

# AQMUN'25



Amman-Al Quds Model United Nations  
نسخة الأمم المتحدة لعمان والقدس

## UNHRC TOPIC 2

**Addressing the Constitutional-indigenous Rights of the Mapuche people in Chile and other Disenfranchised Indigenous Populations.**

### **Preface**

The Mapuche, whose name translates to “people of the land,” are the largest Indigenous group in Chile and Argentina, with a presence in these territories that predates the formation of modern states. For centuries, they have experienced land dispossession, forced displacement, and discrimination. Their demands have centered on the protection of their ancestral lands, the preservation of their culture and language, and political recognition of their rights. Despite various state initiatives, the Mapuche continue to face marginalization in areas such as access to **land, education, political participation, and justice.**

While the Chilean state officially recognizes the Mapuche as one of nine Indigenous groups, this recognition has yet to be translated into substantive legal protections. The current constitution, drafted under the military dictatorship of Augusto Pinochet in 1980, **makes no reference to Indigenous peoples or their rights.** Efforts at land restitution have largely stalled in court or have resulted in the

reallocation of small, agriculturally unproductive parcels of land. At the same time, the state's use of Chile's

Anti-Terrorism Law, originally designed to address armed insurgents against Mapuche activists has been widely criticized by both the *United Nations and Human Rights Watch* for disproportionate sentencing and violations of due process. Data from Chile's National Institute of Human Rights shows that Indigenous individuals are overrepresented in criminal proceedings linked to land disputes, while heavily militarized police operations in rural Mapuche communities, including the deployment of armored vehicles and tear gas, have intensified social tensions.

According to the 2017 census, Indigenous peoples make up 12.8% of Chile's population, with the Mapuche comprising nearly 80% of that group. Yet significant gaps remain between Indigenous and non-Indigenous Chileans in areas such as education, language preservation, and poverty. Today, the Mapuche continue to demand constitutional recognition, self-determination, and protection of their ancestral territories. The current reform process represents a pivotal opportunity to acknowledge these demands and redefine the relationship between the Chilean state and its Indigenous nations.

### **Constitutional-indigenous rights sought by the mapuche people (Key terms)**

#### *Territorial Claims:*

A central issue for the Mapuche is the recognition of their traditional territories ([Walmapu](#)) and the right to manage their natural resources. For example, the rapid extraction of lithium from the high Andean salt

flats has caused serious harm to Indigenous Peoples' right to a healthy environment and access to water. It has particularly affected traditional activities such as camelid herding (llamas, guanacos, and vicuñas) and the cultivation of quinoa and maize.

### *Self-determination and Autonomy:*

The Mapuche seek greater control over their own affairs, particularly through the right to

self-governance and the ability to make decisions regarding their communities and territories. In the context of Indigenous peoples, self-governance refers to the authority to manage their own affairs, which can include creating their own laws and making decisions related to their communities, cultures, and resources. While related, these demands encompass distinct but interconnected concepts, each carrying different implications for the recognition of Indigenous rights and autonomy.

### *Cultural Rights:*

This refers to the protection and promotion of the Mapuche language, traditions, and cultural practices, which have historically been marginalized and suppressed. Safeguarding these rights is central to preserving their identity and heritage.

### *Constitutional Recognition:*

The Mapuche are advocating for constitutional recognition as a distinct nation within Chile. Such recognition would formally acknowledge their unique cultural identity, collective rights, and historical presence, and

could provide a legal basis for greater political participation and autonomy.

### *Historical Dispossession:*

The Mapuche have endured centuries of dispossession, including forced displacement from their ancestral lands, loss of cultural autonomy, and systemic discrimination. These historical injustices have contributed to social and economic marginalization and continue to fuel their demands for recognition, justice, and the recovery of rights.

### **Definitions**

**Nation-State:** A sovereign state whose population is largely homogeneous in terms of language, culture, and common identity, and where the political boundaries of the state largely coincide with the cultural boundaries of the nation.

### *Connection to topic:*

As in other Latin American countries, Chile follows a nation-state model which denies the legitimacy of the pre-existing nations made up of the indigenous peoples. This has given rise to a state and society ignorant of indigenous peoples, constructing an ideal of a homogenous nation where the “egalitarian” citizenry shares the same aspirations. This narrative fails to recognize the political rights of indigenous peoples and obscures their demands.

**Disenfranchised:** The state of being deprived of certain rights or privileges, particularly the right to vote and participate fully in civic and political life.

Connection to topic: this term embodies the state of deprivation of rights the mapuche people and other indigenous groups are facing.

**plurinational state:** A nation-state that formally recognizes the existence of multiple nations or distinct cultural groups within its borders. It's a concept that emphasizes the diversity of peoples and nations within a single political entity, moving beyond a singular national identity.

Connection to topic: Chile is an example of a country that is constitutionally defined as a plurinational state.

## Past Solutions and Challenges

### 1. 1993 Indigenous Law and ILO Convention 169 Attempts

Chile's 1993 Indigenous Law established the National Corporation for Indigenous Development (CONADI) and initiated land restitution efforts. However, the law classified Indigenous peoples as "ethnic groups" rather than distinct nations, limiting their legal rights to consultation and collective land control. Attempts to ratify the International Labour Organization's Convention 169, which protects Indigenous rights, were also defeated in Congress, weakening the legal framework for Indigenous autonomy.

## 2. Pinochet-Era Community Division Laws (1979)

Decree Laws 2568 and 2750, enacted under the Pinochet dictatorship, forcibly fragmented Mapuche communal lands into individual property holdings. This process undermined traditional land stewardship, exacerbated poverty, and compelled many Mapuche to migrate to urban areas, deepening social and economic marginalization.

## 3. Failed Indigenous Constitutional Recognition Processes

In 2017, the Ministry of Social Development launched a consultation process aimed at incorporating Indigenous perspectives into constitutional reforms, focusing on self-determination, autonomy, and land rights. Despite gathering extensive proposals from Indigenous groups, including the influential Mapuche movement Aukin Ngulam Wallmapu, these priorities were largely ignored in the subsequent drafting stages.

## 4. The 2022 Plurinational Constitution Referendum

Following widespread social protests in 2019, a constitutional convention drafted a new constitution recognizing Chile as a plurinational state and granting Indigenous autonomies and land rights. Despite strong Indigenous representation, the draft was rejected in a national referendum, including in many Indigenous-majority regions, highlighting deep divisions within Chilean society and political opposition to these reforms.

## 5. Recent Dialogue and Reform Challenges (2024–2025)

A second constitutional draft in 2024 further reduced Indigenous recognition and was rejected by 55% of voters, influenced by disinformation campaigns. Although President Boric's 2025 Commission for Peace and Understanding presented 21 recommendations on reparations, land restitution, and constitutional reform, political support, funding, and timelines remain uncertain, raising questions about the feasibility of meaningful change.

### Possible solutions

#### *1. Enhance Legal Recognition and Protection:*

Develop mechanisms to ensure constitutional and legislative recognition of Indigenous peoples' rights, including self-determination, land ownership, and cultural preservation.

#### *2. Establish Inclusive Dialogue and Negotiation Platforms*

Create trusted, transparent forums for meaningful negotiation between Indigenous communities and the state, with impartial mediators and respect for Indigenous decision-making processes.

#### *3. Implement Equitable Land Restitution and Resource Management*

Design fair policies for returning ancestral lands and ensuring Indigenous participation in decisions regarding natural resource exploitation on their territories.

#### *4. Promote Social and Economic Development with Cultural Sensitivity*

Support Indigenous-led education, language revitalization, and economic programs that respect cultural traditions and address disparities in access to services.

#### **Guiding questions**

1. What are the historical roots of the Mapuche conflict, and how have past state policies impacted their land and rights?
2. How does Chile's current constitution address or fail to address Indigenous peoples' rights and recognition?
3. What is the significance of the 2022 plurinational constitution draft, and why was it rejected?
4. How have international frameworks, such as ILO Convention 169, influenced Chile's obligations toward Indigenous peoples?
5. What roles do Indigenous organizations, such as Mapuche movements, play in advocating for self-determination and autonomy?
6. How has the Chilean government responded to Mapuche demands, and what are the criticisms of its approach?
7. What are the social, economic, and cultural challenges facing the Mapuche community today?

8. How can land restitution policies be effectively designed and implemented to address Indigenous claims?
9. What examples from other plurinational states (e.g., Bolivia, Ecuador) might offer useful models for Chile?
10. What role can international actors, including the UN and NGOs, play in supporting a peaceful and just resolution?

### Sites:

1. <https://iwgia.org/en/chile.html#:~:text=Legislative%20progress%20for%20Chile's%20Indigenous,within%20the%20new%20Political%20Constitution.>
2. <https://gjia.georgetown.edu/2021/05/21/mapuche-movements-in-chile-from-resistance-to-political-recognition/#:~:text=The%20current%20constitutional%20process%20opens,their%20social%20and%20cultural%20practices.>
3. <https://www.cambridge.org/core/journals/archaeological-dialogues/article/ceci-nest-pas-un-subalterne-a-comment-on-indigenous-erasure-in-ontologyrelated-archaeologies/BA392DF3A0C6A317DB3ADF3B38FF695A>
4. <https://escholarship.org/content/qt9xd5t676/qt9xd5t676.pdf>
5. <https://coha.org/chile-invokes-pinochet-era-anti-terrorism-law-against-mapuche-demonstrators/>
6. <https://iachr.ils.edu/cases/norín-catrimán-et-al-leaders-members-and-activist-mapuche-indigenous-people-v-chile>
7. <https://brownpoliticalreview.org/constitutional-rights-and-indigenous-dispossession-in-chile/>
8. <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1066&context=njihr&>

9. <https://www.mdpi.com/2071-1050/15/5/4457>
10. <https://mpira.ub.uni-muenchen.de/109136/>
11. <https://www.hrw.org/report/2004/10/27/undue-process/terrorism-trials-military-courts-and-mapuche-southern-chile>