

Contested mobilities in the maritory: Implications of boundary formation in a nomadic space

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Abstract

The mobility of nomadic Indigenous people has been systematically constrained over time by states seeking control over peripheral spaces and people. This is evident in the case of the Kawésqar nomadic ‘people of the sea’ who have been subject to a century of attempts by the Chilean state to spatially fix their movements over both their terrestrial territories and marine ‘maritories’. In this paper, we show how Indigenous groups like the Kawésqar can challenge and even regain partial control over their maritory by using spatial instruments of the state. We argue that by using these instruments to *remobilise*, the Kawésqar have been empowered to *demobilise* other groups and marine related sectors, such as aquaculture. These findings can reorient public policy to be more sensitive to Indigenous space and mobility. Instead of focusing exclusively on the establishment of spatial boundaries to exclude Indigenous communities, they can be used as a means of empowering these communities to exert control over actors and sectors seeking to limit their mobility.

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Introduction

Today we arrive in Puerto Edén, the only human settlement in more than 400 linear kilometres, promoted on board as the place where the last Kawésqar people live. It has been almost two days since we set sail from Puerto Montt on the *Evangelistas* coastal ferry, filled with international tourists travelling to Chilean Patagonia to see and experience pristine and protected nature. The *Evangelistas* is anchored in the bay in front of the village to enable the exchange of goods and some local passengers. Disembarking in Puerto Edén is only allowed for residents. From the upper deck it is possible to see several boats coming from Puerto Edén to the ferry. Tourists are called to descent to the lowest deck to take pictures of the loading and unloading manoeuvres, and if possible, of the ‘last Kawésqar’ (first author’s field notes, *Evangelistas Ferry*, 29 January 2017).

Puerto Edén is located on the east coast of Wellington Island in the Patagonian Archipelago of Chile, where ‘the land is dismembered in a countless islands, fjords and channels, snow-capped mountains, glaciers and large ice fields’ (Aguilera, 1976: 514). This area has been called *the last frontier* by the renowned Patagonian historian Mateo Martinic. The territory of the Region of Magallanes can be divided in ‘the east side, the known and inhabited; [and the] west side, the unknown and barely populated’ (Martinic, 2004: 10). Puerto Edén is the only human settlement on the west side of Magallanes. In early 2017, it was inhabited by no more than 100 people.

Puerto Edén is claimed to be the last rural community of the Kawésqar Indigenous people (Aravena et al., 2018). In the 1930s, the expansion of state sovereignty over the Kawésqar Wæs¹ forced the settlement of a group of these nomads of the sea on the east coast of Wellington Island. The free navigation of the Kawésqar was then controlled by the armed forces as the Chilean state established sovereignty at its southern border. They were taken to religious missions where the majority died as a result of overcrowding, changes in their diet, new diseases, and ‘sadness’ (Aliaga, 1984: 94). The surviving populations of Kawésqar from the genocide perpetrated by the state and settlers were taken or forced to move to the cities of Punta Arenas and Puerto Natales where today they are organised as ‘Indigenous communities’.²

A key factor in the *immobilisation* of the Kawésqar over time has been the definition of physical or cartographical spatial boundaries by the Chilean state. The impacts of spatial boundaries on (nomadic) people have been addressed in the literature focused on terrestrial environments (Fratkin, 1994; Meir et al., 2019; Retallé, 2013; Vandergeest and Peluso, 1995). However, less work has been done on the impact of spatial boundaries on the mobility of (nomadic) people at sea (for exceptions see Gray, 2018; Hoogervorst, 2012).

The liquid topology and fluid nature of the sea makes exercising control and regulation over human mobility less straightforward than on land (Bear, 2013). Moreover, the sea has been, and continues to be, an uninhabited internal frontier for states. Rather than a geographical border, the notion of the sea as a frontier refers to a liminal space where particular configurations between natural resources, mobility and institutional order exist (Rasmussen and Lund, 2018). By setting spatial boundaries to establish control over the movement of transient people or their exploitation of (sedentary and mobile) biophysical resources, states

attempt to incorporate the marine frontier within their geographical borders (Steinberg, 2018). These processes of ‘internal territorialisation’ (Vandergest and Peluso, 1995) are commonly contested through counter-territorialisation strategies of people resisting constraints to their access to resources and mobility. This resistance commonly involves the configuration of new alliances between Indigenous or local communities, NGOs and local state agents seeking to establish alternative boundaries that recognise pre-existing or new mobilities (Lestrelin, 2011: 311).

In this article, we examine territorial control at sea by exploring the establishment of, and resistance to, spatial control of human mobility in the Kawésqar Wæs. We do so by analysing the historical and contemporary transformations of the Kawésqar Wæs through processes of both internal and counter-territorialisation. First, we analyse the effect of state boundaries on the movement of the Kawésqar – a process we label *immobilisation*. Second, we show how the Kawésqar make use of state boundaries to *remobilise* their right to access marine resources and spaces. Third, we explore how the Kawésqar have subsequently re-gained influence over their marine space by using spatial instruments of the state to *demobilise* the movements of others. Immobilisation, remobilisation and demobilisation, we conclude, highlight (1) how once mobile Indigenous groups deploy their agency at the frontiers of the nation-state and (2) the potential discontinuities of internal territorialisation in remote and contested marine regions. These insights in turn inform a new understanding of the temporal and spatial struggles nomadic people of the sea face, as well as novel ways in which they regain (partial) control over their marine space, or what we refer to as ‘maritory’, through different forms of mobility.

The rest of the article is structured as follows. The next section outlines our theoretical framework based on the intersection between spatial claims, boundaries and mobilities. We then, describe the methods used to collect field data before presenting the case of the Kawésqar in the Patagonian Archipelago of Chile. Finally, we discuss these results by exploring how boundaries and mobilities intersect to govern marine spaces.

Boundary-mobility dynamics in the maritory

States have historically made spatial claims to control and monetise ‘the people, lands and resources of the periphery’ (Scott, 2010: 4). Spatial claims also refer to explicit demands made by states, non-governmental organisations and local communities to safeguard geopolitical, economic, and socio-cultural interests. In all instances these spatial claims become territorialized when they lead to the establishment of spatial boundaries that control access to, and use of, resources and spaces, including channelling or controlling people’s mobility.

Van Houtum and Van Naerssen (2002) argue that the definition of spatial boundaries comprises a strategy to fix and regulate mobility and define places. The process of setting these boundaries to control peoples’ mobility has been theorised in terms of territoriality (Sack, 1983) and territorialisation (Vandergest and Peluso, 1995). Following Vandergest and Peluso (1995: 385), two distinct forms of territorialisation can be observed. First, external territorialisation, which sets national borders to assert sovereignty and identity. Second, internal territorialisation, which establishes spatial boundaries to control peoples and resources within the borders of a state. Historically, external territorialisation has arguably had the most dramatic impact on the mobility of Indigenous communities (Barfield, 2020). However, contemporary limitations relate more often than not to the internal territorialisation of private and (protected) public lands and waters (Levin, 2020; MacKay J, Levin J, de Carvalho G, et al., 2014).

The definition of spatial boundaries at sea have largely followed the logic of establishing territorial enclosures. However, unlike the solidity and fixity of terrestrial spaces, the liquid materiality and mobile character of the sea challenges the capacity of spatial boundaries to exert control over marine spaces, resources and people. Furthermore, the attempts by the states to create spatial enclosures at sea, are built on the notion of the sea as a space devoid of social relations, unsettled and undeveloped; in short, as a space ‘beyond society’ (Steinberg, 2013; Steinberg and Peters, 2015). This conceptualization, has fuelled the notion of the sea as a frontier space (Steinberg, 2018). As Steinberg (2018) points out, as a frontier space, the sea presents an opportunity for economic expansion and resources control. The realization of this opportunity entails setting boundaries and opening new regulatory frontiers that transcend the margin and allow the incorporation of marine spaces into state control. However, using boundaries to include or exclude people and activities across marine spaces is made difficult by the permanently fluid nature of currents, weather and navigation.

Transcending the notion of marine frontier, we use the term maritory instead of territory to refer to the Kawésqar Wæs, for two main reasons. First, because it brings to the front a sea perspective; that is, a view of an actor for whom liquid materiality and mobility are more relevant than solid land and fixity. Second, because maritory enables us to consider maritime and terrestrial environments as a continuum, which has been the historical perspective of the nomadic canoeing Indigenous people (see Maximano Castillejo, 2017). Recently, the term maritory has been used to define marine spaces and recognize the relevance of marine mobility for local groups in the Patagonian Archipelago (see Álvarez et al., 2019; Harambour and Barrena Ruiz, 2019). Based on this perspective, we identify and analyse three distinct and chronologically ordered effects of internal territorialisation over, and subsequently by Kawésqar people in an attempt to regain control over their maritory (see Figure 1).

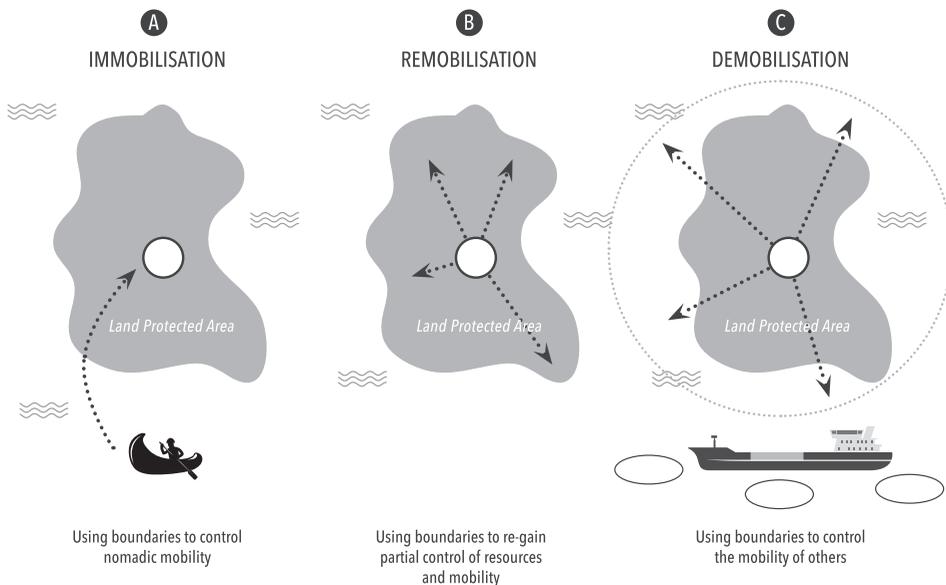


Figure 1. Three processes of human (im)mobilisation in and over the maritory.

First, *immobilisation* refers to a process through which boundaries produce friction on mobilities; stopping or slowing down the movement of peoples, objects, or information (see Cresswell, 2010). Processes of immobilisation on the practices of nomadic peripheral peoples have been largely studied as an effect of establishing or expanding state borders (e.g. Fratkin, 1994; Retaillé, 2013). These borders, as spatial demarcations, create restrictions on access and use of spaces and resources for Indigenous people, but also on their wider mobility. In the most extreme cases, the imposition of spatial boundaries have meant the violent turn of nomadic people to sedentary lifestyles.

Second, *remobilisation* is a process in which boundaries are used to foster the mobility of local groups in different ways. Remobilisation points to the degree to which immobilised groups re-establish control over the terms of their mobility on land or at sea. Although the establishment of protected areas has been associated with processes of immobilisation of nomadic people, conservation enclosures can also be a source of remobilisation for local communities to regain control over natural resources and spaces (Ban and Frid, 2018; Tritsch et al., 2015). In those cases, however, local communities are typically defined as fixed entities dwelling in an inner or neighbouring geographical location to protected areas. In actuality, and particularly in the context of marine environments and marine nomads, patterns of settlement and mobility are far from geographically bounded (Newing, 2009).

Third, remobilised groups can use spatial boundaries to *demobilise* other groups or sectors. To be able to use spatial boundaries to control the mobility of others, local groups can assert territorial rights over the practices of others within those boundaries. While some see territorial rationality as opposed to nomadic rationality (Retaillé, 2013), we argue that a bounded territorial rationality can be used by traditionally nomadic people to take back control and address their displacement by controlling the ‘undesirable’ mobilities of others. As Tritsch et al. (2015: 19) point out, the delimitation of protected areas plays an important role ‘in catalysing identity claims’ of mobile people. These claims are oriented to the re-occupation and re-appropriation of ancestral spaces that were turned into protected areas by colonial or expansionist processes. The delimited boundaries of these areas, however, can be used in ways that favour the interests of local or Indigenous groups (Raycraft, 2019). It is therefore reasonable to consider how demobilisation can be a strategy to those ends.

Methods

We investigate boundary-mobility dynamics using an ethnographic and historically based case study methodology (see Meyer, 2001; Mitchell, 1983). In doing so we employ participant observation, semi-structured interviews and document analysis to collect data, and an hermeneutical approach for data analysis.

Three of the authors carried out periods of fieldwork in the Region of Magallanes and Chilean Antarctic from October 2016 to April 2019. Two of the authors are researchers at the Research Center Dynamics of the High Latitude Marine Ecosystems (IDEAL), financed by the Chilean Government to develop socioecological research in the Magallanes Region. They participated in meetings, engaged in spontaneous conversations, and conducted semi-structured interviews in Puerto Edén, Puerto Natales, and Punta Arenas. During field work in Puerto Edén, the first author lodged in a refuge owned by the National Forestry Corporation (CONAF), the institution that administers protected areas in Chile under the National System of Wild Protected Areas (SNASPE). Two staff members from CONAF live in Puerto Edén, using the refuge as an office. The refuge also accommodates

members of CONAF who come to Puerto Edén to perform tasks inside the National Park Bernardo O'Higgins.

Fifteen semi-structured individual and group interviews were conducted with 17 key informants in Spanish. These included members of the Kawésqar community of Puerto Edén, representatives of the *Comunidades Kawésqar por la Defensa del Mar* (CKDM, Kawésqar Communities for the Defence of the Sea) of Puerto Natales, and regional governmental authorities, members of NGOs, and research institutions related to nature conservation and Indigenous people. All key informants were identified during an initial period of fieldwork by the first author aimed at building networks for the IDEAL research center.

Interviews were conducted by the first and the second author separately, and focused on the historical and contemporary events that have affected the mobility and livelihood of the Kawésqar since the stabilisation of the Chilean state in the Patagonian Channels. Questions were oriented to spatial claims, spatial boundaries and mobility, especially in relation to the creation of public protected areas since the middle of the 20th century and the current expansion of salmon aquaculture. Seven interviews were audio recorded and one was recorded using a digital video camera, while the remaining seven were not recorded. The information gathered in the unrecorded interviews, was registered directly in a field notebook. Interviews fluctuated in length roughly between 35 minutes and 2 hours.

In addition, a comprehensive search and analysis of secondary sources was conducted, including state files, scientific articles, theses, statistical records, technical reports, legal documents, newspaper articles, online information and news sources, photographs, and maps.

Data from field notes, interviews and secondary sources were organised and stored by the first author. Data were analysed through a hermeneutical approach; data analysis occurred in parallel with ongoing data collection to enable iterative sense making (James et al., 2010; Molitor, 2001). Data were discussed collectively amongst the authors to enable continual collective interpretation and analysis as new data was classified and analysed. This enabled specific categories of spatial claims, spatial boundaries and mobilities to be understood individually, as well as in the context of the entire collected data set (Hansen and Rennecker, 2010). The categories of immobilisation, remobilisation, and demobilisation emerged from this analysis as a means of capturing the temporal changes in the relation between spatial claims, spatial boundaries and mobilities. The different disciplines of the authors (rural development, history, sociology and geography) contributed to the interpretation and collective meaning-making of this data (following Hansen and Rennecker, 2010).

Boundary-mobility dynamics in the kawésqar wæs

Immobilisation

Early encounters. The Kawésqar have inhabited the Patagonian maritory for more than 4500 years (Legoupil and Sellier, 2004). Being nomads of the sea, navigation has been central to their culture. They built canoes by hollowing tree trunks, which they used to navigate in family groups through the channels and fjords located between the Gulf of Penas in the north, and the Peninsula Brecknock in the south (see Aguilera and Tonko, 2013).

The first written descriptions of the Kawésqar come from notes of European navigators in the 16th century. However, encounters between the Kawésqar and foreigners began to be much more frequent during the 19th century, when a North American fleet came to the Kawésqar maritory to hunt whales and sea lions. Further maritime migrations came from northern regions of Chile during the second half of the century, leading to an

overexploitation of sea lions, a central species in Kawésqar' livelihoods (Martinic, 2004). The influx of hunters and fishers continued during the first decades of the 20th century. As ethnographic research shows, encounters between the Kawésqar and foreigners were accompanied by violence and abuse against the former (Emperaire, 2002[1958]; Gusinde, 2015). As argued elsewhere (see Harambour and Barrena Ruiz, 2019), the lack of state rule in the last frontier facilitated these systematic acts of violence against the Kawésqar, transforming the nomads of the sea into refugees in their own maritimity.

The connecting air route. In 1927, the Territory of Colonisation of Magallanes was formally included as an administrative province of Chile. At that time, the region prospered economically from cattle farming (see Martinic, 2011), which implied the genocide of the Indigenous nomadic people of the land (see Coronato, 2010).

At the end of the 1920s, the Chilean state began to sketch an air route to transport people and goods that would connect Magallanes with the rest of Chile. The air connection presented many challenges, however. First, the distance that separated the cities of Puerto Montt and Punta Arenas defied the maximum autonomy of aircrafts at the time.³ This meant that the route needed refuelling points. Second, weather conditions, that included strong winds, heavy rains, and snow, made it difficult to find both a suitable aircraft model and sufficient terrain to build runways. Since the Argentine government was unwilling to grant permission for Chilean aircraft to fly over its territory, the Chilean Airforce was left with the possibility of establishing the route over the rugged geography of the Patagonian Archipelago, the last inner frontier (Fuerza Aérea de Chile, 1939: 1).

The air route was designed by using flying boats and hydroplanes, which could land on the Patagonian channels. Several reconnaissance flights were made to identify locations for military stations that could supply fuel, provisions, and information on weather conditions along the route (Fuerza Aérea de Chile, 2013: 24). A place called *Jetarkte* by the Kawésqar people, located on the east coast of the Wellington Island, was chosen to establish a radio-station controlled by the Airforce. This place constituted a semi-permanent camp for groups of Kawésqar, hunting south Andean deer (*Hippocamelus bisulcus*) (Leader Kawésqar of Puerto Edén, 2017, personal communication).

In 1937, the radio-station was established while regular flights came to circulate between Puerto Montt and Punta Arenas with a stop in *Jetarkte* (Fernández Donoso, 2015: 16). The main objective of Kawésqar mobility was no longer subsistence. Encounters and relations established with hunters and fishers transformed mobility into the maintenance of trade relations (Aguilera and Tonko, 2013: 23). A number of Kawésqar continued their nomadic navigation, avoiding any contact with the officers of the Airforce (Emperaire, 2002[1958]: 12–13). However, access to goods and new types of food, as well as the need for protection from the abuses perpetrated by sea lion hunters and fishers, led a group of Kawésqar to settle next to the radio-station in *Jetarkte*. In 1939, a Chilean president visited *Jetarkte* for the first time, which led to a state decree to 'protect' the Kawésqar of the Patagonian channels, commanding the Chilean Airforce to provide food, clothes, education, and medical assistance. This measure resulted in more Kawésqar families settling in *Jetarkte*, hoping to receive goods and services from the Airforce.⁴

Puerto Edén and the national park Bernardo O'Higgins. Although the development of the areal route failed soon after it was launched, the Kawésqar people settled along the bay of *Jetarkte*.⁵ According to Emperaire (2002[1958]: 109), only two Kawésqar families remained nomadic around Wellington Island by the end of the 1940s. Over time, groups of otter fur

traders and fishers also started to settle in other parts of Jetarkte bay (Aguilera and Tonko, 2011: 29).

By the middle of the 1960s, a report prepared by an official of the Fishery and Hunting Zonal Inspection for the regional government of Magallanes accounted for 43 Kawésqar living in eight houses in Jetarkte. The regional government decided to develop a plan that began to be known as *Operación Canales* (The Channels Operation), which contemplated the formal establishment of a permanent settlement to be added to the administrative organisation of the region. A site was chosen on a small peninsula that expanded south in the bay of Jetarkte, where eleven settlers were already established. The regional authorities decided to move the Kawésqar families of Jetarkte to the chosen site, building small houses for them in a specific sector of the new village. They built a school, a police station, and an administration office to 'register as Chileans the Kawésqar, who lacked nationality' (Martinic, 2004: 212). *Operación Canales* accelerated the process of cultural assimilation of the Kawésqar, who were forced to abandon their nomadic life at sea and remain sedentary on land.

The village of Puerto Edén was formally opened in an official ceremony on 18 February 1969. With this milestone, the responsibility of the Airforce for the Kawésqar was transferred to the Chilean Navy. The establishment of a Navy base in the old radio-station further affected the mobility of the Kawésqar. As a Kawésqar leader declared:

Each departure from Puerto Edén had to be announced to the marine authority, even if it was for a small trip to collect firewood elsewhere in the bay

The same year, the Chilean state claimed more than 1,760,000 ha of land and sea to create the National Park Bernardo O'Higgins, the largest protected area in Chile. Although the boundaries of the park enclosed Puerto Edén, in the decree of foundation it was not mentioned that people were living within the park (Ministerio de Agricultura de Chile, 1969).

In 1985, the area of the park doubled in size by including 1,750,000 ha.⁶ This time, the decree that established the new boundaries mentioned the existence of 'the remains of the communities of the man of the channels (Alacalufes, etc. . .), which should be protected by all the possible means' (Ministerio de Bienes Nacionales, 1985: 1). However, four years later the Ministry of National Assets excluded Puerto Edén from the boundaries of the park, arguing that the local population had altered the natural environment in their need for firewood (Ministerio de Bienes Nacionales, 1989: 1).

The connecting air route and the establishment of protected areas enabled the inclusion of a frontier space into state control by the definition of territorial enclosures, encompassing people that were considered ungoverned and placeless. The immobilisation of the Kawésqar was thereby complete. The first phase of immobilisation was initiated by the state's gradual occupation of the region; the second phase led to the gradual enclosure and exclusion of the Kawésqar from their traditional maritory. Although Wellington Island was recognised as an important site for the Kawésqar, they were expelled from their nomadic life at sea by the definition of a new social order that imposed restrictions on their navigation. These restrictions were partly enforced through the demarcation of spatial boundaries to delimit the existence of new settlements and protected areas. However, as we show in the following sections, over time these same boundaries were also used by the Kawésqar to reclaim Indigenous maritorial space.

Remobilisation

Although excluded from the park boundaries, during the last decade the Kawésqar community of Puerto Edén has emerged as a relevant actor in the governance of Bernardo

O'Higgins. On the one hand, the boundaries of the park have brought restrictions on access and use of spaces and resources. As Juan Carlos Tonko, one of the leaders of the community of Puerto Edén, explained to the *Comisión de Verdad Histórica y Nuevo Trato con los Pueblos Indígenas* (Commission of Historical Truth and New Deal with the Indigenous People):

When the national parks were created, it was a sharp blow for the Kawésqar people. There were created: the treaties for the protection of the environment, the flora and the fauna, and in that context the Kawésqar people were unable to make use of the ancestral natural resources that existed in the area. (Bengoá, 2004: 603. Translated from Spanish by the authors)

More recently, however, the National Park Bernardo O'Higgins has also emerged as a means for the Kawésqar of Puerto Edén to make counter claims over both terrestrial and marine space. From 2009 to 2011, members of the community have actively participated in a project oriented to the Territorial Characterization of the National Park Bernardo O'Higgins (TCNPBO), which aimed to establish a baseline for natural and cultural resources, a zoning and a management plan, and a strategy to develop nature-based tourism in the park (Aravena et al., 2018: 51). Three members of the Kawésqar community of Puerto Edén, along with park rangers and scientists, travelled around Wellington Island to identify 16 historical sites of cultural relevance for the Kawésqar people (see Aguilera and Tonko, 2011). In stark contrast to the past, the Kawésqar people were as such enabled to remobilise through redefining park boundaries to better correspond to Kawésqar Wæs.

The results of that work highlighted the relevance of Kawésqar knowledge in identifying ecological and cultural aspects of the National Park Bernardo O'Higgins. Furthermore, leaders of the Kawésqar people of Puerto Edén have worked with CONAF on a strategy to co-manage the park. This goal has mobilised Kawésqar leaders to promote the integration of Indigenous community members in initiatives related to conservation, research and nature-based tourism.

In co-managing the park, the Kawésqar community of Puerto Edén has worked with the Inter-American Development Bank, CONAF and the University of Concepción to establish a scientific station on the site of Jetarkte. This project includes the relocation of the Kawésqar community of Puerto Edén next to the scientific station – the same place they settled when the radio-station operated. Moreover, the project aims to integrate Indigenous and scientific knowledge to conduct research and tourism activities within the park (Hernández Salas, 2016).

In 2010, Kawésqar' claims regarding marine mobility and hunting were also recognised by the state. Based on international law and recommendations of the National Office of Indigenous Affairs, the Kawésqar community of Puerto Edén obtained the exclusive right to capture sea lions on the recognition that it corresponds with traditional Kawésqar subsistence practices (SUBPESCA, 2010). This was despite the existence of a national ban on hunting sea lions, which is considered vulnerable in the region of Magallanes. A specific quota on sea lions was established in an area that overlapped with most of the National Park Bernardo O'Higgins.

Using the national park as a natural setting, the Kawésqar community of Puerto Edén has built alliances with both public and private institutions and organisations to regain control over the Kawésqar Wæs. The legally recognised boundaries of the park have enabled them to partly reclaim their maritory, not only in terms of territorial rights over spaces and resources, but also rights over their mobility within this maritory.

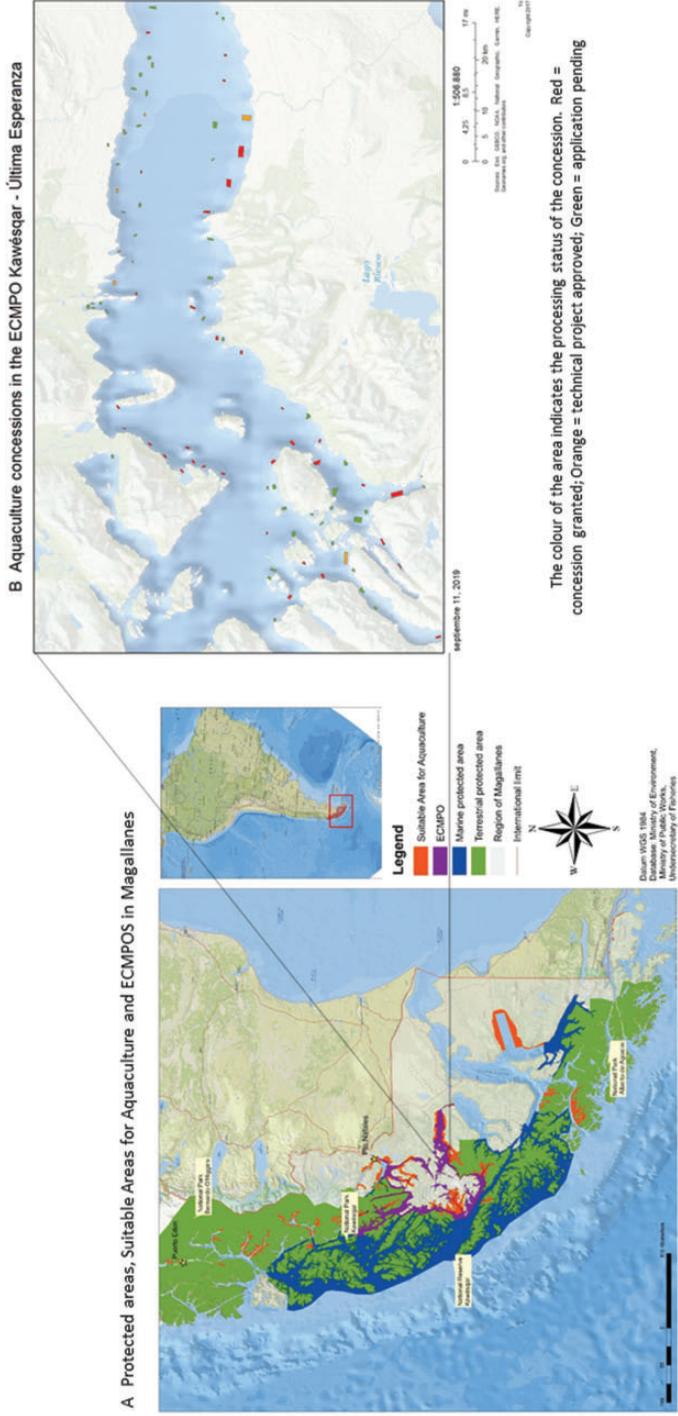


Figure 2. Spatial boundary formation in the Kawésqar Wæes.

However, the process of remobilisation has also led to conflicts between various mobile practices at sea. The Kawésqar people have insisted that Chilean fishing law does not apply to Indigenous peoples of the sea. As one of the Kawésqar leaders of Puerto Edén explained:

We proposed for the first time [in the context of the discussion of the fishing law] the concept of the traditional fishers. . .we are not artisanal nor industrial nor historical fishers. We have been fishing for a long time. And according to the stories and myths that exist within the Kawésqar culture, it is quite clear that we were consuming the products that are now part of the market.

Nevertheless, Indigenous claims over fishing were not accepted by state authorities, who continued restricting their extraction of marine resources for subsistence and traditional uses. In order to address these issues, in 2013 the Kawésqar community of Puerto Edén hosted the Congress of Jetarkte, where they defined and declared the spatial boundaries of the Kawésqar Wæs for the first time. The Kawésqar community of Puerto Edén claimed that this declaration was needed to resist what they considered ‘invasive projects’ by the Chilean state. Leaders of the Kawésqar community of Puerto Edén were deeply concerned about a decision by the state to declare certain marine spaces within the park as *Áreas Apropriadadas para el ejercicio de la Acuicultura* (AAA, Appropriate Areas for the exercise of Aquaculture). The expansion of aquaculture to the Patagonian channels is, however, not only a concern to the Kawésqar community of Puerto Edén. As we go on to explain, the development of aquaculture in Southern Patagonia also conflicts with spatial claims raised by both urban Kawésqar communities of Puerto Natales and protected areas created by the state. These new conflicts over marine space in turn led to further initiatives by the Kawésqar to not only claim space, but also to demobilise the ‘invasive’ aquaculture sector.

Demobilisation

Aquaculture in the national park Bernardo O’Higgins. In 2011, the Regional Government (GORE) defined the AAA for Magallanes. Aquaculture was identified as a central economic activity in the region’s strategic development. Accordingly, 157 AAA were established in marine spaces of Magallanes region. The expansion of marine aquaculture, particularly salmon aquaculture, to the region of Magallanes, was driven by the social and ecological impacts produced by salmon farming in the northern regions of Patagonia (see Saavedra Gallo et al., 2016). Consequently, The Undersecretary of Fisheries and Aquaculture (SUBPESCA) decreed a moratorium on granting new concessions in northern Patagonia, leaving the region of Magallanes the only possibility for growth of the industry.

Aquaculture activities were prohibited in protected areas by the Fishing and Aquaculture Law (N° 18,892). However, the coastal zoning of Magallanes enabled several AAA within the boundaries of the National Park Bernardo O’Higgins and other protected areas of the region, such as the Forestry Reserve Alacalufes and the National Park Alberto de Agostini (GORE, 2011; Figure 2(a)). The establishment of AAA within the boundaries of Bernardo O’Higgins mobilised the Kawésqar community of Puerto Edén. They were aware of the social and environmental damage caused by salmon farming in the northern regions of Patagonia and, therefore, knew the risks involved in industry operating in the Patagonian Archipelago. CONAF and regional research centre CEQUA, along with members of the community, stressed the nonsense of a state policy that granted resources for nature conservation and, at the same time, enabled salmon aquaculture inside the perimeter of a protected area.

Furthermore, findings from the TCNPBO project, were not taken into account in the approval of coastal zoning, even though the project revealed that some of the most vulnerable areas of the park were chosen for AAA. The operation of salmon concessions would threaten biodiversity, tourism opportunities and cultural heritage of the Kawésqar people (Aravena et al., 2018). Kawésqar community members in Puerto Edén looked for support in international law and agreements that safeguard Indigenous customary use of spaces and resources. This even mobilised the president of the Kawésqar community of Puerto Edén to share the community's concerns in the Permanent Forum of Indigenous Issues of the United Nations in New York in 2011.

The dispute became legal, with both the Kawésqar community and the salmon companies having support from different state offices. On the one hand, SUBPESCA in alliance with salmon companies advocated the establishment of AAA in protected areas of Magallanes, arguing that water spaces were not part of these protected areas when they were established; therefore, technically, the fjords and channels encircled by the boundaries of Bernardo O'Higgins Park were not protected. On the other hand, CONAF advocated the protection of marine space based on the environmental law (N°19,300) of 1994. The dispute was finally settled by the *Contraloría General de la República*, a national autonomous state agency, which concluded that marine spaces were part of the park (Contraloría General de la República, 2013). This verdict triggered the relocation of established AAA in Bernardo O'Higgins, and in other protected areas that included water spaces within their perimeter.

Aquaculture in the national reserve Kawésqar. While the Fishing and Aquaculture Law excluded aquaculture activities within state protected areas as a norm, it did allow aquaculture in national reserves or forestry reserves (see Ministerio de Agricultura de Chile, 2002).

In 2017, SUBPESCA proposed 14 new sites for AAA in Magallanes, all located within the boundaries of the Forestry Reserve Alacalufes. Showing the sedentary rationality of the state, the National Commission of Indigenous Development (CONADI) stated that no Indigenous communities existed in the area. Nevertheless, the ratification of ILO Convention 169 by Chile in 2009 obligated the state to carry out a process of consultation with affected Indigenous communities.⁷ However, only three of 12 Kawésqar communities of Magallanes were included in the consultation. Mediated by SUBPESCA, those communities signed an agreement with the association of salmon farmers of Magallanes establishing different ways in which salmon companies would compensate for the operation of the industry in the Forestry Reserve Alacalufes, including job opportunities, training, and scholarships for children (SUBPESCA, 2017). Four other Kawésqar communities of Puerto Natales, who were not part of the consultation, formed the *Comunidades Kawésqar por la Defensa del Mar* (CKDM, Kawésqar Communities for the Defence of the Sea) in opposition to salmon farming.

In parallel, the Chilean government negotiated with private conservationists the creation of the *Red de Parques de la Patagonia* (Network of Parks of Patagonia), which included the donation of both public and private land to create new national parks, and the expansion and upgrading of already existing protected areas. Most notably, the *Red de Parques de la Patagonia* contemplated upgrading the Forestry Reserve Alacalufes to a national park which would forbid any new aquaculture concessions in any waters under its protection.

This time, the state called all the Kawésqar communities of Magallanes to a process of consultation. However, beforehand, the Council of Ministries for Sustainability⁸ decided that the new park should include terrestrial spaces only, opposing the wishes of the CKDM to protect both marine and terrestrial spaces within the future national park, which they

proposed to call 'Kawésqar'. Leticia Caro, one of the leaders of the CKDM, then said in a radio interview:

When this news comes that part of the territory is going to become a national park, and we were glad for that, we went to the Indigenous consultation and we learned that there was a decision on the part of the Ministers of Sustainability [...]. We consider that this is an abusive measure that directly violates our rights as a canoeing people, because that would allow the salmon industry to expand within our territory

During the subsequent process of consultation, the CKDM tried to protect their maritory by using different state institutional instruments. They first advocated for the creation of Marine and Coastal Protected Areas for Multiple Uses (AMCP-MU), a form of marine enclosure that allows for economic development and social activities with low impact on the environment. After the state blocked this initiative the community As Wal La Lep applied to SUBPESCA for the administration over 319,342 ha of *Espacios Costeros Marinos Pueblos Originarios* (ECMPO, Coastal Marine Spaces for Indigenous People). Supported by Indigenous Law, such enclosures are aimed to safeguard Indigenous customary practices in marine areas claimed as ancestral spaces. In February 2018, a second application for an ECMPO of 275,571 ha was submitted by other Kawésqar communities grouped within the CKDM. One month before, the state had decided to promulgate the creation of the National Park Kawésqar on land, and the National Reserve Kawésqar at the sea, which included marine spaces of the former Forestry Reserve Alacalufes (Ministerio de Bienes Nacionales, 2019). The state made its decision to enable the expansion of salmon farming in Magallanes, while showing – apparently deceptively – that it granted protection to marine spaces claimed by urban Kawésqar communities.

Although the creation of the National Reserve Kawésqar enabled the establishment of salmon concessions, the law established that once the claims for ECMPOs were entered, and until a final resolution was made by the marine authorities, any other claims regarding access and use of marine spaces would be denied. However, contradicting the law SUBPESCA granted new concessions after an application for a third ECMPO was submitted by the Kawésqar communities of Puerto Natales (see Figure 2(b)). The Kawésqar then presented a legal claim to the Supreme Court, which later ordered SUBPESCA to remove those same salmon concessions. Included in the Courts ruling was an embargo on new requests for aquaculture concessions during the review process for the establishment of ECMPOs throughout the region.

In sum, the Kawésqar community of Puerto Edén and the CKDM used different forms of spatial enclosures created by the state to demobilise the establishment of salmon aquaculture in their maritory. In doing so, the Kawésqar gained greater control over spaces and movements over what they deemed invasive activities. Somewhat paradoxically, the Kawésqar were able to employ these spatial instruments of the Chilean state to counter the further internal territorialisation of the Patagonian Channels by the Chilean state.

Governing marine space through boundaries and mobilities

Our findings demonstrate the different ways in which immobilisation, remobilisation and demobilisation contribute to a better understanding of broader processes of territorialisation, counter-territorialisation and governance of the maritory.

Our first observation is that an Indigenous (or any other) maritory is not a taken-for-granted physical space 'out there'. It is instead a lived cultural and socio-natural space that

is constantly produced and reproduced through social relations, meanings, and mobility practices (Gray, 2018). A maritory is as such a political space that not only demarcates the materiality of the sea, but also includes and excludes social actors and relations that transcend terrestrial/marine boundaries and mobilities (Elden, 2007). Furthermore, the case of the Kawésqar Wæs shows how the construction of governable territories relates air connectivity and dispossessing marine mobility. The latter implication contributes to thinking of territories and maritories as volumes, with three dimensions, rather than areas, with merely two dimensions. This perspective of space is especially relevant in the case of the sea, where a vertical geopolitics of space can better explain resource control processes (see Elden, 2013).

Second, we have built on other observations that spatial claims and boundary formation by the Chilean state have been used to create governable territories that enable capital expansion and the dispossession of pre-existing (Indigenous) groups (Raycraft, 2019; Serje de la Ossa, 2017). The village of Puerto Edén, and the national parks Bernardo O'Higgins and Kawésqar, represent cases of internal territorialisation of, and by, the Chilean state. However, our findings also show that the Chilean state has not been able to exert absolute control over nature and people, and these peripheral marine territories. Through the three processes of immobilisation, remobilisation and demobilisation, we demonstrate how the spatial boundaries and mobilities represent changing social relations of power and control between the state, the Kawésqar, and the private (aquaculture) sector over terrestrial and marine territories.

Third, we argue that the processes of remobilisation and demobilisation challenge assumptions that Indigenous communities are powerless when confronting the state (Lestrelin, 2011). While the Kawésqar were initially immobilised through the internal territorialisation of marine spaces and resources encompassed by their maritory, they have subsequently been able to remobilise and, through instruments of the state, regain control over their maritory by demobilising the encroachment of new forms of capital investment. Building on Stephen and Menon (2016), these observations demonstrate how Indigenous people can exploit fluid (i.e. unclear, moving and contested) understandings of marine space to reassert maritorial claims.

We recognise that these observations may be less relevant when territorialisation has led to the outright eviction of Indigenous people or where state sponsored violence has led Indigenous people to escape state borders (Scott, 2010). Nevertheless, the case of the Kawésqar does show how Indigenous groups are able to contest their exclusion from and movement across traditional marine spaces by exerting their agency *through* instruments of state territorialisation. These observations are also not unique (see also MacKay et al., 2014). For example, Satizábal and Batterbury (2018) show how Afro-descendant communities of the Pacific Coast of Colombia were also able to regain control over their maritory through, rather than in opposition to, the creation of a state-led Marine Protected Area.

Fourth, our findings indicate that counter-territorialisation through remobilisation and demobilisation can also lead to division and conflict within Indigenous groups. The urban Kawésqar communities of Puerto Natales and Punta Arenas do not represent a unilateral front to the expansion of salmon farming and protected areas in their maritory. Some of the communities have been willing to negotiate with salmon companies, while others have stood in strong opposition to salmon concessions, mobilising broader sectors of local, regional and national society for the defence of their maritory. Similar divisions also exist within the state administration; as illustrated by the different positions taken by CONAF and SUBPESCA on conservation and the development of aquaculture in National Parks. These alliances and divisions highlight the contradictions of territorialisation through both conservation and extractive projects by the state and private companies. On the one hand both projects

contribute to the dispossession of Indigenous and local groups, but on the other hand, they enable opportunities for remobilisation and demobilisation.

Together these four observations hold consequences for how the relationship between Indigenous people and the state can be 'reset' to advance Indigenous governance over their maritory and mobility (see Tebrakunna Country and Lee, 2019). To enable Indigenous governance over marine territories, the state has to move beyond its fixed rationality of space and recognise the continuum of land and sea practiced by nomadic groups. By recognising this continuum, policy makers can open up to new forms of marine policy that recognises the (collaborative and/or conflictive) effects of Indigenous mobility on, and in response to, 'mobile others' enabled by the state (e.g. tourism, science or, in the case of the Kawésqar, aquaculture). Examples of such approaches include the joint administration of protected areas by Indigenous people and the state, or the designation of marine enclosures exclusive for customary uses (see Tritsch et al., 2015). Doing so can be a first step to redefining the ability of Indigenous people to regain access and control over marine and coastal spaces (Foley and Mather, 2019).

Conclusion

The case of the Kawésqar contributes to the literature on territorialisation in two ways. First, it extends a large body of scholarship that has focused almost exclusively on the establishment and maintenance of spatial boundaries in terrestrial environments, by opening up to new questions on the territorialisation of marine spaces, the mobility of people of the sea, and the continuum between land and sea. Second, it opens up new questions on the intersection of territorialisation and mobility that goes beyond 'access' and 'exclusion', by exploring not only how mobility can be constrained, but also how the (im)mobility of some becomes a means of politicising and acting upon the (im)mobility of others.

By examining processes of immobilisation, remobilisation, and demobilisation we identify how Indigenous people are able to challenge and even regain partial control over their maritory from the state by using spatial instruments of the state. By adopting this spatial and political strategy, Indigenous peoples run the risk of adapting their spatial claims to the terms imposed by the states, but it is at the same time a way to enable Indigenous claims to be considered in defining legally recognised boundaries, as well as recognising Indigenous mobility within and across these boundaries. We demonstrate that when empowered by these mobility sensitive boundaries, Indigenous people have the potential to exert influence over the mobilities of sectors that also use the state to make their own maritorial claims.

Understanding the intersection between territorialisation and mobility also opens up the possibility for marginalised Indigenous groups to regain control over land, water, resources and cultures by enacting spatial boundaries and mobilities to challenge processes of territorial or maritorial dispossession. Focusing on both spatial boundaries and mobilities can contribute to orient marine policy regarding the use of spaces and resources to be more sensitive to Indigenous mobility and livelihoods. To meet this objective it is key to recognise the rights of Indigenous peoples to govern their territories, maritories, and mobilities.

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Notes

1. The Kawésqar Wæs is the ancestral space of the Kawésqar people. It includes both terrestrial and marine areas located from the Gulf of Penas in the north, to the Strait of Magellan in the south.
2. Indigenous communities are recognised by the Chilean state as actors with whom to negotiate with on Indigenous matters. The structure of the Indigenous communities follows the classical structure of social organisations in Chile, which contemplates an assembly, a board of directors and a president. This structure ignores the diverse forms of organisation that Indigenous groups maintain, as well as the ways they choose their traditional leaders and authorities.
3. John Alcock and Arthur Brown made the first non-stop transatlantic flight in June 1919 covering a distance of around 3000 km (see www.aviation-history.com/airmen/alcock.htm).
4. Historical and field data show that several Kawésqar of Puerto Edén were forced to enrol in the Chilean Airforce. The most well-known case is that of the Kawésqar man renamed by the Airforce officials as Lautaro Edén Wellington (see López Torres, 2011).
5. In June 1937 one of the amphibious aircraft Sikorsky disappeared during flight and another was damaged as a result of a complicated water landing. These events contributed to turn the eyesight of the state to shipping (see Fernández Donoso, 2015).
6. Part of the area belonging to the Forestry Reserve Alacalufes, which was created in 1969 the same year of the establishment of the National Park Bernardo O'Higgins. Aguilera and Tonko (2013) explain that the term Alacalufe comes from *Alihoolip*, a term used by the captain of HMS Beagle, Robert Fitzroy, to name the Kawésqar. In turn, *Alihoolip* would come from the Kawésqar words *halí ku(o) halíp*, which means down, or down here. This was, the authors argue, the 'natural shout of the one who from his/her boat on the sea, is situated lower than the rail of a ship, shouting up to call the attention of those above him/her, to bartering or asking for something' (22).
7. The Indigenous and Tribal Peoples Convention 169 of the International Labour Organisation states in its sixth article that government shall 'consult the [Indigenous] peoples concerned [...] whenever consideration is being given to legislative or administrative measures which may affect them directly'.
8. This Council is led by the Ministry of Environment and integrated by the Ministries of Agriculture, Finance, Health, Economy, Energy, Housing and Urbanism, Transport and Telecommunications, Mining, and Planning. Among its tasks, is to propose to the president the establishment of protected areas.

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