

## STATEMENT

### International Conference on the Mapuche Treaties or Parliaments in The Hague, 4<sup>th</sup> and 5<sup>th</sup> of May 2015

1. On 4<sup>th</sup> May 2015, the International Court of Justice (ICJ) in The Hague will review its competence on the maritime claim made by the Plurinational State of Bolivia against the State of Chile. This maritime litigation highlights the importance of the rights derived from the treaties agreed upon by both parties as well as the quest for friendly and peaceful solutions within the framework of international law.
2. As a result of the demand by the Plurinational State of Bolivia, the State of Chile has repeatedly confirmed that it **“respects and obeys the integrity of the treaties agreed upon by both parties”**. This argument appears completely appropriate to us in order to **“demand with the same degree of emphasis the compliance of the treaties or parliaments agreed upon between the Chilean State and the Mapuche People”**.
3. Taking this into account, we, the Mapuche, who live in different European countries, in close coordination with organizations and communities of the Mapuche People in Chile – Wallmapuche – have together taken the decision to organize an **“International Conference in The Hague on the compliance of the Mapuche treaties agreed upon with the Chilean State.”** This conference will take place on 4<sup>th</sup> and 5<sup>th</sup> May 2015.
4. We, the Mapuche, recall that our ancestors in representation of the Mapuche People agreed upon a multitude of treaties or parliaments with the Chilean State. These treaties are fully valid and recognized irrefutably by international public law.
5. The treaties drawn upon between States and Indigenous People and especially those agreed upon with the Chilean State are tacitly and unmistakably recognized in the United Nations Declaration on the Rights of Indigenous People, adopted on 13<sup>th</sup> September 2007, stating in its Article 37 the following:  
**“Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.”**
6. The treaties or parliaments agreed upon between the Chilean State and the Mapuche People have an international character. These facts and their conclusions are sufficiently accredited on the one hand through historical, juridical and political evidence and on the other because their international character has been recognized by the norms of contemporary international law.
7. The Mapuche organization in Chile, during the **“1<sup>st</sup> Summit of Cerro Ñielol on January the 13<sup>th</sup> 2013”**, debated this transcendental subject of the treaties and concluded the following: III. **“Taking into account that the Mapuche Treaties agreed upon with the Chilean State are fully valid and recognized by international law, in the first half of 2013, we formally request the Chilean State to set up a Joint Commission aimed at exploring acceptable ways to implement said treaties. This conclusion results from a sovereign decision, collective by its nature, of the Mapuche organizations and communities and will be guided by a clear and precise mandate that will protect their principles, spirit and content.”**
8. At the same time, the authorities entrusted with the protection of human rights within the intergovernmental system of the United Nations and especially the **Committee on the Elimination of Racial Discrimination** in its final session on August 30<sup>th</sup> 2013 recommended to the State of Chile the following: **“The Committee recommends that the State party should take the necessary measures to speed up the restitution of ancestral lands to indigenous peoples and that it should establish a specific mechanism for recognizing the rights of indigenous peoples to lands**

**and natural resources, in accordance with the Convention and the other relevant international standards.” (CERD/C/CHL/CO/15-18, Article 21)**

9. This recommendation has a binding character, nevertheless, the Chilean State has neglected its international responsibilities by not complying with the duty to implement the Mapuche Treaties.
10. We stress that, since the recognition of the Treaties based on article 37 and the fulfilment of the recommendations of the Committee on the Elimination of Racial Discrimination are intrinsically related to the right of the Mapuche to self-determination, the implementation of said treaties and recommendations requires, in conclusion, the active participation of the Mapuche organizations concerned.
11. The realization of an **“International Conference for the Implementation of the Mapuche Treaties or Parliaments in The Hague”**, will conclude with a strong and eloquent interpellation to the Chilean State to comply with the Mapuche Treaties and in the same way we will identify and establish on this occasion an appropriate plan on a national and international level for the implementation of the Mapuche Treaties.
12. We emphasize that the International Conference on the Mapuche Treaties will be realized, oriented to the International Court of Justice in The Hague, while considering that this issue, relevant to the Mapuche People, eventually and in due course will be disclosed in some international legal institution.
13. We, the Mapuche, openly invite non-governmental organizations, specialists in indigenous rights and/or supporters of the legitimate cause of the Mapuche, among others, to declare their support for this Statement.
14. Considering that the Mapuche Treaties or Parliaments are issues of an international order in human rights, the specialized bodies of the intergovernmental system of the United Nations, the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous People (EMRIP) and the institutions in protection of human rights will be invited.
15. We notify that while the International Conference in The Hague on the Mapuche Treaties takes place, a conference with similar characteristics will be held at the same time in Wallmapu, Chile.

**Mapuche Coordination in Europe  
Autonomous Mapuche Community of Temucuicui  
Consejo de Todas las Tierras  
Mapuche Agreement for Self-Determination  
Nagche Community of Lumaco  
Union of Mapuche Communities of Lumaco  
Huilliche Council of Paillaco, Lanco y Panguipulli**

**Wallmapuche, Chile - Europa, April the 15<sup>th</sup> 2015 Rimuguen Kuyen**