

## **Position Statement – Claims by the native Argentinean population (Mapuche)**

- In 2001 Atilio Curiñanco and Rosa Nahuelquir occupied, without authorisation, 385 hectares of unpopulated land situated in Patagonia, belonging to Compañía de Tierras Sud Argentino held by Edizione Holding (holding of the Benetton family). They claimed possession of the land in Patagonia from an ancestral and historical (i.e. not legal) viewpoint.
- In making this symbolic gesture, the Curiñancos stayed there for 39 days, at the end of which they were ordered to leave. As a result of this incident, Compañía de Tierras Sud Argentino was compelled to initiate a lawsuit which confirmed the total legality of its ownership of the land, situated in the area of Santa Rosa.
- In the wake of this event, a number of Mapuche activist groups launched a media campaign to focus international attention on an historic problem relating to the creation of the Argentinean state in the 19th century and its relationship with the native populations who lived there before the birth of the state. This is the issue in which Benetton, almost a century later, found itself unwittingly involved.
- Benetton decided to take a role in helping to solve this secular issue with the involvement and the encouragement of the Nobel prize winner Perez Esquivel.
- Pérez Esquivel, Argentine Nobel laureate, intervened in October 2004 to ask Luciano Benetton to make a gesture which would consent the opening of a dialogue, with the participation of all the parties in the dispute, from the central to local Argentine governments, to the native population and entrepreneurs from Patagonia.
- In November 2004 Luciano Benetton responded to this request by announcing in a letter to Adolfo Pérez Esquivel that he was to hand over a production unit of good quality land in Patagonia with water resources, situated near the town of Esquel, for the benefit of the local population.
- In July 2006 the government of the Chubut Province, to which 7,500 hectares of good quality land for the benefit of the native population had been offered, refused this proposal with the excuse of a presumed low productivity rate of the land. In fact, the land offered has abundant water resources, with 10 kilometres along the banks of the Chubut river, and would be well suited to intensive use, not only for animal grazing, but also for the cultivation of fruit and vegetables.
- The governor of Chubut's refusal of this proposition is a blow to the dialogue process in the historic disagreement between the Mapuche population and the Argentinean state, in which the Benetton Group

has been involuntarily involved, but to which it decided to offer its contribution, which has been unfortunately refused.

- In 1991 Edizione Holding (holding of the Benetton family) bought Compañía de Tierras Sud Argentino from three Argentine families, revitalizing this historical company which, despite a past stretching back one hundred years, was at that time in total decline. It currently provides work for more than 600 people on a modern farm dedicated, above all, to breeding sheep.
- From the outset, Compañía de Tierras Sud Argentino S.A. has re-invested all resources and capital in Argentina, staking on the growth and development of the country. The company works with the local community, responding to its concerns and needs, with the strong conviction that social well-being can be improved through joint efforts. On the basis of this approach the company carries out ongoing social aid schemes.  
(For further information [www.companiadetierras.com.ar](http://www.companiadetierras.com.ar)).

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### **Information on Compañía de Tierras Sud Argentino**

- In 1991, Edizione Holding (the Benetton family holding company) legally and legitimately acquired Compañía de Tierras Sud Argentino (CTSA) from its previous private owners.
- Compañía de Tierras Sud Argentino directly employs over 130 families in four modern "estancias", which are mainly dedicated to agriculture using cutting-edge techniques and to the breeding of sheep and cattle, with a view to research activities while respecting animal welfare.
- Since its inception, Compañía de Tierras Sud Argentino reinvests in Argentina all resources generated, contributing to the development and growth of the country and local populations.
- The situation of the Patagonian Mapuche dates back to the times of colonization, long before the acquisition of Compañía de Tierras Sud Argentino by Edizione Holding, an operation that concerns not only the territories held by CTSA, but also those of many others owners, both private and public.
- With regard to Mapuche occupations, Compañía de Tierras Sud Argentino has always operated under the law, resorting to the courts exclusively to assert its legitimate ownership rights, and is not involved in any other legal disputes.

- The Benetton family has made a concrete contribution to the attempt to resolve the historical conflict with the indigenous peoples, offering them good quality land as a gift.

### **General context**

Compañía de Tierras Sud Argentino (hereinafter "CTSA" or "Company") is an Argentine company, originally founded as The Argentine Southern Land Company Limited in 1889. Since then, the Company has managed several estates in Patagonia, focussing its efforts on agriculture and raising livestock. Over the years, the Company has changed ownership and capital. In 1991, Edizione Holding, the Benetton family's holding company, legally and legitimately acquired CTSA - as officially confirmed by the Argentine justice system - from its previous private owners, a group of Argentinian families. Despite having an over 100-year tradition, in the first phase of Benetton family ownership the Company invested significantly to achieve sustainability in production. Today, the "estancias" feature high-level infrastructure and professional staff that perform their activities while maintaining a strong focus on the context and the environment.

### **Contribution to the local economy**

In the Estancias de Cordillera area, the Company currently employs over 130 families in a modern agricultural facility mainly devoted to the breeding of sheep and cattle. Since its inception, Compañía de Tierras Sud Argentino SA has demonstrated its commitment to Argentina's development and growth by reinvesting resources in the country. In this sense, the direct impact on the regional economy and its area of influence positively affects the Company's employees (predominantly of Mapuche origin), professionals, local small- and medium-sized enterprises, scientists from various universities and centers of research, civil society organizations and - through the tax contribution - national, provincial and municipal bodies. CTSA also collaborates with the local community, responding to its problems and needs with the deep conviction that, through a joint commitment, it will be possible to create well-being and improve quality of life for the local population.

### **Legality of ownership**

During the first 110 years of the Company's history, no complaints were registered by Mapuche groups regarding the ownership of these lands. The first claim was advanced in 2002, with the illegal occupation of the garrison of Santa Rosa by the Curiñanco - Rúa Nahuelquir family, of Mapuche origin. CTSA has always operated under the law, only resorting to the courts to assert its legitimate right of ownership. The verdict of this particular lawsuit resulted in the validation of all titles, clearing away any

doubts about the legality of the acquisition, as well as validating ownership titles that were assessed by all parties involved.

### **Occupation of the Santa Rosa property - Curiñanco-Nahuelquir case**

Between August 24 and 25, 2002, the Curiñanco - Rúa Nahuelquir family, of Mapuche origin, illegally settled in an area known as Santa Rosa, which belongs to Compañía de Tierras Sud Argentino; they remained for 38 days. This fact led the Company to take action in the courts. After presenting the property titles and all required evidence, the judge in charge of the case ordered, with a precautionary measure, the provisional restitution of the area to Compañía de Tierras Sud Argentino, a decision that was never contested by the Curiñanco - Rúa Nahuelquir family.

Following the corresponding legal proceedings, on May 31, 2004 - through an oral and public trial that took place in the city of Esquel - the judge settled the civil claim advanced by the Company, noting that there was no doubt about the ownership of the land, and ordered the total restitution of the latter.

During the judicial process, CTSA submitted to the courts all necessary evidence including land ownership titles for over 100 years, certified by documents and subsequently confirmed through appraisals carried out by experts of both the Company and the Curiñanco family. These appraisals unequivocally confirm the ownership of the land in favor of the Compañía de Tierras Sud Argentino. Likewise, the file holds documents that show how the IAC (Istituto Autárquico de Colonización) was consulted by the Curiñanco family on several occasions regarding the ownership of the Santa Rosa property (the first consultation dates back to February 15, 2002). In all cases, the body replied that the lands they sought to occupy belonged to Compañía de Tierras Sud Argentino.

On February 14, 2007, a group of people from Mapuche communities and the Curiñanco-Nahuelquir family, together with other indigenous militants, once again settled in an area of the Santa Rosa property. Faced with this situation, the Company expressed its astonishment that lands occupied again by the Mapuche 11 de Octubre Organization belong to the property of Santa Rosa, whose ownership by Compañía de Tierras Sud Argentino was confirmed by the Courts in a public trial held in 2004 - a decision the Mapuche family never challenged. Once again, as in 2004, the Company referred the case to strictly judicial proceedings because, as on the previous occasion, it had faith in both the legitimacy of its ownership titles and the justice system.

Following the corresponding legal proceedings, the Company forwarded to the courts all evidence that had already been accepted during the previous trial, evidence that left no doubt about the ownership of the land in question. On February 21, 2011, the Civil Court accepted the request, ordering the return of the territory to the Company.

Currently, since the cases have been closed, the justice system has avoided ruling on the matter because Law 26.160 is in force. This law has been extended by Law 26.554, which establishes the emergency in the matter of possession and ownership of disputed land throughout Argentina. On the basis of this law, evictions are suspended; consequently the courts have been exonerated from pursuing the cases. Since the regulation's expiration, in 2017, the Company has maintained its position of continuing to support its claims through the relevant institutional channels.

### **Concrete contribution of the Benetton family to the resolution of the case**

On November 8, 2004, on the occasion of the Nobel Prize Summit in Rome, Luciano Benetton announced in a letter to Adolfo Pérez Esquivel (the Argentine winner of the 1980 Nobel Peace Prize) that he would make available to Pérez Esquivel 2,500 hectares of good quality, Patagonian land, located in the surroundings of the city of Esquel. In this way Mr. Pérez Esquivel, "as a guarantor of recognized integrity and with deep knowledge of the situation in Patagonia, may use it in the way he sees fit" to the benefit of local indigenous peoples. For the Company, this represented a concrete as well as a symbolic contribution to the solution of the historical conflict of the indigenous peoples.

With this gesture, Luciano Benetton, in full agreement with the top management of the Compañía de Tierras Sud Argentino, responded to the request of Pérez Esquivel who, in a letter sent in July 2004 and in a subsequent meeting in September of the same year, had requested an intervention in favor of the indigenous peoples of Patagonia.

Due to the Nobel Peace Prize winner's refusal to act as guarantor, the possibility of pursuing this objective through the provincial government emerged during the meeting.

In this context, and moving forward with the proposal made by Luciano Benetton to donate a plot of productive land as a concrete and symbolic contribution to the benefit of the Mapuche community of Patagonia, in July 2005 Compañía de Tierras Sud Argentino acquired 7,500 hectares of land on the banks of the Chubut River, 50 km from the city of Gualjaina, in Chubut province.

The area, whose ownership titles are clearly established, was purchased by the Company to donate to the government of the Chubut province, so that a productive enterprise could be developed for the benefit of the indigenous families of the area. Unfortunately, this attempt at a solution also failed due to the use of an approach other than that originally determined for the acquisition of the land-- land which had been acquired exclusively to be donated.

## **Occupation of the Vuelta del Río property - Resistencia Ancestral Mapuche case**

The Vuelta del Río property belongs to Estancia Leleque, owned by Compañía de Tierras Sud Argentino. In March 2015, the property was occupied by a group of hooded strangers who exhibited overtly violent behavior. At the site, the hooded people displayed flags over the fences, with intimidating slogans such as "Benetton Get Out". The slogans were signed "Resistencia Mapuche" and attributed to the group identified as "Resistencia Mapuche" or "Resistencia Ancestral Mapuche" and "Movimiento Mapuche Autónomo de Puel Mapu". These groups have a serious history of violence and disavowal of the State, both in Argentina and in Chile. The leader of this movement and occupation was Facundo Jones Huala, currently detained in Chile after being extradited to that country.

Following its own line of conduct, the Company has submitted all the relevant complaints to the competent authorities. Unlike previous events, "Resistencia Ancestral Mapuche" is characterized by its high level of violence, not only against CTSA personnel, but also against the residents of the area, and even against the authorities who tried to approach the place. The illegal occupation was followed by several acts of extreme violence, such as kidnappings and robberies of caretakers and their families, arson, constant theft of livestock, cutting of fences and attacks - against collaborators of the Company - with stones, Molotov cocktails and other homemade weapons. In all cases, the events were reported to the authorities and documented.

In May 2016, after more than a year of occupation, the first foray into the property was made. During this period, eight people were arrested, including Facundo Jones Huala, a fugitive from the Chilean justice system with an international arrest warrant to his name. Weapons, nails, CTSA-marked animal skins and documentation of military tactics were seized. After a detention review hearing, the court ordered the release of all detainees, with the exception of Facundo Jones Huala. In an unprecedented event that clearly threatens judicial integrity, the court authorized the detainees to establish a domicile in the occupied camp. In 2018, Judge Estefanía ordered the release of all the detainees. In his ruling, Judge Estefanía recognized the acts that occurred as illegal, but claimed procedural flaws and very harshly questioned the actions of the Court itself and the prosecutors in investigating the case. In other words, the facts were considered proven, but the situation could not be resolved due to the inexperience of the authorities.

To date, while Compañía de Tierras Sud Argentino continues to appeal to the competent authorities, reporting all events that have occurred - events that affect both its activity and the safety and physical integrity of its workers - the courts have not provided any response and, in the majority of cases, they clearly refused to initiate investigations. Meanwhile, the violent groups remain illegally on the Vuelta del Río property and continue to intimidate employees, authorities and any

citizen who approaches the area. Livestock theft has grown exponentially, to unprecedented levels, and it has been possible to verify that animals are slaughtered and, in some cases, moved, presumably for sale. In turn, workers ask the Company to ensure their own and their family members' safety, given the refusal of the provincial government to provide basic guarantees in the seized area.

### **Occupation of "El Platero" property**

During the night of December 25, 2019, a group of unidentified people illegally entered an area located in "El Platero". The site - which belongs to Estancia El Maitén, itself owned by the Compañía de Tierras Sud Argentino - is located about a hundred meters from Provincial Road No. 4.

After having filed a report with the police, on the morning of Thursday December 26, Company officials accompanied by police officers approached the scene, where they found a path blocked by sticks and logs of wood; the personal items of the property caretaker, who usually resides there, were scattered everywhere. In addition, doors were forced open, entrance gates opened and smeared with inscriptions in red spray, including the characteristic signs of the Mapuche People, the inscription "LOF CURACHE", and other violent references against CTSA.

At that moment, and as described in the criminal complaint filed at the El Maitén district police station, several people - most with their faces covered and armed with knives - approached, saying they had entered to take possession of the land, claiming "ancestral ownership" rights.

It is worth noting that the site's property caretaker was on vacation, a situation that favored the acts of violence. Fortunately, on this occasion, there were no injuries to people, unlike during previous incidents, when people were hurt. mea

As always, the Company continues to report and submit all relevant information to the authorities, hoping that its legitimate property rights will be protected. Unfortunately, as in the past, the provincial Court and the prosecutor's office delay the basic procedural measures, hindering the actions of the justice system itself. The lack of legal certainty, which affects the Company's plans in terms of investments and job creation, is certainly a cause for concern.

### **Other cases in the area**

In recent years, there have been numerous cases of illegal occupations in the area, affecting individuals and territories belonging to Argentinian National Parks. The situation does not only concern large farms, but also small- and medium-sized producers in the area, such as the Costa del Lepá.

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