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## Chile: Mega forest fires, corporate crime and impunity

In the south-central region of Chile, mega forest fires have been spreading progressively, shaking the country on a regular basis. They are related to the industrial tree plantations of exotic species of pine and eucalyptus. The last fire occurred in the summer season of 2017, and in early February, almost 600,000 hectares were recorded to have been devastated—in some parts of the O'Higgins region, all of Maule and a good part of Bio Bio. Most of the outbreaks were started intentionally on the plantations, and resulted in 11 deaths, 1,551 burned properties, 6,162 affected people and millions in economic and material losses, along with profound environmental damage. (1)

Three theses on the intent of the fires appeared in the public agenda. The first is related to the so-called international network of corruption, due to the profit that would be gained from the mega fires. (2) The second is a fact that has not been considered as a driving force, despite public institutions' knowledge of it: uncontrolled pests in tree plantations that were present in the areas that were devastated. (3) The third thesis is the one that certain ultra-right groups raised, related to acts of "Mapuche Terrorism." They created a false news campaign that seeks to divert responsibility from plantation companies, by accusing indigenous Mapuche communities—despite the fact that the fires this time happened in areas where there is practically no presence of Mapuche communities. (4)

Several organizations believe there is an orchestrated action with clear intent. Most of the fire-affected areas were mainly planted with pine and eucalyptus monocultures that had been affected by pests. (5) Some of these pests were absolutely out of control, and indeed, have been increasing throughout all of south-central Chile, as in the case of the *Sirex noctilio*, or "driller wasp." (6) This has been denounced since 2012, in the context of fire outbreaks that summer (7), which razed some 60,000 hectares and killed seven firefighters. (8) At that time, a certain group of politicians also tried to incriminate "Mapuche causes" through a media campaign, even applying the Anti-Terrorist Law directed at indigenous Mapuche communities. This exploited the latent historical conflicts between Mapuche communities and plantation companies who co-opted their lands—generating a serious wave of racism, intolerance, xenophobia. This context prompted a journalistic investigation and the publication of a book in 2014. (9)

There are an estimated three million hectares of tree plantations in south-central Chile, of which some 750,000 hectares correspond to CMPC's holding, whose main company is Forestal Mininco. Forestal Mininco, controlled by the Matte Group, has a fortune exceeding 11.5 billion dollars. The other company present concentrates over 1.2 million hectares and corresponds to the holding of Copec-AntarChile, whose main logging company is Celco – Arauco of the Angelini Group—which also has a fortune in the billions of dollars. Both economic groups are linked to Chile through situations of corruption, plunder, conspiracies and collusions. (10)

Logging companies have annually received billions of pesos from State coffers. In 2017, in the midst of large demonstrations, over 100 organizations stressed: "We call on the responsible state political powers to end the forest model. It is taking us all to an abyss, and the debacle has been progressively increasing in the midst of public institutions' ineffectiveness and forestry economic groups' political cronyism and corruption networks. Billions in taxes are annually allocated to the

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Country's main economic interest groups, for expenses such as: production costs; scientific research in public universities; CONAF [National Forest Corporation] firefighters to put out their fires; government forces to guard their property; road improvements because high truck traffic carrying their harvests has destroyed roads; annexing of peasants' and communities' lands in their interests; distribution of thousands of liters of water to areas experiencing water crises—located in regions with the greatest concentration of logging; biotechnology development to improve species to be more resistant to climate changes in mountainous areas or to better extract water from water tables (...) This state plunder cannot continue." (11)

It is also important to consider the state resources used to criminalize Mapuche people in the context of conflicts over ancestral lands, mainly in the areas of Arauco, Malleco, Cautín and Los Ríos. This involves several cases of violence, including serious acts of violence against Mapuche children. (12)

Another factor, which is no minor matter, is that pine and eucalyptus trees are considered to be "pyrophytic" species with a high risk of combustion and propagation. Eucalyptus trees produce a highly flammable oil, which is why they are called "gasoline trees." The same is true of pine trees, given their high resin content. In monoculture, both species have contributed to the expansion of mega fires—also caused by these plantations—in south-central Chile, in the midst of a major water crisis. (13)

## **Corporate Impunity in Criminal Fires**

In September 2015, several organizations—including the Network for the Defense of the Territories, the Latin American Environmental Conflict Observatory (OLCA), and student and environmental representatives—went to the National Prosecutor's office to deliver a folder with over 300 pages that document the arson, or the relationship between the arson and mercenary groups tied to plantation company interests. (14)

Some of the materials submitted included: testimonies from ex-guards linked to surveillance companies on forest lands; confessions by workers who were paid to commit arson and incriminate Mapuche leaders; incomplete examinations and abandoned legal cases related to forest arson and mercenary groups; former agents of the military dictatorship's intelligence service providing surveillance services to companies; public testimonies by parliamentarians; investigative reports; and legal opinions.

They also submitted information on the relationship between plantation fires and pests; the existence of mercenary groups aimed at criminalizing and repressing the Mapuche people; and the insurance payouts and collusion among the business, political and justice sectors of the Araucanía region.

It is inconceivable that the Public Ministry has not yet established lines of inquiry to determine actions and responsibilities related to the interests of plantation companies—in particular the companies Mininco and Arauco. Instead, with bias and racism, prosecutors have preferred to launch an open persecution of the Mapuche people.

The organizations denounced the direct links between justice workers and political interests linked to the plantation industry, referring to the former Araucanía regional prosecutor, Francisco Ljubic, and former prosecutor Luis Chamorro—who for years carried out actions that criminalized several Mapuche community members. Citing health reasons, Chamorro resigned from his position in 2014 and began providing his services as a lobbyist for the Arauco company. (15)

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Following the allegations, the Prosecutor's Office decided to carry out an investigation in the Bio Bio and Araucanía regions. However, there has been no investigation to date.

Amidst the devastation caused by the mega fires in 2017, on January 31st of that year, 110 organizations submitted to the State Defense Council diverse records of precedents related to acts of arson that benefitted forest industry interests in the Maule, Bio Bio and Araucanía regions. The Council is meant to ensure the public interest and is a significant national actor when it comes to complying with environmental legislation. Therefore, through a formal petition, the Council was requested to undertake an investigation and take legal action regarding the companies' responsibility in the forests fires. (11)

However, on February 22, 2017, the Council stated that it did "not have the investigative capacities required (...) to intervene in this matter" and added that: "the records submitted have been delivered to the Environmental Service Unit to be studied and analyzed, in order to gather more information and act according to the legal functions and faculties conferred to this Unit." The document was signed by Carlos Mackenney, acting president of the State Defense Council. (16)

It is clear to the organizations that the State Defense Council did not want to take action because there are conflicts of interest. These organizations denounced that Council President (Juan Ignacio Piña Rochefort) was a trusted official of former President Sebastián Piñera during his term; Piñera, in turn, has a close relationship with logging companies. The former president was a partner in Antar Chile—of the Angelini Group's forest holding—and he maintains a close relationship with the Matte Group of the Mininco logging company. It is also impossible to ignore the networks of corruption with broad sectors of the opposition and with pro-government sectors, including several officials linked to the Bachelet government and the companies. "The State Defense Council merely washed its hands [of the matter]," the organizations said.

After the fires of 2017, it was leaked in the media that the Maule Regional Prosecutor was investigating the relationship between the fires and tree plantations. In July 2017, it was reported that: "Prosecutor Mauricio Richards, in charge of the case, is investigating the relationship between this national disaster and a decree issued one month prior to the fire outbreaks. This decree was issued by the Agricultural and Livestock Service (SAG, by its Spanish acronym), which quarantined many of the pine plantations that were razed, due to an infestation of driller wasps that rendered useless hundreds of hectares—which were later affected by the fires. Suspicion falls again on the forest industry, due to the fact that insurance covers land affected by fire, but would not have been valid for damages caused by the infestation." (17)

Following the press leaks, the Prosecutor issued a public statement denying such an investigation and stating that "The investigations today are focused on other issues, which does not mean that if serious and specific allegations exist about possible wrongful insurance charges due to the presence of the wasp, they will not be investigated with the same rigor and professionalism with which all claims received by the Public Ministry are investigated." (18) The refusal to investigate confirmed the allegations that indicate complicity between the Public Prosecutor and the companies.

The Public Prosecutor's Office of Chile—a supposedly autonomous institution whose role is to direct investigations into crimes, bring the accused to court if necessary, and provide protection to victims and witnesses—faces accusations of being party to and an accomplice in the crimes related to plantation companies. Said accusations link its officials with the interests of these private corporations. The State Defense Council faces a similar situation. This entity prefers omissions and prefers not to fulfill its obligations, despite having the ability to do so. It has allowed crimes that were

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committed in the context of the mega forest fires go unpunished—crimes that have razed south-central Chile in recent years.

People are sustaining a constant resistance to the industrial forest model in several territories. In a meeting held in Temuco in May 2018, it was announced that the denouncements will continue at various political and human rights bodies, at the local and international levels, in order to put an end to the impunity.

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- (1) [¿Quiénes incendiaron Chile?](#)
- (2) [La red internacional de corrupción que se beneficiaría con los megaincendios en Chile](#)
- (3) [Resoluciones del SAG y estudio Conaf confirman plagas en amplias extensiones de plantaciones forestales](#)
- (4) [El “Terrorismo Mapuche”: La campaña de desinformación para desviar responsabilidades en mega incendios forestales](#)
- (5) [Resoluciones del SAG y estudio Conaf confirman plagas en amplias extensiones de plantaciones forestales](#)
- (6) [Sirex noctilio o avispa de la madera del pino](#)
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- (9) [Libro “VIDAS DE PAPEL. Negocio de la Madera y conflicto Intercultural en Chile” \(2014\)](#)
- (10) [Especial conflicto forestal en Chile: Colusión, saqueo, corrupción, conspiraciones](#)
- (11) [Organizaciones responsabilizan a empresarios por incendios y piden fin del modelo forestal](#)
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- (15) [Ex Fiscal “antimapuche”, Luis Chamorro, aparece registrado como lobbista de brazo forestal del grupo Angelini](#)
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