

BETWEEN SUPPORT AND MARGINALIZATION.
THE PROCESS OF THE DIAGUITA'S RE-EMERGENCE
IN THE AGE OF NEOLIBERAL MULTICULTURALISM (CHILE)*

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Artigo recebido em: 10/10/2017
Aprovado em: 28/02/2018

* This article is an updated and edited version of the following document: GAJARDO, Anahy. "Poussière des mines et cendres de l'autochtonie : le projet Pascua Lama, (l'État), et le processus de réémergence des Diaguita du Chili". Cahiers du CIÉRA, n. 13, p. 34-59, 2016.

ABSTRACT

Long regarded as an ethnic group extinct since the 16th century, the Diaguita of Chile re-emerged as an indigenous people in the early 2000s in the midst of their struggle against extractivism. Although they did not exist 15 years ago in legal terms and were socially invisible, they are now the third most important indigenous group in Chile, after the Mapuche and the Aymara. This paper analyses the combined roles of a Canadian mining company (Barrick Gold, Pascua Lama project) and the Chilean state in the process of this group's re-emergence in the Huasco Alto region of northern Chile. In particular, it shows how the social responsibility programs of the mining company (CSR), set up to support "the ethnic revitalization" of the Diaguita, contribute both to divide local indigenous communities and to justify a culturalized and depoliticized indigenous identity, compatible with mining interests and the state's project to conciliate neoliberal and multiculturalist policies.

Key words: Neoliberal multiculturalism, extractivism, indigeneity, corporate social responsibility (CSR), Chile, Pascua Lama.

RESUMO

Considerados extintos no século XVI, os Diaguitas de Chile reemergiram como povo indígena no começo da década de 2000 em um contexto de luta contra o extrativismo. Apesar de eles não existirem há 15 anos em termos legais e eram socialmente invisíveis, são hoje em dia o terceiro grupo indígena mais importante do Chile, depois dos Mapuches e dos Aymaras. Este artigo analisa os papéis conjuntos de uma empresa de mineração canadense (Barrick Gold, projeto Pascua Lama) e do Estado chileno no processo de reemergência indígena deste grupo em Huasco Alto, ao norte do Chile. Particularmente, mostra como os programas de responsabilidade social (RSC) da empresa de mineração, criados para apoiar a "revitalização étnica" dos Diaguitas, contribuíram tanto para dividir as comunidades indígenas locais como para justificar uma identidade indígena culturalizada e despotizada, compatível com os interesses mineiros e com o projeto de Estado de conciliar a perpetuação de uma economia neoliberal com o desenvolvimento de políticas multiculturais.

Palavras-chave: Multiculturalismo neoliberal, extrativismo, povos indígenas, responsabilidade social corporativa (RSC), Chile, Pascua Lama.

RESUMEN

Considerados extintos en el siglo XVI, los Diaguitas de Chile (re)emergieron como pueblo indígena a principios de la década del 2000 en un contexto de lucha contra el extractivismo. Si bien no existían hace 15 años en términos legales y eran socialmente invisibles, son hoy día el tercer grupo indígena más importante de Chile, después de los Mapuches y los Aymaras. Este artículo analiza los roles combinados de una empresa minera canadiense (Barrick Gold, proyecto Pascua Lama) y del Estado chileno en el proceso de (re)emergencia indígena de este grupo en el Huasco Alto, al norte de Chile. En particular muestra cómo los programas de responsabilidad social (RSC) de la empresa minera, creados para apoyar la “revitalización étnica” de los Diaguitas, han contribuido tanto a dividir a las comunidades indígenas locales como a justificar una identidad indígena culturalizada y despolitizada, compatible con los intereses mineros y el proyecto del Estado de conciliar la perpetuación de una economía neoliberal con el desarrollo de políticas multiculturales.

Palabras claves: Multiculturalismo neoliberal, extractivismo, pueblos indígenas, responsabilidad social corporativa (RSC), Chile, Pascua Lama.

INTRODUCTION

Almost all Latin American states¹ have now ratified the International Labour Organization’s Indigenous and Tribal Peoples Convention no. 169 (1989), one of the most important international instruments regarding the rights of indigenous peoples. Just 30 years ago, most of these countries were still caught within an assimilationist paradigm, a legacy of colonial representations and policies. In the 1990s, however, they introduced unprecedented political and legal reforms aimed at recognizing indigenous peoples and the multicultural character of their nations². This process, initiated by the indigenous peoples themselves and supported by an international movement to recognize their rights (Niezen, 2003; Schulte-Tenckhoff, 1997; Morin, 2009), led to the emergence of the indigenous category as a potentially positive contemporary mark of identity. However, in the 2000s, many scholars

brought to light the paradoxes and limitations of the multiculturalist model in Latin America when combined with neoliberal policies (Boccaro, 2010; Gros, 2011; Hale, 2004, 2005, 2006; Lehmann, 2016; Park and Richards, 2007; Speed and Sierra, 2005; Yashar, 2005). Neoliberalism – in the sense assigned to it by Foucault in 1979 (2004) and reaffirmed by the Comaroffs (2009, p. 120-121) – is a doctrine aimed at establishing an economic model and a mode of governmentality in which the state and society are subordinate to market principles. What Charles Hale (2005, 2006) called neoliberal multiculturalism corresponds to a mode of governmentality which, while implementing measures of recognition of and support for indigenous peoples, limits their expression to the framework imposed by neoliberal policies. These policies orient the action of the state and its agents not only in economic matters but also in all spheres of society, including social, cultural and identity-related ones. In other words, neoliberal multiculturalism is characterized by the establishment of relatively clear support policies towards indigenous peoples who are not at odds with the neoliberal societal project while at the same time

¹ The holdouts are Cuba and Uruguay.

² Bolivia went further and enshrined his plurinational character in its Constitution.

marginalizing those who do not conform to it.

In this article, I argue that the contemporary process of re-emergence of the indigeneity of the Diaguita of Huasco Alto (northern Chile) is emblematic of the social and identity effects of neoliberal multiculturalism and of the stakes underlying new expressions of indigeneity in the 21st century, in a context of the internationalization of the rights of indigenous peoples, economic globalization, the weakening power of states and the rise of multinationals.

Long regarded as an ethnic group extinct since the 16th century, the Diaguita of Chile re-emerged as indigenous people in the early 2000s in the midst of their struggle against the controversial Pascua Lama mining project promoted by the Canadian-based company Barrick Gold, the world's largest gold mining company.

Recognized legally as an indigenous people by the Chilean state in 2006, the Diaguita have gone within the space of 10 years from the status of an extinct and voiceless civilization to that of living people fighting for their rights³. In this article, I show how the combined actions of public authorities and the mining company, as well as the internationalization of the struggle against the Pascua Lama project, have contributed not only to the re-emergence and strengthening of the Diaguita identity but also to the construction of an indigeneity compatible with the extractive neoliberal model and to divisions between local organizations laying claim to an indigenous identity. More generally, the conflictual context of the

emergence of Diaguita indigeneity deserves highlighting insofar as it reveals tensions that are observed across the world between indigenous peoples, states and extractive corporations and because of the issue that indigeneity represents today for all stakeholders, including mining companies. In this article, I will emphasize the ambiguous role being played by the mining company, combined with that of the state, in the dynamics of (re)construction of Diaguita indigeneity, as the Diaguita are both the primary opponents of the corporation and, at the same time, among the preferential beneficiaries of the company's corporate social responsibility activities.

A major binational project, located at high altitude in the Andes at the border between Chile and Argentina, Pascua Lama first attracted international attention in 2005 because of Barrick's initial proposal to "transplant" three glaciers that cover gold and silver deposits (Li, 2017). At a time when climate change has become a global issue, this "detail" provoked a wide-ranging mobilization against this project, pitting the citizens of this rural and agricultural region, civil society organizations and environmental NGOs and/or those advocating for rights for indigenous peoples against the state and the world's most powerful gold-mining company.

This article is part of a qualitative research and inductive approach at the crossroads of political anthropology and indigenous studies. It relies to a large extent on empirical data produced by a long-term field survey. Between December 2006 and March 2014, I had several occasions to do fieldwork in the Huasco Alto, for a total duration of about one year. In addition, between 2014 and 2017, I effectuated "delocalized" fieldwork by actively

³ For more information on the chronology of this process of legal recognition, see Campos Muñoz (2005) and Gajardo (2009).

participating, from Montreal (Canada), New York (United States) and Geneva (Switzerland) in international meetings concerning indigenous issues⁴. These events allowed me to accompany and observe the struggle against extractivism of some *diaguita* leaders at the international level. This fragmented and multi-site fieldwork led me to take a long-term look at a social process that evolves rapidly over time and that includes issues which would have been difficult to identify within the framework of short-term fieldwork. The data that I present in this article are a synthesis resulting from the cross analysis of data from floating observations, participant observation, non-directive and semi-directive interviews, and from scientific literature as well as from the print media and the Internet. I made observations and conducted interviews with actors occupying different and sometimes divergent positions in local social structures and politics.

Neoliberal multiculturalism: the case of Chile

(...) while Chile was the first Latin American state to embrace neoliberalism, it has been one of the last to embrace multiculturalism (Richards, 2013, p. 108).

⁴From May 29th to June 1st, 2014, I participated in the Permanent People's Tribunal (PPT) on the Canadian Mining Industry (Hearing Latin America), held in Montreal. In May 2014, I attended the United Nations Permanent Forum on Indigenous Issues (UNPFII) at the UN Headquarters in New York. And at the end of November 2017, I was at the 2017 United Nations Forum on Business and Human Rights held at the UN Headquarters in Geneva.

In terms of its inherent logic, neoliberal multiculturalism presents common aspects, irrespective of the context in which it is implemented. Nevertheless, it can take a specific form depending on the history and characteristics of the country and the region where it is adopted. Widely known as a pioneer in the implementation of neoliberalism in Latin America, Chile has gone, within a decade, from an assimilationist neoliberal dictatorship (1973-1989) to a multiculturalist neoliberal democracy which, in comparison to other Latin American countries, was late in implementing measures for the political recognition of indigenous peoples and their rights. Because of this, some authors prefer to describe Chile in terms of multicultural neoliberalism (Boccaro and Bolados, 2008; Bolados, 2010) instead of neoliberal multiculturalism.

It was during the so-called *Concertación* period (1990-2010) that Chile formulated the bulk of its policy towards indigenous peoples. In 1993, a few years after the end of the dictatorship, the government promulgated Law 19.253 (*Ley Indígena*). This law laid down a new framework designed to ensure the protection and development of indigenous peoples, *etnías indígenas* according to the terminology of the state. As a consequence of this law, the *Corporación Nacional de Desarrollo Indígena* (CONADI) – the state body responsible for promoting, coordinating and executing public policy in favor of indigenous people – was set up in the same year. Adopted in a context of democratic transition, economic stabilization and reformulation of the myth of Chile's cultural homogeneity, this law marked a historic turning point in the state's willingness to pay its historical "debt" (*deuda histórica*) to its

indigenous populations and to adopt a policy of “new treatment” (*Nuevo Trato*) towards them. Along similar lines and in the context of a controversial political debate on the drafting of a new Constitution and on the recognition of indigenous peoples, Chile ratified ILO Convention no. 169 in 2008 and, in the same year, adopted a “Social Pact for Multiculturalism” (*Pacto Social por la Multiculturalidad*). In general terms, the implementation of this new public policy concerning indigenous peoples was linked to a significant extent to the emergence of a new discourse on the multiculturalism of the Chilean state, which is itself in line with the current international rhetoric of cultural diversity and with advances in international law on indigenous issues (Gajardo, 2009, p. 115). After more than a century of assimilationist policies, these developments have led to a radical change in the regimes of representation of diversity, allowing ethnicity to emerge not only as a beneficial modality of self-(re)presentation, but also as a legitimate resource for the conquest of rights (Baeza, 2012, p. 125).

In parallel with these measures, which formed part of the state’s decision to break with the policies of the previous regime, the country has pursued and developed the neoliberal economic policies implemented during the dictatorship years. They have included the implementation of a series of political agreements and legal norms promoting and authorizing the development of extractive projects (Carruthers, 2001; Tecklin et al., 2011), most of which are located on indigenous territories or on territorial spaces claimed by them (Barrera-Hernandez, 2005; Budds, 2009, 2010; Yañez and Molina, 2009). In direct opposition to the public policies in favor of indigenous peoples provided for in Law

19.253 (Aylwin, 2005), the approval accorded to these projects has led to an increase in socio-environmental conflicts involving indigenous communities (Cuenca, 2012; Yañez and Molina, 2009), who saw and still see in these measures a continuation of a policy aimed at destructuring them through the destruction of their ecological and social environment.

It is thus in this context, briefly described here, that the process of re-emergence of the Diaguita indigeneity, the Pascua Lama mining project, and the movement opposing this project all developed simultaneously in the early 2000s in the same physical, social and political space (Huasco Alto). Huasco Alto is a rural area composed of two agricultural valleys (Transito Valley and San Felix Valley, both in the Huasco river basin), located in a semi-mountainous region in northern Chile (Atacama region, Alto del Carmen municipality), at the edge of one of the most arid deserts in the world.

An emblematic case of indigenous re-emergence

Although they did not ‘exist’ 15 years ago in legal terms and were socially invisible, the Diaguita are now the third most important indigenous group in Chile, after the Mapuche and the Aymara (Aravena Reyes 2014: 1; Instituto Nacional de Estadísticas 2012: 11; Casen, 2017).⁵

While several contemporary cases of ethnogenesis have been documented in Latin America in recent

⁵ Estimated at about 45,000 persons. It should be pointed out here that these 45,000 persons were enumerated across Chile on the basis of family names and self-identification. This figure is therefore not an estimate of the number of Diaguita in Huasco Alto. However, it is in this region that the process of re-emergence began.

decades (French Hoffman, 2009; Robin Azevedo and Salazar-Soler, 2009; Olivera, 2016; Boullosa-Joly, 2015), the process of re-emergence of the Diaguita of Chile stands out for its speed, its scale and the context of the struggle against extractive projects in which this process is taking place.

Decimated by war and disease after the arrival of the Spanish conquistadores⁶, gradually wiped out culturally and linguistically during colonization, the Diaguita of Chile were long considered an extinct people, who supposedly disappeared during the 16th century and who left behind only physical traces of their pre-Columbian period (Ampuero, 2011). Historically, before the arrival of the Spanish settlers, they would have occupied a territory corresponding today to Coquimbo region and part of Atacama region.

Archeologists have long asserted that the Diaguita ethnonym had been given through a “scientific decree” by the Chilean historian Ricardo Latcham (1928) to all the peoples who lived in this region of northern Chile because of their supposed similarities with the Diaguita of the Argentinean Northwest, especially with respect to language and material culture. In any case, all through the colonial era, the terms used to designate the natives of this part of the country were generic: ‘Indians’, *Indios*, or ‘naturals’, *naturales*. The latter were subject to the *encomienda* system, i.e., put at the service of a settler who has received a *título de merced* for services rendered to the Spanish crown, or forcibly regrouped in *Pueblos de Indios*. With the constitution of the Chilean Republic, the institutions of the *encomienda* and the *Pueblos de Indios* were abolished, and the *Indios* were

then considered Chilean citizens (Molina, 2014).

Since their presence was no longer documented in a specific or differentiated way, the administrative and legal traces of their existence faded away and eventually disappeared, until their resurgence at the dawn of the 21st century. Consequently, the Diaguita of Chile were, until recently, an object of research for archeology and ethnohistory, but not a subject of study for socio-anthropology, whose primary focus is on contemporary societies. The emergence, at the end of the 1990s, of a movement based on the claiming of an identity around the categories of “indigenous”, “ethnic” and the “Diaguita” ethnonym, came as a great surprise to academic and political circles and proved to be a little disconcerting to them.

On August 28, 2006, a few months into her first term as President of Chile (from March 2006 to March 2010), Michelle Bachelet signed Law 20.117, which brought the Diaguita within the ambit of Law 19.253. In this way, the Diaguita joined the eight other “indigenous ethnic groups” (*etnias indígenas*) officially recognized by the Chilean state in 1993: Mapuche, Kawashkar, Yagan, Aymara, Quechua, Atacameños, Colla, and Rapa Nui. This legal recognition of the Diaguita in 2006 was described by President Bachelet as “an act of historical justice”, signifying “the putting behind of several years of assimilation and denial of the fundamental identities of our pluralist Chile”, thus manifesting “the history of one of our native peoples” (Bachelet, 2006).⁷ The act of recognition took place at the La Moneda Presidential Palace in Santiago de Chile during an official ceremony attended by

⁶ Diego de Almagro and Pedro de Valdivia arrived in the region in 1536 and in 1540 respectively.

⁷ Original in Spanish.

a large Diaguita delegation formally invited by the government.

The process that led to the legal recognition of the Diaguita and the group's assertion as an indigenous people was not only speedy but complex as well. It involved a number of actors with interests that were both conflicting and shared, and highlighted the necessity of analyzing emerging indigeneity and the issues it raised in a contextual, relational and systemic way by articulating the political, legal, territorial, socio-environmental and economic stakes. As such, while there were several contextual factors to be taken into account, the development of the Pascua Lama mining project in the same territorial space and temporality appeared as a significant, if not fundamental, element in understanding the nature of this process and the associated issues. Indeed, among the first opponents of the Pascua Lama project were actors who identified themselves as Diaguita and mobilized for their legal recognition and/or for the defense of their ancestral territory, threatened by the mining project. Today, nearly 15 years after the start of the project, the Diaguita are the main opponents of Barrick and, at the same time, among the privileged beneficiaries of the company's corporate social responsibility programs, which appears to be an ambiguous but unavoidable actor.

The movement of opposition to Pascua Lama

The Pascua Lama project has provoked a significant social movement of opposition consisting, on the one hand, of actors concerned about the environment, who base their arguments on the issue of water, protection of glaciers and a fragile ecosystem and, on

the other hand, of actors looking at the project primarily from an indigeneity perspective, who are concerned by the social and cultural impact of the project on the Diaguita way of life and by the preservation of ancestral territory.

The movement of opposition to Pascua Lama spread nationally and internationally, especially between 2005 and 2009, and has engendered a particularly strong reaction in Canada, home to the mining company's headquarters in Toronto. The project's characteristics, combined with the size of the opposition movement and widespread media coverage through the internationalization of the struggle, have given an emblematic dimension to this conflict and contributed to the strengthening of the re-emerging indigeneity.

The fear is that, when operational, the Pascua Lama mine will lead to the deterioration of three glaciers (Esperanza, Toro I and Toro II) and to pollution and water scarcity, in an area in which water is not only already in short supply but essential to the region's agricultural, pastoral and mining activities. This verdant and fertile valley in the middle of a semi-desert environment is characterized by subsistence farming and pastoralism, small-scale commercial agriculture (small producers of lemon, avocados, mangoes, etc.), as well as by agro-industry (most notably the production of grapes for export). These activities all depend directly on the supply of water from the glaciers and high mountain lakes, which function as the region's water reservoirs.

Despite the significant level of social mobilization against Pascua Lama, this project received environmental approval by the Chilean authorities for the first time in April 2001 and, following modifications to the project, a second time in February

2006, with the condition that the glaciers be left absolutely undamaged. Construction of the mine began in May 2009 but, due to several technical difficulties and legal obstacles, it has fallen behind schedule. In 2013, the project was stopped, when a court halted construction over environmental concern. Later that year, Barrick shelved the project citing massive cost overruns and nose-diving metal prices. In January 2018, Chile's environmental authority ordered the permanent closure of the Chilean side of the mine. Following that, Barrick announced plans for a joint venture with Chinese Shandong Gold Group in order to build an underground mining operation⁸, which it says would reduce the overall environmental impact. According to the most recent information (April and May 2018), the Canadian company "suspended work on the pre-feasibility study for a potential underground project" because it did not meet "its investment criteria and will focus on adjusting the project closure plan for surface infrastructure on the Chilean side of the project, in accordance with legal requirements"⁹. In addition, Barrick announced that the company "will continue to assess opportunities to reduce project risks while maintaining Pascua-Lama as a development option in the future if the economy improves and related risks can be mitigated"¹⁰.

⁸See:

<https://www.barrick.com/investors/news/news-details/2018/Barrick-Provides-Update-on-Pascua-Lama-Project/default.aspx> (Retrieved May 11, 2018)

⁹ See:

<https://www.barrick.com/investors/news/news-details/2018/Barrick-Reports-First-Quarter-2018-Results/default.aspx> (Retrieved May 11, 2018)

¹⁰ Idem.

The Diaguitas Huasco Altinos Agricultural Community

In Huasco Alto, the Diaguitas Huasco Altinos Agricultural Community¹¹ (hereinafter referred to simply as the Agricultural Community), also known locally as *Estancia, Estancia Los Huascoaltinos*, or simply *Los Huascoaltinos*, is the first and foremost organization to oppose the Pascua Lama project. It has done so on the basis of its indigenous ancestry and land claims since the Pascua Lama project is planned to be located on a portion of the ancestral territory claimed by this community, which holds a private property title – *título de dominio* – over a territory of about 380,000 hectares, of which 140,000 are under litigation. On this same basis, the Agricultural Community is also opposed to other mining projects (including Nueva Unión¹², a joint venture of Goldcorp and Teck companies) and agro-industrial development projects.

Led by Sergio Campusano¹³ since 2004, the Agricultural Community brings together 260 families from the Transito Valley who live in a mountainous rural environment practicing subsistence farming, goat and cattle husbandry, and, since relatively recently, commercial fruit production. Even though the practice of transhumance is in decline, several families still leave during the summer and live for several months in the

¹¹ Known in Spanish as the Comunidad agrícola diaguita Los Huascoaltinos.

¹² *Nueva Unión* is a 50/50 joint venture between Teck and Goldcorp that combines their previous projects *Relincho* and *El Morro*. It is one of the largest undeveloped copper-gold-molybdenum project in the Americas.

¹³ The community's president is re-elected periodically at its general meeting.

valley's upper part, adopting a semi-nomadic way of life (Gajardo, 2009, p. 118).

Members of this community began formally identifying themselves as indigenous in August 2006, when they added 'Diaguita' to the community's name and when the state recognized the Diaguita as a distinct indigenous group in national legislation. However, the Community's territory has traditionally been inhabited by families of predominantly indigenous ancestry and its history stretches back to the early days of colonization. The organization has changed its name and status on several occasions over time. Numerous historical studies have shown that the contemporary physical boundaries specified in the title deed of the Agricultural Community correspond to those of the former *Pueblo de Indios du Guasco Alto*, a territory in which cultural practices, family names and toponymic elements of the societies which occupied this territory prior to the arrival of the Europeans have been preserved to this day (Molina et al., 2005; Pizarro et al., 2006). Furthermore, it was mainly on the basis of the study of this community that, in 2006, the Chilean state approved the amendment recognizing the Diaguita as indigenous peoples (Molina, 2013).

According to Molina and al. (2005), the region's indigenous populations were initially confined by the Spaniards to this remote valley that was difficult to access. The territory would later become a safe haven that would escape the various measures of reduction and usurpation of the indigenous lands implemented during the colonial period and later during the Chilean Republic. In 1903, the territory was registered as *Estancia Los Huascoaltinos* and, in 1997, with the Diaguita not yet having been recognized, the status of the *Estancia*

was legalized as an "agricultural community", a community organization typical of this northern Chilean region, governed by a specific law (Decreto con fuerza de ley no. 5).

However, although the Community's land title was legally registered in the relevant land registries by the Chilean state and even though, at the individual level, the majority of *Estancia* members had a family name of indigenous ancestry and were recognized as such by CONADI, the status of "indigenous community" within the meaning of Law 19.253 was denied to this community in 2006 because it was already registered as an "agricultural community". It should be noted that, for this community, the family name is not considered a determining criterion of inclusion or exclusion from the group, in contrast to the criteria defined by the indigenous law. In a similar way, while the organization is not legally recognized as indigenous, community leaders say that they "do not need the law to be defined as indigenous, because in their own eyes they are indeed indigenous" (Gajardo, 2009, p. 118).

What is important for them is to be the title-holders of a *derecho de estancia*¹⁴ and, above all, to live in and protect the community territory, to share its destiny and a way of life associated with the ecosystem of which they believe they are "the guardians". They challenge the use of the term "ethnicity", used by the state in 2006 as part of the legal recognition process, and prefer instead to use the terms

¹⁴ This term refers to the right to occupy a portion of the common territory of the Agricultural Community. Among the Huascoaltinos, this right is transmitted from generation to generation and is registered in the name of the head of a family. A member of the community wishing to sell his *derecho de estancia* can do so only with the approval of the entire Community.

“people” and “community” to identify themselves. One of the main characteristics of this organization is that it adopted, very early on in the history of the conflict with Barrick, a strategy of opposition to the project based on its indigeneity, judicialization and the internationalization of the struggle, as well as the patrimonialization of its territory. Therefore, while indigeneity is considered an element that reinforces the social cohesion of the group and a part of its history, it represents, above all, the possibility of mobilizing internationally recognized legal instruments to oppose the Pascua Lama project and affirm their right to self-determination, beyond the recognition accorded by the Chilean state. By choosing the legal path and emphasizing indigeneity, this community has quickly distinguished itself from the strategies adopted by other regional organizations that are also opposed to the Pascua Lama project, strategies that are based on environmental protection and the mobilization of citizens at the social level.

In 2007, the Agricultural Community filed a complaint with the Inter-American Commission of Human Rights (IACHR) against the Chilean state for having approved the Pascua Lama project on its ancestral territory without following the principle of free, prior and informed consent (FPIC). In 2009, IACHR declared the complaint to be admissible. Even though the case is still ongoing, the process of judicialization and internationalization of the struggle has already contributed in a significant way to the strengthening of the community and of legitimizing its indigeneity.

However, in its fight against the Pascua Lama project, the Agricultural Community is also being confronted by

another adversary, all the more difficult to pin down since it brandishes the same weapon and adorns the same “armor”: indigeneity. Indeed, since the legal recognition of the ethnic group in 2006 and by virtue of Law 19.253, new Diaguita communities have been formed in the Huasco Alto area. These new communities, created by the state and supported by Barrick in their efforts of cultural revitalization, have a contentious relationship with the Agricultural Community, with which they do not share the same interests.

Between support and marginalization

The company offered a training course [curso de capacitación]. This was part of its corporate social responsibility, but attendance lists and photos were distributed. Later, these same lists and photos were used [in company publications and in the local press] as evidence of a process of consultation with the indigenous population (Excerpt from an anonymized interview with a CONADI collaborator, March 2014).¹⁵

Increasingly coming under criticism for environmental damage, violations of human rights and of the rights of indigenous peoples (Anaya, 2013; Yañez and Molina, 2009), many multinational mining companies now implement sustainable and social development programs designed to help the communities affected by their projects, in support or as replacement of existing or non-existing state structures.

In Huasco Alto, Barrick has invested significant resources in implementing social and sustainable development programs with the aim of establishing a relationship of trust and partnership with local communities and

¹⁵ Original in Spanish.

ensuring their support (Barrick, 2012). One of the significant characteristics of the social responsibility activities undertaken by this multinational in the region is that several of these activities have been implemented within the framework of Public Private Partnerships (PPP), in close collaboration with public authorities. Barrick has thus financed several infrastructures and local developments projects traditionally devolved to the state.¹⁶

Since the mid-2000s, Barrick has oriented a significant portion of its social and community development activities towards a specific category of the Huasco Alto population: the Diaguita, which it has made true symbols of its social responsibility policy. For this reason, the Diaguita, and in particular indigenous women, figure prominently in several of the company's publications and on its web pages. In the "human rights" section of its 2008 Annual Report, Barrick noted that one of its "biggest and most rewarding commitments"¹⁷ was with the Diaguita ethnic group in the Huasco valley, with whom its "community relations team worked unceasingly to foster constructive and mutually beneficial relationships, which represent opportunities for the social, educational, and economic advancement of this indigenous people"¹⁸ (Barrick, 2009, p. 78).

Building a culturalized and depoliticized Diaguita

In a first phase (between 2004 and 2010), Barrick maintained and developed a special relationship with one type of Diaguita organization in particular: Diaguita Cultural Centers, *Centros culturales Diaguitas*. Composed of members of the region whose main shared feature is an indigenous family name, these Cultural Centers received the support of CONADI as soon as they were created, in the early 2000s, in the context of their efforts to obtain legal recognition. After the inclusion of the Diaguita in the indigenous law in 2006, these Centers were considered the legitimate representatives of the ethnic group by the state, in preference to the Agricultural Community, with which these centers have a contentious relationship.¹⁹ In contrast to the Agricultural Community, the Cultural Centers did not make any territorial claims and adopted the state's terminology of identifying themselves (*etnia Diaguita*). It is because of this that, in an article published in 2009, I referred to this group as "Diaguita without territory". The discourse of this group focused in general on the difficult living conditions in economic terms (access to education and health care, etc.) and was strongly tinged with nostalgia for an idealized past, including for its associated traditions. In this sense, for this group, the issue of indigeneity was the ability both to restore an identity that had been denied, neglected and destroyed over the course of history and to benefit from the affirmative action measures provided for by law in favor of recognized

¹⁶ Construction of roads and public infrastructure, scholarships, social assistance funds, funding of vocational training and setting up of businesses, funding of educational and medical infrastructure, programs to combat poverty, etc.

¹⁷ Original in Spanish.

¹⁸ Idem.

¹⁹ It must be noted that several members of the Agricultural Community are nevertheless affiliated to a Cultural Center.

indigenous peoples (Gajardo, 2009, p. 118).

Along with state support, these Cultural Centers also received the support of Barrick for their activity of “rescuing” (*rescate*) their culture and of (re)inventing traditions, by relying on the work of experts (historians, anthropologists, archaeologists, etc.), on oral memory, and on the iconographic and media worldview of the prehispanic Andean world and on the figure of the “Indian” in its entirety.

In practical terms, Barrick has set up and funded workshops for weaving, ceramics, medicinal plants and indigenous cooking, as well as intercultural and bilingual education projects in some of the schools in the valley. Often organized in partnership with the local municipality within the framework of the PPP established by Barrick, these activities have an objective of helping the Diaguita “re-learn their culture”, in the words of an anthropologist I interviewed in the field.

In the small village of Juntas de Valeriano, where Barrick has a substantial presence, the company has built a weaving workshop. The goal is to help indigenous women develop micro-entrepreneurship projects by producing items for sale to tourists and, at the same time and with Barrick’s support, to contribute to the revitalization and preservation of their culture. Among many other activities, the company has also made available special funds to encourage indigenous micro-entrepreneurship, funded scholarships (managed by the state) and established a technical advisory and financial assistance service to help indigenous people navigate the process for obtaining CONADI’s indigenous certificate, *Certificado de calidad de indígena*, and the social benefits associated with it. In 2007, Barrick published a book on the ethnic group,

presenting the group’s main historical and cultural characteristics and the recent process of its recognition by the state. Written by an anthropologist employed by the company (Barrick, 2007), this book was distributed to schools and libraries in the Atacama Region as the reference book on Diaguita ethnic group through an agreement reached in 2008 between the company, the Ministry of Education and the Cultural Centers.

Barrick’s support for the cultural revitalization of the Diaguita may, at first sight, seem useful or relevant or, at worst, harmless in its social and cultural dimensions. However, it is hard not to wonder about the political scope of these programs, developed in partnership with the state, in an environment of conflict against the company and of tensions between different organizations laying claim to the same indigeneity, in a country in which the territorial issue is the primary cause of discord between indigenous peoples, the state and extractive enterprises.

This policy is characterized by relatively clear support for indigenous peoples who do not make territorial claims, such as the Cultural Centers, which have thus received recognition and support from the state and Barrick for the implementation of cultural recovery programs. As long as the “Indians” stick to weaving, culinary specialties, singing and dancing to traditional music, etc., they follow the “politically correct” program of the state of promoting cultural diversity. If, on the other hand, they claim self-determination and territory, they become undesirable “savages” (Gajardo, 2009, p. 120). Barrick’s active support for this type of program can thus be seen in a new light: to contribute to the construction of a culturalized, folklorized and

depoliticized indigeneity that is disembodied from its territorial anchorage. In other words, a passive, conflict-avoiding and accommodating identity that does not represent a potential threat to the development of the mining project.

Toward an indigeneity compatible with the mining company's interests

Indigenous communities are springing up like flowers around mining projects²⁰ (anonymized interview of a CONADI official, March 2014)

In a second phase (2010 to 2016), the company began interacting with the new Diaguita indigenous communities, which were formed gradually under the indigenous law and succeeded the Cultural Centers as groups legitimized by the state. The first Diaguita indigenous community of Huasco Alto was created in April 2007. In March 2014, there were 17 indigenous communities, corresponding to localities or specific places.²¹ With each community's members electing their own local leader, the communities formed, in 2010, the Diaguita Communal Council (for the Huasco Alto region) and the Diaguita Regional Council (for the entire Atacama region). Until 2016, the elected president of both these bodies was Solange Bordones, with a public title of "cacique" of the Diaguita people (*pueblo Diaguita*). This latter term represents a marked difference from that of "ethnic group", used earlier by the Cultural Centers, and

this change placed them in a situation in which they were competing with the Agricultural Community.

It is important to note that in Chile, the term 'indigenous community' designates an organizational form specific to the indigenous law. It is a legal entity and has a structure based on the bureaucratic organization and logic of the state.²² These characteristics also apply to all indigenous peoples in the country, and can be used, *inter alia*, to access a range of socio-economic benefits and projects allocated by the state and other parastatal agencies. In Huasco Alto, the creation of these new "legal" communities, i.e., legally recognized by the state, is therefore a response to a pragmatic necessity for the Diaguita to meet the criteria of definition of indigeneity fixed by CONADI, since these entities do not correspond in any way to a form of organization that is part of a historical continuity.

Barrick's relationships with these new indigenous communities are more ambiguous and complex. On the one hand, they are inseparable from the context of the bad press the company has received. Mired in a series of legal and technical challenges, faced with a complaint lodged with the IACHR, accused of causing irreparable damage to the glaciers and of being the cause of the drying up of rivers, faced with an increase in project cost, suspected of buying the support of politicians and a part of the local population with "gifts" and by funding local projects, the company is also well behind schedule in the construction of the mine, thus also disappointing the expectations of certain economic circles.

On the other hand, the indigenous issue has evolved nationally and internationally, and this has had

²⁰ Original in Spanish.

²¹ In 2017, the number of indigenous communities created under Law 19.256 increased further. In addition, many communities have been created outside Huasco Alto, in various regions historically occupied by the Diaguita.

²² Article 9 of Law 19.253.

local ramifications. In 2007, the UN Declaration on the Rights of Indigenous Peoples was adopted and Chile ratified the ILO Convention no. 169 in the subsequent year. In April 2009, the Special Rapporteur on the rights of indigenous peoples, S. James Anaya, visited Chile and his report included a chapter that was especially critical of the corporate exploitation of natural resources. In 2013, he published a special report on the issue of indigenous peoples and the extractive industry around the world. In such a context, communities are gradually acquiring greater experience and expertise in indigeneity, its language and issues. They are thus progressively able to integrate discursive elements and strategies derived from national and international indigenous law into their discourses.

Finally, at the local level, individual requests to CONADI to be recognized as Diaguita exploded. This is leading to an increase in the number of new indigenous communities in the region and of “community leaders”. On the whole, this second phase is characterized by the emergence of territorial claims by these new indigenous communities, a judicialization of their relations with Barrick, and the emergence of a new lexical register for self-identification, more in line with the international language of indigeneity: “people” (*pueblo*), “indigenous” (*indígena*) and “community” (*comunidad*), instead of the term “ethnicity” (*etnia*) used earlier by the Cultural Centers. In addition, the geographical origin is often appended as a qualifier to the ethnonym: “of Huasco Alto” (*del Huasco Alto*).

These elements are interesting to note because they attest to the influence of the language of transnational indigeneity on the construction of local identity. More importantly, they have

the effect of creating a situation that makes many external observers²³ confuse the new communities created by the state with the Agricultural Community, even though they are organizations opposed to each other that follow strategies that are different or even completely divergent. This confusion has enhanced the legitimacy and visibility of the new communities to the detriment of the Agricultural Community. However, even though the new communities are legally recognized, they suffer from a “credibility gap” due to the absence in their discourses of territorial claims and because of their alleged association with the state and the mining company.

In any case, in this second phase, the legal communities and Barrick entered into a process of dialogue and negotiation in which the state gradually gave place to lawyers and/or anthropologists employed by the company and/or indigenous organizations, who have to fulfill sometimes contradictory requirements: safeguarding the interests of both parties. It was in this context that in 2013, twelve of these new indigenous communities (as well as three associations²⁴) hired lawyers to file petitions on their behalf against the Pascua Lama project on the grounds that the project poses a significant risk of pollution of the region’s rivers.

Against all expectations, in April 2013, the Copiapo Court of Appeal ordered the temporary and immediate suspension of the project. This decision, ratified by the Supreme Court in July of

²³ Especially the media that regularly report the struggle against the Pascua Lama project.

²⁴ According to indigenous law, indigenous associations, *asociaciones indígenas*, designate the voluntary grouping of at least 25 indigenous persons around a common interest, generally linked to the development of cultural and/or educational, economic or professional activities (Article 36, Law 19.253).

the same year, states that Barrick will only be able to resume construction of the mine once it has made the necessary technical changes. It also recommends that Barrick implement a process of consultation with the legally recognized indigenous communities. At about same time, in May 2013, the Chilean environmental authorities fined Barrick 16 million dollars after finding irreversible damage to the surface of the glaciers due to dust emissions from the site of the mine.

Covered extensively by the national and international press and described by many media commentators as a “historic victory of an indigenous people over a mining giant”, these events had the effect of raising the profiles dramatically of these newly formed indigenous communities and their lawyers.

As a consequence of these events, Barrick and the indigenous communities entered into an informal process of negotiation, which culminated in May 2014 with the signing of a Memorandum of Understanding (*Acuerdo de entendimiento*), valid for a period of six months. In this document, the company acknowledged its mistakes and expressed its willingness to “initiate a dialogue in good faith with the communities and the persons who make up the Diaguita people” (Compañía minera Nevada Spa-Barrick and all, 2014). Through this MoU, the company agreed to provide the signatory communities with technical and environmental information on the Pascua Lama project (as well as the necessary financial or material resources), with the aim of reaching an agreement in a second stage to continue the mining project and, at same time, to guarantee the interests and rights of indigenous communities, for example by instituting payments of indigenous

royalties (*royalties indígenas*) (Ortiz, 2013).

This MoU was described by some media commentators as an unprecedented agreement since it was in conformity with ILO Convention no. 169 and one that could pave the way for a new era in relations between indigenous peoples and mining companies. It also gave Barrick the opportunity not only to create favorable conditions for the continuation of its project and to position itself internationally as a company implementing an especially responsible and innovative policy, but also to contribute to the construction and legitimation of a non-confrontational and willing-to-negotiate indigeneity: “These are reasonable groups; they do not want to make noise or create a scandal,”²⁵ according to Lorenzo Soto, the lawyer for these new communities (quoted by Ortiz, 2013).

In this sense, this MoU can also be seen as the result of Barrick’s strategy to improve its tarnished public image and, at the same time, to weaken or marginalize the Agricultural Community, the main indigenous organization opposed to the Pascua Lama project. Indeed, through this MoU, the new indigenous communities claimed an ancestral territory for the first time: that of the Agricultural Community, which they denounced as “usurpers” and which they are considering suing.²⁶ The new territorial claims put forward by these communities are not only in line with the legal framework defined by the state, but also favor the company’s interests and undermine the Agricultural Community’s legitimacy. This new configuration, a direct consequence of

²⁵ Original in Spanish.

²⁶ Interview with Solange Bordonos conducted in March 2014.

the indigenous policies implemented by the Chilean state since the return to democracy, is causing an internal division which weakens the struggle against mining projects and which is leading to a conflict between indigenous organizations. While, initially, the conflict against Barrick paradoxically strengthened the identity of the Agricultural Community, the emergence of the new legal communities is destabilizing it and goes to the heart of its very reason to exist: its territory. In the end, ethnicity seems to be a versatile but double-edged tool: on the one hand, it appears to be the best legal tool for the defense of indigenous territories when confronted by extractive projects and, on the other, it can also be used by companies to improve their public image and help shape an indigeneity that is compatible with their interests.

Conclusion

Like elsewhere in Latin America, the analysis of the process of re-emergence of the Diaguita of Chile in the context of the conflict against the Pascua Lama project reveals the inherent logic of neoliberal multiculturalism (Boccara, 2010, 2011; Boccara and Ayala, 2012; Hale, 2006) or ethnocapitalism (Comaroff and Comaroff, 2009) that has prevailed in this country since the end of the dictatorship, irrespective of the political hues of the country's successive governments.

In such a context, the challenge and the role of the state and private enterprises are to contribute simultaneously and jointly to the construction and legitimation of an indigeneity which not only does not hamper extractive projects in the territories claimed by indigenous peoples, but also turns them into

participants of these projects and active entrepreneurs of their own culture, territory and identity, to be treated thenceforth as negotiable capital and resources (Babadzan, 2013; Comaroff and Comaroff, 2009).

In the case of Huasco Alto, the indigenous peoples – in this case, the Diaguita Cultural Centers, and subsequently the new communities created by the state – become veritable “living showcases” of the state's multiculturalist policies, in accordance with the new international rhetoric of recognition of cultural diversity. For its part, through its social responsibility activities, the mining company sees its image, and therefore its field of action, enhanced. On the other hand, in accordance with a “win-win” and “empowerment” rationale, actors claiming to belong to an indigenous group who become willing participants in the game of neoliberal multiculturalism are rewarded with the legitimation of their identity (Boccara, 2010) and a set of social and/or economic benefits that enable them to become competitive players in the identity market. Identities then become resources that can be mobilized in the conquest of political power and economic benefits (Poutignat and Streiff-Fenart, 1995).

In this sense, the members of the Cultural Centers and of the new indigenous communities embody the figure of the “*indio permitido*”, described by the anthropologists Charles Hale and Rosamel Millaman (Hale, 2004) as the indigenous subject who, as long as he does not contradict the dominant policies, benefits from the legal recognition and the support of the structures of the state and its agents. In contrast, indigenous actors who do not conform to this model are delegitimized, discredited or, more radically, declared illegal (Boccara,

2010, p. 12), as is the case, to some extent, of the Diaguitas Huasco Altinos Agricultural Community.

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