



ALTERNATIVE REPORT FOR THE REVIEW OF THE FIFTH PERIODIC REPORT OF THE STATE OF CHILE BEFORE THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

ALTERNATIVE REPORT PREPARED BY:

Indigenous Community "Pedro Currilem", ANHDES – National Association of Seed Growers, Food Biodiversity Foundation, Indigenous Community "Francisco Cayul", Communal Association "Trawun Lonko", Huallipulli Senior Citizens Committee, General Parents and Guardians Center of the Bicentennial Polyvalent High School of Lonquimay, Artisan Group "Domoche Ñimikafe", wechekeche ka itrofil mogen group.

Introduction

1.- This report seeks to bring to the attention of the CESCR the situation faced by the Mapuche people:

In relation to the protection of their traditional seeds and the defense of their food sovereignty and autonomy. These practices are an essential part of their cultural identity, territorial autonomy, and collective survival. They have been developed primarily by women and their families, where this knowledge has been shared with Chilean peasant communities, who have also exchanged knowledge with our ancestors, creating a unique agricultural system. This system has become the foundation of other current farming models such as organic, agroecological, and regenerative agriculture. Their techniques and seeds have even spread to urban areas, where practitioners are known as “urban gardeners.”

2.-Mapuche traditional seeds—whether endemic, native, or even creole varieties that emerged from the continuous introduction of seeds from the Americas and other continents brought by the Spanish and settlers—have been adopted, adapted, diversified, inherited, and preserved by our ancestors, along with the cultural practices associated with them. Today, they face serious threats due to state policies, private interests, and changes in the agro-productive model, which have undermined the rights recognized in the ICESCR (International Covenant on Economic, Social and Cultural Rights).

3.- The presentation of this report is led by a prominent community that managed to sponsor and coordinate an independent study in Wallmapu, which revealed the state of risk facing traditional seeds. This community belongs to the Pewenche territory and is known as “Pedro Currilem.” The report is also supported by the association of traditional Lonko—our ancestral authorities—called Trawun Lonko; the group of seed defenders ANHDES (urban and rural gardeners); along with other organizations, family representatives, and the Food Biodiversity Foundation, which works on these fundamental issues within our peoples. All participants are fully aware of the vital importance of safeguarding and protecting traditional seeds throughout Wallmapu and Waiduf.

4.- There are nine groups signing this report, and the contact information for each of them can be found in the annex to this report.

Context

5.-Traditional seeds, as well as those introduced from other continents, are the result of centuries of community-based selection and preservation, passed down from generation to generation—mainly by women, families, and traditional authorities. They are part of a knowledge system, spirituality, and productive practices that are deeply connected to Mapuche territory. The expansion of agribusiness, the introduction of hybrid and genetically modified seeds, and regulations that continuously seek to restrict the free exchange of seeds violate these fundamental rights. For more information on the Pewenche garden, see https://www.biodiversidadalimentaria.cl/wpcontent/uploads/2025/07/Manual_huerta_pewenche.pdf

6.-The community, along with territorial and national organizations, became highly active in 2024 following the publication of Exempt Resolution No. 162 by the Ministry of Agriculture in Chile, which recognized the existence of traditional seeds and established related guidelines. This regulation was not subject to consultation and affected cultural, economic, environmental, and social rights.

7 – According to the cited resolution, its purpose was “(...) to highlight the importance of traditional seeds as cultural and natural heritage of the territories, as well as their role in food production and the country's food security.” One month later, through Exempt Resolution No. 220, the previous resolution was repealed, stating: “(...) That, in order to continue with the important and fundamental task of recognizing traditional seeds, and to further analyze certain aspects of this effort, in addition to strengthening the dialogue process with Indigenous communities and organizations throughout the country, the Ministry of Agriculture has deemed it necessary to repeal Exempt Resolution No. 162 of 2024.” This occurred after a month of mobilizing with other peoples and communities and strongly opposing the measure, gathering a large amount of legal, technical, and historical evidence that demonstrated how serious and absurd the proposed regulation was—especially since it was not even submitted to the legislative process for consultation.

Issues of special concern: I.-The Mapuche people and the protection of their traditional seeds and the defense of their food sovereignty.

8.-The law that protects material and immaterial cultural heritage in Chile is Law No. 17.288 on National Monuments (1970), which has been amended several times and is currently in the process of being replaced by a new Cultural Heritage Law. This legislation does not directly mention traditional or peasant seeds, nor does it specifically refer to agrobiodiversity or to the cultural practices of cultivation, exchange, and preservation—practices that are a fundamental part of our tangible and intangible heritage.

9.- The 2003 UNESCO Convention, ratified by Chile, recognizes traditional knowledge, traditional agriculture, and ancestral wisdom as part of Indigenous cultural heritage.

10.-Traditional seeds are neither recognized nor directly protected under Chile’s current heritage law or by any legal instrument. Their protection currently depends on broad interpretations of intangible cultural heritage and on international standards regarding Indigenous peoples. However, they remain in a complete legal limbo, since various international treaties and domestic laws also promote and favor intellectual property rights over these seeds—an approach that is absolutely disproportionate.

II.- Endemic seeds at risk of loss due to a CONAF resolution authorizing the cutting or felling of more than 96 araucarias

11.- The seed obtained from the araucaria tree – “Pewen” in Mapudungun- is a fundamental food for the Mapuche Pewenche people, as it offers multiple nutritional benefits. Therefore, cutting down even one productive tree impacts families who rely on this food source, and also directly affects their household economy.

12 – Species that were essential to our pre-Columbian diet, such as mango (*Bromus mango*), teca (*Bromus berterianus*), and lanco (*Bromus catharticus*), among others, have now disappeared from our fields. However, they are currently preserved in various germplasm banks. We believe that at least some samples should be returned in order to reintegrate them into our ecosystems.

13.- Various endemic and native species, such as murtilla (*Ugni molinae*), maqui (*Aristotelia chilensis*), and michay (*Berberis microphylla*), are currently being subjected to privatization processes, following simple collections subsidized by the Chilean state. On this matter, we want to clarify that we are not opposed to the registration of new varieties by their genuine developers. However, what we find absolutely unjust and lacking scientific rigor is the collection of plant material from our territories, selecting what they deem “better,” and then privatizing it. Our question is: why does the state invest so heavily in privatization processes, and not in the recovery of native and endemic flora for the benefit of the peoples who have nurtured and conserved it for generations?

14 – Currently, five varieties of quinoa—selected, conserved, and passed down over thousands of years—have been registered in a privatization process by the Pontifical Catholic University of Chile, without any obstacles, through a state-funded project that was also tainted by poor communication and misinformation practices. (<https://www.fcuc.cl/2025/02/05/cinco-nuevas-variedades-de-quinoa-logra-la-inscripcion-provisoria-en-el-registro-de-variedades-protégidas-de-chile/>). This was denounced by Chiloé communities that participated in the process. (<https://www.elciudadano.com/actualidad/productores-organicos-denuncian-apropiacion-de-semillas-ancestrales-en-chiloe-apuntan-a-sag-fia-y-universidad/12/22/>)

Below are the rights violated according to our organizations.

Right to self-determination and to the right to resources (Art. 1 ICESCR)

15 – The right to freely decide over our natural resources, including seeds, is essential to the exercise of the right to self-determination, as reaffirmed by ILO Convention 169 (Articles 13–15) and the United Nations Declaration on the Rights of Indigenous Peoples (Articles 26, 29, and 31).

16 – In Chile, there are several actions that undermine the exercise of this right, such as legislative bills regulating plant variety rights—for example, the Bachelet-Monsanto Law of 2009, which seeks to repeal current Law 19.342 and adopt UPOV 91. These regulations treat seeds from a commercial perspective, significantly limiting farmers' rights, disregarding public interest, and being far worse than the current law.

17 – There are also plant variety protection (PVP) rights and efforts to criminalize traditional seed exchange. In addition, productive territories are being lost due to the expansion of monoculture forestry and agricultural crops.

Right to work and livelihood (Articles 6 and 7 ICESCR)

18 – The Mapuche economy, especially in rural areas, depends on traditional agriculture. The use of native seeds is the foundation of family farming, of *trafkintu* (seed exchange), and of economic autonomy.

19 – “Without our seeds, there is no way to live or work without depending on supermarkets, monocultures, and large agribusiness transnationals. That is why defending them is defending freedom.”

Right to adequate food (Article 11 ICESCR)

20 – Access to and protection of Mapuche and Chilean traditional seeds is key to the food sovereignty of society as a whole, as it is a practice that has historically been shared and enriched in collaboration with peasants and also with urban dwellers. Their use ensures a diet that is culturally appropriate, diverse, healthy, and adapted to local ecosystems.

21 – In any action taken by the State regarding food sovereignty, or the use, availability, or regulation of traditional seeds, it is essential to consider the people and communities who hold this knowledge. Indigenous consultation must be carried out with the Mapuche communities and other Indigenous peoples of the affected territories, respecting our ancestral authorities and applying the principles of such consultation—namely, that it be prior, free, and informed.

22 – The repeal of Exempt Resolution No. 162 by the Ministry of Agriculture came as a result of a series of demonstrations by organizations that argued it was an inconsistent, unnecessary regulation that failed to reflect the voice of the communities and individuals who preserve traditional seeds and defend food sovereignty.

23 – In April 2024, from our territory in Chile, led by Mapuche women members of ANDHES, we publicly expressed our discontent with Exempt Resolution No. 162 and strongly rejected its imposition through a public statement: “(...) We emphasize that this regulation does not represent us, as our traditional seeds have resisted through every planting. They are the inherited legacy of our *kom pu kuifikecheyem* (our ancestors), and they transcend alongside the legacy of protection. We work to share them and to ensure they are always freely used in *trafkintu* (traditional exchanges), because that is our own way, as a people, to reconnect and share—not only seeds and products, but also knowledge. It is an expression of our economy and our spirituality... For us, seeds are *NGEN FUN* (spirit), and therefore, we will not allow them to be managed by a Ministry (...). The State has a historical debt regarding the appropriation of our seeds, which are stored in germplasm banks, as well as research carried out using resources taken from our territories that have never been returned. These have mainly benefited private research centers such as INIA, the Pontifical Catholic University of Chile, the University of Chile, the University of Santiago, and the Austral University (UACH). Yet it has been our Mapuche people and peasant communities (both rural and urban) who have preserved them—planting them each season, beyond climate change—because seeds adapt to changes and carry memory. But when they are stored and locked away in seed banks, they are only conserved, not adapted.”

Right to participate in cultural life (Article 15 ICESCR)

24 – Seeds are carriers of ancestral knowledge. Their loss also implies the disappearance of knowledge, cultural practices, traditional ceremonies, and self-determination.

“Each seed carries a story, a song, a history. Not defending them is to allow the cultural fabric of the Mapuche people to be torn apart.”

25 – The protection of traditional Mapuche seeds is not merely a technical issue, but an act of self-determination and cultural resistance. We urge the CESCR to consider this report as evidence that Indigenous food sovereignty is a fundamental human right that must be protected.

Recommendations:

A) Include the recognition of traditional seeds as biocultural heritage in the new Cultural Heritage Law. In the context of the ongoing legislative process of the Framework Law on Cultural Heritage (Bill No. 14.042-24), it is recommended to include an explicit definition of Indigenous biocultural heritage that recognizes traditional seeds as an integral part of the intangible cultural heritage of Indigenous peoples, and that prohibits their appropriation by private entities. This measure should be aligned with Article 31 of the UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples), which establishes the right of Indigenous peoples to maintain, control, and protect their genetic and cultural heritage.

B) Guarantee the right to freely use, safeguard, reproduce, and exchange seeds, recognizing the public ownership of traditional seeds by the Indigenous peoples of Chile—specifically the Mapuche, Aymara, Diaguita, Atacameño, Likan Antai, Quechua, Rapa Nui, Chango, Colla, Kawésqar, Yagán peoples—as well as peasant farmers and urban gardeners.

C) Establish a moratorium or critical review of Chile’s adherence to UPOV 91. We recommend that the State review its commitment to the International Union for the Protection of New Varieties of Plants (UPOV 91) and suspend any legislative initiative aimed at its full implementation, in particular the potential amendment to the Seed Law (Law No. 19.342). This review must be carried out with prior, free, and informed Indigenous consultation in accordance with ILO Convention 169, as UPOV regulations restrict collective rights over seeds and promote the privatization of genetic resources.

D) Ensure compliance with the standard of effective participation and prior consultation in any measure affecting access to, use of, or ownership over Indigenous seeds. Any agricultural, biotechnological, environmental, or heritage-related policy that directly or indirectly affects traditional seeds must undergo a prior, free, and informed Indigenous consultation process, in accordance with ILO Convention 169 (Articles 6 and 15). It must also include binding participation mechanisms and involve counterpart institutions that represent diverse perspectives, in order to prevent procedural flaws or abuses.

E) Ensure the participation of traditional Indigenous authorities—those who practice their spirituality and serve as the custodians and transmitters of cultural and spiritual knowledge— such as *lonko*, *werken*, *lawenche*, *machi*, and seed guardians, who must be active gardeners or farmers. It is essential to avoid the inclusion of political operatives or individuals with implicit or explicit

partisan affiliations, as such positions may compromise their stance and ethics in the development of agricultural, environmental, cultural, and biodiversity public policies.

F) Reform Law No. 19.342 on plant breeder's rights to exclude Indigenous traditional seeds from the intellectual property regime, including an annexed list of traditional and public seeds. It is urgent to establish an Indigenous exception, recognizing that traditional seeds cannot be subject to private appropriation and must remain under the control of Indigenous peoples, in accordance with the principle of self-determination (Article 3 of UNDRIP). The reform must guarantee the right to save, exchange, transfer, share, reproduce, and grow one's own seeds without sanctions or mandatory registration. We recommend reading the article by Mapuche lawyer and senator Don Francisco Huenchumilla. (<https://eldesconcierto.cl/2024/05/31/proteger-las-semillas-ancestrales-una-urgencia-para-la-agricultura-familiar-campesina-y-nuestros-pueblos-originarios>)

G) That the private-law corporation known as the Agricultural Research Institute (INIA) publish its germplasm bank database and provide an exclusive list of traditional seeds currently in its possession among the 34,000 seed varieties it holds. At present, this data is not publicly accessible. This list should include all ancestral seeds of our Indigenous peoples and peasant communities, ensuring they are protected from any privatization interests. No regulation or control by the State should be imposed on them, as they are the heritage of the peoples for the benefit of humanity. Therefore, they should be freely available to both Indigenous and non-Indigenous individuals.

H) That traditional seeds be made visible, promoted, and disseminated through catalogs, posters, and other materials distributed free of charge in educational institutions and public buildings, to foster recognition and appreciation of these seeds from a social, cultural, patrimonial, nutritional, and productive perspective (e.g., catalogs, magazines, articles, podcasts, or any other medium or communication format).

I) Reactivate school gardens in kindergartens, schools, high schools, universities, community centers, neighborhood organizations, and other spaces, to promote the fundamental importance of traditional seeds as a tool for cognitive and educational development, physical activity, and mental health, among other benefits.

J) Organize meetings, seminars, and workshops in which progress on the protection of seeds can be analyzed and short-, medium-, and long-term goals proposed. These events should feature individuals with traditional knowledge as the main speakers, while professionals from various institutions should serve solely as facilitators and coordinators of these processes.

K) Ensure specific technical and financial support for Mapuche women seed guardians. Through the reorientation of instruments from INDAP, CONADI, and other public programs, a dedicated funding line should be created for projects focused on the conservation, cultivation, and exchange of traditional seeds led by Indigenous women. This measure contributes to reducing the structural gender inequality in access to productive resources, in line with CEDAW General Recommendation No. 34 on the rights of rural women.

L) Promote urban agriculture as an undeniable alternative for food sovereignty and security, as it is currently playing an active role in the conservation of traditional seeds. This occurs in a context

where increasingly conscious consumers and producers seek products that offer history, nutrition, safety, and organoleptic quality.

ANNEXES

A) Contact information for organizations that subscribe to the report

1.- “Pedro Currilem” indigenous Mapuche community.

Representative: Adán Nivaldo Romero Cheuquepil

Email: directivapedrocurrilem@gmail.com

Telephone: +56962235503

Social media: Instagram, Facebook

2.- “Trawun Lonko” Group.

Representative: Eduardo Cayul Puel

Email: eduardocayulpuell@gmail.com

Telephone: +56989977021

Social media: Facebook

3.- Huallipulli “Santa Teresa” Senior Adult Committee.

Representative: Maria Ivet Contreras Riquelme

Email: mariacontreras.r@gamil.com

Telephone: +56988353096

Social media: Facebook

4.- “Francisco Cayul” Indigenous Mapuche Community.

Representative: Rodrigo Huaiquil Cayul

Email: rhuaiquillcayul@gmail.com

Telephone: +56968358558

Social media: Facebook

5.- Food Biodiversity Foundation.

Representative: Tamar Sepúlveda Cuevas

Email: biodimentaria@gmail.com

Telephone: +569 91441608

Social media: Biodiversidad alimentaria, Instagram, Facebook, Spotify, youtube.

Web page: www.Biodiversidadalimentaria.cl

6.- Association of Indigenous Entrepreneurs and Professionals "Leftraru".

Representative: Sonia Neira Rojas

Email: aleftraru@gmail.com

Telephone: +56978485720

Social media: Instagram, Facebook

7.- CGPA General Center for Parents and Guardians, Lonquimay High School.

Representative: Edith Mabel Romero Cheuquepil

Email: edithamabel@gmail.com

Telephone: +56995749192

Social media: Facebook

8.- Women's Artisan Group "Domoche Ñimikafe".

Representative: Elizabeth Lillo Huilipan

Email: elizabethlillohuilipan@gmail.com

Telephone: +56941650901

Social media: Facebook

9.- Group "Wechekeche ka itrofilmogen".

Representative: Shayeññ Shakkiññ Rojas Romero

Email: itrofillmongen.24@gmail.com

Telephone: +56932870034

Social media: Facebook/instagram

- B)** Testimonies, public statements and interviews with representatives of the Mapuche people, available online and related to seed protection in various territories.

Wallmapu Food Sovereignty Network (2022)

“Seeds are not the property of the market. They are the living heritage of our grandparents, guarded with love and wisdom. The State cannot legislate without us over something that has belonged to us since before Chile existed. Mapuche food sovereignty is inseparable from our seeds.” Collective statement from the Territorial Meeting in Temuco.

<https://www.semilla-austral.coop/blog/2023/5/26/liberando-las-semillas-los-guardianes-de-la-biodiversidad-en-chile>

Ana Llao, ADMAPU werken (2021)

“Seeds are part of our itxofil mogen, our balance with nature. They are not commodities; they are living knowledge. When public policies don't consult us and impose laws on us, they are threatening our way of life and our autonomy as a people.” INDH Discussion.

https://www.scielo.cl/scielo.php?script=sci_arttext&pid=S1726-569X2022000100019

Mapuche-Huilliche Pepiukelen Community, Chiloé (2023)

“Here, the lamngen have safeguarded potato, quinoa, and barley seeds for generations. The forestry companies surround us, poison our water, and now they want our seeds too. But we continue to farm with strength, resisting through kultrun, through fire.” Testimony delivered at the Hearing on Indigenous Cultural Rights, INDH, Castro.

Natividad Llanquileo, Mapuche lawyer (2023)

“In our communities, seeds are not sold. They are cared for, shared, and offered. They are part of our own, non-capitalist economy. When the state imposes regulations that force us to register or patent what is collective, it is violating our rights.” Interview for the Rosa Luxemburg Foundation, “Seeds, Sovereignty, and Resistance.”

<https://www.geneva-academy.ch/joomlatools-files/docman-files/El%20Derecho%20A%20Las%20Semillas%20Y%20Los%20Derechos%20De%20La%20Propiedad%20Intelectual.pdf>

Mapuche Women's Association "Kiñe Pu Lamngen" (2022)

“As Mapuche women, we are guardians of the seeds. Each seed represents a story and a lineage. The State's agricultural policies make our role invisible and promote production systems that destroy

biodiversity and our ancestral medicine.” Statement at the Meeting of Indigenous Women and Food, Father Las Casas.

Pewenche Orchard (2025)

https://www.biodiversidadalimentaria.cl/wp-content/uploads/2025/07/Manual_huerta_pewenche.pdf

Appropriation of plant species (2025)

<https://www.fcuc.cl/2025/02/05/cinco-nuevas-variedades-de-quinoa-logra-la-inscripcion-provisoria-en-el-registro-de-variedades-protegidas-de-chile/>

Complaint from Chiloé communities

<https://www.elciudadano.com/actualidad/productores-organicos-denuncian-apropiacion-de-semillas-ancestrales-en-chiloe-apuntan-a-sag-fia-y-universidad/12/22/>