>43</sup> C. Schulmaister, “*Argentina: Sociedad, escuela y discriminación*”: 2005, p. 4

Constitution of 1994. These reforms had recognized the pre-existence of indigenous peoples to that of the state. As Roberto Nankucho (a Mapuche intellectual and leader) explains “...*the law says that we have rights to these ancestral territories, but the Argentine government did not decide against Benetton...*” and further on he continues “...*every Mapuche comes from an element of nature: this means that for each one of us our own origins are in forces that reside in our territory, in this territory where we live...*”.<sup>44</sup> This conflict gets notoriety by the dispute between the company and the Curiñanco-Nahuelquir family. This mapuche family requested permission from the Instituto Autárquico de Colonización (IAC) to occupy the land that has been inhabited by their ancestors before the Spaniards’ arrival. Although the permission was not officially granted, they were informally authorized to reside in that territory. However, two months later they were forced to leave their lands following civil courts’ allegations that Benetton’s company had enough title of ownership and that not sufficient proof of ancestral use could be shown.<sup>45</sup>

This case was extremely controversial for the Mapuche community of Patagonia, and people desired that the reforms of the Constitution of 1994 would have been enforced in policy-making. Yet, this did not happen. The Argentine state proved to be inactive in this illegal action and failed to put in exercise the important reforms of 1994. As one

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<sup>44</sup> R. Nankucho, “*People of the Land, Without Land*”, [www.greenanarchy.org](http://www.greenanarchy.org)

<sup>45</sup> *Ibid*

mapuche leader argues, "...laws are made for the huincas (white people) ...democracy has not arrived for us yet".<sup>46</sup>

This is only one of many stories regarding the long-standing struggle of the Mapuche people to return to their own lands. Eminent intellectuals such as Nobel's Peace Prize A. Perez Esquivel have helped the Mapuche's in improving the channels of communication with the Argentine state. However, it appears that two paradigms are in conflict with irreconcilable differences. As indigenous people explain, their sense of attachment to a territory takes the form of "belonging to" not to "being owners".<sup>47</sup> Moreover, the state has avoided taking strong stances on the issue, as the exploitation of natural resources by both the state and multinational companies has been taken place for decades. For now, it does not seem possible that neither the state or/and these companies will delegate these activities on indigenous groups.

However, one ought to ask whether if civil society is ready to accept a multicultural society where citizenship is equally granted to every individual. In analyzing civil society, the question is whether these excluded voices are the result of government policy-making and neo-liberal reforms or if they do reflect the perpetuation of discriminatory beliefs embedded in civil society. Moreover, the state refuses to abandon paternalistic attitudes toward indigenous peoples and keep developing social and assisting plans, instead of granting them with a voice to

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<sup>46</sup> M. Millan, "*Benetton gana, los Mapuche pierden*", Inter Press Service News Agency, December 2006

<sup>47</sup> R. Nankucho, *Op. Cit.*, p. 1

propose and decide upon the issues in which they are involved. Another issue that needs further discussion is whether self-differentiated rights apply to these kinds of indigenous communities. I. Young proposes the model of deliberative democracy for a better inclusion, consensus and a more equal deliberation among groups.

In the case of Argentina, it seems that the attempt to make the society more “ethnically homogenous” has resulted in the deprivation of lands by “post-colonial systems of appropriation” and has left indigenous communities as a whole, in poverty during this practice.<sup>48</sup> The continuous “eradication of heterogeneity” by neglecting indigenous communities’ reality has shown that, the existing democracy (in terms of inclusion and equal rights) has been only positive for the “accepted white majority”, thus weakening democracy in its goal to achieve justice for all.

### Summing Up

On the one hand, the early 90’s and the consolidation of democracy in Argentina are the signpost of a political discourse that attempted to enlarge the social/economic and civil rights of civil society. By doing this, there was a specific need to acknowledge the specificity of indigenous populations.

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<sup>48</sup> I. Young, *Op. Cit.*, p. 255

On the other hand, the neo-liberal reforms implemented since the 90's have also had negative consequences in the way of living of these communities. Indigenous populations were negatively affected in their cultural production, access to economic resources, and territorial rights.

As it is noted above, the official organism INAI in charged of developing the core of the indigenous policies remained under the government's umbrella, thus lacking autonomy and avoiding introducing "indigenous voices" in the deliberative process.

The "internal differences" among indigenous groups has also prevented them to reach a substantive role within civil society and its organizations through which struggle for their demands. These kinds of differences are visibly established by region and territory, although there are current attempts to build a broader organism to embrace all positions.

Yet, indigenous groups have been able to challenge in various ways, the conception of a "homogenous" Argentina, and are gradually leading the political community to get rid of its "exclusionary" beliefs and attitudes in order to embrace a multicultural nation. It is clear that this process will take effort and time, as this has embedded the Argentine identity since colonial times, where indigenous communities were treated by the state as a different class of citizens, i.e. "barbarians" vis a vis the educated "white civilization"

It seems that the only way to approach the territorial issues is by the active participation of indigenous groups in the different spaces of policy-making. By promoting this relationship, the state needs to abandon paternalistic attitudes and fairly integrate these groups within civil society. The state also needs also to consider *differentiated-rights* of self-determination, by the implementation of self-government forms that protect the way of living of these communities, allowing them to “dwell together within political institutions which minimize domination among them”.<sup>49</sup>

Finally, the quest for inclusion involves the positive interplay between indigenous groups, civil society and the Argentine state resulting in effective policy-making and implementation of means through which enhance “participatory and deliberative democracy”. New spaces of deliberation need to be opened for indigenous groups to reach fair chances to participate and discuss policies that concern them. The challenging opportunity that deliberative democracy brings to the analysis of culture and identity constitute a significant chance of thinking how we can achieve a better democracy from which face social and political conflicts in a multicultural society.

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<sup>49</sup> I. Young defines self-determination as the right for indigenous people, of being granted with forms of self-governance due to the history of colonization, in which “*they have the right to their own governance institutions through which they decide their goals and interpret their way of life*”, *Op. Cit.*, pp. 259-265

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