Centralized National Risk Assessment for Chile

FSC-CNRA-CL V1-0 EN
<table>
<thead>
<tr>
<th>Title:</th>
<th>Centralized National Risk Assessment for Chile</th>
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</thead>
<tbody>
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<td>Document reference code:</td>
<td>FSC-CNRA-CNRA-CL V1-0 EN</td>
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<td>27 June 2018</td>
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<td>FSC International Center - Performance and Standards Unit - Adenauerallee 134 53113 Bonn, Germany</td>
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<td>+49-(0)228-36766-0</td>
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<td>+49-(0)228-36766-30</td>
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<td></td>
<td><a href="mailto:policy.standards@fsc.org">policy.standards@fsc.org</a></td>
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FSC’s vision is that the world’s forests meet the social, ecological, and economic rights and needs of the present generation without compromising those of future generations.
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## Risk assessments that have been finalized for Chile

<table>
<thead>
<tr>
<th>Controlled Wood categories</th>
<th>Risk assessment completed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Illegally harvested wood</td>
<td>YES</td>
</tr>
<tr>
<td>2 Wood harvested in violation of traditional and human rights</td>
<td>YES</td>
</tr>
<tr>
<td>3 Wood from forests where high conservation values are threatened by management activities</td>
<td>YES</td>
</tr>
<tr>
<td>4 Wood from forests being converted to plantations or non-forest use</td>
<td>YES</td>
</tr>
<tr>
<td>5 Wood from forests in which genetically modified trees are planted</td>
<td>YES</td>
</tr>
</tbody>
</table>
## Risk designations in finalized risk assessments for Chile

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Risk designation (including functional scale when relevant)</th>
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<tbody>
<tr>
<td><strong>Controlled wood category 1: Illegally harvested wood</strong></td>
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<tr>
<td>1.1</td>
<td>Specified risk for indigenous territories&lt;br&gt;Low risk for the rest of the country</td>
</tr>
<tr>
<td>1.2</td>
<td>N/A</td>
</tr>
<tr>
<td>1.3</td>
<td>N/A for plantations in agricultural land&lt;br&gt;Specified risk for natural forest and plantations on forest land in regions Araucania(9º) and Biobío(8º)&lt;br&gt;Low risk for the rest of the country</td>
</tr>
<tr>
<td>1.4</td>
<td>N/A for plantations in agricultural land&lt;br&gt;Specified risk for natural forest and plantations on forest land in regions Araucania(9º) and Biobío(8º)&lt;br&gt;Low risk for the rest of the country</td>
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<tr>
<td>1.5</td>
<td>Specified risk</td>
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<tr>
<td>1.6</td>
<td>Specified risk</td>
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<td>1.7</td>
<td>Specified risk</td>
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<td>1.8</td>
<td>Specified risk</td>
</tr>
<tr>
<td>1.9</td>
<td>Specified risk</td>
</tr>
<tr>
<td>1.10</td>
<td>Specified risk</td>
</tr>
<tr>
<td>1.11</td>
<td>Low risk for big forest operations&lt;br&gt;Specified risk for small forest operations</td>
</tr>
<tr>
<td>1.12</td>
<td>Low risk for big forest operations&lt;br&gt;Specified risk for small forest operations</td>
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<tr>
<td>1.13</td>
<td>Specified risk</td>
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<tr>
<td>1.14</td>
<td>Specified risk</td>
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<tr>
<td>1.15</td>
<td>Specified risk</td>
</tr>
<tr>
<td>1.16</td>
<td>Low risk for natural forest&lt;br&gt;Specified risk for plantations</td>
</tr>
<tr>
<td>1.17</td>
<td>Low risk for natural forest&lt;br&gt;Specified risk for plantations</td>
</tr>
<tr>
<td>1.18</td>
<td>Low risk</td>
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<tr>
<td>1.19</td>
<td>Low risk</td>
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<tr>
<td>1.20</td>
<td>Specified risk</td>
</tr>
<tr>
<td>1.21</td>
<td>N/A</td>
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<tr>
<td><strong>Controlled wood category 2: Wood harvested in violation of traditional and human rights</strong></td>
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</tr>
<tr>
<td>2.1</td>
<td>Low risk</td>
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<tr>
<td>2.2</td>
<td>Specified risk</td>
</tr>
<tr>
<td>2.3</td>
<td>Specified risk</td>
</tr>
<tr>
<td><strong>Controlled wood category 3: Wood from forests where high conservation values are threatened by management activities</strong></td>
<td></td>
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<tr>
<td>3.0</td>
<td>Low risk</td>
</tr>
<tr>
<td>3.1</td>
<td>Low risk for regions XV, I – IV, RM, XI and XII&lt;br&gt;Specified risk for regions V – X and XIV</td>
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</table>
### 3.2
Low risk for the rest of the country

### 3.3
Low risk for regions XV, I – IV, RM, XI and XII
Specified risk for regions V – X and XIV

### 3.4
Low risk for regions: XV, I – IV, RM, XI and XII, and natural forest in regions V-X and XIV
Specified risk for plantations in regions V-X and XIV

### 3.5
Low risk for regions: XV, I – IV, RM, XI and XII, and natural forest in regions V-X and XIV
Specified risk for plantations in regions V-X and XIV

### 3.6
Low risk
Controlled wood category 4: Wood from forests being converted to plantations or non-forest use

### 4.1
Specified risk
Controlled wood category 5: Wood from forests in which genetically modified trees are planted

### 5.1
Low risk
Risk assessments

Controlled wood category 1: Illegally harvested wood

Overview

Continental Chile has a surface area of 75.6 million hectares, 23% of which are forests. Native forests comprise 14.3 million hectares, while planted forests (FAO term) represent 2.45 million hectares. However, 98% of industrial supply comes from planted forests made up largely of Pinus and Eucalyptus plantations, says the Chile Forestry Institute (INFOR- Instituto Forestal Chile 2015). Native forests are grouped into 12 types, 70% of which are in the regions of Los Lagos, Aysén and Magallanes. Roughly 4.1 million hectares of native forests are protected in state nature reservations. Regarding land tenure almost all planted forests are in the hands of private companies, 60% being held by 3 big companies and the rest by more than 20,000 small and medium-sized producers. The state holds close to 20% of native forest tenure, while the rest is in the hands of producers of various sizes (INFOR Forest Statistics).

In general, the majority of forest land area is held through clear and undisputed property deeds. There are communes mainly in the regions of Biobío, Araucanía and Los Ríos, where there is overlapping ownership of land through rights called "land titles" belonging to the Mapuche people. In line with the interviews carried out by legal experts, in the majority of cases the agreement of customary rights is not recognised by Chilean legislation, thus there is no non-compliance per se with this overlapping. However, given the importance of the Mapuche with regard to the international FSC, certain precautions should be taken in cases where this overlap exists. This situation will be examined when the category 2 risk assessment is done. There are basically two pieces of legislation applicable to activities related to submitting management plans: Decree-Law 701 (Decreto Ley 701) on forest development and Act 20.283 on native forest recovery and forest development. Regarding forest management and use permits, a forest management plan must be submitted to the National Forestry Corporation (Corporación Nacional Forestal - CONAF), in order to carry out work in forests located on land suitable for forestry, pursuant to Section 21 of the Decree-Law 701 of 1974 (artículo 21 del Decreto Ley N° 701) and any felling as set out in Section 5 of Act 20.283.

The management plan includes namely the surface area to be managed and/or felled, forest parameters and guidelines of the plot and environmental specifications relating to the definition and care for protected areas, as well as practices for pest control and fire prevention. To harvest or manage a forest the producer must submit a management plan and pay a tax on the area to be worked on, and await approval by CONAF.

CONAF oversees compliance with the management plans based on potential environmental risk criteria, sampling approximately 5% of management plans submitted every year. Regarding forest product transport in native forests, CONAF provides a Timber Extraction Contract if approval is given to the management plan, in order to safeguard against any harvesting from these forests. Moreover, the internal tax service (servicio de impuestos internos – SII) requires that the transportation of any product, forestry or otherwise, be accompanied with a dispatch note stating the origin of the timber, including for forests where there are areas in quarantine for pest control, as defined by the Agriculture and Livestock Service (servicio agrícola y ganadero - SAG). A special management plan must be submitted to CONAF. Regarding the substitution of natural forests, according to the Ministry of the Environment (Ministerio del Medio Ambiente) figures around 122 thousand hectares were substitution between 1993 and 2009 (especially in the regions of Maule and Los Lagos). 80 thousand were for forestry plantations, 40 thousand for agricultural use and the rest for urbanisation.
This substitution surged in the 90s and slowed down gradually, thanks to forest certification and increasing state restrictions. According to CONAF, between 2009 and 2014 an annual average of 1,700 hectares were felled illegally, 80% of which were native forest.

NOTE: During the review, it was found that in several communes, mainly the Province of Arauco, caution has to be exercised, as the risks identified affect more than one indicator of those highlighted in this review. The precautionary approach is therefore recommended.

The list of sources provided in FSC-PRO-60-002a, section 3.3.3 has been reviewed for relevance in regards to the national legality risk assessment of Chile. The following sources have been used:

a) Chatham House: http://www.illegal-logging.info/; The following is noted in the website: “some illegal felling exists in Chile, but it has received little attention from the media and NGOs in recent years”. However, in the reference link (http://www.fao.org/forest-resources-assessment/current-assessment/en/) no specific study can be found which provides objective evidence of the scale of illegal harvesting in the country.

b) ELDIS regional and country profiles: http://www.eldis.org; The site states that Chile has subscribed to NAMAs - Nationally Appropriate Mitigation Actions, as an adaptation measure against global climate change. http://www.eldis.org/go/country-profiles&country=1043#.V0Gqbvl95JQ In this sector the Forest NAMA was created, a first at global level. This initiative is supported by the Swiss Government and also states that the environmental situation and forest development in the country - thanks to legal regulations (DL 701 and Act 20,283) – represent both a strength and an opportunity to reposition the national forestry sector (see link http://www.CONAF.cl/CONAF-destacocaracter-pionero-de-nama-forestal-de-chile/).

c) Forest Legality Alliance: http://www.forestlegality.org/; The site states that there was a positive rate of change in forest land by 0.23% per year between 2005 and 2001. However, during the same period there was an annual decrease of 0.22% in primary forests, due to an increase in planted forests. Reference is made to a complaint lodged by Greenpeace, regarding the illegal felling of larch trees in 2005. On the Chilean website there are photographs that allude to this, published between 2004 and 2005, although no precise details are given: Greenpeace (2005) Photos on the national website of Greenpeace Chile. (http://www.greenpeace.org/chile/es/System-templates/Search-results/?all=tala%20ilegal%20de%20alerce).


e) Courts of Justice’s records: Reference is made to the State Defence Council’s sentences passed on the illegal felling of 286 hectares of native forest between 1999 and 2007, a rate of 41 hectares per year. More recent data from the Ministry of Justice show that in 2015, only one of the 1,300,000 relate to the violation of the native forest act (http://www.fiscalesdechile.cl/Fiscalia/estadisticas/index.do).

f) Public summaries of FSC forest management certification reports published on info.fsc.org (information on legal areas where non compliances have been identified during the certification process that are likely to be common for non-certified operations); Audit reports highlight about 50 thousand substituted hectares and disputed areas of land, generally referencing Mapuche customary law.

g) Public summaries of other 3rd party forest legality certification/verification systems; There are no complaints on the websites of PEFC/Certfor or that of FSC Chile. Businesses certified by both of these can be found on the following links:

i) Transparency International Corruption Perceptions Index: http://www.transparency.org/country/#CHL Corruption perception in Chile is ranked 24rd (out of a total of 176 countries) according to 2016 figures. The OECD’s Bribery Perception Index put Chile in the ‘low’ category in 2015.

j) World Bank Worldwide Governance Indicators: http://data.worldbank.org/datacatalog/worldwide-governance-indicators; Regarding corruption control in Chile, according to figures from 2010 it has a score 1.52, on a scale of -2.5 to 2.5, with 2.5 being the highest. Regarding compliance with laws and regulations, the same year it received a score of 1.29.

k) In cases where other sources of information are not available, consultations with experts within the area were conducted during the month of May 2016 (*Due to confidentiality issues, the experts consulted have not been named specifically in this report, but the list of experts is maintained by FSC International, including the name of the expert consulted, email, address, job title, organisation, area of expertise, contact and meeting time/date). Where relevant, they have been specifically referenced under “sources of Information” for each applicable indicator.

The remaining sources were found not to be relevant for the legality risk assessment for Chile.
## Sources of legal timber in Chile

<table>
<thead>
<tr>
<th>Forest classification type</th>
<th>Permit/license type</th>
<th>Main license requirements (forest management plan, harvest plan or similar?)</th>
<th>Clarification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Native forest</td>
<td>CONAF-approved native forest management plan, or Environment Impact Assessment/Statement approved by the Ministry of the Environment (Ministerio de Medioambiente).</td>
<td>Legislation states that to manage or extract from a native forest, a native forest management plan must be submitted, undertaken by a forest engineer or equivalent professional. If approved, this constitutes the according Licence to Develop/Manage (Licencia de Aprovechamiento/Manejo). The management plan must specify the plot to be managed, long-term goal (five years plus), description of interventional techniques and protection measures. Clearcutting or conversion is not permitted unless an environmental impact assessment is approved by the Ministry of the Environment’s environmental impact service, if the plan involves circumstances covered by Act 19,300 and its regulations. If it is processed under Act 19,300, a sectorial permit must be submitted to CONAF, called the Management Plan of Civil Works (Plan de manejo de obras civiles). This will contain information about the area of native forest to be managed as well as an in situ or ex situ restoration plan. All material produced and commercialised must have a Timber Extraction Contract.</td>
<td>An approved management plan, allows the user to begin harvesting or management of natural forests. Transport of timber resources can only be done with Timber Extraction Contracts (guías de libre tránsito). It is illegal if the quantities, species and/or origins are not correctly declared. Inspections are carried out by police and CONAF. Any infractions are presented before the local police court in the commune where the charges were made. Certificates have a limited validity, after which the product becomes illegal and cannot be further processed even if it is in or has come place that holds harvesting licences.</td>
</tr>
<tr>
<td>Plantations</td>
<td>CONAF-approved management plan</td>
<td>Legislation states that to manage a plantation, there are two requirements: a plantation management plan and membership rules (schedule management plan), signed by a forest engineer or equivalent professional. In general, small and medium-sized producers can be subject to schedule management plans, known as membership rules, in the case of small areas of land. If approved, this constitutes the according Licence to Develop/Manage (Licencia de Aprovechamiento/Manejo). The management plan must specify the plot to be managed, aim, description of interventional techniques and protection measures</td>
<td>An approved management plan allows the user to begin harvesting or management of natural forests. Extracting timber resources can only be done with Timber Extraction Contracts. It is illegal if the quantities, species and/or origins are not correctly declared. Certificates have a limited validity, after which the product becomes illegal and cannot be further processed even if it is in or has come place that holds harvesting licences.</td>
</tr>
</tbody>
</table>
## Risk assessment

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Applicable laws and regulations, Legal Authority, &amp; Legally required documents or records</th>
<th>Sources of Information</th>
<th>Risk designation and determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Land tenure and management rights</td>
<td><strong>Applicable laws and regulations</strong>&lt;br&gt;1. Political constitution of the State of Chile (Constitución política de la República de Chile): Art. 19 No. 24 incl. 1st-5th (private property) (<a href="http://www.dt.gob.cl/legislacion/1611/articles-81837_recurs0_1.pdf">http://www.dt.gob.cl/legislacion/1611/articles-81837_recurs0_1.pdf</a>)&lt;br&gt;2. Civil code (Fixed consolidated, coordinated and systematized text of the civil code; Of Law Nº4.808, on civil registration, of Law No. 17344, authorizing the change of names and surnames, Law No. 16.618, Minors Act, Law No. 14.908, on Family Abandonment and Pension Payment (Inheritance, assignment and donation tax) Arts.: 568, 783, 1980 (property)(fija texto refundido, coordinado y sistematizado del código civil; de la ley Nº4.808, sobre registro civil, de a ley Nº17.344, que autoriza cambio de nombres y apellidos, de la ley Nº 16.618, ley de menores, de la ley Nº 14.908, sobre abandono de familia y pago de pensiones alimenticias, y de la ley Nº16.271, de impuesto a las herencias, asignaciones y donaciones) Arts.: 568, 783, 1980</td>
<td><strong>Government sources</strong>&lt;br&gt;CONAF (2008) Ownership data in Chile. Sector Planning Department. National Forestry Corporation (Corporación Nacional Forestal - CONAF) (Chilean Government) CONAF – (<a href="http://www.fao.org/forestry/download/17084-01936cb769f443ad4ee26d8871e12bd95.pdf">http://www.fao.org/forestry/download/17084-01936cb769f443ad4ee26d8871e12bd95.pdf</a>)&lt;br&gt;National Statistics Institute (2007) Agricultural and Forest census. Web page of INE Chile (<a href="http://www.ine.cl/canales/chile_estadistico/censos_agropecuarios/censos_agropecuarios.php">http://www.ine.cl/canales/chile_estadistico/censos_agropecuarios/censos_agropecuarios.php</a>)&lt;br&gt;INFOR (2016) The chilean forest sector 2016. Web page of INFOR Chile (<a href="http://wef.infor.cl/sector_forestal/sectorforestal.php#0">http://wef.infor.cl/sector_forestal/sectorforestal.php#0</a>)&lt;br&gt;CONADI (2016) Indigenous Development Area. Website of CONADI- Ministry for Social Development-Chilean Government (<a href="http://www.conadi.gob.cl/index.php/nuestra-institucion/areas-de-desarrollo-indigena">http://www.conadi.gob.cl/index.php/nuestra-institucion/areas-de-desarrollo-indigena</a>)</td>
<td><strong>Overview of Legal Requirements</strong>&lt;br&gt;Regarding land ownership, almost all planted forests are in private hands, 60% in the hands of three big companies, and the rest in the hands of more than 20,000 small and medium-sized producers and indigenous communities.&lt;br&gt;Native forest land ownership is around 20% state property and the remainder made up of producers of various sizes.&lt;br&gt;The Political Constitution of the Republic of Chile safeguards the right to private property, Chilean civil code sets out property requirements on immovable assets (eg forests). Property goods law is guaranteed by, among others, Article 19, No. 24 of the 1980 Political Constitution of the Republic of Chile. It states that only the law can limit or restrict this, as long as the aim is to conserve environmental heritage. This guarantee and its limitations apply to any type of property. Property law allows the owner to use, enjoy and have access to the property goods, when not contrary to the law or the rights of others, according to article 580 of the Civil Code.&lt;br&gt;Decree-Law No. 701 of 1974 on Forest Development (Fomento Forestal) modified by Act 19.561 of 2008 and Act 20.283 of 2008 on native forest recovery and forest development. Its provisions define owners of forests, with an aim to identify clearly the subjects who can benefit from actions to create or manage sustainable forests, as well as stating their rights and obligations.&lt;br&gt;The company/landowner need to apply to the “conservador de bienes raices de la comuna” (land registry of the commune) where the land (predio) is based, a Certificate of current domain (“certificado de dominio vigente”) that proves the property of the</td>
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<td>4.</td>
<td>L20.283 (Ley sobre recuperación de Bosque Nativo y fomento forestal) (Native forest recovery and forest development) (<a href="https://www.leychile.cl/Navegar?idNorma=274894">https://www.leychile.cl/Navegar?idNorma=274894</a>)</td>
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<td>5.</td>
<td>D.L 701 (Fija régimen legal de los terrenos forestales o preferentemente aptos para la forestación, y establece normas de fomento sobre la materia) (Sets out legal regime on forest land or preferably suited to forestry, and defines development rules in this sector) (L 20,488, L 19,561, L 18,959, D.S 193) (<a href="http://www.leychile.cl/Navegar?idNorma=6294">http://www.leychile.cl/Navegar?idNorma=6294</a>)</td>
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<td>6.</td>
<td>D.L 1939 (Normas sobre adquisición y administración de Bienes del Estado) (Procurement and administration of state goods) (<a href="http://www.leychile.cl/Navegar?idNorma=6778">http://www.leychile.cl/Navegar?idNorma=6778</a>)</td>
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<td>land and links the “land” with the owner. This document is essential to prove the legality of the land before any forest activity (source: DL 2695) The promulgation of Law 19.253 that establishes Standards on Protection, Promotion and Development of Indigenous People in October 1993. The Indigenous Law 19.253 recognizes nine indigenous peoples: Aymara, Atacameño, Quechua, Colla, Diaguita, Mapuche, Rapanui, Kawésqar and Yámana or Yagán. The law 19.253 recognizes as indigenous lands those possessed by these peoples, either by regulations or transfers of fiscal lands made by the State through the Ministry of National Assets, by land purchases made by CONADI, or by having been owned by virtue of other titles. The law 19.253 includes the Paragraph 1 of Title II to the protection of indigenous lands. Broadly speaking, it identifies those considered as indigenous lands, incorporating in this category those that come from all kinds of titles emanating from the State, those that by historical occupation are registered for the future in the land registry created by law, those that are declared in the future as belonging to indigenous communities, and those that indigenous people and their communities receive in the future, free of charge from the State (article 12). These lands, which may be individually or collectively owned, will be exempt from the payment of contributions. The law also establishes that, “as required by the national interest,” indigenous lands may not be alienated, seized, encumbered or acquired by prescription, except among communities or persons of the same ethnic group (article 13). Neither may be leased in the case of community lands, and only for a period not exceeding five years in the case of individual property. Article 15 (from the Law 19253) establishes that CONADI will be in charge of a Public Registry of Indigenous Lands, where all the lands mentioned in article 12 of the same law will be inscribed, and only this inscription will grant the quality of indigenous land.</td>
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<tr>
<td>8.</td>
<td>L 18.362 (Crea un Sistema Nacional de Áreas Silvestres Protegidas del Estado-SNASPE) (Act on Protected areas - SNASPE) (<a href="http://www.leychile.cl/Navegar?idNorma=29777">http://www.leychile.cl/Navegar?idNorma=29777</a>) Informe Anual sobre Derechos Humanos en Chile 2017 (Annual Report of Human Rights in Chile from 2017) – Centro de Derechos Humanos UDP – Facultad de Derecho (Human Rights Center UDP - Faculty of Law) <a href="http://www.derechoshumanos.udp.cl/derechoshumano/s/images/InformeAnual/2017/5-ddhh%20pueblos%20indigenas%20tierra.pdf">http://www.derechoshumanos.udp.cl/derechoshumano/s/images/InformeAnual/2017/5-ddhh%20pueblos%20indigenas%20tierra.pdf</a> Interviews with experts: Discussions held with various experts during May 2016, helped the writers of this report better understand relevant legislation, associated risks and on-the-ground implementation. Regarding this indicator, interviews were carried out with different organisations, among which: National Forestry Corporation (Corporación Nacional Forestal), Internal tax service (Servicio de impuestos internos), logging companies, FSC Chile, SSC Américas, Mapuche professionals and legal experts.</td>
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<td>9.</td>
<td>DS 28 (aprueba modificación al decreto Nº 96, de 2008, que reglamenta los recursos destinados a la investigación del bosque nativo) (approved allocation of Native Forest Research Fund) (<a href="https://www.leychile.cl/Consulta/m/norma_plana?org=&amp;idNorma=1055322&amp;idVersion=2013-10-19">https://www.leychile.cl/Consulta/m/norma_plana?org=&amp;idNorma=1055322&amp;idVersion=2013-10-19</a>) Supreme Decree 150 of the Ministry of Planning and Cooperation establishes the regulation on organization and operation of the Public Registry of Indigenous Lands. Supreme Decree 395 of May 17, 1994, approving the Regulation on the Land and Indigenous Waters Fund. This consists of the granting of state subsidies for the acquisition of land, the financing of mechanisms for the resolution of conflicts related to lands and the financing for the constitution, regularization or purchases of water rights or works destined to obtain those resources. The Convention 169, ratified by Chile in 2008, highlights the duty of governments to recognize &quot;the importance of land for indigenous cultures, assuming that the concept of land includes that of territories.&quot; This &quot;recognizes the collective right of property based on ancestral titles and establishes the duty of the State to protect such rights&quot;. With respect to natural resources, the right to &quot;use, administration and conservation thereof&quot; is enshrined, considering also the right they have to be &quot;consulted for the eventual use of their natural resources, and participate in the corresponding benefits. Finally, the State must ensure the protection of the natural resources of indigenous peoples from their improper use &quot;</td>
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<td>10.</td>
<td>D.S 68 (aprueba modificación al decreto Nº 96, de 2008, que reglamenta los recursos destinados a la investigación del bosque nativo) (approves and formalises list of native tree and shrub species in the country) (<a href="http://www.leychile.cl/Navegar?idNorma=1008674">http://www.leychile.cl/Navegar?idNorma=1008674</a>) Article 14.1, from the Convention 169 which states that &quot;the peoples concerned shall be granted the right to property and possession over the lands they traditionally occupy (...) and safeguard the right of the peoples concerned to use lands that are not exclusively occupied by them, but to those who have traditionally had access to their traditional and subsistence activities &quot;. The objective of this norm is &quot;to guarantee the continuity of a way of life based on a particular relationship with the land, which requires the recognition of different degrees of intensity in the use of it&quot;. Declaration of Rights of Indigenous Peoples of the United Nations agreed on September 13, 2007, with the affirmative vote of the State of Chile, contains a catalog of indigenous rights applicable to all areas: economic, social, educational, cultural and environmental.</td>
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<td>11.</td>
<td>D.S 82 (aprueba reglamento de suelos, aguas y humedales L20283) (approves regulations on land, water and wetlands L20283) (<a href="http://www.concursolbn.CONAF.cl/ayuda/Reglamento_Suelos_Agua_Humedales.pdf">http://www.concursolbn.CONAF.cl/ayuda/Reglamento_Suelos_Agua_Humedales.pdf</a>)</td>
<td></td>
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<td>12.</td>
<td>D.S 129 (prohíbe la corta, arranque, transporte, tenencia y os%20indigenas%20y%20politica%20publica%20de%20entrega%20tierra.pdf)</td>
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</table>
| comercio de copihues (Lapageria rosea) y otorga trámite de urgencia al presente decreto) (prohibits cutting and removal of lapageria rosea (Copihue) (http://www.sag.cl/sites/default/files/d_s_129_copihue.pdf) | The Declaration, in its article 26.1, expressly states that "indigenous peoples have the right to lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired."

The same article 26.3 states that "States shall ensure the legal recognition and protection of those lands, territories and resources. Such recognition will duly respect the customs, traditions and land tenure systems of the indigenous peoples concerned."

Article 27 states that States "shall establish and apply, together with indigenous peoples, an equitable, independent, impartial, open and transparent process in which the laws, traditions, customs and land tenure systems of the land are duly recognized. Indigenous peoples, to recognize and adjudicate the rights of indigenous peoples in relation to their lands, territories and resources, including those that they have traditionally owned or occupied or used. Indigenous peoples will have the right to participate in this process."

**Description of Risk**

Chile is low-risk according to international risk ratings (World Bank Worldwide Governance Indicators, Forest Legality Alliance, among others). See source of reference World Bank Worldwide Governance Indicators.

Regarding corruption control in Chile, according to figures from 2010-2016 it has an average score of 1.43, on a scale of -2.5 to 2.5, with 2.5 being the highest. Regarding compliance with laws and regulations, the same period the average score is 88,94 (percentile rank among all countries (ranges from 0 (lowest) to 100 (highest) rank)). The OECD’s Bribery Perception Index put Chile in the ‘low’ category in 2015.

The long experience of Chile, in terms of Forest management and the creation of control bodies as CONAF, give to the country assessment a well recognised control measures within the government to ensure all requirements are follow up.

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<table>
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<tbody>
<tr>
<td>13. D.S. 4363 (Ley de bosques) (forest law) (<a href="http://www.leychile.cl/Navegar?idNorma=19422">http://www.leychile.cl/Navegar?idNorma=19422</a>)</td>
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<tr>
<td>17. Supreme Decree 150 (Decreto Supremo 150)- Fixed regulation on the organization and functioning of the public registry of indigenous lands</td>
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</tbody>
</table>
### Legal Authority

Note: The number included after the name of each authority refers to those laws in 1.1.1., which mainly come under that authority’s jurisdiction. The same note applies to all other indicators.

- **Ministry of National Goods (Ministerio de Bienes Nacionales)** 6,7
- **CONAF** 4, 5, 8, 9, 10, 11, 12, 13
- **Municipality Plans regulating land use, National Association of Municipalities**
  - http://www.achm.cl/ applies to forests or plantations within the urban radius.
- **CONADI (Corporación Nacional de Desarrollo Indígena)** (National Corporation for Indigenous Development)

#### Legally required documents or records

- Property deed
- Valid abstract of title
- Purchase agreement

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There are also communes in the centre-south region of Chile with customary titles called ‘land titles,’ claimed by indigenous peoples. Here there are potential risks of overlap between Mapuche lands and those holding property rights with businesses or logging companies (see report on ‘Historical Truth and New Treaty Commission’ and Indigenous Development Areas on the CONADI website). It should be highlighted that a risk assessment study carried out by FSC Chile in 2010 defined communes as homogenous analysis units (district). The existence of overlaps in forest property with ‘land titles’ belonging to Mapuche communities was considered a risk factor for the controlled wood standard developed by FSC Chile in 2009.

In general, the majority of the forest surface area is subject to clear and undisputed property rights, as highlighted by the specialists interviewed. It is also a low-relevance issue in the FSC auditing reports.

The land titles were awarded to the Mapuche once the Chilean state concluded its military occupation of Araucanía. These titles were given in accordance with the Act of the 4th of December 1886, by the Indigenous Peoples’ Residency Commission (Comisión Radicadora de Indígenas), in the provinces of Biobío, Arauco, Malлеco, Cautín, Valdivia and Osorno, between 1884 and 1929.

Between regions eight, nine and ten, 2,918 land titles were awarded. Currently, a percentage of these lands is lost and/or seized and no longer under indigenous control, through a series of legal and illegal mechanisms.

According to baseline studies there are roughly 600,000 hectares of indigenous land titles, affecting around 52 communes. Those communes that have greatest forest surface area in relation to commune area, and which could be considered as areas of potential land conflicts, are Cholchol, Collipulli, Curarrehue, Ercilla, Galvarino, Loncoche, Lonquimay, Los Sauces, Lumaco, Nueva Imperial, Padre Las Casas, Panguipulli, Perguenco, Pitrufquen, Pucón, Purén, Pto Saavedra, Temuco and Villarrica (Source prepared by the...
• Unique tax number (rol único tributario) for physical, legal persons
• Article of association for legal persons

author based on the map of land titles distribution in communes, on the Conadi website:

The issue represents a small area (around 0,008% of the territory).

Based on the Annual Report of Human Rights in Chile from 2014, the former special rapporteur of indigenous peoples of the United Nations, Rodolfo Stavenhagen, said in 2003 that "property rights to land and territoriality constitute one of the most serious historical problems affecting indigenous peoples in Chile, as they are the result of a long process of dispossession of their lands and resources ".

In Chile, despite the commitments and initiatives of the governments following the dictatorship, there is still no constitutional recognition of the nine indigenous peoples recognized by the Indigenous Law, nor their specific territories or collective rights recognized by international instruments. The enactment of Law 19,253 that Establishes Standards on the Protection, Promotion and Development of Indigenous People in October 1993, the ratification of Convention 169 of the International Labor Organization on Indigenous Peoples (hereinafter, Convention 169) and the Universal Declaration of The Rights of Indigenous Peoples in 2008, have represented important advances, but are still insufficient in terms of indigenous territories, as included on the Annual Report of Human Rights in Chile from 2014.

Based on the Annual Report of Human Rights in Chile from 2014, Indigenous peoples have stated on innumerable occasions, since the arrival of democracy, that their demand for land includes not only that which has been recognized by the Indigenous Law, but also includes what has been termed as ancestral or ancient lands.

The Indigenous Law does not accept the demands related to the recognition of the ancestral property of the lands, with the rights
over the natural resources in them or with the protection of rights over the territory.

Based on the role from FDTA (Fondo de Tierras y Aguas) and CONADI, criticisms have been raised regarding the lack of transparent procedures in the mechanisms of land restitution and/or delivery, the lack of pre-established criteria, the pressures or interference that would exist in the process of selecting the properties to be acquired, the use of the market as the main means of land restitution and the lack of productive accompaniment to the communities to which land is purchased.

Based on what has been noted above, using a precautionary approach in terms of land tenure and management rights of indigenous territories, considering the overlapping with “títulos de merced”, this indicator should be evaluated as specified risk.

**Risk Conclusion**

Land tenure and management rights on indigenous territories has been identified as specified risk (overlapping risk of “títulos de merced”).

Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.

For the rest of the country, this indicator has been evaluated as low risk. Threshold (1) is met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

<table>
<thead>
<tr>
<th>1.2 Concession licences</th>
<th>Applicable laws and regulations</th>
<th>N/A</th>
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</thead>
<tbody>
<tr>
<td>Not Applicable. This indicator does not apply in Chile, as there are no long-term concessions of forest property. Concessions are given in state-protected areas (SNAPSE) but not concessions associated with forest harvesting, rather low-impact tourism,</td>
<td>N/A</td>
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<td></td>
<td>N/A</td>
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<tr>
<td>1.3 Management and harvesting planning</td>
<td>Applicable laws and regulations</td>
<td>Government sources</td>
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<tr>
<td><strong>Native forests</strong></td>
<td><strong>1. Act 20.283 (Ley sobre recuperación de Bosque Nativo (BN) y fomento forestal) (Law on native forest recovery and forest development)</strong> (<a href="https://www.leychile.cl/Navegar?idNorma=274894">https://www.leychile.cl/Navegar?idNorma=274894</a>)</td>
<td>De la Maza (2012) General analysis of the effects of non-compliance and damage in environmental forestry (Análisis general de los efectos del incumplimiento y daño en materia forestal ambiental). IV Chilean Congress about Environmental law and forestry law (presentation). <a href="http://www.CONAF.cl/cms/editorweb/institucional/congresodfa/Presentacion-Jorge_De_La_Maza.pdf">http://www.CONAF.cl/cms/editorweb/institucional/congresodfa/Presentacion-Jorge_De_La_Maza.pdf</a></td>
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<td></td>
<td><strong>CONAF (2015) Criteria and indicators for the conservation and sustainable management of</strong></td>
<td></td>
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</tbody>
</table>
NOTE: The Project to create the Biodiversity and Protected Areas Service is underway: (http://www.senado.cl/servicio-de-biodiversidad-y-areas-protégidas-sala-dio-luz-verde/prontus_senado/2015-03-04/191234.html)

4. D.S 93 (Reglamento general de la ley sobre recuperación del bosque nativo y fomento forestal) (approves general regulations on native forest recovery and forest development) (http://www.leychile.cl/Navegar?id=Norma=1006865)

5. D.S 82 (Aprueba reglamento de suelos, aguas y humedales L20283) (approves regulation on land, water and wetlands, Act 20283) (http://www.concursolbn.CONAF.cl/ayuda/Reglamento_Suelos_Aguas_y_Humedales.pdf)

6. D.S. 4363 (Ley de bosques) (Forest law) (http://www.leychile.cl/Navegar?id=Norma=19422)

7. D.S 13 (Declara monumento natural las especies forestales queule, pitao, belloto del sur, belloto del norte y rui) (gives natural monument status to Quele, Belloto del Norte y Sur, Pitao, Rui) (http://www.CONAF.cl/cms/editor)

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temperate and boreal forests. 2015 Montreal Report on Chile (Informe Montreal Chile 2015)

Non-Government sources


Montoya L. (2004) Description and analysis of incentive-based policies to promote reforestation in Chile (Descripción y análisis de la política de incentivos para promover la reforestación en Chile). Kurú- Forestry journal

the Environmental impact service. The conditions of those projects requiring an environmental impact assessment are stipulated in Act 19,300 and its regulations. If it is processed under Act 19,300, a sectorial permit must be submitted to CONAF, called the Management Plan of Civil Works (Plan de manejo de obras civiles). This will contain information about the area of native forest to be managed as well as an in situ or ex situ restoration plan. In the case of timber extraction from quarantined areas for pest control, an ad hoc management plan must be submitted to the SAG – Agriculture and Livestock Service (Servicio Agrícola y Ganadero).

Description of Risk

Chile is a low-risk country in terms of international risk assessments in forest areas (see chapter on Summary of legal timber in Chile). It must be noted that the risk assessment carried out by FSC Chile in 2010 (Controlled Wood Risk Assessment: Native forest in Chile FSC-CWRA-004-CHI) for native forests, defined the commune as a homogenous analysis unit (district). It identified 42 communes with Specified risks for the category concerning legality. In addition, the FSC Chile’s 2009 risk assessment (Controlled Wood Risk Assessment: plantations in Chile FSC-CWRA-002-CHI) identified 6 communes with unspecified risks.

In the case of plantations, the risk threshold that FSC Chile used was the following: non-authorised felling on an area equal to or above 5% of the commune’s total surface area. In the case of native forest, the risk threshold that FSC Chile used was the following: communes in which there is a forest area which is equal to or above 25% of the commune total surface area, and in which there is no recorded information regarding non-compliance with forest legislation, or; communes in which the surface area of native forest is under 5% of the total surface area of the commune, and where there has been at least one registered violation of incentive-based policies to promote reforestation, or there is non-compliance over more than 5% of the area subject to the commune’s management plan.
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<td>8.</td>
<td>D.S 43 (Declara monumento natural a la Araucaria araucana) (gives natural monument status to Araucaria) (<a href="http://www.leychile.cl/Navegar?id_Norma=8102&amp;idParte=0">http://www.leychile.cl/Navegar?id_Norma=8102&amp;idParte=0</a>)</td>
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<td></td>
<td>Interviews with experts: Conversations held with various experts in May 2016 helped the writers of this report better understand relevant legislation, and associated risks of on-the-ground implementation. Regarding this indicator, representatives from different organisations were interviewed: National Forestry Corporation (Corporación Nacional Forestal), INFOR, FSC Chile, SSC Americas and legal experts.</td>
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<td>10.</td>
<td>D.S 295 (Prohíbe la corta de árboles en la zona de precordillera y cordillera andina que señala) (prohibits felling in the Andean region) (<a href="http://www.leychile.cl/Navegar?id_Norma=1027876">http://www.leychile.cl/Navegar?id_Norma=1027876</a>)</td>
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<td>11.</td>
<td>D.S 129 (Prohíbe la corta, arranque, transporte, tenencia y comercio de copihues (Lapageria rosea) y otorga trámite de urgencia al presente decreto) (prohibits cutting and removal of Copihue) (<a href="http://www.sag.cl/sites/default/files/d_s_129_copihue.pdf">http://www.sag.cl/sites/default/files/d_s_129_copihue.pdf</a>)</td>
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<td>12.</td>
<td>D.S 68 (Establece, aprueba y oficializa nómina de especies arbóreas y arbustivas originarias del país) (approves list of native tree and shrub species)</td>
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<td></td>
<td><a href="https://dialnet.unirioja.es/descarga/articulo/5123196.pdf">https://dialnet.unirioja.es/descarga/articulo/5123196.pdf</a></td>
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<td>More than six years have elapsed since the study by FSC Chile and the communes should be updated. The Montreal country report from 2015 indicated that, on average for the 2004-2014 period, there was a 3.7% rate of non-compliance with approved instruments, which corresponds to 7,378.5 hectares or 738 ha/year. Based on information provided by CONAF and the Forest Institute (INFOR), in consultations for the 2013-2015 period, a total of 9,257 management plans were submitted and approved, of which 327 showed non-compliance, i.e. 3.5% (under FSC Chile’s threshold risk), or an area of 3,374.6 ha. However, it was not possible to obtain disaggregated data at the level of the commune, province or region, in order to ascertain whether or not there are areas with higher rates of non-compliance. According to figures given by CONAF, from 2014-2015, 25% of all management plans submitted were subject to inspection, which shows a high level of statistical sampling. The perceptions of most of the interviewed experts was that there is compliance with legal requirements regarding management plans, however the lack of a more detailed information per region, requested to the CONAF, consider that a precautionary approach is recommended in those regions where there are areas that have no management plans from the owners of the plots of land taken. The regions identified are: Araucanía (9º) and Biobío (8º). Chilean forest law states that all harvesting in native forests must have a management plan which regulates it, approved by CONAF. In the case of exotic forest plantations, this obligation is only for land preferably suited to forestry. The law does not apply to other forest plantations on land that is not defined as preferably suited to forestry, thus the owner does not have any obligation to submit a management plan and is therefore not liable to forest legislation. According to those interviewed, there is no clear figure regarding forest plantations under this definition, but it is thought to represent 10% of the country’s forest plantation surface area.</td>
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<td></td>
<td>Risk Conclusion</td>
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<td>N/A for plantations in agricultural land</td>
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</tbody>
</table>
For natural forest and plantation on forest land:

Specified risk for regions: Araucanía (9ª) and Biobió (8ª) (see note).

Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.

Low risk for the rest of the country:

Threshold (1) is met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

Despite low national levels of non-compliance, it was not possible to obtain disaggregated information about non-compliance with province or commune-level management plans. Therefore, it is not possible to state that there are no regions with high levels of non-compliance.

Note: More detailed information has been requested from CONAF, to be added to the FSC Chile initiative. Precautionary approach is recommended in those regions where there are areas that have no management plans from the owners of the plots of land taken. The regions identified are: Araucanía (9ª) and Biobió (8ª).

<table>
<thead>
<tr>
<th>13. D.L 701 (Acts 20,488, 19,561 and 18,959, D.S 193) (Fija régimen legal de los terrenos forestales o preferentemente aptos para la forestación, y establece normas de fomento sobre la materia) Sets out legal regime for forest lands or those preferably suited to forestry, and states development regulations in this area (<a href="http://www.leychile.cl/Navegar?idNorma=1008674">http://www.leychile.cl/Navegar?idNorma=1008674</a>)</th>
</tr>
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<tr>
<td>15. D.L 3 (Establece requisitos para efectuar labores de muestreo y análisis de plaguicidas y fertilizantes bajo convenio) Requirements for sampling and analysis of pesticides (<a href="http://www.leychile.cl/Navegar?idNorma=7278">http://www.leychile.cl/Navegar?idNorma=7278</a>)</td>
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<tr>
<td>16. RES 1406 (Establece calificación de riesgo de dispersión de la avispa de madera del pino Sirex noctilio en áreas bajo cuarentena) Risk dispersion rating of Sirex</td>
</tr>
</tbody>
</table>

Note: More detailed information has been requested from CONAF, to be added to the FSC Chile initiative. Precautionary approach is recommended in those regions where there are areas that have no management plans from the owners of the plots of land taken. The regions identified are: Araucanía (9ª) and Biobió (8ª).
<table>
<thead>
<tr>
<th>Noctilio in areas under quarantine (<a href="http://www.leychile.cl/Navegar?idNorma=1038246">http://www.leychile.cl/Navegar?idNorma=1038246</a>)</th>
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<td>17. RES 2177 (Modifica resolución n° 223, de 1995 sobre control de roedores y lagomorfos) Rodent and lagomorph control (<a href="http://www.bcn.cl/leychile/Navegar?idNorma=40098">http://www.bcn.cl/leychile/Navegar?idNorma=40098</a>)</td>
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<tr>
<td>18. RES 3080 (Establece criterios de regionalización en relación a las plagas cuarentenarias para el territorio de Chile) Quarantine pest control regionalisation criteria (<a href="http://normativa.sag.gob.cl/Publico/Normas/DetalleNorma.aspx?id=216948">http://normativa.sag.gob.cl/Publico/Normas/DetalleNorma.aspx?id=216948</a>)</td>
</tr>
<tr>
<td>Others</td>
</tr>
<tr>
<td>20. DS 40 (Aprueba reglamento del sistema de evaluación de impacto ambiental) Regulation of base laws (<a href="https://www.leychile.cl/Navegar?idNorma=1053563">https://www.leychile.cl/Navegar?idNorma=1053563</a>)</td>
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</tbody>
</table>

**Legal Authority**

The main regulating bodies are CONAF, SAG – Agriculture and Livestock Service (Servicio Agrícola y Ganadero) part of the Ministry of Agriculture (Ministerio de Agricultura).
and various relevant investment projects of the Ministry of the Environment (Ministerio de Medioambiente).

Ministry of the Environment 19, 20
CONAF 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
SAG 2, 15, 16, 17, 18

Legally required documents or records
- Plantation management plan
- Plantation standards of adherence
- Native forest management plan
- Management plan for quarantined areas (defined by SAG)
- Environmental risk assessment or statement with a civil works management plan if the regulations of Act 19,300 apply.

<table>
<thead>
<tr>
<th>1.4 Harvesting permits</th>
<th>Applicable laws and regulations</th>
<th>Government sources</th>
<th>Overview of Legal Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Native forests</td>
<td>1. Act 20.283 (Ley sobre recuperación de Bosque Nativo (BN) y fomento forestal) (Law on native forest recovery and forest development) (<a href="https://www.leychile.cl/Navegar?idNorma=274894">https://www.leychile.cl/Navegar?idNorma=274894</a>)</td>
<td>De la Maza (2012) General analysis of the effects of non-compliance and damage in environmental forestry (Análisis general de los efectos del incumplimiento y daño en materia forestal ambiental). IV Chilean Congress about Environmental law and forestry law (presentation) <a href="http://www.CONAF.cl/cms/editorweb/institucional/congresodfa/Presentacion-Jorge_De_La_Maza.pdf">http://www.CONAF.cl/cms/editorweb/institucional/congresodfa/Presentacion-Jorge_De_La_Maza.pdf</a></td>
<td>In Chile there is no differentiated legislation regarding management plans and harvesting permits. Approving a management plan constitutes approving a harvesting permit. Thus, the applicable legislation and risks are similar for indicators 1.3 and 1.4. CONAF assesses the management plans submitted by interested parties who wish to develop exotic plantations or native forests located on land preferably suited to forestry, in compliance with what is set out in article 21 of Decree-Law No 701 of 1974 on Forest Development (artículo 21 del Decreto Ley N° 701, de 1974, sobre Fomento Forestal), in addition to any felling as set out in article 5 of Act 20,283 on Native Forest Recovery and Forest Development (el artículo 5° de la Ley</td>
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<tr>
<td>2. Act 18.755 (Establece normas sobre el servicio agrícola y ganadero, deroga la ley n° 16,640 y otras disposiciones) (sets out</td>
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rules on the Agriculture and Livestock Service (SAG); natural resource conservation
(http://www.leychile.cl/Navegar?idNorma=30135)

3. Act 18.362 (Crea un sistema nacional de áreas silvestres protegidas del estado (SNASPE)) (Protected areas (SNASPE) (Chilean National System of Protected Wilderness Areas)) (http://www.leychile.cl/Navegar?idNorma=29777)

NOTE: The Project to create the Biodiversity and Protected Areas Service is underway:
(http://www.senado.cl/servicio-de-biodiversidad-y-areas-protégidas-sala-dio-luz-verde/prontus_senado/2015-03-04/191234.html)

4. D.S 93 (Reglamento general de la ley sobre recuperación del bosque nativo y fomento forestal) (approves general regulations on native forest recovery and forest development) (http://www.leychile.cl/Navegar?idNorma=1008685)

5. D.S 82 (Aprueba reglamento de suelos, aguas y humedales L20283) (approves regulation on land, water and wetlands, Act 20283) (http://www.concursoobn.CONAF.cl/ayuda/Reglamento_Suelos_Agua_Humedales.pdf)

(Guía para control de cumplimiento ambiental). Web page the SMA- Government of Chile


Non-Government sources


http://www.corma.cl/_file/material/libroplantforestales.pdf

FSC Chile (2010) Chile native forest risk assessment (Evaluación de Riesgos Madera Maderolida: bosque 20.283 sobre Recuperación del Bosque Nativo y Fomento Forestal). Submitting the management plan is also one of the requirements to qualify for bonus payments on the first plantation pruning and thinning operations undertaken by small-scale forest owners, as well as for the bonus awarded in the Competition for the Conservation, Recovery and Sustainable Management of Native Forest Fund (Concurso del Fondo de Conservación, Recuperación y Manejo Sustentable del Bosque Nativo). The two main activities undertaken in the area of forest inspections are detecting illegal felling and assessing compliance with management plans.

Additionally, if it concerns non-forestry projects that involve developing native forests, an environmental impact assessment or declaration must be submitted, approved by the Ministry of the Environmental impact service. The conditions of those projects requiring an environmental impact assessment are stipulated in Act 19,300 and its regulations. If it is processed under Act 19,300, a sectorial permit must be submitted to CONAF, called the Management Plan of Civil Works (Plan de manejo de obras civiles). This will contain information about the area of native forest to be managed as well as an in situ or ex situ restoration plan. In the case of timber extraction from quarantined areas for pest control, an ad hoc management plan must be submitted to the SAG – Agriculture and Livestock Service (Servicio Agrícola y Ganadero).

Description of Risk

Chile is a low-risk country in terms of international risk assessments in forest areas (see chapter on Summary of legal timber in Chile). It must be noted that the risk assessment carried out by FSC Chile in 2010 (Controlled Wood Risk Assessment: Native forest in Chile FSC-CWRA-004-CHI) for native forests, defined the commune as a homogenous analysis unit (district). It identified 42 communes with specified risk for the category concerning legality. In addition, the FSC Chile’s 2009 risk assessment (Controlled Wood Risk Assessment: plantations in Chile FSC-CWRA-002-CHI) identified 6 communes with unspecified risks.
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<tr>
<td>8.</td>
<td>D.S 43 (Declara monumento natural a la Araucaria araucana) (gives natural monument status to Araucaria) (<a href="http://www.leychile.cl/Navegar?idNorma=8102&amp;idParte=0">http://www.leychile.cl/Navegar?idNorma=8102&amp;idParte=0</a>)</td>
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<td>10.</td>
<td>D.S 295 (Prohíbe la corta de árboles en la zona de precordillera y cordillera andina que señala) (prohibits felling in the Andean region) (<a href="http://www.leychile.cl/Navegar?idNorma=1027876">http://www.leychile.cl/Navegar?idNorma=1027876</a>)</td>
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In the case of plantations, the risk threshold that FSC Chile used was the following: non-authorised felling on an area equal to or above 5% of the commune’s total surface area. In the case of native forest, the risk threshold that FSC Chile used was the following: communes in which there is a forest area which is equal to or above 25% of the commune total surface area, and in which there is no recorded information regarding non-compliance with forest legislation, or; communes in which the surface area of native forest is under 5% of the total surface area of the commune, and where there has been at least one registered violation of forest legislation, or there is non-compliance over more than 5% of the area subject to the commune’s management plan.

More than six years have elapsed since the study by FSC Chile and the communes should update this. The Montreal country report from 2015 indicated that, on average for the 2004-2014 period, there was a 3.7% rate of non-compliance with approved instruments, which corresponds to 7,378.5 hectares or 738 ha/year. Based on information provided by CONAF and the Forest Institute (INFOR), in the consultation for the 2013-2015 period, there was a total of 9,257 submitted and approved management plans, of which 327 showed non-compliance, i.e. 3.5% (under FSC Chile’s threshold risk), or an area of 3,374.6 ha. However, it was not possible to obtain disaggregated data at the level of the commune, province or region, in order to ascertain whether or not there are areas with higher rates of non-compliance. According to figures given by CONAF, from 2014, 25% of all management plans submitted were subject to inspection, which shows a high level of statistical sampling.

The perceptions of most of the interviewed experts was that there is compliance with legal requirements regarding management plans, however the lack of a more detailed information per region, requested to the CONAF, consider that a precautionary approach is recommended in those regions where there are areas that have no management plans from the owners of the plots of land taken. The regions identified are: Araucanía (9ª) and Biobío (8ª).
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| 12. | D.S 68 (Establece, aprueba y oficializa nómina de especies arbóreas y arbustivas originarias del país) (approves list of native tree and shrub species)  
(http://www.leychile.cl/Navegar?idNorma=1008674) |
|   |   |
| 13. | D.L 701 (Acts 20,488, 19,561 and 18,959, D.S 193) (Fija régimen legal de los terrenos forestales o preferentemente aptos para la forestación, y establece normas de fomento sobre la materia) (sets out legal regime for forest lands or those preferably suited to forestry, and states development regulations in this area)  
(http://www.leychile.cl/Navegar?idNorma=6294) |
|   |   |
| 14. | D.S 2374/1937 (Aprueba el reglamento para la explotación de bosques existentes en las cuencas hidrográficas) (approves the regulation for the exploitation of existing forests in the hydrographic basins)  
|   |   |
| 15. | D.L 3 (Establece requisitos para efectuar labores de muestreo y (prohibits cutting and removal of Copihue)  
(http://www.sag.cl/sites/default/files/d_s_129_copihue.pdf) |
|   |   |
|   |   |

Chilean forest law states that all harvesting in native forests must have a management plan which regulates it, approved by CONAF. In the case of exotic forest plantations, this obligation is only for land preferably suited to forestry. The law does not apply to other forest plantations on land that is not defined as preferably suited to forestry, thus the owner does not have any obligation to submit a management plan and is therefore not liable to forest legislation. According to those interviewed, there is no clear figure regarding forest plantations under this definition, but it is thought to represent 10% of the country's forest plantation surface.

**Risk Conclusion**

N/A for plantations in agricultural land

For natural forest and plantation on forest land:

- For natural forest and plantation on forest land:
  - Specified risk for regions: Araucanía (9th) and Biobió (8th) (see note).
  - Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.
  - Low risk for the rest of the country.

Note: More detailed information has been requested from CONAF, to be added to the FSC Chile initiative. Precautionary approach is recommended in those regions where there are areas that have no management plans from the owners of the
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<tr>
<td><strong>16.</strong> RES 1406 (Establishes classification of the risk of dispersion of the wood wasp Sirex noctilio in areas under quarantine)</td>
<td><strong>Risk dispersion rating of Sirex Noctilio in areas under quarantine</strong> (<a href="http://www.leychile.cl/Navegar?idNorma=1038246">http://www.leychile.cl/Navegar?idNorma=1038246</a>)</td>
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<tr>
<td><strong>17.</strong> RES 2177 (Modifies resolution no 223, 1995 on rodent and lagomorph control)</td>
<td>Rodent and lagomorph control (<a href="http://www.bcn.cl/leychile/Navegar?idNorma=40098">http://www.bcn.cl/leychile/Navegar?idNorma=40098</a>)</td>
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<tr>
<td><strong>18.</strong> RES 3080 (Establishes criteria of regionalisation in relation to quarantine pests for the territory of Chile)</td>
<td>Quarantine pest control regionalisation criteria (<a href="http://normativa.sag.gob.cl/Publico/Normas/DetalleNorma.aspx?id=216948">http://normativa.sag.gob.cl/Publico/Normas/DetalleNorma.aspx?id=216948</a>)</td>
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<tr>
<td><strong>Others</strong></td>
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<td><strong>19.</strong> Act 19.300 (Approves law on general environmental laws)</td>
<td>Environmental base laws (<a href="http://www.bcn.cl/leyes/pdf/actualizado/30667.pdf">www.bcn.cl/leyes/pdf/actualizado/30667.pdf</a>)</td>
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</table>

Plots of land taken. The regions identified are: Araucanía (9°) and Biobío (8°).
20. **DS 40** (Aprueba reglamento del sistema de evaluación de impacto ambiental) Regulation of base laws
(https://www.leychile.cl/Navegar?idNorma=1053563)

**Legal Authority**
The main regulating bodies are CONAF, SAG – Agriculture and Livestock Service (Servicio Agrícola y Ganadero) part of the Ministry of Agriculture (Ministerio de Agricultura) and various relevant investment projects of the Ministry of the Environment (Ministerio de Medioambiente).

Ministry of the Environment 19, 20
CONAF 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
SAG 2, 15, 16, 17, 18

**Legally required documents or records**
- Plantation management plan
- Plantation standards of adherence
- Native forest management plan
- Management plan for quarantined areas (defined by SAG)
- Environmental risk assessment or statement with a civil works management plan if the regulations of Act 19,300 apply.
### Taxes and fees

#### 1.5 Payment of royalties and harvesting fees

**Applicable laws and regulations**


2. Act 20.283 native forest recovery and forest development (Ley sobre recuperación del Bosque Nativo y fomento forestal) ([https://www.leychile.cl/Navegar?idNorma=274894](https://www.leychile.cl/Navegar?idNorma=274894))

3. D.L 701 Acts 20,488, 19,561, 18,959, D.S 193 - Sets out legal regime on forest land or land preferably suited to forestry, and defines development rules in this sector (Fija régimen legal de los terrenos forestales o preferentemente aptos para la forestación, y establece normas de fomento sobre la materia) ([http://www.leychile.cl/Navegar?idNorma=6294](http://www.leychile.cl/Navegar?idNorma=6294))

4. DFL1 on Act 17.235 on land tax (Ley 17.235 Impuesto territorial) ([http://www.leychile.cl/Navegar?idNorma=128563](http://www.leychile.cl/Navegar?idNorma=128563))

**Government sources**

Lazo Alvarez A. CONAF (2011) Sustainable tourism licensing within the National System of Protected Wilderness Areas (Concesiones de turismo sustentable en el sistema nacional de áreas silvestres protegidas del estado). Web page form the Environmental Ministry ([http://www.mma.gob.cl/correosvirtuales/present/Martes5_Sep_2011/Tarde/SintesishistoricaConcesionesSNASPE_ALazo.pdf](http://www.mma.gob.cl/correosvirtuales/present/Martes5_Sep_2011/Tarde/SintesishistoricaConcesionesSNASPE_ALazo.pdf))

**Non-Government sources**

Interviews with experts:

Conversations held in various experts in May 2016 helped the writers of this report better understand relevant legislation, and associated risks of on-the-ground implementation. Regarding this indicator, representatives from different organisations were interviewed: National Forestry Corporation (Corporación Nacional Forestal), FSC Chile, SSC Americas and legal experts.

**Overview of Legal Requirements**

The harvesting licence is obtained once the management plan is approved, and a specific tax must be paid after submission of the management plan (no other fees should be paid afterwards), the fees for which are regulated by CONAF under the auspices of the regulations in Decree-Law 701 and Act 20,283. Small-scale producers are exempt from this tax.

There is also a land tax on land property which is determined through a valuation and collections of this tax go entirely to municipalities, which is one of their main sources of income and financing. Property that is preferably suitable for forestry is exempt from this land tax.

**Description of Risk**

In interviews and consultations with relevant stakeholders, no significant breaches were identified in terms of felling without due payment of taxes, given that this would mean that the management plan was not presented, which in turn implies fines that could reach 15 monthly tax units (MTUs), approximately 1000 USD per ha. This is clearly a strong deterrent. In addition, tax oversight is comprehensive and national levels of non-compliance with management plans are below 5% (see indicators 1.3 and 1.4). However, based on the limited data availability for the assessment of risks for this indicator, precautionary approach has been applied, thus ‘specified risk’ designation is considered for this indicator.

**Risk Conclusion**

This indicator has been evaluated as specified risk.

Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.
### Legal Authority

Internal tax service (servicio de impuestos internos - SII) 4

### Legally required documents or records

Proof of payment of management plan

Land rated as preferably suitable for forestry (if pertaining to Decree-Law 701)

### Applicable laws and regulations

1. **Valued added taxes and other sales taxes**

   **1.6**

   **Applicable laws and regulations**


   2. Act 20.283 native forest recovery and forest development (Ley sobre recuperación del Bosque Nativo y fomento forestal) ([https://www.leychile.cl/Navegar?idNorma=274894](https://www.leychile.cl/Navegar?idNorma=274894))

   3. D.L 701 Acts 20,488, 19,561, 18,959, D.S 193 - Sets out legal regime on forest land or land preferably suited to forestry, and defines development rules in this sector (Fija régimen legal de los terrenos forestales o preferentemente aptos para la forestación, y establece normas de fomento sobre la materia)

### Government sources

Not found

### Non-Government sources


### Overview of Legal Requirements

Forestry activity is defined by the SII (Internal Tax Service – servicio de impuestos internos) as that which includes all activities necessary to regenerate, develop and protect forests, as well as harvest its products: that is to say all forest-related activities (sowing, resowing, transplanting, thinning and conservation of forests and forest zones) and the development and harvesting of plantations or native forests.

All general rules regarding agricultural taxation apply to two taxpayer categories: those who are taxed based on actual income and those based on presumed income. Special tax rules stipulated in article 20, number 1, letter a, of the Income Tax Law are also applied (Impuesto a la Renta, artículo 20 Nº 1, letra a).

Regarding sales, value added tax (VAT) should be paid on product sales including forest products. The codes for initiation of activities to trade in the forestry sector are:

- 12101 Forest exploitation
- 12102 Forest services
- 12103 Forestation
- 12109 Other related activities (including harvesting forest products)
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<thead>
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<th>Legal Authority</th>
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<tr>
<td>Internal Tax Services (Servicio de Impuestos Internos -SII) 4,5,6</td>
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<tr>
<td>Tax Code Law 830 (Código Tributario Ley 830) (<a href="http://www.sii.cl/pagina/actualizada/noticias/2002/dl830.htm">http://www.sii.cl/pagina/actualizada/noticias/2002/dl830.htm</a>)</td>
</tr>
<tr>
<td>Ley 17.235 Land tax (Impuesto territorial) (<a href="http://www.leychile.cl/Navegar?idNorma=128563">http://www.leychile.cl/Navegar?idNorma=128563</a>)</td>
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**Legally required documents or records**

- Proof of tax payment in SII
- Tax debt certificate from State Treasury (www.tesoreria.cl)
- corma-firmar-protocolo-para-asegurar-procedencia-legal-de-la-madera

**Description of Risk**

According to tax evasion studies (based on the World Bank Worldwide Governance Indicators and study on Tax Evasion in the Modern World 2011), countries can be grouped into four categories. Chile is in the second category of countries with tax evasion between 10 and 20%, alongside Canada, USA and Western European countries. Chile is above other Latin America countries which are in Category 3. However, ECLAC and GTZ’s 2010 study on Tax Evasion and Equity in Latin America (Evasión Fiscal y equidad en Latinoamérica) notes a 40% increase in tax evasion in Chile.

According to information in the press (Diario Concepción 2016), one ruling has been passed for tax evasion. The Public Prosecutor found a forest businessman guilty of issuing false invoices and contracts in the communes of Cañete and Tirúa (Araya N. Burgos C. (2015)). In the interview with the Internal Tax Service (SII), it was noted that one case of tax evasion was uncovered, concerning falsifying contracts in the province of Arauco, in the communes of Cañete and Tirúa. According to the data passed on by this body to the Public Prosecutor, an estimated 3000 ha of land is affected, in a region where the annual harvesting rate reaches some 60,000 ha. A similar situation was said to have been detected in Malleco and Cautín, although to date no supporting evidence has been provided.

Moreover, a lack of adequate coordination with CONAF was also underlined. In the interviews with logging companies however, it was highlighted that when the Public Prosecutor was made aware of the situation, the Chilean Forestry Industry Association, CORMA, put in place a purchasing procedure/protocol, signed by all stakeholders, and which according to the companies proves the legal provenance of the timber.

The CNRA Chile draft document was sent to companies and CORMA requesting evidence, but no information has been received. Interviews held with Mapuche professionals who work.
organisations, among which: National Forestry Corporation (Corporación Nacional Forestal), Internal tax service (Servicio de impuestos internos), logging companies, FSC Chile, and legal experts.

in the area indicate that the problem is ongoing, but the extent to which is difficult to ascertain.

Based on the fact that data availability is limited to assess the extent of this problem in the country, precautionary approach has been applied, thus ‘specified risk’ is considered for this indicator.

**Risk Conclusion**

This indicator has been evaluated as specified risk.

Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.

### 1.7 Income and profit taxes

#### Applicable laws and regulations


2. Act 20.283 native forest recovery and forest development (Ley sobre recuperación del Bosque Nativo y fomento forestal) https://www.leychile.cl/Navegar?id Norma=274894

3. D.L 701 Acts 20,488, 19,561, 18,959, D.S 193 - Sets out legal regime on forest land or land preferably suited to forestry, and defines development rules in this sector (Fija régimen legal de los terrenos forestales o preferentemente aptos para la forestación, y establece normas de

#### Government sources

SII (Internal Revenue Service- Servicio de Impuestos Internos) (2016) List of codes and economic activities agriculture, agricultural services, hunting, forestry and fishing agricultural production. Web page of SII. http://www.sii.cl/pagina/renta/suplemento/Listado_codi
gos.htm

SII (Internal Revenue Service- Servicio de Impuestos Internos) (2016) Resolutions are interpretations of the adequate application of laws or regulations. Web page of SII http://www.sii.cl/pagina/jurisprudencia/adminis/2004/re
nta/ja788.htm

#### Non-Government sources

-651982-9-las-redes-tras-el-robo-de-madera-
ministerio-publico-ya-suma-92-causas-y-55.shtml

#### Overview of Legal Requirements

There are general taxes that all business must pay regarding earnings, the main ones being those directly regulated by income tax law. Of these, the main taxes are either first or second category. The first category taxes income from capital for, among others, trade, industrial, mining or service businesses. This tax category is applied to the taxable base of profits or accrued earnings for businesses who declare their actual, agreed income through complete or simplified accounting, spreadsheets or contracts. The exception to this concerns taxpayers from the agricultural, mining or transport sectors, who can pay on the taxable base of presumed income, when they meet the requirements stipulated in article 34 of Income Tax Law, in force since 1st January 2016. Businesses or people who are under the Presumed Income regime pay taxes according to what the law dictates for that activity and not in accordance with the actual results obtained.

The second category’s Single Tax levies taxes on dependent employment work income, like wages, pensions and any extra or complementary income to these (in Chile, the amount of the tax of income/profit depends on the category for which the company is registered: It exists 2 principal categories (depending on the number of employees from the company)). This tax is applied on a progressive sliding tax scale and is
Income tax statement and tax income
SMEs who pay tax on presumed expenditure and income records for Simplified balance sheet or income in the case of businesses
Balance sheet and statement of legally required documents or State Treasury

6. Impuestos Internos

5. Ley 17.235 Land tax (Impuesto a la renta de Chile) (http://www.sii.cl/pagina/actualizada/noticias/2002/dl830.htm)

4. Income tax law 20780 (Reforma tributaria que modifica el sistema de tributación de la renta e introduce diversos ajustes en el sistema tributario) (http://www.leychile.cl/Navegar?idNorma=1067194)

3. Tax Code Law 830 (Código tributario ley 830).

2. Legal Authority

1. CONAF 1,2,3

Foreign Assistance

- SII),5,6

- CORMA (Corporación Chilena de la Madera-Chilean Forestry Industry Association’s).


- World Bank Worldwide Governance Indicators (excel should be download with data about different aspects as: political stability, government effectiveness, regulatory quality, rule of law, and control of corruption) period used 2010-2016: http://www.worldbank.org/en/country/chile/overview#2


- Press article from Diario Concepción (2016) http://www.diarioconcepcion.cl/?q=content/fiscal%C3%ADA-formalizó-empresario-forestal-por-millonaria-evasión-de-impuestos

- Jiménez J.P at al. (2010) Tax evasion and equity in Latin America (Evasión Fiscal y equidad en

decleared and paid monthly on accrued income from dependent employment activities, from an amount exceeding 13.5 MTU. The tax must be held and declared in state coffers by the respective employer, who is authorised to pay or pays the income.

All general rules regarding agricultural taxation apply to two taxpayer categories: those who are taxed based on actual income and those based on presumed income. Special tax rules stipulated in article 20, number 1, letter a, of the Income Tax Law are also applied (Impuesto a la Renta, artículo 20 Nº 1, letra a).

Forest plantations and forests included in the provisions of Decree-Law 201 of 1974 (Act Ley 19.561 of 16-05-1998), pay taxes on the actual income base, but those who fall under the presumed income system, and benefit from the Law, must pay on the actual income base, to be counted from the tax year following the year when accumulated forest product sales in a three-year moving year period exceeded 24,000 MTU.

Small-scale Forest Owners always pay tax on the base of presumed income: plantations undertaken before 16-05-98 can deduct 50% of the global complementary tax (Impuesto Global Complementario) which proportionally affects actual or agreed incomes from forest exploitation. Under special conditions they are exempt from the Land Tax – Government Circular No 78, 2001, Internal Tax System (Impuesto Territorial) (circular N°78 del año 2001 SII).

**Description of Risk**

According to tax evasion studies (based on the World Bank Worldwide Governance Indicators and study on Tax Evasion in the Modern World 2011), countries can be grouped into four categories. Chile is in the second category of countries with tax evasion between 10 and 20%, alongside Canada, USA and Western European countries. Chile is above other Latin America countries which are in Category 3. However, ECLAC and GTZ’s 2010 study on Tax Evasion and Equity in Latin America

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**Legal Authority**

CONAF 1,2,3

Internal Tax Service (Servicio de impuestos internos - SII) 5,6

State Treasury 6

**Legally required documents or records**

Balance sheet and statement of income in the case of businesses
Simplified balance sheet or expenditure and income records for SMEs who pay tax on presumed income
Income tax statement and tax payments at the SII


http://www.corma.cl/corma-firman-protocolo-para-asegurar-procedencia-legal-de-la-madera

World Bank Worldwide Governance Indicators (excel should be download with data about different aspects as: political stability, government effectiveness, regulatory quality, rule of law, and control of corruption) period used 2010-2016: http://www.worldbank.org/en/country/chile/overview#2


Press article from Diario Concepción (2016) http://www.diarioconcepcion.cl/?q=content/fiscal%C3%ADA-formalizó-empresario-forestal-por-millonaria-evasión-de-impuestos

Jiménez J.P at al. (2010) Tax evasion and equity in Latin America (Evasión Fiscal y equidad en
Interviews with experts:

Conversations held with various experts in May 2016 helped the writers of this report better understand relevant legislation, and associated risks of on-the-ground implementation. Regarding this indicator, representatives from different organisations were interviewed: National Forestry Corporation (Corporación Nacional Forestal), logging companies, FSC Chile, Internal Tax Service (SII) and legal experts.

(Evasión Fiscal y equidad en Latinoamérica) notes a 40% increase in tax evasion in Chile. According to information in the press (Diario Concepción 2016), one ruling has been passed for tax evasion. The Public Prosecutor found a forest businessman guilty of issuing false invoices and contracts in the communes of Cañete and Tirúa (Araya N. Burgos C. (2015)). In the interview with the Internal Tax Service (SII), it was noted that one case of tax evasion was uncovered, concerning falsifying contracts in the province of Arauco, in the communes of Cañete and Tirúa. According to the data passed on by this body to the Public Prosecutor, an estimated 3000 ha of land is affected, in a region where the annual harvesting rate reaches some 60,000 ha. A similar situation was said to have been detected in Malleco and Cautín, although to date no supporting evidence has been provided. Moreover, a lack of adequate coordination with CONAF was also underlined. In the interviews with logging companies however, it was highlighted that when the Public Prosecutor was made aware of the situation, the Chilean Forestry Industry Association, CORMA, put in place a purchasing procedure/protocol, signed by all stakeholders, and which according to the companies proves the legal provenance of the timber.

The CNRA Chile draft document was sent to companies and CORMA requesting evidence, but no information has been received. Interviews held with Mapuche professionals who work in the area indicate that the problem is ongoing, but the extent to which is difficult to ascertain.

Based on the fact that data availability is limited to assess the extent of this problem in the country, precautionary approach has been applied, thus ‘specified risk’ is considered for this indicator.

Risk Conclusion

This indicator has been evaluated as specified risk.
## Timber harvesting activities

<table>
<thead>
<tr>
<th>Applicable laws and regulations</th>
<th>Government sources</th>
<th>Overview of Legal Requirements</th>
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<tr>
<td><strong>1.8 Timber harvesting regulations</strong></td>
<td><strong>SEA (Environmental Assessment Service - Servicio de Evaluación Ambiental) (2016)</strong> Types of environmental licences (Tipos de Permisos ambientales). Web page SEA: <a href="http://sea.gob.cl/documentacion/permisos-autorizaciones-ambientales/permisos-pronunciamientos-ambientales-sectoriales">http://sea.gob.cl/documentacion/permisos-autorizaciones-ambientales/permisos-pronunciamientos-ambientales-sectoriales</a></td>
<td>For forest regulations, the management plan must be adhered to as is laid out therein, i.e., map indicating protected zones, riverways and wetlands, current land use, paths, fire prevention measures, pest and disease control. This regulatory framework applies to all types of forest and owners, excluding land classed as not preferably suited to forestry.</td>
</tr>
<tr>
<td>3. Act 11.402 regulations to protect lakes, riverbanks and riverways (Dispone que las obras de defensa y regularización de las riberas y cauces de los ríos, lagunas y esteros que se realicen con participación fiscal, solamente podrán ser ejecutadas y proyectadas por la dirección de obras sanitarias del ministerio de obras públicas) (<a href="http://www.leychile.cl/Navegar?idNorma=26654&amp;idVersion=1984-12-30">http://www.leychile.cl/Navegar?idNorma=26654&amp;idVersion=1984-12-30</a>)</td>
<td>CONAF (2013) Basic guide to good practice for small and medium-sized forest plantations (Guía básica de buenas prácticas para plantaciones forestales de pequeños y medianos propietarios). Minister of Agriculture - Government of Chile <a href="http://www.conaf.cl/wp-content/files_mf/1386687876guiabuenaspracticas_ppf.pdf">http://www.conaf.cl/wp-content/files_mf/1386687876guiabuenaspracticas_ppf.pdf</a></td>
<td>Based on the Art. 37° from D.S. N° 193, of 1998, of MINAGRI, the selection criteria of the trees to be left must be given in order to guide the execution of the silvicultural activity on the field. The characteristics of the marking must be detailed, indicating the criterion and the way in which this was done in the field, considering always the use of clearly distinguishable elements within the forest, preferably in the same direction, considering a mark at the height of the DAP (diameter at breast height) and on the stump under the cutting height.</td>
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<tr>
<td>4. D.S 93 (Reglamento general de la ley sobre recuperación del bosque nativo y fomento forestal) (approves general regulations on</td>
<td>National Commission of Good Agricultural Practices (2008) Natural Resources best practices guide (Guía</td>
<td>Consider that the marking must be done in a mandatory way on the verification surface in which each of the individuals to be extracted or left must be identified, according to the set of immediate activities proposed for each stand in the management plan of native forest, being able to carry out the marking of all the stand subject to the activity of cutting, when the author of the plan considers it pertinent in order to better guide the execution of the activity.</td>
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</table>

Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.
<table>
<thead>
<tr>
<th>N°</th>
<th>Proyecto</th>
<th>Descripción</th>
<th>Referencia</th>
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<tbody>
<tr>
<td>5.</td>
<td>D.S 68 (Establece, aprueba y oficializa nómina de especies arbóreas y arbustivas originarias del país) (approves list of native tree and shrub species)</td>
<td>Sets out forestation, and establishes norms of species preferably apt for the legal use of forests or watersheds (Aprueba reglamento de suelos, aguas y humedales)</td>
<td>D.S 68 (Establece, aprueba y oficializa nómina de especies arbóreas y arbustivas originarias del país) (approves list of native tree and shrub species) <a href="http://www.leychile.cl/Navegar?idNorma=1008674">http://www.leychile.cl/Navegar?idNorma=1008674</a></td>
</tr>
<tr>
<td>7.</td>
<td>D.S 276 regulations on burning (Reglamento sobre roce a fuego)</td>
<td>Approves regulation on burning</td>
<td>D.S 276 regulations on burning (Reglamento sobre roce a fuego) <a href="http://www.concursolbn.CONAF.cl/ayuda/Reglamento_Suelos_Agua_Humedales.pdf">http://www.concursolbn.CONAF.cl/ayuda/Reglamento_Suelos_Agua _Humedales.pdf</a></td>
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<tr>
<td>8.</td>
<td>D.S 2374/1937 Exploitation of forests and watersheds (Aprueba el reglamento para la explotación de bosques existentes en las cuencas hidrográficas)</td>
<td>Approves the exploitation of existing forests and watersheds (Reglamento de bosques existentes en las cuencas hidrográficas)</td>
<td>D.S 2374/1937 Exploitation of forests and watersheds (Aprueba el reglamento para la explotación de bosques existentes en las cuencas hidrográficas) <a href="http://www.concursolbn.CONAF.cl/ayuda/Reglamento_Suelos_Agua_Humedales.pdf">http://www.concursolbn.CONAF.cl/ayuda/Reglamento_Suelos_Agua_Humedales.pdf</a></td>
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<td>9.</td>
<td>D.L 701 (Acts 20,488, 19,561 and 18,959, D.S 193) (Fija régimen legal de los terrenos forestales o preferentemente aptos para la forestación, y establece normas de fomento sobre la materia)</td>
<td>Sets out the legal regime for forested land or preferably apt for reforestation, and establishes norms of encouragement on the matter</td>
<td>D.L 701 (Acts 20,488, 19,561 and 18,959, D.S 193) (Fija régimen legal de los terrenos forestales o preferentemente aptos para la forestación, y establece normas de fomento sobre la materia) <a href="http://www.leychile.cl/Navegar?idNorma=1006865">http://www.leychile.cl/Navegar?idNorma=1006865</a></td>
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</table>

**Non-Government sources**


WWF (2015): Promoting FSC Certification for small-scale owners who supply the timber, pulp and paper with biological corridors, maintenance of old trees as wildlife refuge, definition of species of flora and fauna and eventually promote their improvement. It suggests measures such as maintenance of sectors without intervention, definition of retention areas, maintenance of dead wood without...

According to Article 16 of Law N° 20,283, in those cases in which, according to the conditions of slope, soil or proximity to natural bodies or watercourses, it will be required to provide a well-founded technical justification of the cutting methods that will be used.

Regarding the construction of roads, in its design, construction, operation and maintenance, strict compliance with the specifications and restrictions established in the D.S. N° 82, of 2010, of MINAGRI on Regulation of Soils, Waters and Wetlands and the associated sectoral forest regulations.

When the Management Plan proposes the construction of forest roads and other structures, it should be considered that during the development or at the end of the intervention activities, the area affects the sum of the altered area and the area occupied by structures (roads, roads of sack, gathering fields, ballast pits, camps, among others), may not exceed 18% of the stand surface, both values as an average per hectare.

Art. 58 ° of Law N° 20,283, The Native Forest Law establishes that natural or legal persons participating in any stage of the process of exploitation of the native forest, including transportation protected by free-transit guides, must accredit, to requirement of the corresponding authority, that the primary products of the native forest that are in their possession come from a harvesting area authorized by the Corporation.

According to what is required in Article 16 of Law N° 20,283, Management Plan specify the protection measures that will be adopted regarding the soils, the quality and quantity of the flows of the watercourses, the conservation of the biological diversity and, of the measures of prevention and combat of forest fires.

Based on requirements of Art. 42 ° of Law N° 19.300 on General Bases of the Environment, the pertinent measures must be indicated to ensure the maintenance and protection of the species of flora and fauna and eventually promote their improvement. It suggests measures such as maintenance of sectors without intervention, definition of retention areas, maintenance of old trees as wildlife refuge, definition of biological corridors, maintenance of dead wood without...
| **Legal regime for forest lands or those preferably suited to forestry, and states development regulations in this area**<br>(http://www.leychile.cl/Navegar?idNorma=6294) | **industry in Chile (Promoción de la Certificación FSC para piques proprietarios que abastecen a la Industria de la madera, pulpa y papel en Chile). WWF report emailed on 2015**<br>**Interviews with experts:**<br>Discussions held with various experts during May 2016, helped the writers of this report better understand relevant legislation, associated risks and on-the-ground implementation. Regarding this indicator, interviews were carried out with different organisations, among which: National Forestry Corporation) Corporación Nacional Forestal, logging companies, FSC Chile, SSC Américas and legal experts. | **extraction or removal to leave the burrowing places, among others.**<br>**Measures should be established for the control of erosion and the generation of sediments that may occur in the intervened areas, in order to avoid or minimize the incorporation of these sediments and other substances into the springs, mallines, bodies and courses natural water. The generation of significant flows of surface water that can drag significant volumes of sediments towards the springs, bodies and natural watercourses and wetlands, downstream should be avoided or minimized. In addition, detail the protection measures to avoid or minimize the alteration of the springs, bodies and natural courses of water, and wetlands, nearby, to the interior or to access the stands to harvest, protecting them from actions of intervention or transformation that are not essential for the execution of the projects or activities proposed in the Management Plan.**<br>Quantitative information of the resource to be harvested: the minimum diameter will be of 5.0 cm, without prejudice of which it will be possible to register individuals of smaller diameter, according to forest type and development status, duly justified. | **CONAF assesses the management plans submitted by interested parties who wish to develop exotic plantations or native forests located on land preferably suited to forestry, in compliance with what is set out in Section 21 of Decree-Law No 701 of 1974 on Forest Development (artículo 21 del Decreto Ley N° 701, de 1974, sobre Fomento Forestal), in addition to any felling as set out in Section 5 of Act 20,283 on Native Forest Recovery and Forest Development (el artículo 5° de la Ley 20.283 sobre Recuperación del Bosque Nativo y Fomento Forestal). Submitting the management plan is also one of the requirements to qualify for bonus payments on the first plantation pruning and thinning operations undertaken by small-scale forest owners, as well as for the bonus awarded in the Competition for the Conservation, Recovery and Sustainable Management of Native Forest Fund (Concurso del Fondo de Conservación, Recuperación y Manejo Sustentable del Bosque Nativo). The two main activities undertaken in the area of forest** |
| **Legal Authority**<br>CONAF 1, 4, 5, 6, 7, 9<br>Ministry of the Environment 2, 3, 8 | **Legal Authority**<br>CONAF 1, 4, 5, 6, 7, 9<br>Ministry of the Environment 2, 3, 8 | **Legal Authority**<br>CONAF 1, 4, 5, 6, 7, 9<br>Ministry of the Environment 2, 3, 8 | **Legal Authority**<br>CONAF 1, 4, 5, 6, 7, 9<br>Ministry of the Environment 2, 3, 8 |
| **Legally required documents or records**<br>Management plan | **Legally required documents or records**<br>Management plan | **Legally required documents or records**<br>Management plan | **Legally required documents or records**<br>Management plan |
inspections are detecting illegal felling and assessing compliance with management plans.

**Description of Risk**

The Montreal country report from 2015 indicated that, on average for the 2004-2014 period, there was a 3.7% rate of non-compliance with approved instruments, which corresponds to 7,378.5 hectares or 738 ha/year. However, the number of inspection decreased from 1400 to 800 over the same period. Despite this, remote sensing technology via satellite imaging has been used more, as have reconnaissance flights, aerial photos, drones, etc. However, it has not been possible to obtain detailed information regarding compliance in forest harvesting activities. According to CONAF, inspections are done at random of around 25% of total management plans. This was done for priority areas marked as high, medium or low. Biodiversity is cited as the main reason for inspections, as management plans already underway in native forest areas are a priority.

State services and businesses have developed best practice manuals or guides for forestry, where harvesting instructions are given - however these are done on a voluntary basis but is common on certified companies to take them into account (since the FM FSC Chile standard include the same requirements).

The inspection or control done by CONAF is a sampling method, however the perception (based on direct interviews with different stakeholders) is that the management plans are very weak, they are generic and difficult to supervise. And not always are correctly implemented on the field. Also, it's important to note that small and medium-scale producers, have lower levels of technical support to deal with these issues (Promoting FC Certification for small-scale owners who supply the timber, pulp and paper industry in Chile 2015 - Promoción de la Certificación FSC para pequeños propietarios que abastecen a la Industria de la madera, pulpa y papel en Chile, 2015). Despite low national levels of non-compliance reported by CONAF (below 5%) at commune or provincial level there is no detailed information. Risk designation for this indicator is based on precautionary approach due to limited information.
1.9 Protected sites and species

<table>
<thead>
<tr>
<th>Applicable laws and regulations</th>
<th>Government sources</th>
<th>Risk Conclusion</th>
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</thead>
<tbody>
<tr>
<td>1. Act 20.283 (Ley sobre recuperación de Bosque Nativo (BN) y fomento forestal) (Law on native forest recovery and forest development) (<a href="https://www.leychile.cl/Navegar?idNorma=274894">https://www.leychile.cl/Navegar?idNorma=274894</a>)</td>
<td>Ministry of the Environment Chile (2011) Protected Areas of Chile (<a href="http://www.mma.gob.cl/1304/articles-50613_pdf.pdf">http://www.mma.gob.cl/1304/articles-50613_pdf.pdf</a>)</td>
<td>This indicator has been evaluated as specified risk. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.</td>
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<tr>
<td>2. Act 11,402 regulations to protect lakes, riverbanks and riverways (Dispone que las obras de defensa y regularización de las riberas y cauces de los ríos, lagunas y esteros que se realicen con participación fiscal, solamente podrán ser ejecutadas y proyectadas por la dirección de obras sanitarias del ministerio de obras públicas) (<a href="http://www.leychile.cl/Navegar?idNorma=26654&amp;idVersion=1984-12-30">http://www.leychile.cl/Navegar?idNorma=26654&amp;idVersion=1984-12-30</a>)</td>
<td>Non-Government sources</td>
<td></td>
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<td></td>
<td></td>
<td>Venegas (2013) Review study of corrective actions (Estudio de revisión de acciones correctivas. FSC Chile (no public report on website)</td>
</tr>
</tbody>
</table>

Overview of Legal Requirements

The signing and ratification of the Convention on Biological Diversity, CITES (trade in endangered species) and the passing of the General Basis Law on the Environment are the cornerstone of legislation concerning protected areas and endangered species. These species may not be removed and their presence and control measures must be stated in the management plan. The CITES convention also regulates international trade in animal and wild plant species to ensure their survival. In plantation and native forest management plans, protection measures for endangered flora and fauna must be stipulated for each plot to be harvested in the section ‘Restrictions due to natural environment variables,’ (on the Plantations form) (Restricciones por variables del medio natural) or ‘Protective Restrictions,’ (on the Native Forest form) (Restricciones de protección). The species of flora and fauna in question must be indicated. Updated lists of endangered species (on a scale) are published periodically on the website of the Ministry of Environment. Controls are carried out based on inventories in the case of flora, or sightings in the case of fauna.

In Chile there are ten Biosphere Reserves (UNESCO), and three of them are in sectors where there is forest production: Nevados de Chillán-Laguna del Laja, Araucarias, and Temperate Rainforests of the Southern Andes.

Chile has 13 wetlands (RAMSAR sites) of international importance, of which 2 are located in areas where there are forest activities. (Site: El Yal Wetlands /Region V) and Carlos Andwanter Nature Sanctuary (Region XIV). Most of the Ramsar sites are protected sites and are under government administration.
<table>
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<th>fomento sobre la materia) ([<a href="http://www.leychile.cl/Navegar?id">http://www.leychile.cl/Navegar?id</a> Norma=6294](<a href="http://www.leychile.cl/Navegar?id">http://www.leychile.cl/Navegar?id</a> Norma=6294))</th>
<th>Interviews with experts: Discussions held with various experts during May 2016, helped the writers of this report better understand relevant legislation, associated risks and on-the-ground implementation. Regarding this indicator, interviews were carried out with different organisations, among which: National Forestry Corporation (Corporación Nacional Forestal), logging companies, FSC Chile, Ministry of Environment, Agricultural and Livestock Service (Servicio Agrícola ganadero -SAG) and legal experts.</th>
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<tr>
<td>4. D.S 13 gives natural monument status to Quele, Belloto del Norte y Sur, Pitao, Ruil (Declara monumento natural las especies forestales quele, pitao, belloto del sur, belloto del norte y ruil) (<a href="http://www.CONAF.cl/cms/editorweb/transparencia/potestades/Dto-13_quele-pitao-belloto-ruil.pdf">http://www.CONAF.cl/cms/editorweb/transparencia/potestades/Dto-13_quele-pitao-belloto-ruil.pdf</a>)</td>
<td>SNASPE Sites (National System of State-Owned Protected Wilderness Areas (Sistema Nacional de Áreas Silvestres Protegidas del Estado), where the following are identified:</td>
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<td>8. D.S 129 prohibits cutting and removal of Copihue (Prohibe la corta, arranque, transporte, tenencia y comercio de copihues (Lapageria rosea) y otorga trámite de urgencia al presente decreto)</td>
<td>d. Nature Monument (IUCN Category III) 16 Sites, with a total area of 34.429 ha.</td>
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<td></td>
<td>e. Nature Sanctuary (IUCN Category III and IV) 46 Sites, with an area of 478.712,6 ha...</td>
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<td>Bird Life International has identified 176 IBA’s in Chile (Important Bird and Biodiversity Area Search). The environmental NGO, CODEFF, is responsible in Chile for implementing Bird Life International’s IBA program for conservation of birds. In the case of Chile, the biggest concentration of IBA’s is found in the northern part of the country in zones where there is no forest production.</td>
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<td>There are Priority Sites for Conservation of Biodiversity. These priority sites were derived from work done from 2001 to 2002 in each of Chile’s regions under the Regional Biodiversity Committees, coordinated by what at that time was the National Environmental Commission (Comisión Nacional del Medio Ambiente--CONAMA); there are now 266 units throughout the country.</td>
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<td>Any native forest intervention must have a management plan under the native forest law, which in addition to the usual requirements forest plantations, must also include protection of special habitats, base extraction rate. Clear felling is not permitted</td>
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<tr>
<td>At the time of the assessment was made, it was indicated that the Ministry of the Environment was working to define “priority Ecosystems”, based on the National Biodiversity Strategy,</td>
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Regional Biodiversity Strategy and National System of Protected Wilderness Areas (SNASPE) but this information is not yet available.

In the interview with CONAF, it was highlighted that in accordance with the law, each owner or company’s management plan must describe aspects pertaining to protecting endangered species, waterways, land, special habitats, protected sites etc. Annexes to management plans are allowed when the stakeholder wishes to give precise technical details.

**Description of Risk**

According to CONAF, inspections are done at random of around 25% of total management plans. This was done for priority areas marked as high, medium or low. Biodiversity is cited as the main reason for inspections, as management plans already underway in native forest areas are a priority.

It was found in conversations with CONAF that the level of non-compliance with management plans is below 3.5% (CONAF communication: from 2004 to 2015, the total management plans issued and approved were 9,257, out of 327 of them presented non-compliance, representing 3.5%, equivalent to an area of 3,374.6 ha.).

Moreover, 70% of the surface area of plantations is certified, as there is a special inspection service in Areas of High Conservation Value, AAVC (Áreas de alto valor de conservación - AAVC). However, according to the review study of corrective actions undertaken with the support of FSC Chile (Venegas, 2013) a high percentage of minor corrective actions was linked to weaknesses in managing the protection of endangered species. There is no information available on habitat management or endangered species among non-certified small and medium-scale producers, but it is thought, on the basis of the interviews, that these breaches of management plans due to weaknesses related to conservation/protection of endangered species also apply for non-certified areas.
15. D.S 67 Coordinated action on environmental issues (Sobre acciones coordinadas en temas medioambientales)
(http://www.leychile.cl/Navegar?idNorma=8593)

16. D.L 38 Persistent organic pollutants (Sobre contaminantes orgánicos persistentes)
(http://www.leychile.cl/Navegar?idNorma=238174)

17. D.L. 3,056 Protection of World Cultural and Natural Heritage, subscribed to in UNESCO (Protección del Patrimonio Mundial, Cultural y Natural, suscrita en UNESCO)
(https://www.leychile.cl/Navegar?idNorma=166877)

18. Act 18.378 Establishes rules for SAG-Agricultural and Livestock Service (Establece normas sobre el SAG -Servicio Agrícola ganadero)
(https://www.leychile.cl/Navegar?idNorma=30135)

19. Decreto 21 Regulations on species under conservation status (Reglamento especies en estado de conservación)
(http://www.leychile.cl/Navegar?idNorma=1039460)

On interview with experts, it was noted that there is a well-defined description and identification of “priority sites”, “protected areas” and “national parks” within Chile. The management plan includes a section for “conservation issues”, however, this section normally is weak, and not reviewed/controlled by the government during the inspections. This evidence has been explained by different experts during this process. Due to the lack of control of the implementation of management plans on the field, there is a risk of non implementation of measures of protection on the field.

At a global level, there are restrictions on conservation areas, however it has been mentioned during interviews with experts that the management of these areas are sensible and weak. The Ministry of the Environment defined priority areas of conservation and annually updates the list of threatened species, although the geographic dispersion indicated is very broad, it is difficult to discriminate at the commune level in this work process.

There is not sufficient information about small-scale producers to give a low-risk conclusion, and weaknesses have been identified in the FSC audits and through conversation with experts. Therefore, using the precautionary approach, specified risk is recommended.

Risk Conclusion

This indicator has been evaluated as specified risk.

Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.
<table>
<thead>
<tr>
<th>Legal Authority</th>
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<th>Overview of Legal Requirements</th>
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<tbody>
<tr>
<td>Ministry of the Environment 10 to 13, 15, 19</td>
<td>Olivares gallardo A. (2010) The new legal framework for environmental protection in Chile (El nuevo marco institucional ambiental en Chile). Journal Catalana de DRET Environmental Vol I-Numb 1 (2010).</td>
<td>Any project or activity likely to cause an environmental impact, including any modifications to it, can only be undertaken or modified after evaluation of its environmental impact, through the presentation of an Environmental Impact Statement (EIS) or an Environmental Impact Assessment (EIA).</td>
</tr>
<tr>
<td>CONAF 1 to 8</td>
<td>Library of Congress of Chile (BCN) (2013) Collection of Environmental Regulations (Compendio de Normas Ambientales). Website BCN.</td>
<td>Measures to be taken depend on the type of project (reservoirs, building, forest exploitation etc), according to the law that approves the regulation of the environmental impact system.</td>
</tr>
<tr>
<td>Agricultural and Livestock Service (Servicio Agrícola ganadero -SAG) 9, 18</td>
<td>D.S 13 gives natural monument status to Quele, Belloto del Norte y Sur, Pitao, Ruiú (Declara monumento natural las especies)</td>
<td>Act 19.300 and its regulation amendments in 2012 specify the variables to be considered in order to define a project as requiring EIS or EIA. It applies to forest development or logging projects covering a single or continuous final harvesting area or area for regeneration felling, though the clear felling of more than 20 hectares a year from the regions of Arica and Parinacota to the region of Coquimbo. In the case of the region of Valparaíso and the Metropolitan region of Santiago, 200 hectares per year. In the case of the region of Libertador.</td>
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4. D.S 43 gives natural monument status to Araucaria (Declara monumento natural a la Araucaria araucana) ([http://www.leychile.cl/Navegar?idNorma=8102&idParte=0](http://www.leychile.cl/Navegar?idNorma=8102&idParte=0))


6. D.S 295 prohibits felling in the Andean region (Prohíbe la corta de árboles en la zona de precordillera y cordillera andina que señala) ([http://www.leychile.cl/Navegar?idNorma=1027876](http://www.leychile.cl/Navegar?idNorma=1027876))

7. D.S 129 prohibits cutting and removal of Copihue (Prohíbe la corta, arranque, transporte, tenencia y comercio de copihues (Lapageria rosea) y otorga trámite de urgencia al presente decreto) ([http://www.sag.cl/sites/default/files/d_s_129_copihue.pdf](http://www.sag.cl/sites/default/files/d_s_129_copihue.pdf))


Non-Government sources


Interviews with experts:

Conversations held with various experts in May 2016 helped the writers of this report better understand relevant legislation, and associated risks of on-the-ground implementation. Regarding this indicator, representatives from different organisations were interviewed: National Forestry Corporation (Corporación Nacional Forestal), FSC Chile, logging companies, Ministry of the Environment, Agricultural and Livestock Service (Servicio agrícola y ganadero) and legal experts.
transformation that are not essential for the execution of the projects or activities proposed in the Management Plan.

The lands subject to forestry activities with forest plantations do not come under EIS or EIA environmental impact assessment systems since their annual development area is less than the area indicated in the national environmental impact regulation (500 ha). However, these lands must be subject to management plans with elements aimed at preventing environmental impacts, although these plans have limited requirements in environmental terms in relation to the aspects covered by this indicator. They mainly require protection of waterways and native areas, threatened species, protection from fires, pests and diseases.

The SAG (Agricultural and Livestock Service) defines authorized chemicals in Chile and it’s recommended to include or consider them on the management plan.

**Description of Risk**

The lands subject to forestry activities with forest plantations have management plans. Based on experts’ opinion, there is a lack of technical resources (lack of specific knowledge about environmental issues) and is common to exclude the environmental aspects from the scope of the control done by the government on the field. The forest plantations subject to forestry activities do not enter on the EIA environmental impact assessment system since their annual intervention area is less than the area indicated in the national environmental impact regulation (500 ha). Based on expert interviews, it should be noted that is usual that smaller surfaces are defined during the management planning to avoid applying the EIA. However, these lands must be subject to management plans that contain subjects associated with preventing environmental impacts, but these plans have limited requirements in environmental terms in relation to the aspects covered by this risk indicator, including mainly requirements related to the protection of courses water and native areas, threatened species, protection of fires, pests and diseases. Nevertheless, in the opinion of the stakeholders, the control done by CONAF is limited, and it is not possible to
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<td>14.</td>
<td><strong>14 D.S. 67</strong> Coordinated action on environmental issues (Sobre acciones coordinadas en temas medioambientales) (<a href="http://www.leychile.cl/Navegar?idNorma=8593">http://www.leychile.cl/Navegar?idNorma=8593</a>)</td>
<td>obtain from the authority objective evidence that would allow evaluating the levels of non-compliance in the indicated topics. In the interview with CONAF, it was highlighted that in accordance with the law, each owner or company’s management plan must describe aspects pertaining to protecting endangered species, waterways, land, special habitats, etc. However not always all information is fulfilled correctly or completed. For example, the SAG (Agricultural and Livestock Service) defines authorized chemicals in Chile. The management plan does not stipulate which chemicals are to be used or not, however sometimes these are included, especially given that the format of management plans does not always allow for everything to be written down (limited space for writing).</td>
</tr>
<tr>
<td>15.</td>
<td><strong>D.L 38</strong> Persistent organic pollutants (Sobre contaminantes orgánicos persistentes) (<a href="http://www.leychile.cl/Navegar?idNorma=238174">http://www.leychile.cl/Navegar?idNorma=238174</a>)</td>
<td></td>
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<td>17.</td>
<td><strong>D.S. 38</strong> Lies dows regulations on noise (Establece Norma de Emisión de Ruidos) (<a href="http://www.leychile.cl/Navegar/index_html?idNorma=1040928">http://www.leychile.cl/Navegar/index_html?idNorma=1040928</a>)</td>
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<td>19.</td>
<td><strong>D.S. 160</strong> Provides for the use of liquid fuels (Reglamento sobre combustibles líquidos) (<a href="http://www.leychile.cl/Navegar?idNorma=1004120">http://www.leychile.cl/Navegar?idNorma=1004120</a>)</td>
<td></td>
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<tr>
<td>20.</td>
<td><strong>D.S. 14</strong> Passes regulation on the Minimum Environmental Water</td>
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</tbody>
</table>

**Risk Conclusion**

This indicator has been evaluated as specified risk. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.
<table>
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<tbody>
<tr>
<td>22. Law 20283- Law on recovery of native forest and forest development (Ley sobre recuperación del bosque nativo y fomento forestal)- article 16:</td>
<td><a href="http://www.conaf.cl/cms/editorweb/transparencia/potestades/Ley-20283_bn.pdf">http://www.conaf.cl/cms/editorweb/transparencia/potestades/Ley-20283_bn.pdf</a></td>
</tr>
</tbody>
</table>

**Legal Authority**

Ministry of the Environment 1, 2, 8  
Ministry of Health 13, 15, 17, 18, 19  
CONAF 3 to 7, 9 to 12, 16, 20, 21

**Legally required documents or records**

- Management plan  
- Register of plant stores and nurseries  
- Approval de of environmental impact assessment
### Applicable laws and regulations

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>5.</td>
<td>D.S 157 Regulation on pesticides for health and domestic purposes (Reglamento de pesticidas de uso sanitario y doméstico) (<a href="http://www.leychile.cl/Navegar?idNorma=262263">http://www.leychile.cl/Navegar?idNorma=262263</a>)</td>
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<td>6.</td>
<td>D.S 78 Regulation on storage of hazardous substances (Reglamento de Almacenamiento de Sustancias Peligrosas) (<a href="http://www.leychile.cl/Navegar?idNorma=1016975">http://www.leychile.cl/Navegar?idNorma=1016975</a>)</td>
</tr>
</tbody>
</table>

### Government sources

- Occupational Safety Institute (Instituto de Seguridad Laboral): www.isl.gob.cl/

### Non-Government sources

- Information on SSO Joint Committees (Información sobre comités paritarios de SSO): http://www.paritarios.cl/descargas.htm
- Lagos Padilla S. et al. (2009) Physical evaluation of candidates to forestry brigade officers as an occupational health and safety precautionary process

### Overview of Legal Requirements

The main requirements of Compulsory Social Security are: "Compulsory Social Security against Accidents of Work and Professional Illnesses", recognising the existence of three worker insurance companies that are in still in operation today.

In 2006, Law 20,123 was passed, which established regulations for the main companies that use labour in subcontracting regimes, and incorporated the obligation to monitor health and safety regulations by these contractors or subcontractors. A system of health and safety management at work must be implemented, for all workers involved, whatever their dependency, when there are more than 50 workers.

In 2011 Chile ratified ILO Convention 187, the Committee of Ministers and the Occupational Health and Safety Advisory Council was created and a bill was introduced to create a Superintendence of Mining Safety and Health and Safety at Work Office in the Superintendence of Social Security. In 2012 a draft was submitted to amend the Organic Law of employers’ insurance companies and in 2013 to amend Law 16,744 on Social Security against Work Accidents and Occupational Illnesses.

Companies seek to minimise the impact during work in the forest, ensuring compliance with current safety standards, compliance with hygiene standards and workers’ rights to access health care in case of illness. For the surrounding communities, care must be taken to minimise the impacts of the work and the inconvenience that this entails. The health and safety regulations are managed by the Ministry of Health.

### Description of Risk

According to international studies, Chile ranked well globally in 2010-12, reaching tenth place, surpassing countries like the United States and UK for Fatality and Production rates versus Fatalities in Forest Harvesting. (Work in the forestry sector 'issues that arise for a changing workforce 2010' Ackerneckt) (El
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<tr>
<td><strong>7.</strong></td>
<td>D.S 148 Health regulation on dealing with hazardous waste (Reglamento Sanitario sobre Manejo de Residuos Peligrosos) (<a href="http://www.leychile.cl/Navegar?idNorma=226458">http://www.leychile.cl/Navegar?idNorma=226458</a>)</td>
<td>(Evaluación fisiológica de postulantes a brigadistas forestales como proceso preventivo en seguridad y salud ocupacional). Journal Ciencia y enfermería XV (1): 89-97, 2009. <a href="http://www.scielo.cl/scielo.php?pid=S0717-95532009000100010&amp;script=sci_arttext&amp;tlng=e">http://www.scielo.cl/scielo.php?pid=S0717-95532009000100010&amp;script=sci_arttext&amp;tlng=e</a></td>
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<tr>
<td><strong>8.</strong></td>
<td>Resolution 964 Establishes measures to be followed by companies with forest and agricultural camps (Establece medidas que deberán cumplir las empresas que cuenten con campamentos forestales y agrícolas) (<a href="http://www.leychile.cl/Navegar?idNorma=192123">http://www.leychile.cl/Navegar?idNorma=192123</a>)</td>
<td>Interviews with experts: Conversations held with various experts in May 2016 helped the authors of this report better understand relevant legislation, and associated risks of on-the-ground implementation. Regarding this indicator, representatives from different organisations were interviewed: FSC Chile, Biobio Health Service, logging companies, Confederation of Forest Workers and legal experts.</td>
</tr>
<tr>
<td><strong>9.</strong></td>
<td>D.S 144 Pollutant emissions of any kind (Emanaciones contaminantes atmosféricos cualquier naturaleza) (<a href="http://www.leyesambientales.cl/emisiones_atmosfera_en/ds_144_61_contrl_conta_en.pdf">http://www.leyesambientales.cl/emisiones_atmosfera_en/ds_144_61_contrl_conta_en.pdf</a>)</td>
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<tr>
<td><strong>10.</strong></td>
<td>D.S 160 Regulation on liquid fossils (Reglamento sobre combustibles líquidos) (<a href="http://www.leychile.cl/Navegar?idNorma=1004120">http://www.leychile.cl/Navegar?idNorma=1004120</a>)</td>
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<tr>
<td><strong>11.</strong></td>
<td>D.S 594 Regulation on basic health and environmental conditions at the workplace (Reglamento sobre condiciones sanitarias y ambientales básicas en los lugares de trabajo) [<a href="http://www.leychile.cl/Navegar?idNorma=192123">http://www.leychile.cl/Navegar?idNorma=192123</a>)]</td>
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<tr>
<td><strong>12.</strong></td>
<td>Act 20308/2008 On the protection of employees for usage of plant</td>
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<tr>
<td><strong>health products</strong> (Sobre protección a los trabajadores en el uso de productos fitosanitarios)</td>
<td><a href="http://www.leychile.cl/Navegar?idNorma=284009&amp;buscar=20308">http://www.leychile.cl/Navegar?idNorma=284009&amp;buscar=20308</a></td>
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**Legal Authority**

- Ministry of Health 1, 3 to 15
- Ministry of Labour 2
- Health Insurance Schemes (specific internal rules)

**Legally required documents or records**

- Payment of health and social security contributions
- Insurance against accidents at work

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**Risk Conclusion**

For **big forest operations**: This indicator has been evaluated as low risk.

Threshold (1) is met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

For **small forest operations**: This indicator has been evaluated as specified risk.

Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.

Note: big forest operations manage equal or more than 10,000 ha (based on discussions between the authors of this assessment, experts and stakeholder consulted (“social/worker issues”)).
<table>
<thead>
<tr>
<th>1.12 Legal employment</th>
<th>Applicable laws and regulations</th>
<th>Government sources</th>
<th>Overview of Legal Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.</strong> DFL1 in the Code of Labour (Código del trabajo) (<a href="http://www.leychile.cl/Navegar?idNorma=207436">http://www.leychile.cl/Navegar?idNorma=207436</a>)</td>
<td>Labour Directorate (2016) Certification of compliance with labour &amp; Social Security obligations (Certificado de cumplimiento de obligaciones laborales y previsionales). Website Labour Directorate, Government of Chile. <a href="http://www.dt.gob.cl/tramites/1617/w3-article-100359.html">http://www.dt.gob.cl/tramites/1617/w3-article-100359.html</a></td>
<td>Bensusán G. (2007) Effectiveness of labour regulations in Latin America (La efectividad de la legislación laboral en América Latina). International Institute for Labor Studies-Instituto Internacional de Estudios Laborales (IIEL). <a href="http://www.ilo.org/public/spanish/bureau/inst/download/dp18107.pdf">http://www.ilo.org/public/spanish/bureau/inst/download/dp18107.pdf</a></td>
<td>Worker and employer relations are regulated by the Labour Code and various complementary regulations. A new Labour Code was issued in January 1994 which included reforms approved by all political sectors and was aimed at better protecting collective bargaining, individual work contracts and the exercise of freedom of association, as well as streamlining procedures in Employment Courts. In addition, the National Trade Union Training Fund was created, an autonomous government entity, which began its work in July of the same year. A key element of labour law refers to the individual contract defined by management as an agreement between a worker and an employer, in which both parties have contractual obligations: the worker, to provide personal services under subordination and dependency; the employer, to pay remuneration for those services. The contract must be signed by both parties, with two copies: one for the worker and the other for the employer. This must be notarised within 15 days of the worker commencing work. For one-off contracts, fixed-term contracts or those under 30 days, this must be done in 5 days. The minimum working age for personnel involved in hazardous work is 15 years old, coming from a technical school of professional and under a “work practice” always under the authorization from the parents.</td>
</tr>
</tbody>
</table>
Standards on occupational accidents and diseases
(https://www.leychile.cl/Navegar?idNorma=28650)

Legal Authority
Ministry of Labour

Legally required documents or records
Certificate of compliance with labor and social security obligations
Membership of the Pension Fund Association (AFP) or Instituto de Normalización Previsional (INP)


International Trade Union Confederation


Interviews with experts:

Conversations held with various experts in May 2016 helped the writers of this report better understand relevant legislation, and associated risks of on-the-ground implementation. Regarding this indicator, representatives from different organisations were interviewed: National Forestry Corporation (Corporación Nacional Forestal), FSC Chile, Confederation of Forest Workers and legal experts.

Based on interview with a labor specialist there is no separate legislation, and all requirements in terms of minimum working age and minimum age for personnel involved in hazardous work, legislation against forced and compulsory labor, and discrimination; are included on the DFL1 in the Code of Labour (Código del trabajo).

In terms of requirements for competence certificates and other training requirements; there are no legal requirements established by law. Normally certified forest areas/companies ask to CORMA this type of certificates, but are not required by law.

Following the Law 16744, the main requirements of Compulsory Social Security are:
“Compulsory Social Security against Accidents of Work and Professional Illnesses”, recognising the existence of three worker insurance companies that are still in operation today.

Description of Risk

According to the International Trade Union Confederation’s international ranking of labour conditions, Chile occupies an intermediate position in terms of labour compliance with a mark of 3, alongside countries like Canada, Brazil and Costa Rica (5+ is the worst and 1 is the best).

According to the interviewees, in particular the SEREMI health service in Biobío, the Confederation of Forest Workers and a legal specialist, Chile has strict laws regarding labour and occupational safety with high fines and periodic inspections. The results of these inspections (source: interviews - period of inspections 2015-2016), show that big producers and companies follow up the requirements more than small/medium companies that not always have the capacity to invest on these topics. Moreover, forest certification has improved the relations of logging companies with their unions, according to the Confederation of Forestry Workers. The labor control is strict, but also, large companies usually use the OVAL System to ensure a certification of the labor compliance (this certification does audits-consultation with the labor inspection) and verifies if
there are no complaints. This is only used by large companies. Small companies do not have this kind of certification and following conversation with stakeholders and government, seeing official statistics from Department of labor provided by Confederation of Forest Workers, is where they see the non-compliance, detected by the labor inspection. The inspections 2015-2016 (plan de fiscalización especial sector forestal 2015-2016) have also detected isolated problems associated with breaktimes, working hours and overtime pay, especially for big company personnel. But in the labour market there are two sides to the forestry sector: big industry and small producers. The problems detected on small and medium companies (based on interviews with responsible for Service and Health) are higher and serious: no contracts, where informal and precarious work, as well as child labour (according to the EANNA, of the 3,328,005 children aged five to 17 years in Chile, 219,624 (6.6 per cent) are engaged in child labour. It notes, however, that out of the 219,624 children engaged in child labour, 197,743 children (90 per cent) aged five to 17 years are engaged in hazardous work, which includes 72,144 children aged five to 14 years, and 122,559 children aged 15 to 17 years.). It has been also detected specified risk on gender pay gap and gender discrimination (see category 2 for more information). These small companies are especially those involved in native forests. Other interviewees also highlighted this gap. Additional information was requested from the Directorate of Labour to double check the non compliance, but there was no response, and so it was not possible to obtain documented evidence of the situation of small forest operations.

**Risk Conclusion**

For big forest operations: This indicator has been evaluated as low risk.

Threshold (1) is met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.
For small forest operations: This indicator has been evaluated as specified risk.

Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.

Note: big forest operations manage equal or more than 10,000 ha (based on discussions between the authors of this assessment, experts and stakeholder consulted (“social/worker issues”)).

### Third parties’ rights

<table>
<thead>
<tr>
<th>1.13 Cust omary rights</th>
<th>Applicable laws and regulations</th>
<th>Government sources</th>
<th>Overview of Legal Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Decree 236 Ministry of Foreign Affairs (on indigenous peoples and work) (Ministerio de relaciones exteriores sobre pueblos indígenas y el trabajo) (<a href="http://www.leychile.cl/Navegar?id">http://www.leychile.cl/Navegar?id</a> Norma=279441)</td>
<td></td>
<td>The law 19.253 recognizes as indigenous lands those possessed by these peoples, either by regulations or transfers of fiscal lands made by the State through the Ministry of National Assets, by land purchases made by CONADI, or by having been owned by virtue of other titles.</td>
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<tr>
<td>3. Supreme Decree 40 regulation environmental Act (Reglamento ley de bases del medio ambiente) <a href="https://www.leychile.cl/Navegar?id">https://www.leychile.cl/Navegar?id</a> Norma=1053563</td>
<td></td>
<td>The law 19.253 includes the Paragraph 1 of Title II to the protection of indigenous lands. Broadly speaking, it identifies those considered as indigenous lands, incorporating in this category those that come from all kinds of titles emanating from the State, those that by historical occupation are registered for the future in the land registry created by law, those that are declared in the future as belonging to indigenous communities, and those that indigenous people and their communities receive in the future, free of charge from the State (article 12). These lands, which may be individually or collectively owned, will be exempt from the payment of contributions. The law also establishes that, &quot;as required by the national interest,&quot; indigenous lands may not be alienated, seized, encumbered or acquired by prescription, except among communities or persons</td>
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<tr>
<td>10. Supreme Decree 150 (Decreto Supremo 150)</td>
<td>Fixed regulation on the operation of the Fondo de Desarrollo Indígena (<a href="https://www.leychile.cl/Navegar?idNorma=13002">https://www.leychile.cl/Navegar?idNorma=13002</a>)</td>
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<td>7. Act No. 20,249 (O.D. 18/2/2008) creating the towns’ marine coastal space (Crea el espacio marino costero de los pueblos)</td>
<td>Informe Anual sobre Derechos Humanos en Chile 2017 (Annual Report of Human Rights in Chile from 2017) - Centro de Derechos Humanos UDP - Facultad de Derecho (Human Rights Center UDP - Faculty of Law) (<a href="http://www.derechoshumanos.udp.cl/Anual%202017/Cap%2016/Informe%202017%20Conv%20%20DDHH%20pueblos%20indigenas.pdf">http://www.derechoshumanos.udp.cl/Anual%202017/Cap%2016/Informe%202017%20Conv%20%20DDHH%20pueblos%20indigenas.pdf</a>)</td>
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<tr>
<td>8. Convention 169 on indigenous and tribal peoples in independent countries of the International Labor Organization (Convenio 169 de la OIT) - decree 236. art. 14.1 (<a href="https://www.leychile.cl/Navegar?idNorma=2979441">https://www.leychile.cl/Navegar?idNorma=2979441</a>)</td>
<td>Interviews with experts: Conversations with different experts - conducted during May 2016, helped the writers of this report to better understand the applicable legislation and the associated risks with their implementation. Regarding this indicator, representatives of different organizations were interviewed including: Forest Companies, FSC Chile, Profesional Mapuche, SSC Americas and legal expert</td>
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<tr>
<td>10. Supreme Decree 150 (Decreto Supremo 150)</td>
<td>Article 15 (from the Law 19253) establishes that CONADI will be in charge of a Public Registry of Indigenous Lands, where all the lands mentioned in article 12 of the same law will be inscribed, and only this inscription will grant the quality of indigenous land.</td>
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</table>

**Inter-American Commission on Human Rights (2010)**

Tribal and indigenous people's rights to their customary land and natural resources (Derechos de los pueblos indígenas y tribales sobre sus tierras ancestrales y recursos naturales). Organization of American States - Organización de los Estados Americanos (http://www.oas.org/es/cidh/indigenas/docs/pdf/tierras-ancestrales.esp.pdf)

**Informes Annual sobre Derechos Humanos en Chile 2014** (Annual Report of Human Rights in Chile from 2014) - Centro de Derechos Humanos UDP - Facultad de Derecho (Human Rights Center UDP - Faculty of Law) (http://www.derechoshumanos.udp.cl/Anual%202014/Cap%2016.pdf)

**Informe Annual sobre Derechos Humanos en Chile 2017** (Annual Report of Human Rights in Chile from 2017) - Centro de Derechos Humanos UDP - Facultad de Derecho (Human Rights Center UDP - Faculty of Law) (http://www.derechoshumanos.udp.cl/Anual%202017/Cap%2016/Informe%202017%20Conv%20%20DDHH%20pueblos%20indigenas.pdf)

**Interviews with experts:** Conversations with different experts - conducted during May 2016, helped the writers of this report to better understand the applicable legislation and the associated risks with their implementation. Regarding this indicator, representatives of different organizations were interviewed including: Forest Companies, FSC Chile, Profesional Mapuche, SSC Americas and legal expert

**Supreme Decree 150 of the Ministry of Planning and Cooperation establishes the regulation on organization and operation of the Public Registry of Indigenous Lands.**

**Supreme Decree 395 of May 17, 1994, approving the Regulation on the Land and Indigenous Waters Fund.** This consists of the granting of state subsidies for the acquisition of land, the financing of mechanisms for the resolution of conflicts related to lands and the financing for the constitution, regularization or purchases of water rights or works destined to obtain those resources.

**The Convention 169, ratified by Chile in 2008, highlights the duty of governments to recognize "the importance of land for indigenous cultures, assuming that the concept of land includes that of territories." This "recognizes the collective right of property based on ancestral titles and establishes the duty of the State to protect such rights".** With respect to natural resources, the right to "use, administration and conservation thereof" is enshrined, considering also the right they have to be "consulted for the eventual use of their natural resources, and participate in the corresponding benefits. Finally, the State must ensure the protection of the natural resources of indigenous peoples from their improper use".
<table>
<thead>
<tr>
<th>the organization and functioning of the public registry of indigenous lands</th>
<th>the land, which requires the recognition of different degrees of intensity in the use of it”.</th>
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<tr>
<td><a href="https://www.leychile.cl/Navegar?idNorma=10080">https://www.leychile.cl/Navegar?idNorma=10080</a></td>
<td>Declaration of Rights of Indigenous Peoples of the United Nations agreed on September 13, 2007, with the affirmative vote of the State of Chile, contains a catalog of indigenous rights applicable to all areas: economic, social, educational, cultural and environmental.</td>
</tr>
</tbody>
</table>

**Legal Authority**

- Ministry of Social Development (Ministerio de desarrollo social) 2, 4
- CONADI 1, 5, 6
- Ministry of the Environment (Ministerio de medio ambiente) 3, 7

**Legally required documents or records**

- CONADI plan of land titles (Plano CONADI títulos de merced)
On the other hand, in civil law, reference is made to situations based on custom in articles referring, for example, to leasing and mandate contracts, but, more importantly, there are rules in the general interpretation of contracts which indicate that "clauses of common use are presumed even if they are not expressed" (Section 1563); and that "the contracts must be executed in good faith" and, therefore, they oblige that what emanates from the nature of the obligation, or that which by law or custom belongs to them (Section 1546).

**Description of Risk**

There is a much deeper historical conflict between the state of Chile and the indigenous people which is affecting the coexistence of territories that goes beyond the respect for customary rights and that has resulted in a climate of belligerence affecting the Mapuche territories of the regions of the Biobio, Araucania, the Rivers and the Lakes. In these regions there are communes where there are potential overlaps between registered property titles of forest lands and (customary) land titles (http://www.conadisiti.cl/).

According to interviews with Mapuche consultants and specialized lawyers, although there are laws that make explicit the recognition of customary law, there are shortcomings in its enforcement, which generates potential conflicts regarding the customary land rights of indigenous people. In relation to customary peasant rights as stated by the stakeholders, they are generally not very protected by national legislation, especially regarding the use of plant species, sites of special interest and rights of use of water in this last point, it is emphasized that forest certification has helped to safeguard water intakes in rural communities.

Based on the Annual Report of Human Rights in Chile from 2014, the former special rapporteur of indigenous peoples of the United Nations, Rodolfo Stavenhagen, said in 2003 that "property rights to land and territoriality constitute one of the most serious historical problems affecting indigenous peoples in Chile, as they are the result of a long process of dispossession of their lands and resources."
In Chile, despite the commitments and initiatives of the governments following the dictatorship, there is still no constitutional recognition of the nine indigenous peoples recognized by the Indigenous Law, nor their specific territories or collective rights recognized by international instruments. The enactment of Law 19,253 that establishes Standards on the Protection, Promotion and Development of Indigenous Peoples in October 1993, the ratification of Convention 169 of the International Labor Organization on Indigenous Peoples (hereinafter, Convention 169) and the Universal Declaration of The Rights of Indigenous Peoples in 2008, have represented important advances, but are still insufficient in terms of indigenous territories, as included on the Annual Report of Human Rights in Chile from 2014.

Based on the Annual Report of Human Rights in Chile from 2014, Indigenous peoples have stated on innumerable occasions, since the arrival of democracy, that their demand for land includes not only that which has been recognized by the Indigenous Law, but also includes what has been termed as ancestral or ancient lands.

The Indigenous Law does not accept the demands related to the recognition of the ancestral property of the lands, with the rights over the natural resources in them or with the protection of rights over the territory.

Based on the role from FDTA (Fondo de Tierras y Aguas) and CONADI, criticisms have been raised regarding the lack of transparent procedures in the mechanisms of land restitution and/or delivery, the lack of pre-established criteria, the pressures or interference that would exist in the process of selecting the properties to be acquired, the use of the market as the main means of land restitution and the lack of productive accompaniment to the communities to which land is purchased.

In view of the aforementioned circumstances and information reviewed as well as based on expert interviews, and taking into consideration that information about the enforcement of the current legislation is limited, precautionary approach has been applied, thus this indicator is considered as specified risk.
### Overview of Legal Requirements


The right of indigenous peoples to be consulted is enshrined in Convention 169, which sets out the minimum requirements that must be comply with a consultation process to ensure compliance with the right of peoples and the obligation of the State.

The Declaration of United Nations on the Rights of Indigenous Peoples (2007) is the cornerstone of international protection of rights of these peoples, in the current state of law development international. The scope of rights and, in particular, the establishment of procedural standards, closely linked to the question of free, prior and informed prior consultation, has been the subject of jurisprudence of the Inter-American Court, in many cases considered in the last decade, as well as in the reports of the IACHR.

In Convention 169, it is pointed out that in order to carry out these consultations the State must always respect two general principles: good faith and cultural relevance. Along with this, the State must always safeguard the basic requirements of due process in the consultation, that is, that be (a) prior, (b) through appropriate procedures, (c) through of representative authorities or institutions, (d) appropriate to the circumstances and (e) in order to reach agreement or obtain consent about the measure consulted. Along with it, they are described the particular circumstances in which these consultations should be carried.
6. Supreme Decree 150 (Decreto Supremo 150)- Fixed regulation on the organization and functioning of the public registry of indigenous lands 
https://www.leychile.cl/Navegar?id=Norma=10080
https://www.leychile.cl/Navegar?id=Norma=12997

Legal Authority
Ministry of Social Development (Ministerio de desarrollo social) 1
CONADI 3
Ministry of the Environment (Ministerio de medio ambiente) 2
Legally required documents or records
N/A

https://www.google.cl/search?hl=es&tbm=bks&q=isbn:9561118297

Out, among them, in the cases of extraction and exploitation of mining resources, subsurface resources, or in general all resources that could be found in the lands in which they live (Article 15); in the cases where ownership of the land is required (Article 17 number 2) and in relation to the public policies that are implemented in educational matters in general (Articles 22, 27 and 28).

The Declaration establishes mechanisms for consultation and participation, noting that the purpose of consultations is to achieve a free, prior and informed consent (Article 19). The introduction of this right in the Declaration acquires a particular strength when interacting with article 4 of the same instrument, which recognizes that indigenous peoples, exercising their right to self-determination, they have the right to autonomy or self-government in issues related to your internal and local affairs. This statement is reiterated in other articles of the Declaration, which enshrine the right to preserve and strengthen their own political institutions, legal, economic, social and cultural rights, while maintaining their right to participate fully, if they wish, in political life, economic, social and cultural aspects of the State (Article 5); to participate in the adoption of decisions on issues that affect your rights (Article 18) and to determine and develop priorities and strategies for the exercise of their right to development (Article 23).

In Chile's legal system, there are two regulations applicable in cases where a consultation is required in a situation where the rights of indigenous peoples may be affected. Supreme Decree number 66 that regulates the procedure of indigenous consultation in cases of administrative or legislative measures that affect indigenous peoples and Supreme Decree number 40, which establishes the Regulation of the Environmental Impact Assessment System (hereinafter, SEIA).

Description of Risk
Both decrees (DS 66 and DS40) have been strongly questioned by indigenous organizations and by various reports from international organizations and the academy, who have stated that they do not comply with international standards, both


regarding their origin (the legitimacy of indigenous consultation processes is questioned for their establishment) as to its content. This questioning mention in general this: (i) compliance with the duty to consult (Article 3); (ii) which are the bodies to which the obligation to consult is required (Article 4); (iii) those that relate to the definition of the concept of direct involvement (Article 7) and (iv) the partial application of the regulation in the case of administrative measures adopted within the framework of the SEIA.

An important aspect to mention regarding DS 66 is that, after its entry into force, two consultation systems coexist in Chile: that contemplated for the investment projects of the SEIA and the one that regulates the consultation in a generic manner in Decree 66. In effect, the regulation itself in Article 8 states that measures that qualify projects or activities that enter the SEIA will not be governed by the regulation on consultation. This regulation, according to the opinion of lawyers of the citizen observatory and other interested Mapuche and non-Mapuche Chilean stakeholders who were consulted, reduces the standards of the ILO Convention 169 by limiting the consultation to legislative projects which have a direct and significant impact on indigenous people.

The implementation of the indigenous consultation in Chile is still experiencing problems in order to meet the standards demanded by the ILO. Although numerous indigenous organizations were consulted regarding these regulations (Supreme Decree number 66 and Supreme Decree number 40), it is currently receiving strong criticism, a situation which has been ratified by the International Working Group on Indigenous Issues. On the one hand, indigenous communities do not feel represented by the system that regulates the consultation and, on the other hand, the processes tend to be judicialized.

In July 2016, the report prepared by the Presidential Advisory Commission for the evaluation of the SEIA already showed the deficiencies of the regulations in analysis regarding the indigenous consultation process (source Annual Report of Human Rights in Chile from 2017).
Interviews with experts:
Conversations with different experts - conducted during May 2016, helped the writers of this report to better understand the applicable legislation and the associated risks with their implementation. Regarding this indicator, representatives of different organizations were interviewed including: Forest Companies, FSC Chile, Profesional Mapuche, SSC Americas and legal expert.

Based on what has been noted above, and taking into consideration that there is a lack of information about the enforcement of the current legislation, precautionary approach has been applied, thus the risk for this indicator has been evaluated as specified.

Risk Conclusion
This indicator has been evaluated as specified risk.
Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.

<table>
<thead>
<tr>
<th>1.15 Indigenous peoples rights</th>
<th>Applicable laws and regulations</th>
<th>Government sources</th>
<th>Overview of Legal Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3. UN Declaration on the Rights of Indigenous Peoples (Declaración ONU sobre Derecho de los Pueblos Indígenas) (2007) (Note: it is not binding). <a href="http://www.un.org/esa/socdev/unpfii/documents/DRIPS_es.pdf">http://www.un.org/esa/socdev/unpfii/documents/DRIPS_es.pdf</a></td>
<td>People and Indigenous Peoples Observatory (Observatorio ciudadano y asuntos indígenas) <a href="http://observatorio.cl/nuestrasredes/">http://observatorio.cl/nuestrasredes/</a></td>
<td>The law 19.253 includes the Paragraph 1 of Title II to the protection of indigenous lands. Broadly speaking, it identifies those considered as indigenous lands, incorporating in this category those that come from all kinds of titles emanating from the State, those that by historical occupation are registered for</td>
</tr>
</tbody>
</table>

|                               |                               | Inter-American Commission on Human Rights (2010) Tribal and indigenous people’s rights to their customary land and natural resources (Derechos de los pueblos indígenas y tribales sobre sus tierras) | |
|                               |                               |                               | |


Applicable laws and regulations
http://www.leychile.cl/Navegar?idNorma=30620

Overview of Legal Requirements
The promulgation of Law 19.253 that establishes Standards on Protection, Promotion and Development of Indigenous People was in October 1993. The Indigenous Law 19.253 recognizes nine indigenous peoples: Aymara, Atacameño, Quechua, Colla, Diaguita, Mapuche, Rapanui, Kawésqar and Yámana or Yagán.

The law 19.253 recognizes as indigenous lands those possessed by these peoples, either by regulations or transfers of fiscal lands made by the State through the Ministry of National Assets, by land purchases made by CONADI, or by having been owned by virtue of other titles.

The law 19.253 includes the Paragraph 1 of Title II to the protection of indigenous lands. Broadly speaking, it identifies those considered as indigenous lands, incorporating in this category those that come from all kinds of titles emanating from the State, those that by historical occupation are registered for.

5. Supreme Decree 40 SEIA Regulation (Reglamento del SEIA) https://www.leychile.cl/Navegar?idNorma=1053563


7. Supreme Decree 150 (Decreto Supremo 150)- Fixed regulation on the organization and functioning of the public registry of indigenous lands https://www.leychile.cl/Navegar?idNorma=10080


**Legal Authority**

Ministry of Social Development (Ministerio de Desarrollo Social) 6

Ministry of the Environment (Ministerio de Medio Ambiente) 4, 5, CONADI 1, 2


The future in the land registry created by law, those that are declared in the future as belonging to indigenous communities, and those that indigenous people and their communities receive in the future, free of charge from the State (article 12).

These lands, which may be individually or collectively owned, will be exempt from the payment of contributions. The law also establishes that, "as required by the national interest," indigenous lands may not be alienated, seized, encumbered or acquired by prescription, except among communities or persons of the same ethnic group (article 13). Neither may be leased in the case of community lands, and only for a period not exceeding five years in the case of individual property.

Article 15 (from the Law 19253) establishes that CONADI will be in charge of a Public Registry of Indigenous Lands, where all the lands mentioned in article 12 of the same law will be inscribed, and only this inscription will grant the quality of indigenous land.

Supreme Decree 150 of the Ministry of Planning and Cooperation establishes the regulation on organization and operation of the Public Registry of Indigenous Lands.

Supreme Decree 395 of May 17, 1994, approving the Regulation on the Land and Indigenous Waters Fund. This consists of the granting of state subsidies for the acquisition of land, the financing of mechanisms for the resolution of conflicts related to lands and the financing for the constitution, regularization or purchases of water rights or works destined to obtain those resources.

The Convention 169, ratified by Chile in 2008, highlights the duty of governments to recognize "the importance of land for indigenous cultures, assuming that the concept of land includes that of territories." This "recognizes the collective right of property based on ancestral titles and establishes the duty of the State to protect such rights". With respect to natural resources, the right to "use, administration and conservation thereof" is enshrined, considering also the right they have to be "consulted for the eventual use of their natural resources, and participate in the corresponding benefits. Finally, the State must ensure the
<table>
<thead>
<tr>
<th>Ministry of Foreign Affairs (Ministerio de Relaciones Exteriores)</th>
<th>Interviews with experts:</th>
<th>protection of the natural resources of indigenous peoples from their improper use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legally required documents or records</td>
<td>Conversations with different experts - conducted during May 2016, helped the writers of this report to better understand the applicable legislation and the associated risks with their implementation. Regarding this indicator, representatives of different organizations were interviewed including: Forest Companies, FSC Chile, Profesional Mapuche, SSC Americas and legal expert.</td>
<td>Article 14.1, from the convention 169 which states that &quot;the peoples concerned shall be granted the right to property and possession over the lands they traditionally occupy (...) and safeguard the right of the peoples concerned to use lands that are not exclusively occupied by them, but to those who have traditionally had access to their traditional and subsistence activities &quot;. The objective of this norm is &quot;to guarantee the continuity of a way of life based on a particular relationship with the land, which requires the recognition of different degrees of intensity in the use of it&quot;.</td>
</tr>
<tr>
<td>N/A</td>
<td></td>
<td>Declaration of Rights of Indigenous Peoples of the United Nations agreed on September 13, 2007, with the affirmative vote of the State of Chile, contains a catalog of indigenous rights applicable to all areas: economic, social, educational, cultural and environmental.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The Declaration, in its article 26.1, expressly states that &quot;indigenous peoples have the right to lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired.&quot;</td>
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<tr>
<td></td>
<td></td>
<td>The same article 26.3 states that &quot;States shall ensure the legal recognition and protection of those lands, territories and resources. Such recognition will duly respect the customs, traditions and land tenure systems of the indigenous peoples concerned.&quot;</td>
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<td></td>
<td></td>
<td>Article 27 states that States &quot;shall establish and apply, together with indigenous peoples, an equitable, independent, impartial, open and transparent process in which the laws, traditions, customs and land tenure systems of the land are duly recognized. Indigenous peoples, to recognize and adjudicate the rights of indigenous peoples in relation to their lands, territories and resources, including those that they have traditionally owned or occupied or used. Indigenous peoples will have the right to participate in this process.&quot;</td>
</tr>
</tbody>
</table>
The Chilean Political Constitution of 1980 still does not recognize indigenous peoples and their rights. The draft constitutional reform referring to these peoples presented to the National Congress in 2007-2008 did not have any progress for this recognition (Indigenous Consultation 2014).

Indigenous communities are regulated by Act N° 19.253 (Ley N° 19.253) of 1993 on “promotion, protection and development of indigenous communities.” Another regulation that recognises and regulates the exercise of the rights of Chilean indigenous communities is Law N° 20,249 (Ley N° 20.249), promulgated in 2008, which “creates the coastal marine spaces of the native peoples”.

The population that identifies itself as belonging to or descended from one of the nine indigenous peoples recognized by law in Chile reaches 1,369,563 people, representing 8% of the total population of the country, comprising the following communities: Aymara (0.59%); Lickanantay (0.14%); Quechua (0.07%); Colla (0.06%) and Diaguita (0.06%), inhabitants of the Andean valleys and plateaus in the North; rapanui of Polynesian Te Pito or Te Henua (Easter Island) (0.03%); Mapuches (6.97%) of the temperate and rainy Wallmapu of the South; In addition to Kawashkar (0.01%) and Yamana (0.01%), from the southern Patagonian channels.

**Description of Risk**

Chile is far behind in terms of the recognition of indigenous rights, which has been ratified in interviews with various stakeholders, included representation of Mapuche professional, that indicates the indigenous law only partially recognizes some rights, especially regarding land, areas of ancestral land conflict and cultural and archaeological values, however, there is so much work to generate a participatory process, respecting the obligations under Convention 169 and promoting a dialogue with the indigenous communities of the country, especially with the Mapuche people, to establish the demands of territories and generate public policies for the restitution of territories and natural resources.
Based on the Annual Report of Human Rights in Chile from 2014, the former special rapporteur of indigenous peoples of the United Nations, Rodolfo Stavenhagen, said in 2003 that "property rights to land and territoriality constitute one of the most serious historical problems affecting indigenous peoples in Chile, as they are the result of a long process of dispossession of their lands and resources ".

In Chile, despite the commitments and initiatives of the governments following the dictatorship, there is still no constitutional recognition of the nine indigenous peoples recognized by the Indigenous Law, nor their specific territories or collective rights recognized by international instruments. The enactment of Law 19,253 that establishes Standards on the Protection, Promotion and Development of Indigenous People in October 1993, the ratification of Convention 169 of the International Labor Organization on Indigenous Peoples (hereinafter, Convention 169) and the Universal Declaration of The Rights of Indigenous Peoples in 2008, have represented important advances, but are still insufficient in terms of indigenous territories, as included on the Annual Report of Human Rights in Chile from 2014.

Based on the Annual Report of Human Rights in Chile from 2014, Indigenous peoples have stated on innumerable occasions, since the arrival of democracy, that their demand for land includes not only that which has been recognized by the Indigenous Law, but also includes what has been termed as ancestral or ancient lands.

The Indigenous Law does not accept the demands related to the recognition of the ancestral property of the lands, with the rights over the natural resources in them or with the protection of rights over the territory.

Based on the role from FDTA (Fondo de Tierras y Aguas) and CONADI, criticisms have been raised regarding the lack of transparent procedures in the mechanisms of land restitution and / or delivery, the lack of pre-established criteria, the pressures or interference that would exist in the process of selecting the properties to be acquired, the use of the market as
the main means of land restitution and the lack of productive accompaniment to the communities to which land is purchased.

In view of the aforementioned circumstances and information reviewed as well as based on expert interviews, and taking into consideration that information about the enforcement of the current legislation is limited, precautionary approach has been applied, thus this indicator is considered as specified risk.

**Risk conclusion**

This indicator has been evaluated as specified risk.

Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.

### Trade and transport

<table>
<thead>
<tr>
<th>1.16 Classification of species, quantities, qualities</th>
<th>Applicable laws and regulations</th>
<th>Government sources</th>
<th>Overview of Legal Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Decree 193 Regulation DL 701 (Reglamento DL 701): <a href="https://www.leychile.cl/Navegar?idNorma=125009&amp;idParte=0">https://www.leychile.cl/Navegar?idNorma=125009&amp;idParte=0</a></td>
<td>Decree 93 Regulation of Native Forest Law (Reglamento Ley de Bosque Nativo) <a href="https://www.leychile.cl/Navegar?idNorma=1006865&amp;idParte=0">https://www.leychile.cl/Navegar?idNorma=1006865&amp;idParte=0</a></td>
<td>Webpage CONAF: Management plan forms (Formularios Plan de manejo) <a href="http://www.CONAF.cl/nuestros-bosques/bosque-nativo/formularios-para-planes-de-manejo/">http://www.CONAF.cl/nuestros-bosques/bosque-nativo/formularios-para-planes-de-manejo/</a></td>
<td>The Decrees 193 and 93 describe the conditions and requirements between the figures of native and the exotic forests, based on aspects of the management itself (management and harvesting plans, inventory, etc.). The material harvested is classified, following the INN standards (Instituto Nacional de Normalización- <a href="http://www.inn.cl/">http://www.inn.cl/</a>). On the standard, the rules for classification of forest products, include both characteristics: quality and quantity (measurement material).</td>
</tr>
<tr>
<td>2. Decree 93 Regulation of Native Forest Law (Reglamento Ley de Bosque Nativo) <a href="https://www.leychile.cl/Navegar?idNorma=1006865&amp;idParte=0">https://www.leychile.cl/Navegar?idNorma=1006865&amp;idParte=0</a> Voluntary regulations National Institute of Normalization (Normativa voluntaria Instituto Nacional de Normalización) (INN) <a href="http://www.inn.cl">www.inn.cl</a></td>
<td>Voluntary regulations National Institute of Normalization (Normativa voluntaria Instituto Nacional de Normalización) (INN) <a href="http://www.inn.cl">www.inn.cl</a></td>
<td>National Institute for Standardization (Instituto Nacional de Normalización)-INN -Rules for classification of forest products (Normas de clasificación de productos forestales): <a href="http://www.inn.cl/">http://www.inn.cl/</a></td>
<td>Transported forest products must be clearly specified indicating origin, volume or weight, type and transaction unit in addition to the data.</td>
</tr>
<tr>
<td>3. NCh1969/1:2010 Timber - Broad-leaved species - Visual classification by cutting or harvesting - Part 1: Sawn or planed timber from native secondary forests of coigue, rauli</td>
<td>NCh1969/1:2010 Timber - Broad-leaved species - Visual classification by cutting or harvesting - Part 1: Sawn or planed timber from native secondary forests of coigue, rauli</td>
<td>INFOR (2016) The chilean forest sector 2016. Web page of INFOR Chile (<a href="http://wef.infor.cl/sector_forestal/sectorforestal.php#/0">http://wef.infor.cl/sector_forestal/sectorforestal.php#/0</a>)</td>
<td>As indicated by CONAF, the control of Free Transit Guides in native forest is carried out specifically through two control activities, commonly known as Road Control and Control of Collection Centers. In the first, the carrier must carry the guide at all times during the transport and in the second the owner and/or administrator of the Collection Center should always have it in the place where the products are collected. The above, is in order to prove the legal origin of the wood.</td>
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<tr>
<td>Non-Government sources</td>
<td></td>
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</table>

Figures provided by CONAF indicate that in the period 2013 to 2015 only 279 infractions have occurred during the Road Control and Control of Collection Centers (for native forest), which is considered to be low.

For the year 2013 a total of 5,279 management plans were issued, of which inspected a total of 1,483, representing 28.1%. For the year 2014 a total of 5,662 management plans were issued, of which inspected a total of 1,463, representing 25.8%. Finally, a total of 5,188 management plans were issued by 2015, of which inspected a total of 997, representing a 19.2%. Therefore, considering the sample corresponding to this period, the average is 24.3% of management plans at country level. During this period, (3 years) a total of 279 infractions occurred (representing a 7% of the total management plans reviewed), which is considered to be low.

However, based on expert interviews, as well as official institutions as the Internal Tax Service, a problem detected in different “communes” from the regions of Araucanía -9ª and BioBio- 8ª, was that guides for transport have been falsified, it’s important to mention that some of these falsifications were related with: identification of non-existent volumes, wood coming from forest where the possibility is 1000 m3 but the reality show that the total amount of wood coming from this forest is 2000 m3 (falsification on wood origin-forest), change on type of species and volumes.

As an example, the Public Ministry has prosecuted a forest entrepreneur for issuing false bills and guides in the communes of Cañete and Tirúa (Araucanía region- 9ª).

In interviews with the Internal Tax Service of the BioBio Region, it was indicated that the research on transport falsifications was verified by the service through its special cases unit, this investigation is under development so it is difficult to determine the complete name of all communes involved. Furthermore, it was pointed out in the interview with the official from the Tax Services that a similar cases have occured in the Region of Araucanía but to date the entity has not sent supporting

- Part 2: General requirements for Eucalyptus globulus and Eucalyptus nitens (Madera - Material de propagación de uso forestal - Parte 2: Requisitos generales para Eucalyptus globulus y Eucalyptus nitens)

9. NCh2957/4:2006 Timber – Propagation material for forest use- Part 4: General requirements for oregon pine (Madera - Material de propagación de uso forestal - Parte 4: Requisitos generales para pino oregón)

10. NCh2957/5:2006 Timber – Propagation material for forest use - Part 5: General requirements for raulí (Madera - Material de propagación de uso forestal - Parte 5: Requisitos generales para Raulí)

11. NCh178:2005 Radiata Pine Sawn Timber - Classification by aspect (Madera aserrada de pino radiata - Clasificación por aspecto)

**Legal Authority**

CONAF 1,2

INN 3 to 11

**Legally required documents or records**

Dispatch Guide (Guía de despacho)

Management plan (Plan de manejo)

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On the basis of available evidence (interview with Internal Tax Service and other experts), it is concluded that, the problem, related to false transportation guides in the two regions mentioned above (forest plantation), is large and important to be mentioned and identified as a risk on this assessment compared with other controls around the different regions done by the Internal Tax Service.

In the region of BioBio (8º), it has been proved guilty, and in the 9º region (Araucanía) there are pending trials. Note that specialized groups are being set up jointly with CONAF to evaluate in more detail the problem. Some of the reports generated by them are confidential. So, we had no access during the assessment process.

The perception from stakeholders is that infractions from the CONAF are low, and the % of volume traded in these communes (from the two regions mentioned before) is low compared to the whole country (source: INFOR 2016).

In view of all of the circumstances mentioned above, this indicator is generally considered to be low risk, except in the regions of Araucanía (9º) and BioBio (8º) where the Public Ministry has detected a timber fraud and in the vicinity of landings and those declared in dispute in the FSC public reports.
<table>
<thead>
<tr>
<th>Free-transit guide in the case of native forests (Guía de libre tránsito en caso de bosque nativo)</th>
</tr>
</thead>
<tbody>
<tr>
<td>However, based on other evidences received during expert consultation (Forest Companies, FSC Chile, Professional Mapuche, SSC Americas and legal expert), the magnitude of the issue cannot be calculated, thus it is not clear whether this issue is also relevant in other regions of the country. Based on this, precautionary approach has been applied, thus 'specified risk' is considered for the plantations for the whole country.</td>
</tr>
</tbody>
</table>

**Risk Conclusion**

For the case of forest plantations, this indicator has been evaluated as specified risk.

Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.

And

For the case of natural forest, this indicator has been evaluated as low risk.

Threshold (1) is met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

<table>
<thead>
<tr>
<th>1.17 Trad e and trans port</th>
<th>Applicable laws and regulations</th>
</tr>
</thead>
</table>

**Government sources**

- Andaliaft Ch. (2005) Characterisation of the forests transports services industry in Chile and companies' competition strategies (Caracterización de la industria de servicios de transporte forestal en Chile y)

**Overview of Legal Requirements**

In Chile the timber classification and the transportation and marketing is based on the dispatch guide that is required for the trade and transportation of forest products.

The legal requirement regarding forest transport is mainly focused on the following aspects:

- The maximum tonnage in roads cannot exceed a total 45 of tons with a distribution by specific axis in load law
- The means of transport must consider special stowage requirements according to the type of forest product which is being transported
emisión vehículos motorizados pesados)
(http://www.leychile.cl/Navegar?idNorma=8364)

4. Supreme Decree 94 Conditions for transporting forest products
(Condicion para el transporte de productos forestales)
(http://www.leychile.cl/Navegar?idNorma=9104)

5. Supreme Decree 75 Conditions for carrying loads
(Condicion para el transporte de cargas)
(http://www.leychile.cl/Navegar?idNorma=76048)

6. Supreme Decree 158 Maximum vehicle weight public roads
(Peso máximo vehículos caminos públicos)
(http://www.leychile.cl/Navegar?idNorma=10212)

7. Supreme Decree 19.474 Road construction and conservation law
(Ley de construcción y conservación de caminos)
(http://www.leychile.cl/Navegar?idNorma=30841)

8. Supreme Decree 200 Maximum vehicle weight on urban roads.
Modified by Supreme Decree 396
(Peso máximo vehículos en vías urbanas. Modificado por DS 396)
(http://www.leychile.cl/Navegar?idNorma=10874)

9. Supreme Decree 298 Regulates the transport of hazardous
estrategias competitivas de las firmas).

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-651982-9-las-redes-tras-el-robo-de-madera-
ministerio-publico-ya-suma-92-causas-y-55.shtml

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(Resumen del Informe síntesis sobre la Información
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provenance of wood (Protocolo para asegurar procedencia legal de la madera) Web page of
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Forestry Industry Association’s).
http://www.corma.cl/corma-al-dia/biobio/empresas-
corma-firman-protocolo-para-asegurar-procedencia-
legal-de-la-madera

University of Concepción (2009) Chilean forests
production and supply chain analysis “Structure,
agents and practices” (Análisis a la cadena de
producción y comercialización del sector forestal
chileno “estructura, agentes y prácticas”).
http://www.fne.gob.cl/wp-

- The transport in areas of quarantine protection with pests must have a certificate from the SAG and the corresponding specific plan from CONAF
- Customs guards are in charge of the control of the timber transport
- Act 20.283 requires the transporter or the owner of collection center of native wood, which certifies the legal origin of the primary products of the native forest which is transported, through free transit guides given by CONAF. This means that whoever carries timber without the document risks a fine of around 3 UTM (approximately $130,000).
- All cargo (e.g. primary, secondary or tertiary forest products or NTFP) must have a dispatch guide, tax document required by the Internal Tax Service which is jointly supervised by the customs guards.

Description of Risk

As indicated by CONAF, the control of Free Transit Guides in native forests is specifically made through two control activities, commonly known as Road Controls and Control of Collection Centers. In the first case the carrier must carry the guide at all times during transportation and in the second case the owner and/or administrator of the Collection Center must always have it in the place where the products are collected. The above, is in order to prove the legal origin of the wood. Figures provided by the institution CONAF with regard to the percentage of control for management plans at country level: numbers from the last three years (2013-2015) to determine an average of the period.

For the year 2013 a total of 5,279 management plans were issued, of which inspected a total of 1,483, representing 28.1%. For the year 2014 a total of 5,662 management plans were issued, of which inspected a total of 1,463, representing 25.8%. Finally, a total of 5,188 management plans were issued by 2015, of which Inspected a total of 997, representing a 19.2%.

Therefore, considering the sample corresponding to this period, the average is 24.3% of management plans at country level. During this period, (3 years) a total of 279 infractions occurred


Legal Authority

Ministry of Transport (Ministerio de Transportes) 1 to 8
Ministry of Health (Ministerio de Salud) 1 to 10
CONAF and Internal Tax Service Free transit guides and shipping guides (SII Guías de libre tránsito y guías de despacho)

Legally required documents or records

Free-transit guide in native forest (Guía de libre tránsito en bosque nativo)
Shipping Guide (Guía de Despacho)


Interviews with experts:

Conversations with different experts - conducted during May 2016, helped the writers of this report to better understand the applicable legislation and the associated risks with their implementation. Regarding this indicator, representatives of different organisations were interviewed including: Forest Companies, FSC Chile, Internal Revenue Services, SSC Americas, National Customs Service and legal expert.

Representing a 7% of the total management plans reviewed), which is considered to be low.

In the case of transportation of native forest woods in addition to the transportation guide for freight transportation, the free transit guide issued by CONAF is also obligatory. This allows for a greater certainty regarding the origin since CONAF’s delivery of free-transit guides is conditioned by the approval of the native forest management plan.

However, based on expert interviews, as well as official institutions as the Internal Tax Service, a problem detected in different "communes" from the regions of Araucanía -9ª and BioBio- 8ª, was that guides for transport have been falsified, it’s important to mention that some of these falsifications were related with: identification of non-existent volumes, wood coming from forest where the possibility is 1000 m3 but the reality show that the total amount of wood coming from this forest is 2000 m3 (falsification on wood origin-forest), change on type of species and volumes.

As an example, the Public Ministry has prosecuted a forest entrepreneur for issuing false bills and guides in the communes of Cañete and Tirúa (Araucanía region- 9ª).

In interviews with the Internal Tax Service of the BioBio Region, it was indicated that this research on transport falsifications was verified by the service through its special cases unit, this investigation is under development so it is difficult to determine the complete name of all communes involved. Futhermore, it was pointed out in the interviews with the official from the Tax Services that a similar case occurred in the Araucanía Region but to date the entity has not sent supporting evidence, it is also noted that there is no adequate coordination with CONAF.

On the other hand, in an interview with forestry companies, it is pointed out that when the situation was made known to the public ministry CORMA (Chilean Timber Corporation) in the year 2015, it generated a protocol/purchase procedure that was signed by all of its associates and that according to the companies assures the legal origin of the wood.
| Management plan (Plan de manejo)  | Weight certificate (Certificado de pesaje) | A CNRA Chile draft document was sent to companies and CORMA requesting evidence, but no information was received on the subject. Interviews with a Mapuche professional working in the area indicate that the problem remains, but that its extent is difficult to determine the extent of it.

On the basis of available evidence (interview with Internal Tax Service and other experts), it is concluded that, the problem, related to false transportation guides in the two regions mentioned above (forest plantation), is large and important to be mentioned and identified as a risk on this assessment compared with other controls around the different regions done by the Internal Tax Service.

In the region of BioBio (8ª), it has been proved guilty, and in the 9ª region (Araucanía) there are pending trials, note that specialized groups are being set up jointly with CONAF to evaluate in more detail the problem. Some of the reports generated by them are confidential. So, we had no access during the assessment process.

The perception from stakeholders is that infractions from the CONAF are low, and the % of volume traded in these communes is low compared to the whole country (source: INFOR 2016).

In view of all of the circumstances mentioned above, this indicator is generally considered to be low risk, except in the regions of Araucanía (9ª) and BioBio (8ª) where the Public Ministry has detected a timber fraud and in the vicinity of landings and those declared in dispute in the FSC public reports.

However, based on other evidences received during expert consultation (Forest Companies, FSC Chile, Profesional Mapuche, SSC Americas and legal expert), the magnitude of the issue cannot be calculated, thus it is not clear whether this issue is also relevant in other regions of the country. Based on this, precautionary approach has been applied, thus ‘specified risk’ is considered for the plantations for the whole country. |
## Applicable laws and regulations

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>1.18 Offshore trading and transfer pricing</strong></td>
<td><strong>Government sources</strong></td>
</tr>
</tbody>
</table>
| **1.** Act 20780 Reform Income Act (Reforma Ley de renta) [http://www.leychile.cl/Navegar?idNorma=1067194](http://www.leychile.cl/Navegar?idNorma=1067194)  

### Risk Conclusion

For the case of plantations, this indicator has been evaluated as specified risk.

Threshold (2) is met: Identified laws are not consistently upheld by all entities and/or are often ignored, and/or are not enforced by relevant authorities.

AND

For the case of natural forest, this indicator has been evaluated as low risk.

Threshold (1) is met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.

### Overview of Legal Requirements

Since September 2012, it is the taxpayer who must prove that the prices are market prices, with the sworn declaration 1907, which must be submitted annually to the Internal Tax Service on the last business day of June. Subsequently, the Internal Tax Service reviews this statement and, if it finds that it is not correct, it may charge fines.

This statement is mandatory for medium and large companies that have carried out transactions with related parties from abroad that have carried out transactions with tax havens or those that, not classified under the previous premises, have carried out transactions with related parties abroad for more than 500 million pesos.

### Description of Risk

For Chilean companies, this is a new and complex issue that requires in-depth economic analysis. Based on interviews with Custom officer, Internal Revenue Service among others, we didn’t get evidences that companies are not following the law.

However, for Deloitte International, "Chile is one of the last countries to start to regulate the transfer price, in order to
### 1.19 Customs regulations

<table>
<thead>
<tr>
<th>Number</th>
<th>Applicable laws and regulations</th>
<th>Government sources</th>
<th>Overview of Legal Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>DFL 30 Customs Ordinance (Ordenanza aduanera) <a href="https://www.aduana.cl/ordenanza-de-aduanas/adovana/2013-03-19/120415.html">https://www.aduana.cl/ordenanza-de-aduanas/adovana/2013-03-19/120415.html</a> <a href="http://www.leychile.cl/Navegar?idNorma=238919&amp;idParte=">http://www.leychile.cl/Navegar?idNorma=238919&amp;idParte=</a></td>
<td>SAG (Agricultural and Livestock Service - Servicio Agrícola y Ganadero) (2016) Export Guide. Web page SAG. <a href="http://www.sag.gob.cl/ambitos-de-accion/exportaciones-0">http://www.sag.gob.cl/ambitos-de-accion/exportaciones-0</a> Barrera Pedraza D. (2011) International trade of forest products (Comercio internacional de productos forestales). Ministry of Agriculture - Bureau of Agricultural Studies and Policies ODEPA-Government of Chile. <a href="http://www.odepa.gob.cl/odepaweb/publicaciones/doc/2482.pdf">http://www.odepa.gob.cl/odepaweb/publicaciones/doc/2482.pdf</a> INFOR (Forest Institute-Instituto Forestal) (2016) Overseas trade statistics (Estadísticas comercio exterior). Website INFOR-Ministry of Agriculture. <a href="http://wef.infor.cl/comercio/comerciointernacional.php">http://wef.infor.cl/comercio/comerciointernacional.php</a></td>
<td>In Chile, any natural or juridical person or foreigners residing in the country, can become an exporter, they only have to be up to date with payments of their taxes with the Tax Authorities and initiate activities as exporter (or extension of turnover) with the Internal Revenue Service. As a general rule, the legal export procedure of goods or services out of the country, must comply with the following requirements at different stages:  - Presentation of goods to the Service: With the Single Export Form Processing Acceptance or first message, which must be issued before requesting the entry of the goods to the primary zone. - Entry of goods to primary zone and dispatch permit:</td>
</tr>
</tbody>
</table>
3. Decree 1148 of Treasury Customs Tariffs (Hacienda Aranceles Aduaneros)

4. Law N° 18,480 Reimbursement of levies affecting the cost of non-traditional minor export inputs (Reintegro de gravámenes que incidan en costo de insumos de exportaciones menores no tradicionales)
https://www.aduana.cl/leyes-de-fomento-a-las-exportaciones/duana/2007-02-14/173208.html

5. Law N° 18,634 Deferred payment of customs duties, tax credit and other benefits of a fiscal character (Pago diferido de derechos de aduana, crédito fiscal y otros beneficios de carácter tributario)
https://www.aduana.cl/leyes-de-fomento-a-las-exportaciones/duana/2007-02-14/173208.html

6. Act N° 18,708 Reimbursement of duties and other customs duties for exporters (Reintegro de derechos y demás gravámenes aduaneros para exportadores)
https://www.aduana.cl/leyes-de-fomento-a-las-exportaciones/duana/2007-02-14/173208.html

| Customs Chile (2016) National Customs Directorate (Dirección nacional de aduanas). Website Customs Government of Chile. https://www.aduana.cl/ |

**Non-Government sources**


With the acceptance to process of a single export form, the entry of the goods to primary zone and their shipment or export is authorized.

- Shipment or export of goods:

The Customs Dispatcher will inform about the shipment or export of goods, in the case of maritime and air traffic, and it will be verified by the Customs Service in case of land-based traffic.

- Legalisation:

The Legalisation will be requested with a second message with the single export form, once all of the legal and regulatory procedures allowing the legal export of the goods out of the country have been carried out. Once authorised by Customs, the customs destination is formalized and the Single Export Form-Legalisation or second message constitutes the Customs Declaration.

- Final value of the export operation:

In the case of export operations whose sale method is not “firm”, the final result of the export operation must be accredited to the National Customs Service, which will be done through the Single Export Form Value Variation Report.

The legislation related to the export of forest products is complex and of varying competence, at least 86 legal bodies associated with the export and import of goods and services can be distinguished.

However, in summary for the forestry sector, it is possible to distinguish between customs rules, rules associated with the import of foreign exchange, export taxation, tax exemptions and phytosanitary regulations.

The currency received for this concept must be paid in a national currency in any banking company, which issues a Visible Trade Income Form, and in turn the bank entity must send these documents to the Exports Department of the Central Bank of Chile.
7. Act 20322 Tax and Customs Jurisdiction (Jurisdicción tributaria y aduanera)  
   https://www.leychile.cl/Navegar?idNorma=286151&idParte=0
8. Decree 1114 Treasury Regulation of customs warehousing (Hacienda Reglamento depósito de mercancías)  
   https://www.leychile.cl/Navegar?idNorma=122431&idParte=0
9. Decree 766 Fix tariffs for inspection and certification of export forest products (Fija tarifas por la inspección y certificación de productos forestales de exportación)  
10. Resolution 8098 Shipment verification for the issuance of phytosanitary certificates (Sobre la verificación de embarques vía marítima para la emisión de los certificados fitosanitarios)  
11. Resolution 6651 Phytosanitary inspection requirements (Requisitos de inspección fitosanitaria)  
12. Supreme Decree 685 On Transboundary Movement of

http://www.fao.org/docrep/009/a0470s/a0470s00.htm

Interviews with experts:
Conversations with different experts - conducted during May 2016, helped the writers of this report to better understand the applicable legislation and the associated risks with their implementation. Regarding this indicator, representatives of different organizations were interviewed including: Forest Companies, FSC Chile, Professional Mapuche, SSC Americas and legal expert.

The exporters and importers must declare the income received to the Internal Tax Service.  
According to the country of destination, the exporter/importer must comply with the phytosanitary restrictions of Chile and the countries of destination. A relevant document is the "Certificate of Origin" whose main objective is to prove the national origin of a product that is destined for export, in accordance with the Rules of Origin agreed in the respective Commercial Agreements.

**Description of Risk**

The customs interview indicates that the institution is governed under the structure of the European standard and there are triangulations with international customs addresses, the control is conducted on a computer control platform which generates, based on a risk algorithm, samples for the Physical capacity of containers where the goods are checked, any smuggling leading to fines up to 5 times the value of the merchandise. The control of forest products is conducted in coordination with CONAF and Customs Guards.

The state's current control system over international commercial processes and business and triangulated accountability to the Internal Tax Service, central bank, and customs makes the risk of deviations low. The interviewed experts point out that the risks are low, however, they are always latent so cross-checks are carried out with other services and their employees are trained for the recognition of forest goods.

**Risk Conclusion**

This indicator has been evaluated as low risk. Threshold (1) is met: Identified laws are upheld. Cases where law/regulations are violated are efficiently followed up via preventive actions taken by the authorities and/or by the relevant entities.
| Hazardous Substances (Sobre movimiento transfronterizo de sustancias Peligrosas)  
(http://www.ingeachile.cl/descargas/documentos/tratados_internacionales/convenio_basilea.pdf) |
| --- |
| 13. Decree-Law 837 Approving the CITES agreement (Aprueba acuerdo CITES)  
(https://www.leychile.cl/Navegar?idNorma=166877) |
| **Legal Authority**  
National Customs Service 1 to 3, 8 (Servicio Nacional de Aduanas 1 al 3, 8)  
Internal Tax Service 4 to 7 (SII 4 al 7)  
Agricultural Livestock Service (9,10,11,13,14) Servicio Agrícola Ganadero 9,10,11,13,14  
Ministry of Health (Ministerio de Salud) 12 |
| **Legally required documents or records**  
Free transit guide  
Customs Tariff Certificate |
| **Agricultural and forestry exports**<br>Certificate<br>Phytosanitary Certificate<br>Certificación fitosanitaria<br>Proforma invoice<br>Shipping Manifest<br>Letter of credit according to modality<br>Single output declaration<br>Certificate of origin<br>Exporter mandate | **Applicable laws and regulations**<br>1. Decree Law 873: approving the CITES agreement (Aprueba acuerdo CITES) (<http://www.conaf.cl/cms/editorweb>) | **Government sources**<br>CITES Chile: www.citeschile.cl and https://cites.org/sites/default/files/i/news/2015/PANEL ES%20CITES_FINAL.pdf | **Overview of Legal Requirements**<br>CITES was signed by Chile on September 16, 1974, being the eighth country to do so. In 1975, the Government approved it and transformed it into Law/decree of the Republic. However, it took 41 years to have a real project of law correctly implemented (from 1975 to 2016 the law/decree was not implemented) |
Cites Farming and Livestock Service (Servicio Agrícola y Ganadero): www.sag.gob.cl/ambitos-de-accion/convencion-cites

Museum of Natural History (Museo de historia natural): http://www.mhnv.cl/636/w3-article-56537.html


Non-Government sources
Centre for Cetacean Conservation (Centro de conservación cetáceo) http://www.ccc-chile.org/view_articulo-9-53_9-182-que_es_cites.html

Interviews with experts:
Conversations with different experts - conducted during May 2016, helped the writers of this report to better understand the applicable legislation and the associated risks with their implementation. Regarding this indicator, representatives of different organisations were interviewed including: National Forest Corporation, Ministry of the environment, Forestry Companies, FSC Chile, Internal Revenue Service, Police Investigations, WWF Chile, SSC Americas, National Customs Service and legal expert.

because no specific regulations were developed for the correct implementation. Since March 8, 2010, a special law has been under discussion in the National Congress in order to achieve full implementation of the Convention. Therefore, there was specific regulations to implement CITES in Chile (see news on the web site of the Republic of the Chilean Senate and News Sustempo listed on sources of information).

Recently, in 18 August 2016 (see NewsSustempo source) the project for improvement of the Law 20962 Applies convention on international trade in threatened species of flora and wild fauna (CITES) has been approved (the purpose of the law 20962 is to introduce various adaptations to national legislation in matters of prevention, control and sanction of behaviors related to trafficking and commercialization of threatened species of wild fauna and flora, establishing, among others, the functions and powers that the authorities will have: administrative, scientific and enforcement of the country).

Description of Risk
The fact that Chile has recently approved the CITES law, implies that there are no penalties, strong punitive sanctions in Chile that reduce the risk of non compliance and enforcement of the law, this has been confirmed by the stakeholders interviewed especially the CITES area of the investigative police.

There are three species of Chilean trees protected by CITES at their highest level of trade restriction (Appendix I): araucaria, guayteca cypress and larch. The National Forestry Corporation (CONAF), CITES Management Authority, supervises the banning of harvesting (larch and araucaria) and export (larch, araucaria and guayteca cypress).

Despite forest controls and monitoring, there have been cases of illegal logging. For example, in the sector of Huellahue in the commune of Rio Negro, Los Lagos region, Carabineros de Chile seized 13 bases of green larch, corresponding to 7 cut trees 20 meters high and 40 centimeters in diameter. (see source of information on CITES org data base and pdf listed in the source of information).
<table>
<thead>
<tr>
<th>7.</th>
<th>Law 20962 Applies convention on international trade in threatened species of flora and wild fauna (CITES) (<a href="https://www.leychile.cl/Navegar?idNorma=1096714">https://www.leychile.cl/Navegar?idNorma=1096714</a>)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal Authority</strong></td>
<td></td>
</tr>
<tr>
<td>Administration Authorities (Autoridades Administrativas) 1 al 6</td>
<td></td>
</tr>
<tr>
<td>They grant permits or certificates which are necessary for the import and export of species included in CITES, as well as to assess the legality of the specimens to be exported.</td>
<td></td>
</tr>
<tr>
<td>SAG: Non-forest fauna and flora.</td>
<td></td>
</tr>
<tr>
<td>CONAF: Forest flora.</td>
<td></td>
</tr>
<tr>
<td>SERNAPEOSCA: Hydrobiological fauna</td>
<td></td>
</tr>
<tr>
<td><strong>Scientific Authorities</strong></td>
<td></td>
</tr>
<tr>
<td>They serve an advisory and support function for the administrative authorities by assessing the risk to the species of their trade. Furthermore, they approve the exports of specimens from the wild.</td>
<td></td>
</tr>
<tr>
<td>National Museum of Natural History: non-forest flora and fauna.</td>
<td></td>
</tr>
<tr>
<td>Forestry Institute, INFOR: Forest flora.</td>
<td></td>
</tr>
<tr>
<td>Elasmobrachial Laboratory (ELASMOLAB), Faculty of Sciences, UACH: Hydrobiological Fauna.</td>
<td></td>
</tr>
</tbody>
</table>

### Risk Conclusion

This indicator has been evaluated as specified risk. Threshold (2) is met: Identified laws are not upheld consistently by all entities and/or are often ignored, and/or are not enforced by relevant authorities.
<table>
<thead>
<tr>
<th>Legally required documents or records</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit application/CITES export certificate</td>
</tr>
<tr>
<td>Permit application for the Import of species from Appendix I of CITES</td>
</tr>
<tr>
<td>Permit application/CITES export certificate/Re-export of other specimens</td>
</tr>
</tbody>
</table>

**Diligence/due care procedures**

<table>
<thead>
<tr>
<th>1.21 Legislation requiring due diligence/due care procedures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicable laws and regulations</strong></td>
</tr>
<tr>
<td>Not applicable for Chile, since there are no regulations in relation to due diligence or due care procedures.</td>
</tr>
<tr>
<td><strong>Legal Authority</strong></td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td><strong>Legally required documents or records</strong></td>
</tr>
<tr>
<td>N/A</td>
</tr>
<tr>
<td>N/A</td>
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<tr>
<td>N/A</td>
</tr>
</tbody>
</table>

**Recommended control measures**

The recommended control measures here are only indicative in nature, and are not mandatory. Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Recommended control measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Land tenure and management rights</td>
<td><strong>Generic</strong></td>
</tr>
<tr>
<td>- The business register shall confirm valid business licences to operate within the jurisdiction.</td>
<td></td>
</tr>
<tr>
<td>- Stakeholder consultation shall confirm that registration of FMU has been granted following legally prescribed processes</td>
<td></td>
</tr>
<tr>
<td>- The issuance of legal rights and registration shall be subject to public disclosure prior to commencement of any activities within FMUs.</td>
<td></td>
</tr>
<tr>
<td><strong>Country Specific</strong></td>
<td></td>
</tr>
<tr>
<td>- Valid abstract of title (strictly speaking there is no set valid date: banks request it does not exceed 30 days, CONAF 120 days) of the property must be submitted to verify the tenure state and property use.</td>
<td></td>
</tr>
<tr>
<td>Indicator</td>
<td>Recommended control measures</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td></td>
<td>Single role certificate (<a href="http://www.sii.cl">www.sii.cl</a>) or details and nature of land use.</td>
</tr>
<tr>
<td></td>
<td>Property easements (in the case of native forests in Act 20,283).</td>
</tr>
<tr>
<td></td>
<td>In the case of communities or small producers, the property must be undergoing a redistribution process (certificate issued by Ministry of National Goods).</td>
</tr>
<tr>
<td></td>
<td>During on site visits to the sites to be developed, check the exact geographical location reported on the forest harvesting programmes, in order to confirm the harvesting is undertaken within the confines of the property (including felling, transport and storage yards).</td>
</tr>
<tr>
<td></td>
<td>The property limits are clearly marked or documented, and shown clearly on maps.</td>
</tr>
<tr>
<td></td>
<td>Verify if there are claims on the land use of a forest area: consultation must be undertaken with stakeholders, mainly neighbours or indirect owners of properties that are adjacent to or cross over this area, as well as adults who live in the sector. Consult the local authorities, eg CONAF province, holder of the commune’s real estate, CONADI (indigenous issues), relevant civil courts.</td>
</tr>
<tr>
<td></td>
<td>In the case of indigenous communities, document and/or map out the legal and customary tenure laws, access to and use of resources. A map of the indigenous communities in forest areas with land title areas clearly identified, in consultation with Mapuche neighbours.</td>
</tr>
<tr>
<td></td>
<td>Where there are delegation contracts for land use and forest use (eg sale of land contract or lease agreements), the land tenure status of the seller or owner of the property must be checked.</td>
</tr>
<tr>
<td></td>
<td>If there is no valid abstract of title, the holder of the commune’s real estate must be visited, to verify the land tenure state and the existence or otherwise of conflicts regarding land use and its tenure.</td>
</tr>
<tr>
<td>1.2 Concession licenses</td>
<td>N/A</td>
</tr>
<tr>
<td>1.3 Management and harvesting planning</td>
<td>Generic</td>
</tr>
<tr>
<td></td>
<td>The contents of the operating and harvesting plans shall be consistent with approved forest management plans.</td>
</tr>
<tr>
<td></td>
<td>Plans for carrying out harvesting operations shall be subject to public disclosure and objections prior to commencement if legally required.</td>
</tr>
<tr>
<td></td>
<td>Harvesting restrictions shall be identified in management plan and maps if legally required.</td>
</tr>
<tr>
<td></td>
<td>Harvesting inventories shall be conducted according to legal requirements.</td>
</tr>
<tr>
<td></td>
<td>Field verifications shall indicate that the contents of the harvesting plans are adhered to in the field.</td>
</tr>
<tr>
<td></td>
<td>Stakeholder consultation shall indicate that the forest management plan has been approved according to legally prescribed process.</td>
</tr>
<tr>
<td>Country Specific</td>
<td>Maps showing harvesting areas (in compliance with the harvesting plan indicating UTM coordinates of the area).</td>
</tr>
<tr>
<td></td>
<td>Document review: approved harvesting plan and comprehensive management plan if applicable.</td>
</tr>
<tr>
<td></td>
<td>Field visits to verify that the contractors have a harvesting permit (autorización de corta) and a purchase/sale invoice.</td>
</tr>
<tr>
<td></td>
<td>There must be forest management plans approved by the authorities where the harvesting is taking place (<a href="http://oficinavirtual.conaf.cl/consultas/index.php">http://oficinavirtual.conaf.cl/consultas/index.php</a>)</td>
</tr>
<tr>
<td></td>
<td>Forest management plans must include all legally required information and procedures.</td>
</tr>
<tr>
<td></td>
<td>Good harvesting practices must be verified on agricultural land.</td>
</tr>
<tr>
<td></td>
<td>Certificates indicating compliance with forest obligations can be requested from CONAF.</td>
</tr>
<tr>
<td></td>
<td>Verify information in the inventory with the harvest underway, to validate what has been authorised against what has been harvested.</td>
</tr>
<tr>
<td>1.4 Harvesting permits</td>
<td>Generic</td>
</tr>
<tr>
<td></td>
<td>The contents of the operating and harvesting plans shall be consistent with approved forest management plans.</td>
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</tr>
<tr>
<td>Country Specific</td>
<td>Maps showing harvesting areas (in compliance with the harvesting plan indicating UTM coordinates of the area).</td>
</tr>
</tbody>
</table>
### 1.5 Payment of royalties and harvesting fees

**Indicator**
- Document review: approved harvesting plan and comprehensive management plan if applicable.
- Field visits to verify that the contractors have a harvesting permit (autorización de corte) and a purchase/sale invoice.
- There must be forest management plans approved by the authorities where the harvesting is taking place (http://oficinavirtual.conaf.cl/consultas/index.php).
- Forest management plans must include all legally required information and procedures.
- Good harvesting practices must be verified on agricultural land.
- Certificates indicating compliance with forest obligations can be requested from CONAF.
- Verify information in the inventory with the harvest underway, to validate what has been authorised against what has been harvested.

**Recommended control measures**
- **Generic**
  - Receipts shall exist for payments of harvesting-related royalties, taxes, harvesting fees and other charges.
  - Volumes, species and qualities given in sales and transport documents shall match the paid fees.
  - Classification of species, volumes and qualities shall match the royalties and fees paid.

**Country Specific**
- Proof of payment for management plan (for land preferably suited to forestry)
- Consulting CONAF’s website is recommended (www.CONAF.cl) as well as that of the Internal Tax Service (www.sii.cl)

The payments should be related to ROL (the number that identifies each management unit/each property).

### 1.6 Value added taxes and other sales taxes

**Indicator**
- Sales documents shall include applicable sales taxes.
- Receipts for payment sales taxes shall exist.
- Volumes, species and qualities given in sales and transport documents shall match the fees paid.
- Sales prices shall be in line with market prices.
- Harvested species, volume and qualities shall match the sales documents.
- Authorities shall confirm that operation is up to date in payment of applicable sales taxes.
- Consultation with financial authority to verify that all required income and profit taxes have been paid.

**Recommended control measures**
- **Generic**
  - Sales documents shall include applicable sales taxes.
  - Receipts for payment sales taxes shall exist.
  - Volumes, species and qualities given in sales and transport documents shall match the fees paid.
  - Sales prices shall be in line with market prices.
  - Harvested species, volume and qualities shall match the sales documents.
  - Authorities shall confirm that operation is up to date in payment of applicable sales taxes.
  - Consultation with financial authority to verify that all required income and profit taxes have been paid.

**Country Specific**
- VAT declaration statement (Certificado de declaración de IVA)
- Proof of payment of land tax for forest property (for land not preferably suited to forestry) (Comprobante de pago de impuesto territorial en caso de predios forestales no calificados como de APF)
- To initiate activities, the following must be verified:
  - Income tax certificate (Certificado de renta)
- Consulting CONAF’s website is recommended (www.CONAF.cl) as well as that of the Internal Tax Service (www.sii.cl) and the State Treasury (https://www.tesoreria.cl) regarding tax rules.
- Consult open cases in the Tax and Customs Courts http://www.tta.cl/default.aspx
- Certificates and/or receipts stated must make reference to, insofar as is possible, the forest management unit that is being assessed.

The payments should be related to ROL (the number that identifies each management unit/each property).

To initiate activities, the following must be verified:

### 1.7 Income and profit taxes

**Indicator**
- To initiate activities, the following must be verified:

---

**FSC-CNRA-CL V1.0**

CENTRALIZED NATIONAL RISK ASSESSMENT FOR CHILE

2018

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### Indicator 1.8 Timber harvesting regulations

<table>
<thead>
<tr>
<th>Generic</th>
<th>Country Specific</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Tree species or selected trees found within the FMU for which felling is prohibited shall be marked in the field</td>
<td>- Harvesting must be conducted within the authorised boundaries of the plantations and/or native forest management plan (planes de manejo de plantaciones y/o bosque nativo).</td>
</tr>
<tr>
<td></td>
<td>- Harvesting must not affect protected areas.</td>
</tr>
<tr>
<td></td>
<td>- Harvesting must not affect protected areas.</td>
</tr>
<tr>
<td></td>
<td>- Tree species or selected trees found within the forest areas and plantations must comply with the technical requirements in the management plan.</td>
</tr>
<tr>
<td></td>
<td>- Harvesting restrictions shall be observed in the field.</td>
</tr>
<tr>
<td></td>
<td>- Approved plans have the necessary technical requirements.</td>
</tr>
<tr>
<td></td>
<td>- Forest administrators have their own auditing system to ensure compliance with legal and technical requirements during the harvesting.</td>
</tr>
<tr>
<td></td>
<td>- Volumes harvested are checked against approved areas.</td>
</tr>
<tr>
<td></td>
<td>- Certificate of delivery upon completion of harvesting work (Acta de entrega tras la finalización del trabajo de aprovechamiento).</td>
</tr>
</tbody>
</table>

### Indicator 1.9 Protected sites and species

<table>
<thead>
<tr>
<th>Generic</th>
<th>Country Specific</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Tree species or selected trees found within the FMU for which felling is prohibited shall be marked in the field</td>
<td>- Harvesting must be conducted within the authorised boundaries of the plantations and/or native forest management plan (planes de manejo de plantaciones y/o bosque nativo).</td>
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<td></td>
<td>- Harvesting must not affect protected areas.</td>
</tr>
<tr>
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<td>- Tree species or selected trees found within the forest areas and plantations must comply with the technical requirements in the management plan.</td>
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<td>- Forest administrators have their own auditing system to ensure compliance with legal and technical requirements during the harvesting.</td>
</tr>
<tr>
<td></td>
<td>- Volumes harvested are checked against approved areas.</td>
</tr>
</tbody>
</table>

### Indicator 1.10 Environmental requirements

<table>
<thead>
<tr>
<th>Generic</th>
<th>Country Specific</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Environmental and/or Social Impact Assessments shall be in place and approved by the legally competent authority if legally required.</td>
<td>- Harvesting must be conducted within the boundaries authorised by the Ministry of the Environment and CONAF.</td>
</tr>
<tr>
<td>- Requirements for environmental monitoring shall be observed.</td>
<td>- Harvesting must not be done in areas where it is forbidden.</td>
</tr>
<tr>
<td></td>
<td>- All selected trees found within the forest areas and plantations must comply with the technical requirements in the management plan.</td>
</tr>
<tr>
<td></td>
<td>- Harvesting restrictions shall be observed in the field.</td>
</tr>
<tr>
<td></td>
<td>- Established control and corrective measures shall be complied with in accordance with EIA and EIS.</td>
</tr>
<tr>
<td></td>
<td>- Authorities are consulted to check if forest administrators have any sanctions or non-compliance against their name.</td>
</tr>
<tr>
<td>Indicator</td>
<td>Recommended control measures</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td><strong>1.11 Health and safety</strong></td>
<td><strong>Generic</strong></td>
</tr>
</tbody>
</table>
| | **Country Specific** | - Insurance company safety reports  
- Labour inspection reports  
- Certificate of labour and Social Security records (Certificado de Antecedentes Laborales y Previsionales)  
- All health and safety regulations must be complied with and the required safety equipment must be used. Check with the authority what the requirements are (www.minsal.cl). Especially for small producers. Ministry of Health www.minsal.cl/salud-ocupacional/  
- All personnel involved in harvesting activities must comply with occupational health and safety requirements in accordance with Chilean regulations.  
- Interviews with staff and contractors should confirm that the legally required protective equipment is provided by the organisation.  
- Official audit reports on occupational health and safety are available, based on national standards. www.minsal.cl (transparency portal).  
- There are reports on the implementation of actions required by the authority, if applicable.  
- All those involved in forestry operations are covered by the social security and work risk system and work, according to what the law stipulates.  
- Training personnel on occupational safety and health is confirmed.  
- On the ground checking of compliance regarding security in the workplace. |
| **1.12 Legal employment** | **Generic** | - All workers are employed according to the regulation and required contracts are in place  
- Persons involved in harvesting activities shall be covered by obligatory insurances.  
- Persons involved in harvesting activities shall hold required certificates of competence for the function they carry out.  
- At least the legally established minimum salaries shall be paid for personnel involved in harvesting activities.  
- Salaries shall be paid officially and declared by the employer according to requirements for personnel involved in harvesting activities.  
- Minimum age shall be observed for all personnel involved in harvesting activities.  
- Minimum age shall be observed for all personnel involved in hazardous work.  
- Stakeholders shall confirm that forced or compulsory labour is not involved in harvesting activities. |
- Interviews with personnel and contractors must confirm that protective, legally required equipment is provided by the organisation.  
- Consultations with Forest Workers Confederation: http://ctf-chile.blogspot.cl/  
- All those involved in forest operations are covered by a social security and risks at work system, according to what the law stipulates. |
| **1.13 Customary rights** | **Country Specific** | - Validity of Forest Management Plans and Annual Operating Plans (Planes Operativos Anuales)  
- Consultation with the appropriate entity in the natural community (could have different names depending of the Peoples - Mapuche, etc. - and their political organization. It could be the Community Center, the Aboriginal Council, Elders Council, Chief (Cacique), etc.);  
- Consultation with external organizations working with these communities;  
- Consultation to third parties interested in the rural area where the forest project being undertaken. |
<p>| <strong>1.14 Free prior and informed consent</strong> | <strong>Country Specific</strong> | - Validity of Forest Management Plans and Annual Operating Plans (Planes Operativos Anuales) |</p>
<table>
<thead>
<tr>
<th>Indicator</th>
<th>Recommended control measures</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Consultation with the appropriate entity in the natural community (could have different names depending of the Peoples - Mapuche, etc. - and their political organization. It could be the Community Center, the Aboriginal Council, Elders Council, Chief (Cacique), etc.; - Consultation with external organizations working with these communities; - Consultation to third parties interested in the rural area where the forest project being undertaken.</td>
</tr>
<tr>
<td>1.15 Indigenous peoples rights</td>
<td>Country Specific - Consultation with the appropriate entity in the natural community (could have different names depending of the Peoples - Mapuche, etc. - and their political organization. It could be the Community Center, the Aboriginal Council, Elders Council, Chief (Cacique), etc.; - Consultation with external organizations working with these communities;</td>
</tr>
<tr>
<td>1.16 Classification of species, quantities, qualities</td>
<td>Generic - Evidence shall be provided upon request (photographs of labelling) - Country Specific - The products must be correctly classified (species, quantities, qualities, etc.) in the shipping guides. - UTM coordinate origin (Coordenada UTM de predio origen). - The physical control must be verified in such a way that the material present is equal to the one that has been invoiced and marked. - Verification of the status of guides, invoices and contracts. The control applies to marketing centers such as forest transport. - In the case of native forest verification of the free transit guide (guía de libre transito).</td>
</tr>
<tr>
<td>1.17 Trade and transport</td>
<td>Generic - Requirements related to transport means (e.g. trucks) shall always be followed. - Species and product types shall be traded legally. - Country Specific - Absence of fines from the Internal Tax Service, Customs guards or CONAF (<a href="http://www.sii.cl">www.sii.cl</a>) (Ausencia de multa por parte del SII, Carabineros o CONAF). - Review the information included in guidelines for loading and dispatching freight (guías de despacho y calce) with a weight certificate (certificado de pesaje). - All transport documents must exist and be documented. - The volume, species and quantities should be classified according to legal requirements and in accordance with the Shipping Guide, Invoices and Associated Contracts (Guía de despacho, facturas y contratos asociados). - Documents related to transport, trade or export must be clearly linked to the material specified in the commercial process.</td>
</tr>
<tr>
<td>1.18 Offshore trading and transfer pricing</td>
<td>N/A</td>
</tr>
<tr>
<td>1.19 Custom regulations</td>
<td>N/A</td>
</tr>
<tr>
<td>1.20 CITES</td>
<td>- All cross border-trade of CITES-listed species shall be documented and accompanied by required export, import and re-export certificates issued by competent authorities (CITES Management Authorities).</td>
</tr>
<tr>
<td>1.21 Legislation requiring due diligence/due care procedures</td>
<td>N/A</td>
</tr>
</tbody>
</table>
## Controlled wood category 2: Wood harvested in violation of traditional and human rights

### Risk assessment

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Sources of Information</th>
<th>Functional scale</th>
<th>Risk designation and determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.</td>
<td>See detailed analysis below.</td>
<td>Country</td>
<td>Low risk</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Justification:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>All 'low risk thresholds' (1, 2, 3, 4 and 5) are met. None of the ‘specified risk thresholds’ are met.</td>
</tr>
<tr>
<td>2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work.</td>
<td>See detailed analysis below.</td>
<td>Country</td>
<td>Specified risk</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Justification:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Specified risk threshold (14) and (15) apply.</td>
</tr>
<tr>
<td>2.3. The rights of Indigenous and Traditional Peoples are upheld.</td>
<td>See detailed analysis below.</td>
<td>Country</td>
<td>Specified risk</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Justification:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The specified risk thresholds (23), (24) and (26) apply.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Note: Because traditional territories of indigenous peoples are not clearly mapped, further assessment is needed to conclude what exactly are the borders of the customary forests of indigenous peoples. Applying the precautionary approach, the whole country is therefore designated as specified risk for this indicator.</td>
</tr>
</tbody>
</table>

### Recommended control measures

The recommended control measures here are only indicative in nature, and are not mandatory. Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Recommended control measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>N/A</td>
</tr>
<tr>
<td>2.2</td>
<td>Intentionally left blank - Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.</td>
</tr>
<tr>
<td>2.3</td>
<td>Clear evidence that a forest operation is not taking place in traditional territories of indigenous peoples. Or,</td>
</tr>
<tr>
<td></td>
<td>Clear evidence that the FMU is managed by the governance structures of indigenous peoples, Or,</td>
</tr>
<tr>
<td></td>
<td>Clear evidence that the involved indigenous peoples have freely ceded their territorial and/or use rights in an agreement or settlement with the government.</td>
</tr>
</tbody>
</table>
**Recommended control measures**

Or an (FPIC) agreement with the involved indigenous peoples with customary forest rights in the forest management unit, after a fair, transparent, culturally appropriate and inclusive procedure.

---

### Detailed analysis

**Context**

(the following are indicators that help to contextualize the information from other sources)

- Searching for data on: level of corruption, governance, lawlessness, fragility of the State, freedom of journalism, freedom of speech, peace, human rights, armed or violent conflicts by or in the country, etc.

<table>
<thead>
<tr>
<th>Sources of information</th>
<th>Evidence</th>
<th>Scale of risk assessment</th>
<th>Risk indication¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>World Bank: Worldwide Governance Indicators - the WGIs report aggregate and individual governance indicators for over 200 countries (most recently for 1996–2016), for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption</td>
<td><a href="http://info.worldbank.org/governance/wgi/index.aspx#reports">http://info.worldbank.org/governance/wgi/index.aspx#reports</a> (click on table view tab and select Country) In 2016 (latest available year) Chile scores between 63.81 (for Political Stability and Absence of Violence) and 91.83 (for Regulatory Quality) on the percentile rank among all countries for all six dimensions (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Committee to Protect Journalists: Impunity Index CPJ's Impunity Index calculates the number of unsolved journalist murders as a percentage of each country's population. For this index, CPJ examined journalist murders that occurred between January 1, 2004, and December 31, 2013, and that remain unsolved. Only those nations with five or more unsolved cases are included on this index.</td>
<td><a href="http://cpj.org/reports/2014/04/impunity-index-getting-away-with-murder.php">http://cpj.org/reports/2014/04/impunity-index-getting-away-with-murder.php</a> Chile does not feature on this list</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carleton University: Country Indicators for Foreign Policy: the Failed and Fragile States project of Carleton University examines state fragility using a combination of structural data and current event monitoring</td>
<td><a href="http://www4.carleton.ca/cifp/ffs.htm">http://www4.carleton.ca/cifp/ffs.htm</a></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

¹ A risk indication is provided for each source analyzed, except in the first part that addresses the general country context as that is not a risk indicator. A cumulative risk assessment for each risk indicator is provided in the row with the conclusion on each risk indicator, based on all the sources analyzed and evidence found.
Human Rights Watch: [http://www.hrw.org](http://www.hrw.org)

*World Report 2016 – Human rights Watch*

“Chile’s parliament in 2015 debated laws to strengthen human rights protection, as promised by President Michelle Bachelet, but none had been enacted at time of writing. These included measures to reform Chile’s counterterrorism law and to decriminalize abortion in limited circumstances. Other long-needed reforms, however, including an expected bill to end the jurisdiction of military courts over human rights abuses by the Carabineros—the police responsible for public order and crime prevention—had not been introduced as of November.

While courts continue to prosecute individuals for abuses committed during military rule, the Supreme Court has used its discretionary powers in many cases to reduce sentences against human rights violators, resulting in punishments incommensurate with the gravity of the crimes.”

“…”Appeals courts have repeatedly called on the Carabineros to observe strict protocols on the use of force when entering Mapuche indigenous communities in the context of land conflicts in southern Chile. In February 2015, the Supreme Court ordered the Carabineros to respect the right to liberty and personal security (amparo) of three Mapuche teenagers who were allegedly pursued, detained, and beaten by police in October 2014. Cases of brutality and the disproportionate use of force, however, continue to be reported. Women and children have been among the victims of these abuses.”

*World Report 2015*

“In March 2014, President Michelle Bachelet began her second term in office with a commitment to tackle social and economic inequality, focusing initially on overhauling the education and taxation systems. Her campaign platform included a pledge to bring Chile’s counterterrorism law into conformity with international standards, and to present a law to end the prohibition of abortion when a pregnancy endangers the life of the woman or girl, is unviable, or results from rape. Her administration also undertook to end the jurisdiction of military courts over alleged human rights abuses committed by Carabineros (police responsible for public order and crime prevention).

While courts continue to prosecute individuals for abuses committed during the Augusto Pinochet dictatorship (1973-1990), the Supreme Court has used its discretionary powers in many cases to reduce sentences against human rights violators, resulting in sentences that are incommensurate with the gravity of the crimes.

**Counterterrorism Laws**

Following repeated recommendations by United Nations human rights bodies, officials announced in 2014 that the Bachelet administration would not use the
1984 counterterrorism law to address violence arising from indigenous protests over land.” (p. 149)

"Cases of torture continue to be reported and impunity is common. Between 2011 and August 2014, the INDH filed 33 complaints of torture with the courts—16 for acts allegedly committed by Carabineros, 10 by prison guards, and 7 by the Investigations Police (PDI).” (p. 152)

"In Norín Catrimán and others v. Chile, the Inter-American Court of Human Rights ruled in May 2014 that Chile was responsible for violating the rights to due process, freedom of thought and expression, and personal liberty of seven Mapuche leaders and an activist convicted on terrorism charges in 2003 and 2004.” (p. 154)

Search on website for [country] + ‘human rights’ | No significant information on human rights violations in Chile found |
| Global Witness: [www.globalwitness.org](http://www.globalwitness.org)  
Search on website for [country] + ‘human rights’ | [https://www.globalwitness.org/search/?search_query=Chile](https://www.globalwitness.org/search/?search_query=Chile)  
The countries we work in  
Global Witness does not work in Chile  
Major breakthrough in fight to end illegal logging as Interpol arrests 200 across 12 countries – 20 February 2013  
“Global Witness welcomes Interpol’s announcement that it has arrested nearly 200 people and seized around US$8 million worth of illegal timber in a major international crackdown on illegal logging and timber trafficking in Central and South America. This is a significant breakthrough in efforts to control a deadly trade valued at up to US$100billion, which is destroying the forests the planet needs to survive and leaving the people who live in them stranded.

“This is a major development in the fight against illegal logging, which is a much bigger global problem than most of us realise,” said Billy Kyte, forest campaigner at Global Witness. “Local people often get the blame, but they are usually not the real problem. Much more damage is done by big companies connected to business, political and criminal elites, who systematically skirt laws and regulations in order to destroy forests at an industrial scale. This is a disaster for the people who live in the forest and for the planet as a whole.”

The Interpol investigation called “Operation Leaf”, covered 12 countries and lasted three months in late 2012. It brought together law enforcement agencies to combat forestry crime in Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras, Paraguay, Peru, and Venezuela. The investigation pointed to the social impacts of the illegal logging, highlighting damaging impacts on forest-dependent communities and
increases in murders and corruption as criminal groups move into remote forest areas.”

http://wwf.panda.org/about_our_earth/about_forests/deforestation/deforestation_reasons/forest_illegal_logging/

http://wwf.panda.org/about_our_earth/about_forests/deforestation/deforestation_reasons/illegal_logging/

Chile not mentioned in article.

http://wwf.panda.org/_core/general.cfc?method=getOriginalImage&uImgID=%26*R%27%3E5%0A

Chile not mentioned on this illegal logging map.


“This second Chatham House assessment is based on research on nine producer countries (Brazil, Cameroon, the Democratic Republic of the Congo [DRC], Ghana, Indonesia, Laos, Malaysia, Papua New Guinea [PNG] and the Republic of the Congo), three processing countries (China, Thailand and Vietnam) and seven consumer countries (France, India, Japan, the Netherlands, South Korea, the UK and the US). It charts the progress in tackling illegal logging and related trade since 2000. (p. 8)

Chile not included in this report.

Chatham House Illegal Logging Indicators Country Report Card
http://www.illegal-logging.info

No significant information on illegal logging in Chile found.

Transparency International Corruption Perceptions Index


Chile scores 66 points on the Corruption Perceptions Index 2016 on a scale from 0 (highly corrupt) to 100 (very clean). Chile ranks 24 out of 176 with rank nr. 1 being the most clean country.

Amnesty International Annual Report: The state of the world’s human rights -information on key human rights issues, including: freedom of expression; international justice; corporate accountability; the death penalty; and reproductive rights


State of the Human Rights Report 2014/15

“Cases of police violence continued to be dealt with by military courts. Legal proceedings against those responsible for past human rights violations continued.

BACKGROUND

In March, Michelle Bachelet Jeria took office promising to decriminalize abortion in certain circumstances. She also pledged to bring the anti-terrorism law and the military justice system into line with international standards.
Chile accepted most of the recommendations made under the UN Universal Periodic Review. These included a call for the 1978 Amnesty Law to be repealed and for reform to legislation regulating sexual and reproductive rights. In June, the UN Human Rights Committee made similar recommendations. “(p. 105)

[...] INDIGENOUS PEOPLES’ RIGHTS
There were renewed allegations of excessive use of force and arbitrary detention during police operations against Mapuche Indigenous communities. There were particular concerns about abuses against minors in the context of the conflict.
In May, the Supreme Court confirmed the 18-year prison sentence of Celestino Córdova, a Mapuche machi (traditional healer), in connection with the deaths in January 2013 of Werner Luchsinger and Vivianne Mackay. The couple died following an arson attack on their house in the Vichu community, Araucanía region. The Oral Criminal Court of Temuco, which ruled in the first instance, dismissed the prosecution’s allegation that this was a terrorist attack. The defence alleged that Celestino Córdova’s trial was politically motivated and had fallen short of international fair trial standards, and was another example of how the authorities dealt with the issue by criminalizing Mapuche land claims rather than seeking to resolve underlying issues.
In October, José Mauricio Quintriqueo Huaiquimil died after being run over by a tractor while he and other Mapuche were entering a farm in the Araucanía region. According to reports, they had gone to the farm in connection with a proposal they were preparing for the authorities about what part of the land could be given to them. The community had been occupying part of the farm with the owner’s agreement. A man suspected of responsibility for the death was detained and the investigation was continuing at the end of the year.
In April, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism published a report on his 2013 visit to Chile highlighting discrepancies between the national anti-terrorism law and the principle of legality and due process in the context of Mapuche proceedings. A bill to reform the anti-terrorism law was under discussion in Congress at the end of the year.
In May, the Inter-American Court of Human Rights condemned Chile for human rights violations in its application of the anti-terrorism law against eight Mapuche sentenced in 2003. The Inter-American Court also ordered the state to adopt all necessary measures to ensure that court decisions in these cases were not enforced. The Inter-American Court argued that the stereotyping of the accused in these cases violated the principles of equality, and non-discrimination and equal protection before the law.” (p. 106-107)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The status of Chile on the Freedom in the World index 2017 is ‘free’.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The status of Chile on the [Freedom on the Net index 2017](https://freedomhouse.org/report/freedom-net/freedom-net-2017) is ‘no information available’.


Chile’s status improved from Partly Free to Free due to a reduction in the level of violence and harassment faced by journalists while covering protests and demonstrations.

Chile hosts a relatively open environment for press freedom and journalism. A lack of media diversity, particularly in the print and radio sectors, and the ongoing existence of criminal defamation laws hamper these freedoms somewhat. Nevertheless, unlike most other countries in the region, journalists face low levels of violence, intimidation, and harassment’.

| Chile ranks nr. 33 out of 180 with a score of 20.53 on the 2017 World Press Freedom Index, which ranks it among the countries with better press freedom in the world. (nr. 1 is country with best press freedom). | 2017 World Press Freedom Index |

| Fund for Peace - Fragile States Index - the Fund for Peace is a US-based non-profit research and educational organization that works to prevent violent conflict and promote security. The Fragile States Index is an annual ranking, first published in 2005 with the name Failed States Index, of 178 nations based on their levels of stability and capacity to function as states. | [http://fsi.fundforpeace.org/](http://fsi.fundforpeace.org/) |
| Fragile States Index 2017 | "Chile is ranked 150 out of 178 countries on the Fragile States Index 2017. (nr 1 being the most failed state). This ranks Chile in the category ‘more stable’." |

| The Global Peace Index. Published by the Institute for Economics & Peace, This Index is the world's leading measure of national peacefulness. It ranks 163 nations according to their absence of violence. It's made up of 23 indicators, ranging from a nation's level of military expenditure to its relations with neighbouring countries and the level of respect for human rights. | [http://visionofhumanity.org/app/uploads/2017/06/GPI17-Report.pdf](http://visionofhumanity.org/app/uploads/2017/06/GPI17-Report.pdf) |
| 2017 Global Peace Index | "The state of Peace in Chile is labelled ‘High’ with Chile ranking number 24 out of 163 countries (nr. 1 being the most peaceful country) with a score of 1.595 (p. 10)."

**Additional sources of information** (These sources were partly found by Googling the terms '[country]', 'timber', 'conflict', 'illegal logging')

<table>
<thead>
<tr>
<th>Evidence</th>
<th>Scale of risk assessment</th>
<th>Risk indication</th>
</tr>
</thead>
<tbody>
<tr>
<td>No additional sources found</td>
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</tbody>
</table>

| http://www.illegal-logging.info/regions/chile  |
| Illegal Logging Portal - Chile |
| 22% of Chile is covered by forests, 27% of which are primary forests (FAO 2010). The country has experienced a falling rate of deforestation over the past twenty years, which between 2005 and 2010 was at an annual average of 0.2% (FAO 2010). This is due in part to increasingly rapid development of forest plantations, with the total plantation area growing from 1.7 million hectares in 1990 to 2.4 million in 2010 (FAO 2010). Only a quarter of Chile’s forest areas are owned by the state; the majority are privately owned. |

| In December 2007, the Chilean government passed a forest law which had been 15 years in the making. The law aims to preserve the country’s remaining forests and to promote sustainable use of the national forest resources. A quarter of Chile’s forests are now protected. Illegal logging in Chile has received very little attention from the media and from NGOs in recent years, although Greenpeace investigations in 2005 denounced a lack of action on the part of the National Forestry Service to protect the country’s alerce trees against illegal felling (Greenpeace 2005).” |

| http://www.forestaluchile.com/illegal-logging  |
| Illegal logging has affected Chilean native forests throughout history. It is caused in part by a lack of knowledge and understanding of the value and ecological processes in native forest ecosystems among those involved in forest management as well as civil society in general. Another factor is inadequate funding of the government agencies responsible for implementing the relevant norms and regulations. It is illegal to fell trees in forests and plantations without prior authorization from CONAF. This authorization is given once a management plan including, among other things, management objectives, a timeline, and specification of logging practices– has been approved. According to a study carried out by CODEFF (Fernandez, 1993) in 27 administrative districts of Regions IX and X, the main violations concerning illegal logging are: |

| Logging without an approved management plan  |
| Failure to fulfill the obligations set forth in a management plan CODEFF examined reports against individuals who violated forest regulations between 1989 and March 1993. They found a total of 400 violations, the majority of which were for logging without an approved management plan.” |

| Chile’s Efforts to Combat Illegal Logging - 14-16 August 2013 |
| “Measures to combat illegal logging in Chile - National Forest Service (CONAF) At the moment CONAF is enforcing an intensive Program of Forest |
Inspection comprising the entire production line, performing more than 6,000 annual activities of inspections and controls along the country.

**Air patrols**
- Early detection of illegal logging (without Forest Management Plan)
- Inspection of zones without access roads

**Maritime and Fluvial patrols**
- Inspection of wood transported by boat
- Specially in the south of the country

**Using satellite images and aerial photos**
- Detection of recent cuts of forest resource
- Comparison of changes in the plant cover during different years
- Methodology to detect illegal logging by forest type

**Numerous inspections are carried out throughout the year in different forests along the country**

**Controls are carried out on roads to verify the legal origin of the products.**
- Carriers must have a Bill of Transport that is granted by CONAF only to the owner of the forest according to the volume of logging stated in the Forest Management Plan

**Controls at storage centers**
- Validate the legal origin of the wood
  - During the year 2012, CONAF carried out 402 controls at storage centers

CONAF has developed a system for filing denounces of suspected infringements against the current forest law
- Any person can file a denounce through the web page, a letter or in-person
- CONAF has the obligation of carrying out an inspection and then answer to the person who filed the denounce within a specified period” (p.9-14)

**Around 500 case of illegal logging found in 2012 in natural forest**
**Around 100 case of illegal logging found in 2012 in plantation forest (according to graphic on p. 11)**

[http://latinamericanscience.org/2013/04/thursday-april-4/](http://latinamericanscience.org/2013/04/thursday-april-4/)

*Harvard accused of illegal logging in Chile, climate change affecting Patagonian lakes, and fishermen practicing citizen science in the Galapagos.*
04-04-2013

“Harvard University is under fire for illegal logging in southern Chile. The university owns at least eleven companies involved in the forest industry in Chile and one has been sued by the country’s national forest corporation CONAF. The company, Agricola Brinzal, is accused of illegally clearfelling 189 acres of native forest and reforesting with non-native eucalyptus trees—a breach of the forest management plan. Agricola Brinzal was created by the Phemus Corporation, a fund used to invest Harvard University’s assets.”
"CATEGORY 1. ILLEGALLY HARVESTED WOOD
The district of origin, in relation to illegal harvesting, may be considered as "low risk", when all the following forest governance indicators are involved:

INDICATOR 1.1    Evidence of logging-related laws enforcement in the district.

Chile has 13.4 million Ha. of native forest, spread over 11 regions, including the Region Metropolitana. According to their classification, it can be mention that: 44.5% of native forest correspond to Mature Forest, 26.7% to Renoval, 22.4% to AchaParrado Forest, and 6.4% to Renoval Mature Forest. From a short term potential intervention perspective, 4,447,671 ha are relevant, which correspond to Renoval and Renoval Mature Forest structures (CONAF-CONAMA-BIRF, 1999).

In native forest areas, the forest types with higher participation are: Siempreverde (30.9%), Lenga (25.3%), Coihue de Magallanes (13.4%) and Roble-Raulí-Coihue (10.9%). Within these forest types the species with a higher abundance are: Coihue, Tepa, Lenga and Roble, which concentrate more than 45% of the exploitable stock (FIA, 2001).

In Chile, CONAF (National Forestry Corporation) is the entity in charge of enforcing forest law. It is a public institution of private law which has 40 provincial branches spread across Chile. Yet, despite the enormous efforts made by this institution it lacks human and financial resources in order to have an appropriate coverage.

In this sense, the study assesses the surface through Management Plans issued by CONAF, as legislation evidence related to exploitation, linked with illegally harvested area of each district (CONAF, 2008-a)

The data analysis suggested by Annex 2, B of FSC-STD-40-005 V2-1 standard, proved that it was insufficient for determining Chile’s risk levels and also from each district or, from now on, “comuna”. Therefore, data provided by the national office of CONAF, were necessarily required and were used as the official source.

To access the legislation that regulates Native Forest management in Chile, visit: http://www.conaf.cl

Risk Thresholds
Taking as criterion: the percentage (%) of illegally harvested area over the county’s total area of native forest, it can be classified as:
LOW RISK those counties in which:
• Less than 25% of the county’s total area correspond to forest area, and those ones without a record of forest law violation.
• Non-compliance forest area is less than 5% of the management plan area.
• No information is available.

UNSPECIFIED RISK those counties in which:
• The forest area is equal or higher than 25% of the county's total area, and those ones without a record on forest law violation.
• The non-compliance forest area is equal or higher than 5% of the management plan area.
• Less than 5% of the county’s total area correspond to forest area, and those ones with, at least, one penalty for forest law violation.

Risk Levels
The analysis of the available information determined that 42 counties in Chile are considered as UNSPECIFIED RISK, while the rest of the counties (202) can be considered as LOW RISK.

INDICATOR 1.2 There is evidence in the district demonstrating the legality of harvests and wood purchases that includes robust and effective systems for granting licenses and harvest permits.

In the year 2009, Chile promulgated the Law 20.283 on Native Forest Recovery and Forestry Promotion. It also counts with a complementary legislation such as the Law 19.300, Chilean Law of Environment Bases, and the DL.701 about Forestry Promotion. However, and despite the legislatives and governmental institutions efforts, it does not exist a formality on forest activity related to native forest, mainly in isolated areas of the country.

For this indicator, the study analyses the management plan area versus the county’s total native forest area (CONAF-CONAMA-BIRF, 1999).

Risk Thresholds
Taking as criterion the Native Forest Area under released management plans versus the County’s Native Forest Area, it can be classified as:

LOW RISK those counties in which:
• Less than 25% of the county’s total area correspond to forest area, and those ones without a record of released management plans.
The native forest area under management plans is higher than 5% of the county’s total native forest area.

UNSPECIFIED RISK those counties in which:
- The forest area is equal or higher than 25% of the county’s total area, and those ones without a record of released management plans.
- The native forest areas under management plans is equal or less than 5% of the county’s total native forest area.

Risk Levels
The analysis of the available information determined that 121 counties in Chile can be considered as UNSPECIFIED RISK, while the rest of the counties (123) can be considered as LOW RISK.

INDICATOR 1.3 There is little or no evidence or reporting of illegal harvesting in the district of origin.

In the case of the indicator 1.3 the suggested sources by Annex 2 of the FSC-STD-40-005 Standard, did not provide any information applicable to Chile. Therefore, the information used was provided by CONAF.

CONAF, through its control mechanisms, has found evidence of illegal logging in a percentage of Chile’s districts. These illegal activities detected by CONAF concern illegal harvesting of native forest wood.

Risk Thresholds
Taking as criterion illegal logging areas versus areas under management plans and county’s approved regulations, it can be classified as:

LOW RISK those counties in which:
- Less than 25% of the county’s total area correspond to forest area, and those ones without a record of illegal harvest or areas under management plan.
- The illegally harvested area is less than 5% of the areas under management plan and/or management regulations.

UNSPECIFIED RISK those counties in which:
- The forest area is equal or higher than 25% of the county’s total area, and those ones without a record of illegal harvest or areas under management plan.
- The illegally harvested area is equal or higher than 5% of the areas under management plan and/or management regulations.
Risk Levels
The assessment for this indicator determined that 67 counties in Chile can be considered as UNSPECIFIED RISK, while the rest of the counties (177) can be considered as LOW RISK.

INDICATOR 1.4 A low corruption perception exists, related to the granting or issuing of harvesting permits and other law enforcement areas linked to harvesting and wood marketing.

According to the Corruption Perception Index of 2008, Chile ranks 23, with a rating of 6.9 (1), while the Worldwide Governance Indicators suggest that Chile has a high level of governability, with a score of 77 (2)

(1) http://www.transparency.org
(2) http://web.worldbank.org

Risk Levels
Taking into consideration the available information for this indicator, Chile’s counties are considered as LOW RISK.

SUMMARY OF CATEGORY 1
The risk assessment for Chile on Category 1, about Illegally Harvested Wood, determined that 152 counties in Chile can be considered as UNSPECIFIED RISK, while the rest of the counties (92) can be considered as LOW RISK.

Controlled Wood Risk Assessment: plantations in Chile - FSC-CWRA-002-CHI - 18th August 2009

CATEGORY 1. ILLEGALLY HARVESTED WOOD
The District of Origin may be considered “Low Risk” in relation to illegal extraction, when all the following indicators related to forest governance are present:

INDICATOR 1.1 Evidence of enforcement of logging-related laws in the district.

There are approximately 2.1 million Ha of forest plantations of exotic species in Chile, a large proportion of which are managed through Management Plans or Regulations (PM or NM), while the rest of these plantations are not covered by forestry-related legislation, by reason of being located in land designated as agricultural use.

The entity responsible for enforcing forestry-related legislation is the National Forestry Corporation, CONAF, a public institution under private law with 40
provincial offices located in all of Chile’s Regions. However, in spite of the enormous efforts expended by this institution, it simply does not have the necessary financial or human resources for proper coverage or enforcement.

In this sense, the study analyzes areas managed under Management Plans issued by CONAF, as evidence of logging-related laws.

The analysis of information sources, as suggested by Annex 2 of the FSC-STD-40-005 V2-1 Standard, showed that this information was not sufficient for determining the risk level for the country as a whole, nor for determining risk levels in each District - hereafter “County” - and that, in consequence, it was indispensable to rely on information from CONAF’s headquarters, and this was then used as the official information.

The text of the laws governing logging of exotic species in Chile can be downloaded from: http://www.conaf.cl
For information on the distribution of forest plantations per district: http://www.infor.cl

Risk Thresholds

Considering as criterion the number of illegally harvested hectares as a percentage (%) of the total number of hectares of forest plantations in the District, then:

LOW RISK corresponds to counties in which:
• The area covered by forest plantations is less than 5% of the county’s total area.
• The area covered by forest plantation is 5% or more, and no more than 5% of the forested area corresponds to illegally harvested hectares.
• No information is available.

UNSPECIFIED RISK corresponds to counties in which:
• The area covered by forest plantations is 5% or more of the County’s total area, AND, out of the forested area, 5% or more corresponds to illegally harvested hectares.

Risk Level

The analysis of available information showed that 6 counties in Chile can be qualified as UNSPECIFIED RISK, while the rest of the counties can be qualified as LOW RISK.
**INDICATOR 1.2** There is evidence in the district demonstrating the legality of harvests and wood purchases that includes robust and effective systems for granting licenses and harvest permits.

In view of the fact that Chile has enacted forestry-related legislation that includes instruments of a normative, regulatory, and promotional nature, including obligatory Management Plans and Regulations on Accession, it is considered that all of Chile’s counties are LOW RISK in terms of Indicator 1.2.

**INDICATOR 1.3** There is little or no evidence or reporting of illegal harvesting in the district of origin.

In the case of Indicator 3, the sources suggested by Annex 2 of the FSC-STD-40-005 Standard did not provide any information applicable to Chile. Consequently, information supplied by CONAF headquarters was used.

CONAF, through its supervisory mechanisms, has found evidence of illegal logging in a certain percentage of Chile’s districts. These illegal activities detected by CONAF concern illegal harvesting of wood from forest plantations of exotic species.

**Risk Thresholds**

Considering as criterion the number of illegally harvested hectares compared to the area where logging activities were authorized by CONAF, then:

- **LOW RISK** corresponds to counties in which:
  - The area covered by forest plantations is less than 5% of the County’s total area.
  - The illegally harvested hectares are less than 5% of the hectares in which logging was authorized.
  - No information is available.

- **UNSPECIFIED RISK** corresponds to counties in which:
  - Forested areas are 5% or more of the county’s total area, AND unauthorized logging represents 5% or more of the area for which logging was authorized.

**Risk Level**

The assessment for this Indicator shows that 7 counties in Chile can be qualified as UNSPECIFIED RISK, while the rest of the counties can be qualified as LOW RISK.
**INDICATOR 1.4** There is a low perception of corruption related to the granting or issuing of harvesting permits and other areas of law enforcement related to harvesting and marketing of wood.

According to the Corruption Perception Index, Chile ranks 23, with a rating of 6.9 (1), while the Worldwide Governance Indicators suggest that Chile possesses a high degree of governability, with a score of 77 (2).

(1) http://www.transparency.org
(2) http://web.worldbank.org

**Risk Level**

In light of the available information, Chile’s counties can be rated as LOW RISK in terms of this indicator.

**SUMMARY OF CATEGORY 1**

The risk assessment for Chile shows that, for Category 1 relating to Illegally Harvested Wood, 12 of Chile’s counties can be rated as UNSPECIFIED RISK, while the rest of the counties can be qualified as LOW RISK.

**Conclusion on country context:**

Chile scores good on most indicators reviewed in this context section related to issues such as good governance and freedom, and scores low on corruption indicators and is considered a stable country. Human rights reports mention concerns about applying Chile’s counterterrorism law on Mapuche people protesting violations of their rights and the jurisdiction of military courts over alleged human rights abuses committed by Carabineros, such as excessive use of force and arbitrary detention during police operations against Mapuche Indigenous communities. There are also concerns regarding Chile’s anti-abortion law. The reviewed sources did not provide information on significant illegal logging, but additional google search confirmed the findings of the national risk assessments for Chile from 2009 (plantations) and 2010 (natural forests), which concluded unspecified risk in this regard for a significant number of counties in Chile.

**Indicator 2.1. The forest sector is not associated with violent armed conflict, including that which threatens national or regional security and/or linked to military control.**

**Guidance**

- Is the country covered by a UN security ban on exporting timber?
- Is the country covered by any other international ban on timber export?
- Are there individuals or entities involved in the forest sector that are facing UN sanctions?

<p>| Global Witness: <a href="http://www.globalwitness.org">www.globalwitness.org</a> | Chile is not covered by any other international ban on timber export. There are no individuals or entities involved in the forest sector in Chile that are facing UN sanctions | Country | Low risk |</p>
<table>
<thead>
<tr>
<th>From national CW RA</th>
<th>Controlled Wood Risk Assessment: natural forest in Chile - FSC-CWRA-004-CHI - July 1st, 2010</th>
<th>Country</th>
<th>Low risk</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INDICATOR 2.1 Internacional Embargos</strong></td>
<td>In relation to the sources of information suggested by Annex 2 B, to the FSC-STD-40-005 Standard, in an international level, the United Nations Security Council (<a href="http://unfccc.int/2860.php">http://unfccc.int/2860.php</a>), in its capacity as the normative entity of international security, has not established embargos on wood from native forest in Chile, considering that there is no merit whatsoever to do so. Consequently, based on the available information all counties in Chile are considered as LOW RISK for this indicator.</td>
<td></td>
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<tr>
<td>Controlled Wood Risk Assessment: plantations in Chile - FSC-CWRA-002-CHI - 18th August 2009</td>
<td><strong>INDICATOR 2.1 International Embargos</strong></td>
<td></td>
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<tr>
<td>In relation to the sources of information suggested by Annex 2 B to the FSC-STD-40-005 Standard, it may be pointed out that in the international sphere, the United Nations Security Council (<a href="http://unfccc.int/2860.php">http://unfccc.int/2860.php</a>), in its capacity as the normative instance for international security, has not established any embargoes on wood from forest plantations of exotic species in Chile, due to lack of evidence.</td>
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<tr>
<td>Risk Level</td>
<td>In light of the available information, Chile’s counties can be rated as LOW RISK in terms of this indicator.</td>
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<tr>
<td><strong>Guidance</strong></td>
<td><strong>Is the country a source of conflict timber? If so, is it at the country level or only an issue in specific regions? If so – which regions?</strong></td>
<td></td>
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<tr>
<td><strong>Is the conflict timber related to specific entities? If so, which entities or types of entities?</strong></td>
<td><a href="http://www.usaid.gov">www.usaid.gov</a></td>
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<tr>
<td>Conflict Timber is defined by US AID as: - conflict financed or sustained through the harvest and sale of timber (Type 1), - conflict emerging as a result of competition over timber or other forest resources (Type 2) Also check overlap with indicator 2.3</td>
<td>No information found that leads to a conclusion of specified risk after searching Chile + ‘conflicts’ ‘timber conflicts’</td>
<td></td>
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<tr>
<td><a href="http://www.globalwitness.org/campaigns/environment/forests">www.globalwitness.org/campaigns/environment/forests</a></td>
<td>No information found that leads to a conclusion of specified risk after searching Chile + ‘conflicts’ ‘timber conflicts’</td>
<td>Vountry</td>
<td>Low risk</td>
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<tr>
<td>Source</td>
<td>Risk Assessment</td>
<td>Country</td>
<td>Risk</td>
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<td>Human Rights Watch: <a href="http://www.hrw.org/">http://www.hrw.org/</a></td>
<td>No information found that leads to a conclusion of specified risk after searching</td>
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<td>Low</td>
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<tr>
<td>Chile + 'conflicts' 'timber conflicts'</td>
<td></td>
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<tr>
<td>World Resources Institute: Governance of Forests Initiative Indicator</td>
<td>This work resulted in a publication: Assessing and Monitoring Forest Governance: A</td>
<td></td>
<td>Low</td>
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<tr>
<td>Framework (Version 1)</td>
<td>user's guide to a diagnostic tool (available on this page) published by PROFOR in</td>
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<tr>
<td><a href="http://pdf.wri.org/working_papers/gfi_tenure_indicators_sep09.pdf">http://pdf.wri.org/working_papers/gfi_tenure_indicators_sep09.pdf</a></td>
<td>June 2012. This tool has not yet been applied to Chile.</td>
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<tr>
<td>Amnesty International Annual Report: The state of the world's</td>
<td>No information found that leads to a conclusion of specified risk after searching</td>
<td></td>
<td>Low</td>
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<td>human rights -information on key human rights issues, including:</td>
<td>Chile + ‘conflicts’ ‘timber conflicts’</td>
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<td>freedom of expression; international justice; corporate accountability;</td>
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<tr>
<td>the death penalty; and reproductive rights <a href="http://www.amnesty.org">http://www.amnesty.org</a></td>
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<tr>
<td>World Bank: Worldwide Governance Indicators - the WGI report</td>
<td>Use indicator ‘Political stability and Absence of violence’ specific for indicator 2.1</td>
<td></td>
<td>Low</td>
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<tr>
<td>aggregate and individual governance indicators for over 200 economies (most recently for 1996–2016), for six dimensions of governance: Voice and Accountability; Political Stability and Absence of Violence; Government Effectiveness; Regulatory Quality; Rule of Law; Control of Corruption <a href="http://info.worldbank.org/governance/wgi/index.aspx#home">http://info.worldbank.org/governance/wgi/index.aspx#home</a></td>
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<tr>
<td>In 2016 (latest available year) Chile scores 63.81 for Political Stability and Absence of Violence on the percentile rank among all countries (the scores range from 0 (lowest rank) to 100 (highest rank) with higher values corresponding to better outcomes).</td>
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<tr>
<td>Weaker Certification Schemes, Other forest industry driven certification schemes fail to meet basic performance indicators – 3March 2014 “PEFC (The Programme for the Endorsement of Forest Certification), and other industry led certification schemes[1] endorsed by PEFC, fail to distinguish between responsible and irresponsible forest management. Controversies abound in PEFC certified forest management operations, including the violation of indigenous peoples’ rights and the loss of important habitats for endangered species. […]On the ground concerns A 2011 report demonstrated conclusively that PEFC and several of its endorsed systems around the world failed to meet basic performance measures[7]. PEFC has not provided any substantial rebuttal to the case study practices documented in the report. ‘On the Ground 2011’ showed that in many countries the most fundamental requirements that the public might expect from a certification system claiming responsible or sustainable forestry were violated under PEFC and SFI. For example, the study found:</td>
<td>Country</td>
<td>Low</td>
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<td>Rampant logging of or destruction of important habitats and old-growth in Sweden, Finland, Czech Republic, the USA, Canada, Chile, and Spain; Conversion of natural forests to monoculture plantations in Malaysia, Chile, the USA and Canada; Violations of the rights of indigenous peoples or local forest communities in Sweden, Canada, and Chile; Soil loss and watershed damage in forests and plantations in Czech Republic, the USA, Chile, and Spain; Dangerous levels of biocides (i.e., toxic chemicals) in forest management in the USA, Australia and Chile.</td>
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<td><a href="http://www.cifor.org/publications/pdf_files/articles/AGuariguata1502.pdf">http://www.cifor.org/publications/pdf_files/articles/AGuariguata1502.pdf</a> More Trees, More Poverty? The Socioeconomic Effects of Tree Plantations in Chile, 2001–2011 Tree plantations play a controversial role in many nations’ efforts to balance goals for economic development, ecological conservation, and social justice. This paper seeks to contribute to this debate by analyzing the socioeconomic impact of such plantations. We focus our study on Chile, a country that has experienced extraordinary growth of industrial tree plantations. Our analysis draws on a unique dataset with longitudinal observations collected in 180 municipal territories during 2001–2011. Employing panel data regression techniques, we find that growth in plantation area is associated with higher than average rates of poverty during this period.”</td>
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<tr>
<td>No information found on conflict timber in Chile found</td>
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<tr>
<td>Google the terms [country] and one of following terms or in combination 'conflict timber'</td>
<td></td>
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<tr>
<td>Some articles found on violent incidents between Mapuche people and Chilean people, Chilean Forest companies and Chilean police. However, these incidents cannot be classified as an armed conflict. The information found is presented under indicator 2.3 as it is relevant for that indicator.</td>
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<tr>
<td>Country</td>
<td>Low risk</td>
<td></td>
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<tr>
<td>From national CW RA</td>
<td></td>
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</tr>
<tr>
<td>Controlled Wood Risk Assessment: natural forest in Chile - FSC-CWRA-004-CHI - July 1st, 2010 INDICATOR 2.2 The country or district is not an assigned source of conflict timber (e.g., USAID Type 1 conflict timber). In Chile, according to USAID and in relation to native forest, there is no timber conflict. <a href="http://www.usaid.gov/ourwork/environment/forestry/forest_pubs.html#USAID">http://www.usaid.gov/ourwork/environment/forestry/forest_pubs.html#USAID</a> Therefore, according to the available information, Chile’s counties can be considered as LOW RISK for the indicator 2.2</td>
<td>Country</td>
<td>Low risk</td>
<td></td>
</tr>
</tbody>
</table>
### Controlled Wood Risk Assessment: plantations in Chile - FSC-CWRA-002-CHI - 18th August 2009

**INDICATOR 2.2** The country or district is not designated as a source of conflict timber (e.g. USAID Type 1 conflict timber).

In relation to forest plantations of exotic species, there is no conflict timber in Chile, according to USAID. ([http://www.usaid.gov/ourwork/environment/forestry/forest_pubs.html#USAID](http://www.usaid.gov/ourwork/environment/forestry/forest_pubs.html#USAID))

**Risk Level**

In light of the information obtained, Chile's counties can be rated as LOW RISK in terms of indicator 2.2.

---

### Conclusion on indicator 2.1:

Although some violent incidents are reported related to a long term conflict with Mapuche people, these cannot be classified as an 'armed conflict'. Several sources mention illegal timber in Chile (see section on country context), but no information was found on Chile as a source of conflict timber and the forest sector is not associated with any violent armed conflict in Chile.

**The following low risk thresholds apply:**

1. The area under assessment is not a source of conflict timber; AND
2. The country is not covered by a UN security ban on exporting timber; AND
3. The country is not covered by any other international ban on timber export; AND
4. Operators in the area under assessment are not involved in conflict timber supply/trade; AND
5. Other available evidence does not challenge 'low risk' designation.

---

### Indicator 2.2. Labour rights are respected including rights as specified in ILO Fundamental Principles and Rights at work.

**Guidance**

- Are the social rights covered by the relevant legislation and enforced in the country or area concerned? (refer to category 1)
- Are rights like freedom of association and collective bargaining upheld?
- Is there evidence confirming absence of compulsory and/or forced labour?
- Is there evidence confirming absence of discrimination in respect of employment and/or occupation, and/or gender?
- Is there evidence confirming absence of child labour?
- Is the country signatory to the relevant ILO Conventions?
- Is there evidence that any groups (including women) feel adequately protected related to the rights mentioned above?
- Are any violations of labour rights limited to specific sectors?

---

2 “Conflict timber” limited to include “timber that has been traded at some point in the chain of custody by armed groups, be they rebel factions or regular soldiers, or by a civilian administration involved in armed conflict or its representatives, either to perpetuate conflict or take advantage of conflict situations for personal gain - conflict timber is not necessarily illegal.
| Status of ratification of fundamental ILO conventions: | http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102588 Chile has ratified all the 8 ILO core conventions. The status on the ILO website for these 8 Conventions is ‘in force’.

Minimum age specified for C138 - Minimum Age Convention, 1973 (No. 138) is 15 years. |
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<td>or use: ILO Core Conventions Database:</td>
<td><a href="http://www.ilo.org/ilolex/english/docs/declworld.htm">http://www.ilo.org/ilolex/english/docs/declworld.htm</a></td>
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<tr>
<td>C29 Forced Labour Convention, 1930</td>
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<td>C87 Freedom of Association and Protection of the Right to Organise Convention, 1948</td>
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<td>C98 Right to Organise and Collective Bargaining Convention, 1949</td>
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<td>C100 Equal Remuneration Convention, 1951</td>
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<td>C105 Abolition of Forced Labour Convention, 1957</td>
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<tr>
<td>C111 Discrimination (Employment and Occupation) Convention, 1958</td>
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<td>C138 Minimum Age Convention, 1973</td>
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<td>C182 Worst Forms of Child Labour Convention, 1999</td>
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<tr>
<td>Ratification as such should be checked under Category 1. In Cat. 2 we take that outcome into consideration. Refer to it.</td>
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children engaged in child labour, 197,743 children (90 per cent) aged five to 17 years are engaged in hazardous work, which includes 72,144 children aged five to 14 years, and 122,559 children aged 15 to 17 years.”


“Article 3 of the Convention. Right of organizations to organize their activities and formulate their programmes. The Committee draws the Government’s attention to its comments on the right to strike made in this year’s observation on the application of the Convention which refer to the need to take measures to amend the provisions of the Labour Code relating to: (i) the excessive majorities required for calling a strike (sections 372, 373 and 379); (ii) the excessively short time for carrying out a strike once it has been called (section 374); (iii) the possibility of replacing strikers (section 381); (iv) the prohibition on strike action in services that are non-essential in the strict sense of the term (section 384); and (v) the possibility that the President of the Republic may order the resumption of work (section 385). Furthermore, the Committee asked the Government to: (a) ensure that agricultural workers enjoy the right to strike; (b) repeal section 11 of Act No. 12927 concerning the internal security of the State, which provides that a stoppage or strike in certain services may be penalized with imprisonment or banishment; and (c) amend section 254 of the Penal Code, which provides for criminal penalties in the event of interruption of public services or public utilities or of dereliction of duty by public employees.”


“For a number of years the Committee has been asking the Government to take steps to amend or repeal the following provisions of the Labour Code which are not in conformity with the Convention: (i) section 1, which provides that the Code does not apply to officials of the National Congress or the judiciary, or to workers in state enterprises or institutions, or those in which the State contributes or in which it participates or is represented, provided that such officials or workers are subject by law to special regulations; (ii) section 82, which provides that the remuneration of apprentices may on no account be determined by means of collective agreements or accords or arbitration awards issued in the context of collective bargaining, and section 305(1), which provides that workers governed by an apprenticeship contract and those engaged solely for a specific task or activity or for a specific period, may not
engage in collective bargaining; (iii) section 304, which does not allow collective bargaining in state enterprises dependent on the Ministry of National Defence or which are connected to the Government through this Ministry and in enterprises in which collective bargaining is prohibited by special laws, or in public or private enterprises or institutions in which the State has financed 50 per cent or more of the budget of either of the last two calendar years, either directly or through duties or taxes; (iv) section 334(b), which provides that two or more unions of different enterprises, an inter-enterprise union or a federation or confederation may submit draft collective labour accords on behalf of their members and of the workers who agree to the accords, but in order to do so it shall be necessary that, in the enterprise concerned, an absolute majority of the worker members who are entitled to engage in collective bargaining confer, by secret ballot, representation on the trade union concerned in an assembly in the presence of a public notary; (v) section 334bis, which provides that, for employers, bargaining with the inter-enterprise union shall be voluntary or optional and that where an employer refuses, the workers of the enterprise who are not members of the inter-enterprise union may submit draft collective accords in accordance with the general rules set forth in Book IV (on collective bargaining) of the Labour Code; (vi) sections 314bis and 315, which provide that groups of workers, even where there are unions, may submit draft collective agreements; and (vii) section 320, which places an obligation on employers to notify all workers in the enterprise of the submission of a draft collective accord so that they can propose draft texts or agree to the draft submitted.”


Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013)

Equal Remuneration Convention, 1951 (No. 100) - Chile (Ratification: 1971)

“Gender pay gap. The Committee notes the statistical information provided by the Government. It also notes the information available in the Labour Information System (SIL 2.0). According to the statistics, women’s employment rate has risen steadily since 2010, reaching 47.2 per cent in the three months from May to July 2012. The male participation rate for the same period was 71.4 per cent. Of the 105,690 new jobs created between May 2011 and July 2012, 65.3 per cent were filled by women. Men’s unemployment rate dropped by 0.9 per cent and that of women by 1.1 per cent. The current rate of unemployment is 5.6 per cent among men and 7.8 per cent among women. The participation rate of men in the private sector (65.3 per cent) is higher than that of women (20.2 per cent), while the opposite is true in the public sector (14.5 per cent for women and 8.4 per cent for men). The Committee nonetheless observes that there is still significant occupational segregation, with men predominating in the construction and transport sectors and women in teaching and the health and social services. While the participation is more
balanced in manufacturing and the hotel sector, there remains a predominance of men in the former and women in the latter. According to the Government, the wage gap has increased steadily since 2006, rising from 29 per cent to 33 per cent in 2009. Furthermore, the evaluation method has changed since 2010, which is why it cannot be included in the comparison. The Government provides no information on the current wage gap or on wages by branch of activity and by occupation.”


Observation (CEACR) - adopted 2012, published 102nd ILC session (2013)
Equal Remuneration Convention, 1951 (No. 100) - Chile (Ratification: 1971)
“Work of equal value. In its previous comments the Committee referred to Act No. 20348 of 2 June 2009, inserting section 62bis into the Labour Code establishing that employers must observe the principle of equal remuneration for men and women who carry on the same work, and asked the Government to revise this provision in order to bring it into conformity with the Convention. The Committee notes that the Government refers to a document entitled Temas Laborales núm. 27, on the “right to earn the same”, produced by the Labour Directorate, which highlights the difficulties in applying Act No. 20348 and the discrepancy between the principle established in the Act and that established in the Convention and recognizes that the Act is restrictive in that it refers to the same work rather than work of equal value thus weakening protection of women’s wages. The Committee observes that the Government does not state whether any measures have been taken to amend this provision.”

No information found that leads to a conclusion of specified risk.
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<tr>
<th>Country</th>
<th>Specified risk for child labour</th>
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<tr>
<td>Chile</td>
<td>Specified risk for child labour</td>
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<td>United States</td>
<td>Low risk</td>
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81. The Committee welcomes the creation of the Observatory against Child Labour and the new National Strategy for the Prevention and Eradication of Child Labour and Protection of Child Workers 2015-2025. However, it is concerned that child labour is not explicitly prohibited in law, and about the increase in child labour and the number of children exposed to dangerous work, in particular children from the poorest parts of society. The Committee is also concerned about the limitations of the intersectoral registration system relating to the worst forms of child labour and the lack of integrated and comprehensive responses to children in such situations."

Country Specified risk for child labour

Committee on the Elimination of Discrimination against Women
(Use the link to 'Key documents' on the left hand side. Go to "observations' and search for country.) (Refer to CW Cat. 1)
Or:
Right top select country click on CEDAW treaty, click on latest reporting period and select concluding observations

Committee on the Elimination of Discrimination against Women - Concluding observations on the fifth and sixth periodic reports of Chile, adopted by the Committee at its fifty-third session (1–19 October 2012) - 12 November 2012

Employment
30. The Committee notes with satisfaction the enactment of legislation improving the working conditions of domestic workers, with regard to their minimum wage, right to take public holidays and maternity leave, and bill No. 8292-13, which aims at regulating the weekly maximum hours of work. However, the Committee expresses concern at the continuing precarious situation of domestic workers, in particular migrant women, the lack of implementation of the legal framework and the insufficient monitoring of their working conditions." (p. 7)

“32. While noting the State party’s efforts to provide training to women in traditionally male-dominated areas, the Committee remains concerned at the low female participation in the labour market – especially with regard to migrant and indigenous women, the persistent wage gap between women and men and the failure of the State party to incorporate the principle of equal pay for work of equal value into Act No. 20.348 (2009) on the right to equal remuneration, in conformity with ILO standards. While noting that Act No. 20.348 establishes a complaint mechanism, the Committee is particularly concerned about the limited number of complaints filed." (p. 8)

Country Specified risk for gender pay gap and gender discrimination

Human Rights Watch: http://www.hrw.org/
No information found that leads to a conclusion of specified risk.

Country Low risk

Child Labour Index 2014 produced by Maplecroft.
Chile scores ‘high risk’ on the Child Labour Index 2014

Country Specified risk on child labour

http://www.verite.org/Commodities/Timber
(USEFUL, SPECIFIC ON TIMBER)
Chile not mentioned in article

Country Low risk
The ITUC Global Rights Index ranks 139 countries against 97 internationally recognised indicators to assess where workers’ rights are best protected, in law and in practice. The Survey provides information on violations of the rights to freedom of association, collective bargaining and strike as defined by ILO Conventions, in particular ILO Convention Nos. 87 and 98 as well as jurisprudence developed by the ILO supervisory mechanisms. There are 5 ratings with 1 being the best rating and 5 being the worst rating a country could get.


ITUC Global Rights Index 2014
Chile is ranked in Category 3: Regular violation of rights
* Score: 18-26
* Government and/or companies are regularly interfering in collective labour rights or are failing to fully guarantee important aspects of these rights. There are deficiencies in laws and/or certain practices which make frequent violations possible.* (p. 38)

Gender wage gap (in OECD countries)
The gender wage gap in Chile in 2015 (latest available year) is 21.1 %. The OECD average was 14.5 %

World Economic Forum: Global Gender Gap Index 2017
Search for country rankings for the adjusted and the unadjusted pay gap

On the more specific sub-index on Economic participation and opportunity
Chile ranks no. 117 with a score of 0.573.

Within that index, the most specific and relevant indicator is the Wage equality for similar work. Here Chile ranks no. 127 (of 144 included countries) with a score of 0.485.


Google the terms ‘Current labour legislation still contains restrictions on trade union rights dating back to the Pinochet era. The Chilean government is set to appear before the Inter-American Commission on Human Rights (IACHR) to respond to ongoing, systematic human and trade union rights violations that date back to the Pinochet regime. The case offers an added incentive for the next government of Chile to commit

FSC-CNRA-CL V1-0
CENTRALIZED NATIONAL RISK ASSESSMENT FOR CHILE
2018
– 113 of 218 –
to reforming the labour legislation and finally turn the page on a dark period of history. The petition was submitted to the IACHR in August 2013 by Chile’s national trade union centre CUT-Chile (Central Unitaria de Trabajadores), the International Trade Union Confederation (ITUC) and the Trade Union Confederation of the Americas (TUCA), together with a report establishing the links between the climate of terror and repression under the dictatorship of Augusto Pinochet and his introduction of a new economic regime that included radical changes to the labour legislation.

The Chilean government has been summoned to a IACHR hearing to respond to the trade union organisations’ complaints regarding the multiple violations of organising and collective bargaining rights in the country. The trade union organisations have accused Sebastián Piñera’s government of failing to implement the International Labour Organisation (ILO) recommendations on collective bargaining, especially in the public sector.

Under the present labour legislation, workers are not allowed to organise by sector. In contrast with other countries in the region, such as Brazil and Argentina, trade unions in Chile are weak and fragmented, precisely because they are only allowed to organise at company level.

“Chile registered a sharp fall in union membership rates as a result of the labour law reforms. Current membership stands at no more than eight per cent of the workforce, as compared with 30 per cent in 1973,” indicates the petition.

The country has the lowest trade union membership rate of all the members of the Organisation for Economic Cooperation and Development (OECD).

The hearing on the right to freedom of association in Chile will be held on 29 October 2013, in Washington, United States, during the 149th period of IACHR sessions.”

In 2014, Chile made a significant advancement in efforts to eliminate the worst forms of child labor. The Government created the Social Observatory to Eradicate Child Labor, a coordinating mechanism for research and outreach efforts on child and adolescent labor. As part of the ongoing implementation of Education Decree 280 of 2009, indigenous language and cultural education is now required at schools with 20 percent or more indigenous children. The National Minors’ Service (SENAME) assisted 1,290 child victims of commercial sexual exploitation. SENAME registered 386 cases in its Worst Forms of Child Labor Registry. Chile also continued to implement several programs targeting the worst forms of child labor. However, children in Chile are engaged in child
labor, including in retail, and in the worst forms of child labor, including in illicit activities. The Government has yet to adopt a new national plan against child labor.”

29.3% of the working children in the ages between 5-14 work in the agricultural sector, including forestry, although evidence of child labour in forestry is limited and/or the extent of the problem is unknown. (figure p. 1 and table 2 on p. 2).


Children of Chile - Realizing Children’s Rights in Chile
“Child Labour
Numerous Chilean children between the ages of 5 and 14 are still forced to work. Some of them are the offspring of indigenous populations, while others come from poor families. In any event, they are compelled to find jobs in order to help support their families. The conditions in which they work are horrible and can have a negative impact on their health.”


AMERICA/CHILE - The phenomenon of child labor affects more than 200,000 children
“Santiago, Chile - In 2012 over 200,000 children were exploited in work activities at risk in Chile. In some cases children carried out very dangerous jobs, especially considering their young age. According to a research conducted by the Government and the International Labour Organization, 229,000 children in the country carried out all sorts of economic activities, among these 219,000 were employed in activities prohibited for children. The majority, about 86,000, were involved in retail, another 40 thousand in the agricultural sector and about 19,000 in the construction industry. The research, called the Survey on the Activities of Boys, Girls and Adolescents revealed that 6.6% of children in Chile are involved in child labor.”

http://www.refworld.org/topic,50ffbbe582,50ffbbe5b2,55b73c0413,0,,,CHL.html

“Chile is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Chilean women and children are exploited in sex trafficking within the country, as are women and girls from other Latin American countries and possibly from Asia. Men, women, and children – primarily from other Latin American countries, as well as Asia – are exploited in forced labor in mining, agriculture, construction, street vending, the hospitality and restaurant sectors, the garment sector, and in domestic service. Authorities report that Chinese immigrants may also be vulnerable to both sex trafficking and forced labor. Chilean authorities identified 90 children involved in illicit activities in 2014, including drug trafficking and robbery; some
of these children may have been trafficking victims. Chilean officials report that Chile is a transit country for trafficking victims from other countries, including possibly to Europe, and that some Chilean women may be exploited in sex trafficking in other countries. NGOs report brothels in small towns are often frequented by police officers, dissuading potential trafficking victims from reporting their exploitation.

The Government of Chile fully complies with the minimum standards for the elimination of trafficking. Authorities increased convictions of sex traffickers under child prostitution statutes and continued to provide specialized services to child sex trafficking victims and adult female victims. The government established six new regional anti-trafficking taskforces in 2014. While authorities increased training for a range of front-line responders, many government officials lacked adequate expertise and resources to identify victims and refer them to or provide specialized services. Authorities did not prosecute internal child sex trafficking as human trafficking, which hindered efforts to penalize traffickers with sufficiently stringent sentences and accurately assess anti-trafficking efforts, and most convicted traffickers were not imprisoned.”


Chile Human Trafficking ‘Invisible Problem’ For Lack of Investigation - 16 January 2014

“Experts say the trafficking of migrants to Chile for forced labor is facilitated by their invisibility and the lack of investigation by authorities, while the economic prosperity in one of the region’s least crime-plagued countries makes it an attractive destination for potential victims.

“The trafficking of persons for the purpose of sexual exploitation has been more documented and pursued. In contrast, the trafficking of persons for the purpose of labor exploitation continues to be an unaddressed theme,” said Sonia Lahoz, a representative of the inter-governmental organization the International Organization for Migration in Chile, reported Diario Uchile. According to Lahoz, there is currently a lack of investigation into the structures of human trafficking networks and routes they use to get illegal workers into Chile.

Carolina Rudnick, a lawyer for the Interior Ministry’s Department of Organized Crime, said issues such as “poverty, illiteracy, gender discrimination, race, and nationality,” are important factors driving the trade. Economics is another factor, said Rudnick -- Chile’s economic success relative to other countries in the region attracts migrants to what she referred to as the “sueño chileno” (Chilean dream).

Since passing an anti-trafficking law in 2011, Chile has issued just one sentence for the crime, reported diarioUchile.

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In recent years, Chile has become a source, transit, and destination hub for human trafficking victims, experts say. According to judicial authorities, forced labour and sexual exploitation are the crimes most frequently associated with this “modern form of slavery”.

“Although human trafficking appears to be a considerably common phenomenon in Chile, the number of criminal investigations does not match the perception that there is a greater number of cases,” Mauricio Fernández, head of the Economic Crimes, Money Laundering and Organised Crime Unit of the National Prosecutor’s Office, told IPS.

“Actual figures must be much higher, with many unreported cases or ignored reports,” he added.

According to statistics made available by the under-secretary of the interior, from 2007 to 2011 only 22 people were identified as victims of human trafficking, most of them women and children. In that same period, 63 individuals were arrested in connection with this crime, and only 10 of them convicted.

[…]

Chile only recently adopted legislation to combat this crime, when it revised its Criminal Code in 2011 (Law 20507), criminalising all forms of trafficking in persons, including trafficking for forced labour purposes and the smuggling of migrants.

“Following the criminalisation of these practices there have been some (criminal) investigations resulting in prosecution and sentencing,” Fernández said, although he admitted that “there are certainly many challenges ahead, in terms of training teams of investigators to apply and enforce a regulation that is new.”

He observed that no procedures have been put in place to “efficiently process information on suspicious circumstances that may constitute an offence of this kind.”

“Some countries are transit routes for trafficking victims, others are countries of origin or destinations, but Chile is all of these,” Father Idenilso Bortolotto, vice president of the Chilean Catholic Institute of Migration (Incami), told IPS.

Bortolotto added that this is due to the fact that Chile offers “a certain security” and is an attractive destination, amidst the many difficult “social, economic and political situations in the region”, which provide fertile ground for human trafficking.

Human trafficking made headlines in Chile in 2011 when a scandal exposed the deplorable living conditions of 57 Paraguayan nationals who were working illegally in a rural estate owned by right-wing politician and businessman Francisco Javier Errázuriz.

Errázuriz, a former presidential candidate, was charged with migrant smuggling and taken to court in an action brought by the Interior Ministry and the Human
Rights Institute. This past Thursday, Feb. 14, however, the judge hearing the case temporarily and partially dismissed the charges against him, based on a medical report that found him “mentally unfit” to stand trial.”


Indigenous Of Chile: Why Discrimination Against Mapuches Still Runs So Deep – 22-01-2013

“[…] In Chile there is almost one million Mapuches, the vast majority of whom live in vulnerable situations and are discriminated against, without being integrated into the Chilean identity. Having a Mapuche name is a huge disadvantage in getting a job so it is no coincidence that Araucania remains the region where the highest percentage of Chileans live in poverty. The Mapuches represent about 6% of the Chilean population and certainly have not had equal opportunities in the country of which they are citizens. Worse than that, they have been slighted, segregated and stereotyped as lazy, stupid, treacherous, stubborn and drunk. The solution to this problem is not an easy or short-term one, because it requires a change of mindset and culture in Chilean society.”


UN hails Chile’s anti-discrimination law, damns treatment of Mapuche - Jan 29th, 2014

“The passing of anti-discrimination legislation last year — prompted in large part by the brutal murder of gay youth Daniel Zamudio in 2012 — was well received by the committee who noted in consensus the significant progress made in this area. Fries, however, observed some criticism was reserved for the definition of discrimination which is more restrictive than that of the U.N. Declaration of Human Rights.”

http://www.coha.org/message-to-president-bachelet-chilean-women-are-still-left-behind/

Message To President Bachelet: Chilean Women Are Still Left Behind – 17 June 2015

“Despite having either equal or more years of education than men on average, women have not been trusted with greater responsibility or better pay. Dramatic wage discrimination is one factor that deters women from joining the workforce. In fact, according to the 2014 Global Gender Gap Report sub-index “wage equality for similar work,” Chile ranks 128th out of the 142 countries surveyed.[14] […]Chile’s deep-rooted sexism is widespread but appears to manifest itself most starkly in the workforce. Nearly a decade ago, The Economist asked, “Will Michelle Bachelet help women or hinder them?” This 2006 article
underlined Chile’s extraordinarily low number of women workers relative to other countries in the region as well as the country’s large wage gap.[42] Though Chile has inched toward gender equality under President Bachelet, women’s underrepresentation in government and the workforce persists today.”

http://hrbrief.org/2013/11/9248/

Right to Freedom of Association in Chile – 1 November 2013

"Union and workers’ rights advocates went before the Inter-American Commission on Human Rights (IACHR) alleging that the actions of the Chilean government significantly curtailed workers’ freedom of association. The Chilean state rebuffed this assertion by pointing to the need for public safety as grounds for limiting the rights of certain workers.

At the October 29 hearing, representatives from Workers United Center of Chile laid out their claims that the Chilean government is violating its citizens’ freedom of association by limiting the activities of unions within the country. Specifically, they looked to laws originating in the constitution, written during the Pinochet era that place restraints on union activities. Petitioners contended that these laws violate regional and international labor law standards, particularly those set by the International Labor Organization (ILO) and the Organization of American States (OAS).

Under the contested laws, workers are not guaranteed a right to collective bargaining and the right to strike. Moreover, the Petitioners alleged that the laws allow an employer to extensively limit a worker’s rights. Petitioners cite specific instances in which an employer can sign individual agreements with non-unionized employees as well as the imposition of a 45-day waiting period to approve any negotiated action as examples of how, in their opinion, Chilean law does not comply with international standards. They argue that the regulatory laws of Chile allow for far too much leeway for both government and business to prevent workers from demonstrating their associative rights.”


Report in which the committee requests to be kept informed of development - Report No 376, October 2015

Case No 3102 (Chile) - Complaint date: 11-SEP-14 - Follow-up

"C. The Committee’s conclusions

271. The Committee notes that the complainant organizations allege that: (i) the inter-company unions (‘… representing workers of two or more employers” (section 216(b), of the Labour Code)) have not been guaranteed the fundamental right to represent their members in collective bargaining, given that this depends on a decision by the employer as to whether it wishes to
engage in negotiations, whereby if the employer does agree to enter into negotiations, these are conducted outside the regulated procedure, without any protection against dismissal for the workers covered by the draft collective agreement (not participating in negotiations) and without being able to exercise the right to strike; (ii) this situation hampers bargaining in certain areas of activity and the representation and bargaining of workers who perform the same services (such as domestic workers, bakers, drivers, etc.), especially given that companies can fragment their structures, generating various business names in different parts of the country; (iii) in some cases, such as that of actors, workers are put under pressure to register themselves as sole proprietorships, even though their relationship of subordination and dependency continues; and (iv) some inter-company unions are obliged, in this context, to resort to the anti-union practice of forming “workers’ groups” or to use collective actions such as strikes, exposing themselves to legal sanctions as they do not have the right to strike. According to the complainants, the natural consequence of the above is trade union fragmentation and the consequent weakening of trade unions, which is the objective that has been pursued on many occasions.

272. The Committee takes note of the legal and constitutional provisions in force, as set out by the Government in its reply and in its explanation of their scope, and the statistics on the number of collective agreements concluded by inter-company trade unions and their coverage of workers. The Committee also takes note of the Government’s opinion that the legislation in force does not violate freedom of association and that the complaint addresses problems that have been resolved by the relevant authorities, either through the administrative or the judicial courts; the Government’s reply indicates that, with certain majorities, the inter-company trade union may bargain collectively (section 334 of the Labour Code).

273. The Committee also notes that the Government reports on a partial draft reform of the Labour Code as regards labour relations, which is under examination by the National Congress. The Committee notes that the Government declares that the draft in question: (1) recognizes the right of inter-company unions to bargain in companies (without companies being able to oppose this) when they have attained the number of members required for the establishment of a company union, thereby granting them the rights required to act on behalf of their members; (2) authorizes inter-company unions to use the regulated procedure for other types of trade unions, thereby granting members “bargaining immunity” (protection against dismissal); (3) prohibits the existence of negotiating groups (of workers); and (4) regulates the existence of minimum bargaining rights and the extension of benefits.

274. The Committee requests the Government to communicate the text of the act amending the Labour Code as soon as it is adopted which, according to all information from the Government, recognizes the right to strike of inter-company unions. The Committee observes that the draft act addresses some
of the points highlighted by the complaint in a manner that would bolster the principles of freedom of association and collective bargaining."

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**From national CW RA**

Controlled Wood Risk Assessment: natural forest in Chile - FSC-CWRA-004-CHI - July 1st, 2010

**INDICATOR 2.3** There is no evidence of child labor or violation of ILO Fundamental Principles and Labor Rights taking place in forest areas and the corresponding district.

In relation to the sources of information suggested by Annex 2 B of the FSC-STD-40-005 Standard, concerning the indicator 2.3, we can mention that Chile is committed to the gradual eradication of child labor, especially of the so-called worst ways of child labor. This commitment has been reflected on the adoption of different international treaties about this matter, such as the Convention on Children Rights and the ratification of ILO Conventions Nº 138 and Nº 182, concerning minimum working age, and the worst child labor ways, respectively.


Furthermore, referring to labor rights, Chile counts with a Labor Department under the Ministry of Labor and Social Security, which oversees compliance of labor laws, social security regulations, health and work safety. This government entity has issued several infractions to the forest industry due labor rights violations in several counties of Chile.

The information used to determine risk levels has been provided by the Ministry of Labor, through the Labor Department ([2008 issued violations, Labor Department] [outdated information, LV])

For more information on labor legislation in Chile, visit: http://www.dt.gob.cl.

According to the fundamental principles and labor rights of ILO, the counties of Chile will be considered as Low Risk.

**Risk Level**

For this indicator, it has been determined that Chile’s counties are considered as LOW RISK, according to the obtained information.

Controlled Wood Risk Assessment: plantations in Chile - FSC-CWRA-002-CHI - 18th August 2009

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<td>For labour rights</td>
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<table>
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<tr>
<th>Counties</th>
<th>Unspecified risk for labour rights</th>
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<td>12</td>
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</table>
INDICATOR 2.3 There is no evidence of child labor or violation of ILO Fundamental Principles and Rights at Work taking place in forest areas in the district concerned.

In relation to the sources of information suggested by Annex 2 B to the FSC-STD-40-005 Standard, we can say concerning indicator 2.3, that Chile is committed to the gradual eradication of child labor, especially of the so-called worst forms of child labor. This commitment is evidenced by Chile’s being a signatory to several international treaties on the matter, such as the Convention on the Rights of the Child and the ratification of ILO Conventions 138 and 182, concerning minimum working age, and the worst forms of child labor, respectively.


Moreover, on the subject of labor rights, there is the Dirección del Trabajo (Labor Directorate), which is an agency of the Ministry of Labor and Social Security, which oversees compliance with labor and social security regulations, as well as health and safety matters at work. This government agency has applied several penalties to the forestry sector for violations of labor rights in various districts in Chile. The information used for determining the levels of risk has been supplied by the Ministry of Labor through the Labor Directorate (penalties applied in 2008 by the Labor Directorate). [outdated information, LV]

For information on Chilean labor legislation, see: http://www.dt.gob.cl.

Risk Thresholds

In relation to the ILO’s fundamental principles and labor rights, we have used the following threshold: more than / less than half of the national average of complaints leading to penalties by the Labor Directorate. The average is the total number of penalties divided by the total number of companies overseen.

LOW RISK:
• Counties having a number of penalties lower than half the national average.
• Counties without penalties and without evidence of labor-law non-compliances.

UNSPECIFIED RISK:
• Counties having a number of penalties equal to or higher than half the national average.
### Conclusion on Indicator 2.2:

Not all social rights are covered by the relevant legislation and enforced in Chile; in particular there are shortcomings, among others, in provisions of the Labour Code relating to: (i) the excessive majorities required for calling a strike (sections 372, 373 and 379); (ii) the excessively short time for carrying out a strike once it has been called (section 374); (iii) the possibility of replacing strikers (section 381); (iv) the prohibition on strike action in services that are non-essential in the strict sense of the term (section 384); and (v) the possibility that the President of the Republic may order the resumption of work (section 385). Furthermore, agricultural workers’ right to strike is not ensured. Labour Code section 304 does not allow collective bargaining in public or private enterprises or institutions in which the State has financed 50 per cent or more of the budget and section 62bis is restrictive in that it refers to the same work rather than work of equal value thus weakening protection of women’s wages. A partial draft reform of the Labour Code as regards labour relations is under examination by the National Congress. The draft in question: (1) recognizes the right of inter-company unions to bargain in companies (without companies being able to oppose this) when they have attained the number of members required for the establishment of a company union, thereby granting them the rights required to act on behalf of their members; (2) authorizes inter-company unions to use the regulated procedure for other types of trade unions, thereby granting members “bargaining immunity” (protection against dismissal); (3) prohibits the existence of negotiating groups (of workers); and (4) regulates the existence of minimum bargaining rights and the extension of benefits. (refer to category 1)

- **Right to freedom of association and collective bargaining is not upheld:** Chile is ranked in Category 3 of the ITUC Global Rights Index 2014 which stands for regular violation of rights to freedom of association, collective bargaining and strike and means that the government and/or companies are regularly interfering in collective labour rights or are failing to fully guarantee important aspects of these rights. There are deficiencies in laws and/or certain practices which make frequent violations possible.

- **There is evidence confirming compulsory and/or forced labour:** Men, women, and children – primarily from other Latin American countries, as well as Asia – are exploited in forced labor in mining, agriculture, construction, street vending, the hospitality and restaurant sectors, the garment sector, and in domestic service. Experts say the trafficking of migrants to Chile for forced labor is facilitated by their invisibility and the lack of investigation by authorities. Chile is as well a transit route for trafficking victims, a country of origin and a country of destination.

- **There is evidence confirming discrimination in respect of employment and/or occupation, and/or gender:** Chile ranks no.127 of 144 included countries with a score of 0.485 for the most specific and relevant indicator ‘wage equality for similar work’ in the Global Gender Gap Index 2017. The unexplained gender wage gap, which may capture discriminatory practices, in the Global Wage Report 2014/2015 for Chile is 21%. In Chile there is almost one million Mapuches, the vast majority of whom live in vulnerable situations and are discriminated against. Having a Mapuche name is a huge disadvantage in getting a job. The definition of discrimination in the anti-discrimination legislation in Chile is more restrictive than that of the U.N. Declaration of Human Rights.

- **There is evidence confirming child labour:** Chile scores high risk on the Child Labour Index 2014 and child labour is not explicitly prohibited in law. According to the Survey on the Activities of Boys, Girls and Adolescents, in Chile in 2012 of the 3,328,005 children aged five to 17 years in Chile, 219,624 (6.6 per cent) are engaged in child labour. Out of the 219,624 children engaged in child labour, 197,743 children (90 per cent) aged five to 17 years are engaged in hazardous work, which includes 72,144 children aged five to 14 years, and 122,559 children aged 15 to 17 years. 29.3% of the working children in the ages between 5-14 work in the agricultural sector, including forestry, although evidence of child labour in forestry is limited and/or the extent of the problem is unknown.

- **The country is signatory to all 8 fundamental ILO Conventions which are all in force.**
There is evidence that any groups (including women) do not feel adequately protected related to the rights mentioned above: see information on gender and ethnic minorities above.

Violations of labour rights are not limited to specific sectors: Examples of violations were found in relation to agriculture including forestry, domestic services, construction and others.

The following specified risk thresholds apply:

(14) The applicable legislation for the area under assessment contradicts indicator requirement(s);
AND
(15) There is substantial evidence of widespread violation of key provisions of the ILO Fundamental Principles and Rights at work.

Indicator 2.3. The rights of Indigenous and Traditional Peoples are upheld.

Guidance:
- Are there Indigenous Peoples (IP), and/or Traditional Peoples (TP) present in the area under assessment?
- Are the regulations included in the ILO Convention 169 and is UNDRIP enforced in the area concerned? (refer to category 1)
- Is there evidence of violations of legal and customary rights of IP/TP?
- Are there any conflicts of substantial magnitude [footnote 6] pertaining to the rights of Indigenous and/or Traditional Peoples and/or local communities with traditional rights?
- Are there any recognized laws and/or regulations and/or processes in place to resolve conflicts of substantial magnitude pertaining to TP or IP rights and/or communities with traditional rights?
- What evidence can demonstrate the enforcement of the laws and regulations identified above? (refer to category 1)
- Is the conflict resolution broadly accepted by affected stakeholders as being fair and equitable?

general sources from FSC-PRO-60-002a V1-0 EN

information found and specific sources

scale of risk assessment risk indication

ILO Core Conventions Database
http://www.ilo.org/ilolex/english/docs/declworld.htm
- ILO Convention 169

Chile - ILO Member since 1919
Chile has ratified C169 - Indigenous and Tribal Peoples Convention, 1989 (No. 169) on 15 Sep 2008.

Observation (CEACR) - adopted 2013, published 103rd ILC session (2014)
Indigenous and Tribal Peoples Convention, 1989 (No. 169) - Chile (Ratification: 2008)
The Committee notes the Government’s detailed report received in September 2013. In reply to the observations from the International Organisation of Employers (IOE), the Government indicates that the ratification of the Convention presents the challenge of reconciling the application of indigenous peoples’ right to be consulted with the productive development of the country, reducing the recourse to litigation with respect to investment projects. The contributions from the Confederation of Production and Commerce (CPC), the
Mining Council, and the Chilean Wood Corporation (CORMA) express the hope that both the draft legislation on consultation of indigenous peoples and the Environmental Assessment Service Regulations (adopted by means of Decree No. 40 published in August 2013) will become tools for enhancing the legal certainty of investment projects in the country. Among other things, CORMA and the Mining Council underline the need for establishing a clear definition of representativeness of indigenous peoples in order to implement consultations. In this regard, the Committee notes the analysis sent in September 2013 by the Trade Union Federation of Araucanía relating to appeals for protection filed with the Appeals Court in the Ninth Region (the region with the largest indigenous population in the country), which are primarily concerned with the consultation and participation established by the terms of the Convention. According to the aforementioned Federation, the rulings analysed show that recourse to litigation is a tool that paralyses investment or trade projects for the duration of the non-innovation order pending the outcome of the proceedings in the Supreme Court. The suspension of the project may last at least a year and cause investors to have misgivings.

[...] Consultation. New legislation. The Government indicates that, between March 2011 and July 2013, dialogue mechanisms were established with representatives of the indigenous peoples with a view to achieving consensus on new legislation concerning consultation and participation. The Committee notes the detailed information on the operation of the Roundtable on Consensus in which the United Nations and the National Human Rights Institute (INDH) were observers.

[...] Article 7. Participation. The Government indicates that it intends to submit proposals to Congress for the establishment of an indigenous peoples’ council that represents indigenous peoples at the national level and performs an advisory role in the formulation of policies that affect the peoples concerned. In the dialogue between the indigenous peoples and the Government aimed at reaching consensus on new legislation relating to consultation, it was decided not to adopt regulations on participation.

[...] Lands. The Government states that, through the 13th land tender in 2012, more than 3,300 hectares of land were purchased and handed over in 2012–13 to 605 families who met the criteria relating to vulnerability and social risk. The Government indicates that each handover of land is accompanied by an agreement providing productive and technical assistance. The Committee recalls that in its previous comments it had observed difficulties in the regularization of property rights claimed by indigenous peoples. In view of the persistence of a situation that is not in compliance with the Convention, the Committee reiterates its request to the Government to provide detailed information in its next report on the compliance with the Convention of the procedures for the regularization of land titles and the settlement of disputes. [The Government is asked to reply in detail to the present comments in 2015.]
Article 1 of the Convention. Self-identification. In the report received in August 2012, the Government states that, since the Convention came into force, the term “ethnic group” has been replaced by the term “indigenous people”. The 2011 National Socio-Economic Characterization Survey (CASEN) recognizes the existence of 1,369,563 indigenous persons in Chile, equivalent to 8.1 per cent of the estimated population of the country. In reply to the comments made in 2012, the Government indicates that sections 60 and 61 of the Indigenous Act recognize the indigenous status of the Huilliche and Pehuenche communities. Moreover, in the records of the sessions for the adoption of the Indigenous Act, note was made of the existence of communities who have little representation at present. The Committee refers to the observations made by the indigenous organizations in 2010 and requests the Government to continue providing information on the steps taken to ensure that the Changa, Chono, Huilliche and Pehuenche peoples are protected by measures designed to give effect to the provisions of the Convention.

Article 3. Human rights and fundamental freedoms. The Government indicates that, as a result of the restrictive application since 2009 of Act No. 18314 establishing penalties for terrorist acts, there have been only 42 cases involving terrorist offences and only eight of these were concerned with events in the Araucanía region. Out of 22 cases before the courts where the accused are indigenous persons, only one involves offences covered by Act No. 18314. The Government also indicates that the police are receiving training on indigenous culture, that the Carabineros de Chile (police) have incorporated operational support units to cater for indigenous communities and that training programmes for police officers, detectives and prison service officials include material on human rights and non-discrimination.

[...] Articles 2 and 33. Coordinated and systematic action with the participation of indigenous peoples. New institutions for indigenous peoples. In its report, the Government includes examples of participative bodies for indigenous peoples in the country, such as the 1,120 coordination and monitoring boards set up in 2012 and 2013 by the Agricultural Development Institute (INDAP), involving the participation of representatives of indigenous communities in investment planning. Funding for these boards has been in excess of 350 million pesos. The Government also states that in May 2012 the President of the Republic proposed to the original peoples the establishment of the Ercilla Indigenous Development Area, with a view to creating entities for the ongoing participation of the various indigenous organizations in the area in decisions affecting them. The Government also indicates that, under Act No. 20249
establishing indigenous marine coastal areas, the Fisheries Department authorized the creation of an indigenous marine coastal area (ECMPO) encompassing a sector of seabed and area of water at Punta Capitanes in the Los Lagos region, to be administered by the Altué indigenous community. [...] Environmental impact studies. The Committee notes the entry into force on 24 December 2013 of Decree No. 40 issuing the regulations concerning the Environmental Impact Assessment System (SEIA). The regulations state that entry to this system is via an environmental impact declaration (DIA) or, where the project or activity involves one of the scenarios covered by the regulations, via an environmental impact study (EIA). The Committee notes that section 85 of the SEIA regulations reflects the terms of Article 6(1)(a) and (2) of the Convention in stipulating that, in EIA cases which directly affect indigenous peoples, a process of consultation with the peoples concerned shall be formulated and implemented. According to section 86 of the SEIA regulations, in the case of projects submitted to the SEIA with declarations and certain studies which do not apparently result in the peoples concerned being directly affected but are located on indigenous lands or in their vicinity, provision is made for holding “meetings” with the peoples concerned in order to hear their views, analyse them and, if necessary, resubmit the project as an EIA case directly affecting the peoples concerned and organize consultations. Section 27 of the regulations covers the possibility that, prior to input into the SEIA of a project likely to directly affect indigenous peoples, the unit concerned considers the decision-making machinery, customs and organizational structures of such groups and holds “meetings” with the peoples concerned with a view to gathering their opinions and taking account of them in decisions. Nevertheless, if a project submitted to the SEIA entails the transfer or relocation of indigenous peoples (section 7 of the SEIA regulations), the free and fully informed consent of the peoples concerned must be obtained, irrespective of the other situations provided for in Article 16(3), (4) and (5) of the Convention. The Committee invites the Government to continue providing information on the appeal for protection filed by a number of indigenous organizations against the SEIA regulations. The Committee also invites the Government to provide information in its next report on the manner in which the consultation procedures included in the SEIA regulations ensure the effective application of Articles 6 and 7 of the Convention. Should an environmental impact study entail the exploitation of resources on indigenous lands and/or the resettlement of indigenous communities, the Committee requests the Government to indicate how compliance with all the provisions of Articles 15 and 16 of the Convention is ensured. [The Government is asked to reply in detail to the present comments in 2015.] There is no information available at ILO website on this requested report.


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<tr>
<th>Country</th>
<th>Specified risk on FPIC</th>
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<tr>
<td>Indigenous marine coastal area at Punta Capitanes in the Los Lagos region</td>
<td>Low risk for IP rights</td>
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First Inter-Enterprise Trade Union of Mapuche Bakers of Santiago – Pending Representation alleging non-observance by the Government of Chile of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the First Inter-Enterprise Trade Union of Mapuche Bakers of Santiago.

In the light of the information set out in the report (document GB.320/INS/15/3), and on the recommendation of its Officers, the Governing Body decided that the representation was receivable and set up a tripartite committee to examine it.

https://papersmart.unmeetings.org/media2/2927269/ilo.pdf

"In its 2012 observation for Chile, the CEACR examined the alternative reports from the Aymará people communicated by the National Confederation of Artisanal Fishers of Chile (CONAPACH) and the National Confederation of Unions of Bakery Workers (CONAPAN). An alternative report prepared by indigenous peoples’ organizations in the Araucanía region, as well as documentation prepared by the Coordinating Unit of Mapuche Organizations and Communities from the Araucanía region and the Pelón Xaru Mapuche Nation Peoples Culture Centre was communicated by the Single Central Organization of Workers (CUT). The CUT also forwarded specific information form the Kawésqar indigenous community located in Puerto Edén, the Rapa Nui people and representatives of urban Mapuche organizations. The submissions by the indigenous peoples’ organizations were also examined in the 2013 observation for Chile."

Survival International: http://www.survivalinternational.org/
No information found that leads to a specified risk conclusion in last 5 years.

Human Rights Watch: http://www.hrw.org/
World Report 2016 – Human rights Watch

"[...]Appeals courts have repeatedly called on the Carabineros to observe strict protocols on the use of force when entering Mapuche indigenous communities in the context of land conflicts in southern Chile. In February 2015, the Supreme Court ordered the Carabineros to respect the right to liberty and personal security (amparo) of three Mapuche teenagers who were allegedly pursued, detained, and beaten by police in October 2014. Cases of brutality and the disproportionate use of force, however, continue to be reported. Women and children have been among the victims of these abuses."

https://www.hrw.org/world-report/2015
World Report 2015 – Human rights Watch

"In Norín Catrímán and others v. Chile, the Inter-American Court of Human Rights ruled in May 2014 that Chile was responsible for violating the rights to due process, freedom of thought and expression, and personal liberty of seven
| Mapuche leaders and an activist convicted on terrorism charges in 2003 and 2004.” (p. 154) |  |
| Chile: Investigate Police Violence Against Mapuches - Rubber Bullets Wound 4 Children From Indigenous Community – 10 August 2012 | Country |
| “The Chilean authorities should carry out a prompt, thorough, and impartial investigation into the alleged unlawful use of force by police against members of the Mapuche indigenous community, Human Rights Watch said today. Officers found responsible for any unlawful use of force should be held to account and the injured civilians ensured an effective remedy. | Specified risk for unlawful use of force by police against Mapuche |
| In two incidents on July 23, 2012, Carabineros police shot rubber bullets at members of the Ignacio Queipul community of Temucuicui, in Ercilla in southern Chile. The rubber bullets wounded four children and several adults. |  |
| “The use of rubber bullets is acceptable only in very limited situations when law enforcement must confront violence and other less violent means can’t be used or don’t work,” said José Miguel Vivanco, Americas director at Human Rights Watch. “The circumstances of these shootings as they are known, including the fact that children were involved, strongly suggest that the use of rubber bullets in this case was not justified.” |  |
| […] The first shooting occurred as Carabineros police were evicting community members from land they had occupied in Ercilla, wounding as many as 12 people, according to press accounts, including a 12-year-old boy. |  |
| Later that day, Carabineros fired rubber bullets at a group of Mapuches outside a hospital in Collipulli where detainees who had been injured during the earlier police action were receiving medical attention. According to a complaint filed by a witness from the Defensoria Penal Mapuche, a state body that assists in the legal defense of Mapuches, Carabineros stationed outside the hospital entrance opened fire at short range, without provocation or warning, on Mapuches who had come to visit the injured. Seven people, including a 13-year-old girl and two 17-year-old boys, were wounded. |  |
| […] In addition to the shootings during the eviction, 12 people including three girls under age 12, were allegedly hit, insulted, and sexually harassed by Carabineros while being transported from the scene in a police bus, according to witness statements reported in the news media and allegations received by the Inter-American Commission of Human Rights. |  |
A military prosecutor will investigate the complaint filed by the representative of the Defensoria Penal Mapuche. Despite recent reforms of the system of military justice, under Chilean law cases involving alleged crimes by Carabineros on active duty are subject to the jurisdiction of military courts. Such military courts do not meet international standards of independence and impartiality."

Amnesty International [http://amnesty.org](http://amnesty.org)

State of the Human Rights Report 2014/15

International Peoples’ RIGHTS

There were renewed allegations of excessive use of force and arbitrary detention during police operations against Mapuche Indigenous communities. There were particular concerns about abuses against minors in the context of the conflict.

In May, the Supreme Court confirmed the 18-year prison sentence of Celestino Córdova, a Mapuche machi (traditional healer), in connection with the deaths in January 2013 of Werner Luchsinger and Vivianne Mackay. The couple died following an arson attack on their house in the Vilcún community, Araucanía region. The Oral Criminal Court of Temuco, which ruled in the first instance, dismissed the prosecution’s allegation that this was a terrorist attack. The defence alleged that Celestino Córdova’s trial was politically motivated and had fallen short of international fair trial standards, and was another example of how the authorities dealt with the issue by criminalizing Mapuche land claims rather than seeking to resolve underlying issues.

In October, José Mauricio Quintriqueo Huaiquimil died after being run over by a tractor while he and other Mapuche were entering a farm in the Araucanía region. According to reports, they had gone to the farm in connection with a proposal they were preparing for the authorities about what part of the land could be given to them. The community had been occupying part of the farm with the owner’s agreement. A man suspected of responsibility for the death was detained and the investigation was continuing at the end of the year.

In April, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism published a report on his 2013 visit to Chile highlighting discrepancies between the national anti-terrorism law and the principle of legality and due process in the context of Mapuche proceedings. A bill to reform the anti-terrorism law was under discussion in Congress at the end of the year.

In May, the Inter-American Court of Human Rights condemned Chile for human rights violations in its application of the anti-terrorism law against eight Mapuche sentenced in 2003. The Inter-American Court also ordered the state
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<th>Country</th>
<th>Presence of IPs</th>
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<tr>
<td>Chile</td>
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<td><strong>The Indigenous World</strong> <a href="http://www.iwgia.org/regions">http://www.iwgia.org/regions</a></td>
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<td><strong>The Indigenous World 2015 - Chile</strong></td>
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<td>“The population that self-identifies as belonging to or descending from Chile’s legally-recognised indigenous peoples numbers 1,369,563 individuals, or 8% of the country’s total population, and comprises Aymara (0.59%), Lickanantay (0.14%), Quechua (0.07%), Colla (0.06%) and Diaguita (0.06%) living in the Andean valleys and altiplanos of the north; Rapa Nui in Polynesian Te Pito o Te Henua (Easter Island) (0.03%); Mapuche (6.97%) in Wallmapu in the centre-south of the country; and Kawashkar (0.01%) and Yamana (0.01%) in the southern canals. <strong>Chile’s 1980 Political Constitution</strong> is still in force, approved under the dictatorship, and this recognises neither indigenous peoples nor their rights. The draft constitutional reform referring to these peoples and submitted to Congress in 2007/08 made no progress in 2014. The rights of indigenous peoples are governed by Law No. 19,253 of 1992 on “encouragement, protection and development of indigenous peoples”, a law that is not in line with international legislation on indigenous peoples’ rights to land, territory, natural resources or participation and political autonomy. They are also governed by Law No. 20,249 of 2008 which “creates the marine coastal spaces of native4 peoples” although its implementation has been minimal. ILO Convention 169 was ratified by the Chilean state in 2008. Its implementation to date has also been insufficient, particularly in terms of the right to prior consultation.” (p. 204)</td>
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<td><strong>“Political rights</strong> The indigenous peoples remain unrepresented in the bodies responsible for taking decisions that affect them. Although President Bachelet announced a specific legislative proposal in June 2014 that would make indigenous representation in the National Congress possible, this has not yet commenced its legislative path and was excluded from the draft bill of law replacing the binominal electoral system with an inclusive proportional system and strengthening the representativeness of the National Congress, which is currently under consideration by the chamber.” (p. 204-205)</td>
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<td><strong>“Right to consultation</strong> Supreme Decree (SD) No. 66 of the Ministry of Social Development came into effect in March 2014. This “regulates the procedure for indigenous</td>
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<tr>
<td><strong>Country</strong></td>
<td><strong>Specified risk on participation in decision making</strong></td>
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<td><strong>Country</strong></td>
<td><strong>Specified risk on FPIC</strong></td>
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consultation”. It falls below the standard of ILO Convention 169 since it limits consultation to legislative projects likely to have a direct and significant impact on indigenous peoples. It also states that a consultation can be considered complete even if the agreement or consent of the indigenous peoples has not been obtained, and without having established culturally-appropriate procedures. For this reason, and because the decree itself was not put out to consultation with the indigenous peoples’ representative organisations using appropriate procedures prior to its approval, this regulation was seriously questioned by those concerned.

Moreover, Supreme Decree (SD) No. 40 of the Ministry of the Environment came into effect on 25 December 2013. This “approves regulations for the System of Environmental Impact Assessments (SEIA)” and contains rules on “consulting” indigenous peoples with regard to investment projects that are subject to the SEIA. In addition to consultation procedures, the SD establishes ways of publicising and disseminating information on projects. This is so that, should an agreement not be reached with the indigenous peoples with regard to investment projects, they can still be approved. According to this SD, only high-impact projects that directly affect the peoples are subject to consultation, and this is to be determined by the authority in advance. The validity and scope of this decree has been challenged by a number of indigenous organisations, who have called for it to be repealed.

Since SD No. 66 came into effect, two pre-legislative consultation processes have been held with indigenous peoples regarding draft bills of law that directly affect them: one creating the Ministry of Indigenous Affairs and the Council of Indigenous Peoples, the other the Ministry of Culture and Heritage. The first of these two processes was convened by the Ministry of Social Development on 29 May 2014. According to the notification issued for this process, the consultation was to be governed exclusively by the procedure established in SD No. 66. It was thus rejected by the indigenous peoples, who called for its repeal as a condition for commencing a dialogue with regard to any consultation process. Despite the opposition and low turn-out of the indigenous organisations, the consultation went ahead and the first stage was completed in December, although the results have not yet been published. For its part, the consultation relating to the draft bill of law creating the Ministry of Culture and Heritage was convened by the National Council for Culture on 6 June 2014 by means of Exempt Resolution 213114 which, although it refers to SD No. 66 in its recitals, states that it will be implemented on the basis of ILO Convention 169 and must be undertaken in good faith, in a manner appropriate to the circumstances and with the aim of reaching an agreement or consent on the proposed actions. It should be noted that, in both its written and verbal communications in this regard, the National Council for Culture has shown its willingness to be flexible in order to ensure an intercultural dialogue that will...
enable the indigenous peoples' representative organisations to have an impact on the process and an agreement or consent to be reached on the draft submitted for consultation. *This process is still under consideration.*” (p. 206-207)

“*situation of the Mapuche people*

No significant progress was made with regard to the situation of Mapuche rights during 2014. One landmark event was President Bachelet’s appointment of a lawyer of Mapuche origin, Francisco Huenchumilla, to the post of Governor of Araucanía Region, 15 the region which is home to the largest number of indigenous people. This is the first time that a Mapuche has held this post. On taking office, Huenchumilla asked for “forgiveness from the Mapuche people for the land they have been dispossessed of by the Chilean state”.16 This was the first time a government authority had ever made such a declaration.

In terms of their right to lands and territories, although President Bachelet’s administration, which commenced in March 2014, has stated its willingness to reinforce the policy on indigenous lands, the mechanism used to return these lands remains the Indigenous Lands and Waters Fund (FTAI) of the National Indigenous Development Corporation (CONADI), created under Law No. 19,253. The FTAI operates by purchasing lands for indigenous peoples on the open market, at speculative values. These purchases usually relate to lands already recognised to indigenous peoples but subsequently grabbed. The purchase of traditionally occupied lands is not generally considered, despite international standards. Between 1994 and 2014, land purchases made by the FTAI through subsidies to indigenous communities lacking land (Article 20 of Law 19,253) came to 17,527.27 ha, most of which (17,266.77 ha) was for the Mapuche.17 In terms of lands purchased by the FTAI that had already been recognised by the state but subsequently lost (Article 20 b Law 19,253), these totalled 120,321.73 ha, of which 119,885.82 ha were for the Mapuche.18

However, the legally-owned and/or ancestral lands and territories of the Mapuche continue to be threatened by a large number of extractive, productive or infrastructure projects which have been or are being assessed by the state through the SEIA (SD No. 40) without adequate consultation processes and without considering the right to free, prior and informed consent, as enshrined in international law, and without these people sharing in the benefits of this economic activity. These investment projects include: fish farming production and hatching projects for salmon breeding in the foothills; forestry, in constant expansion with monocropping of exotic species of pine and eucalyptus for cellulose production; hydroelectric companies, with dam projects or “run-of-river plants”, supposedly environmentally friendly, in the foothills and mountainous regions. Mineral prospecting and geothermal exploration projects have also been identified. These investment projects affect the Mapuche

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<tr>
<th>Country</th>
<th>Specified risk for traditionally occupied lands of IPs</th>
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<tr>
<td></td>
<td>Low risk for purchased and returned land.</td>
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<tr>
<td></td>
<td>Specified risk for legally-owned and/or ancestral lands and territories of the Mapuche</td>
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communities by causing changes in their ecosystems and sacred sites, contaminating their water courses, affecting their production systems, and violating their right to define their own development priorities (Article 7.1 of ILO Convention 169). This is why such projects are widely rejected by the communities, and have led to great conflict in the regions in which they live (Araucanía, Los Ríos and Los Lagos).7 (p. 207-208)

[...]Criminalisation of social protest
Mapuche social protest has continued to be repressed and persecuted by the Chilean state. Crimes committed against community members by police officers have gone unpunished, not least because they are heard through the military courts. In this regard, during 2014, eight cases in which Mapuche individuals were being prosecuted by means of the Anti-terrorist Law came to their conclusion.23 All have now been ruled on by the courts, with six resulting in a dismissal of the charges; one in a common-law conviction of 4 of the 19 defendants who had originally been charged with terrorist offences in 2011; and one in the Machi (spiritual authority of the Mapuche people), Celestino Córdova, being sentenced to 18 years in prison. None of the convictions were therefore for terrorist activity as set out in Law 18,314 and yet the evidence used to convict them was the result of a legal process in accordance with the Anti-terrorist Law, with testimony being accepted from witnesses with concealed identities, in breach of the right to due process. The high rate of dismissals of cases in which Mapuche were prosecuted under the Anti-terrorist Law demonstrates the discretionary and political use being made of this law by the state.

It should be noted that, in its judgment of 29 May 2014 in the case of Norin Catriman et al v Chile, the Inter-American Court of Human Rights convicted the Chilean state of violating the fundamental rights of eight members of the Mapuche people, as guaranteed in the American Convention, by using the Anti-terrorist Law. In this judgment, the Court concluded that “Chile violated the principle of the rule of law and the right to be presumed innocent, to the detriment of the eight victims of this case, by maintaining and applying Article 1 of Law No. 18,314, which contained a legal assumption of the subjective nature of a terrorist crime, this being a fundamental element of Chilean law with which to distinguish actions of a terrorist nature from those that are not.”24 The Court also established that, when substantiating the convictions, arguments has been used that were based on stereotypes and prejudice, and which represented a violation of the principle of equality and non-discrimination and the right to equal protection before the law.25 The judgment drew attention to the existence of legislation that does not guarantee the right to due process, focusing particularly on and making recommendations with regard to the use of witnesses with concealed identities, thus preventing the right to cross-examination, and ordering that this legislation be amended.26” (p. 209-210).
The Rapa Nui people’s struggle for territory continued in 2014. In January, a consultation took place with the aim of approving a new plot for the Vaitea fund, which controls around a quarter of the island’s land. There was very poor participation in this consultation on the part of the people, and it was moreover rejected by the Rapa Nui, who argued that the land included communally-owned heritage sites and would result in a break-up of the communal territory. However, there is an underlying pressure to transfer lands into individual properties in order to cover housing needs. This is why there has been no progress in recognising the territorial rights of this people since 2002.

In terms of political rights, a migration policy was discussed during 2014 aimed at limiting the population of the island in order to ensure its environmental, social, cultural and economic sustainability. A commitment was also made to produce a special statute for Easter Island in order to recognise Rapa Nui autonomy. The government drafted the migration policy and established its content jointly with the Easter Island Development Commission. This bill of law is now pending consideration by parliament. There has been no progress with regard to the autonomy statute, however.” (p. 210-211)

“andean peoples’ rights to natural resources
Violations of the collective rights of the Andean peoples of the north of Chile (Aymara, Quechua, Lickanantay, Colla and Diaguita) continued apace in 2014 due to natural resource extraction projects linked to large-scale mining. The current legislative framework enables mining project holders to define the productive function of the territory and remove the natural resources necessary for their economic and cultural survival from the communities’ control. One particularly problematic situation is that of water, given its scarcity in the region. In terms of consultation, the inadequacies already noted in environmental regulations and in the SEIA Regulation (SD No. 40) also apply to mining projects affecting the Andean peoples. To this must be added the fact that this legislation does not require independent environmental or social impact assessments. In addition, although there are mechanisms for the regularisation of land in Law No. 19,253 of 1993, many of the territories claimed are still under the control of the Chilean state and have not been formally demarcated or titled, as in the case of the Lickanantay territory of Alto Loa and the Aymara-Quechua territory of the Tarapacá Basin. This makes it difficult to protect them from mining projects. The studies commissioned by the authorities with the aim of identifying lands ancestrally occupied by indigenous communities in the north are now out of date, and so the demand is not clear and the land claim has not been satisfied. To this must be added the lack of an institutional mechanism that would make the return of property rights to the land under traditional occupation possible. As possession has to be accredited by means of the rules of Decree Law 1939 on the administration of state lands.” (p.211)
“...”the Manganeso Los Pumas project of the Hemisferio sur s.C.M mining company, a Chilean subsidiary of the Australian Southern Hemisphere Mining, relating to the exploitation of a manganese deposit at a rate of 220,000 tonnes a month in order to produce concentrate from this mineral for the international markets. The deposit will have a useful life of 10 years and is located in the Lluta river basin, in the Arica y Parinacota region, where it is threatening the availability of water, discharging toxic waste and causing adverse effects on the valley’s agriculture and on tourism. Although the Arica Court of Appeals overturned the Environmental Qualification Resolution that approved the project, 33 for lack of consultation and for violating freedom of religion (because of the possible effects on the river’s waters, which are a source of the communities’ world vision), the Supreme Court revoked the ruling, stating that it was for the new Environmental Courts to hear issues relating to environmental assessment processes, including consultation and indigenous rights. This sets a worrying precedent as it involves an abdication on the part of the Supreme Court of its role in protecting fundamental rights, which could be detrimental to the indigenous communities’ right of access to justice, as noted by human rights organisations.34” (p. 212)


The Indigenous World 2014 – Chile

“Another critical problem for indigenous peoples is the lack of a response to their demands for their ancestral lands and territories, in accordance with Convention 169. The policies promoted by CONADI, a body established under the provisions of Law 19,253 of 1993, continue to be insufficient to resolve the land problems affecting the different peoples, including the Mapuche and the Rapa Nui. CONADI’s restrictive interpretation of the concept of indigenous lands establishes that its Lands and Waters Fund should finance initiatives destined only to return those lands that are recognised as such through an original land title (título de merced) granted to the Mapuche by the state, or that were in the hands of the Mapuche communities during the agrarian reform process and which were later either returned to their previous non-indigenous owners or remained in the hands of the state following the 1973 military coup. Demands referring to ancestral title or customary use, as expounded in applicable international law, are not included within this interpretation.” (p. 206-207)

One worrying situation relates to the claims of the Rapa Nui people to ownership of their ancestrally occupied lands on Easter Island. In 1933, despite having been annexed by Chile via a treaty or “Memorandum of Understanding” in which the Rapa Nui retained ownership of their ancestral lands, Chile registered the lands as being owned by the state. Since the 1960s, different laws have been passed regularising lands in favour of the Rapa Nui.
but this has been achieved by transferring small family plots with individual title, in contravention of this people’s communal ownership structure. Moreover, these transfers have been very limited, restricted primarily to the urban area of the island, with the Rapa Nui owning only 13% and more than 70% of the territory thus remaining under state ownership. No effective public policies have been promoted to reverse this reality since 2009, and this has generated social protest among the Rapa Nui who, as noted below, have found themselves criminalised by the state.” (p. 207)

<table>
<thead>
<tr>
<th>Source</th>
<th>Country</th>
<th>Risk level</th>
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<tbody>
<tr>
<td>United Nations Special Rapporteur on the rights of indigenous peoples</td>
<td>Low risk</td>
<td></td>
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<tr>
<td>Last country report on Chile dates from 2009 – outdated</td>
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<tr>
<td>No additional information found that leads to a conclusion of specified risk.</td>
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<tr>
<td>UN Human Rights Council Universal Periodic Review</td>
<td>Low risk</td>
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<td><a href="http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx">http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx</a></td>
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<td>“12. Chile was aware of its historical debt towards its indigenous peoples. The Government had therefore established a policy in 2010 to open a dialogue with the nine indigenous peoples present in the country, in order to ensure their access to development opportunities, with full respect for their rights, traditions, identity and culture. The need for a comprehensive and inclusive approach had led to the creation of the Council of Ministers for Indigenous Affairs.” (p. 4)</td>
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<td>13. The implementation of international Labour Organization (ILO) Convention 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries had deepened the commitment to indigenous communities regarding participation and involvement. Since its entry into force, more than 43 consultations had been carried out on matters related to draft legislation, administrative measures and investment projects. One of the most relevant consultations had involved discussion of the procedure and stages of future consultations. During nearly three years, over 300 workshops, involving a direct dialogue between government authorities and indigenous leaders, had been conducted. Having established the new consultation procedure, the Government would apply this mechanism in relation to three relevant issues: the constitutional recognition of the indigenous peoples, the creation of a council representing them and the design of a new institutional framework for a more efficient implementation of public policies regarding them.” (p. 4)</td>
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<tr>
<td>“Conclusions and/or recommendations [...] 21.66. Continue with the combat against all discrimination, in particular that regarding indigenous peoples through the implementation of the 2012 Anti-Discrimination Law (France); 121.67. Strengthen the relevant measures with regard to combating</td>
<td>Specified risk for discrimination</td>
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<td>Country</td>
<td>Specified risk for recognition of IPs</td>
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<td>Brazil</td>
<td>Implement measures to support the full participation of indigenous peoples in democratic institutions and economic development (Canada);</td>
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<td>Greece</td>
<td>Take action, through the appropriate procedures, to ensure that the Anti-Terrorist Law does not undermine the rights of indigenous peoples and include those rights in the legal and administrative structure of the country (Cuba);</td>
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<td>Peru</td>
<td>Ensure that all human rights of indigenous persons are promoted and respected, inter alia by ensuring the participation of concerned groups in the decision-making processes that affect their human rights and by ensuring that the application of the Counter-Terrorism Law does not undermine the human rights of indigenous as well as other persons (Germany);</td>
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<td>Bulgaria</td>
<td>Give urgent attention to the full implementation of ILO Convention 169, especially with regard to prior consultation on legislative and administrative measures that may affect indigenous communities (Norway);</td>
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<td>Germany</td>
<td>Work for the effective implementation of ILO Convention 169, preventing acts of unawareness and contempt for the human rights of indigenous peoples, in particular of the Mapuche (Bolivia (Plurinational State of));</td>
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<td>Peru</td>
<td>Encourage the participation of indigenous peoples in decisions that affect them through the enforcement of the regulations on prior consultation adopted in November 2013 (Peru);</td>
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<tr>
<td>Country</td>
<td>Specified risk for participation in decision-making</td>
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<td>Sweden</td>
<td>121.173. Continue the efforts to implement consultation mechanisms and ensure the protection of human rights of indigenous groups (Sweden); 121.174. Take concrete measures to guarantee the effective participation of indigenous peoples in decisions that affect them, in line with systematically implementing the right to consultation (Austria); 121.175. Further development of a process of effective dialogue and negotiation with indigenous groups is established to address land and natural resources issues (Australia); 121.176. Continue with its policy aimed at improving the living conditions of indigenous peoples on the labour market, with a view to their social stability (Angola); 121.177. Continue efforts aimed at minimizing the environmental impact of economic activities affecting indigenous people (Belarus); 121.178. Take all measures to establish a legal framework to address the issues affecting the migrant population, minorities, refugees and indigenous people (Iran (Islamic Republic of));</td>
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<td>Romania</td>
<td><a href="http://www.refworld.org/docid/52ea2e594.html">http://www.refworld.org/docid/52ea2e594.html</a></td>
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<tr>
<td>Chile</td>
<td>A summary of 29 stakeholders’ submissions to the universal periodic review of Chile – 7 November 2013</td>
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<td>“13. Constitutional recognition of the indigenous peoples is still pending. The lack of legal provisions governing the right of consultation does not relieve the State of its obligation to engage in prior consultations. The State must establish appropriate mechanisms for determining land tenure and returning land. Sector-specific laws (the water, mining, energy and forestry codes) and environmental legislation still need to be aligned with international human rights standards. (p. 3) […]”</td>
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<td>J. Indigenous peoples</td>
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<td>72. JS8 reported that more than one third of the Mapuche lived below the poverty line and less than 3 per cent received education beyond high school. JS6 stated that the highest levels of poverty were to be found among indigenous women, who also had the lowest levels of political participation and access to education and employment in Chile. 73. JS9 expressed the view that successive Governments had developed monocultural policies that excluded indigenous peoples from participation in decision-making processes which affected them. Their claims are generally answered with repression and judicial proceedings. 74. JS6 stated that indigenous peoples were still not recognized in the Constitution. The constitutional reform bill, before the Senate since 2009, was still pending approval. The Indigenous Peoples Act (No. 19,253) was not sufficient to guarantee the recognition of indigenous peoples as subjects of collective rights. JS6 recommended that the State give constitutional recognition to indigenous peoples as quickly as possible.</td>
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75. JS6 stated that compliance with ILO Convention No. 169 has been inadequate, particularly in relation to the right of prior consultation. JS9 noted that the Government had been engaged in a questionable process of “consultation” on the development of an institutional framework for indigenous peoples since 2011. The Government has also, without adequate consultation, initiated bills that threaten the lives of indigenous peoples (Fisheries Act, Environmental Impact Assessment System, Forestry Development Act).

76. JS6 welcomed the fact that the courts were increasingly ruling in favour of recognizing indigenous property rights and the right of indigenous peoples to prior consultation. The courts had resolved to withhold approval for certain forestry and hydroelectric projects located on Mapuche territory and for certain mining projects in Andean regions.

[..].78. Several organizations, including the contributors to JS6, stated that the social protest activities of indigenous peoples were still criminalized and subject to the application of special regulations. JS6 drew attention to the high number of acquittals obtained in proceedings brought against members of the Mapuche community under of the Anti-Terrorism Act, which was evidence of the discretionary and political manner in which the Act was being applied. IACHR urged the State to adopt measures in order to avoid in the future the excessive use of force in these operations.

79. According to JS5, the absence of guarantees for the territorial rights of indigenous peoples is having enormous repercussions and affecting other rights. Furthermore, large-scale public and private-sector copper mining operators are extracting resources without complying with the provisions of ILO Convention No. 169 concerning participation in the benefits of such operations and are ignoring indigenous peoples’ reports of negative consequences for their health and their cultural heritage. The contributors to JS6 are of the opinion that the policies promoted by the National Indigenous Development Corporation (CONADI) are not sufficient to resolve the land issues. JS8 recommended the Government to establish a mechanism for the restitution of ancestral lands to indigenous peoples. JS5 recommended that the Ministry of National Assets and the Land Registry finish processing indigenous communities’ applications for land demarcation within a period of no more than six months.”(p. 10-11)
of the Mapuche community, the Committee is concerned by reports that it has been used to investigate and, in some cases, to prosecute members of Mapuche communities. The Committee repeats that the procedural guarantees set out in the Covenant have been restricted by the application of this Act (arts. 2, 14, 26 and 27). (p. 2)

[...] Indigenous peoples 10. Although the Committee acknowledges the measures adopted by the State party, it remains concerned that indigenous peoples are not consulted when decisions regarding issues related to their rights are taken and that an effective mechanism for ensuring consultations with, and the participation of, indigenous peoples, in keeping with international standards, has yet to be established. The Committee is, furthermore, concerned by the delay in approving the constitutional amendment that would allow for the recognition of indigenous peoples and in adopting the bill on the establishment of a council of indigenous peoples, notwithstanding the issues raised in its previous concluding observations (CCPR/C/CHL/CO/5, para. 19). The Committee is also concerned that the land purchase mechanism for indigenous communities is still not sufficiently robust to guarantee indigenous peoples’ right to their ancestral lands (arts. 1 and 27).” (p. 3)

http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/CHL/INT_CCPR_CSS_CHL_17506_E.pdf


“The Mapuche are the largest indigenous group in Chile, with over 1.4 million people and making up approximately 8.7 per cent of the population of Chile.2

[...] Due to their current abysmal situation, and the systematic expropriation of Mapuche land, many Mapuche feel as though they are owed a “historical debt” by the Chilean government.4 Historically, the Mapuche resisted colonisation for centuries, defeating Incan, Spanish and Chilean forces. However, between 1861 and 1883, the Chilean waged a war against the Mapuche known as the Pacificación de la Araucanía, which ended the Mapuche rebellion and with it their independence. The Chilean government created slightly fewer than 3000 reducciones—pockets of land onto which the Mapuche could live their lives, distanced from national politics—which were later sub-divided and sold to wealthy elites and corporations, leaving the Mapuche with just over five per cent of their original territory.5 However, while under colonial rule, the rights of the Mapuche to independence and independent sovereignty were officially recognised by the Spanish government.6 Furthermore, until 1962 the Chilean State maintained “border relations” with the Mapuche, in effect bestowing upon them a form of recognition.7
Throughout the 1960s and 1970s, successive governments instituted polices of land reform, which restored some ancestral land to the Mapuche. However, the coup in 1973 essentially reversed the land reform policies by offering Mapuche lands to international investors so as to bolster Chile’s economy. The Mapuche themselves were vilified under the Pinochet regime, often classified as “communists”, and assimilation programmes were pursued with renewed fervour. The Concertación government, elected in 1989, campaigned on a platform of indigenous rights. The Mapuche petitioned the new government about their land rights and their previous vilification. The new government however, focused more on remediying the damage directly caused by the Pinochet regime, failed to address historical indigenous grievances. Mapuche expectations such as land reform, constitutional recognition, and an element of control over natural resources were not met. Organised Mapuche political and social protests began in the early 1990s, and have been escalating ever since.

Presently, many Mapuche live in abject poverty, and those who continue to campaign for land rights are designated as terrorists by the media, and prosecuted as such under unjust anti-terrorism laws. This violation of the Mapuche’s human rights, and other infringements, are outlined in this alternative report.” (p. 2-3)

[...]1.1 As explained in UNPO’s Alternative Pre-Sessional Report, the indigenous peoples of Chile are not recognized by the Constitution, despite the Mapuche’s historical claims to land and their history of self-determination. The creation of a Council of Indigenous People (Bulletin 6743-07) is in the process of being reviewed prior to its presentation to the parliament. Though these efforts are commendable, the manner in which they have taken place can be criticized. Indigenous leaders remain sceptical with regards to the establishment of these laws, since they have not been consulted during the process. The foundation of the Corporacion Nacional de Desarrollo Indigena (CONADI) which was to stimulate the socio-economic development of indigenous peoples, and several attempts at land restitution (Chile’s Reply to the List of Issues, art. 10-14). However, these attempts still lack several elements. The necessity of revising the current land restitution programs. These have taken the territory ascribed to the Mapuche after the Pacificación as defining the concept of the ‘indigenous lands’, though this constituted only 6.4% of original Mapuche territory.

[...]2.1 Discrimination of the Mapuche is common throughout Chilean society and remains present in media and public discourse. Public discourse tends to portray the Mapuche as troublemakers and terrorists. The foundation of the National Congress of Indigenous Peoples (Reply to List of Issues, Art. 15) in August, 2013 has the potential to address several issues of
discrimination and political participation for indigenous peoples in enforcing the rights of the Covenant. However, how this will play out in practice remains to be seen.

[...] Notwithstanding the wide representation mentioned in the report submitted by the Republic of Chile, there is a noticeable and significant absence of Mapuche at all levels of political representation. While indigenous people have the legal right to participate in the political process, the systemic and institutional framework inhibits their active participation at any level other than the municipal level. For example, in the region of la Araucanía—the region in Chile with the greatest percentage population of Mapuche—there is a telling underrepresentation in parliament. In 2005, out of a total of 35 candidates for parliament, only two were Mapuche. In 2009, the number of Mapuche candidates increased to seven (with the total number of candidates remaining at 35). Nevertheless, 31.3% of the population in la Araucanía is Mapuche and the proportion of Mapuche candidates were 6% and 20% respectively—far short of equal representation.

[...] As mentioned elsewhere in this alternative report, a cause of great concern is the selective prosecution of Mapuche citizens under the anti-terrorism laws. These legal relics of Chile’s military government enable the handing down of more severe sentences than the standard criminal code by the mere imputation of a terrorist intent. Several hundred Mapuche have been arrested under the pretence of these laws.


Committee on the Elimination of Racial Discrimination - Concluding observations on the combined nineteenth to twenty-first periodic reports of Chile – 23 September 2013

Constitutional recognition and consultation of indigenous peoples

12. The Committee observes with regret the difficulties involved in winning passage of constitutional amendments in the State party and the slow pace of progress towards gaining constitutional recognition of the rights of indigenous peoples. It also observes with regret the slow pace of progress towards the establishment of an effective mechanism for consultation with indigenous peoples and for the promotion of their participation in accordance with international instruments such as, in particular, the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the United Nations Declaration on the Rights of Indigenous Peoples. It is concerned by the postponement of constitutional amendments until such time as a mechanism for consultation with indigenous peoples is in place. The Committee notes with regret that Supreme Decree No. 124 of the Ministry of Planning expressly precludes consultations concerning investment projects and has led to the award of contracts for production activities that impinge
upon the rights of indigenous peoples. It also notes with regret that social tensions continue to grow (arts. 1, 2, 5 and 6).

Ancestral lands
13. Recalling the treaties signed by the State party with indigenous peoples, especially the Mapuche people, the Committee is concerned that the public tenders used for the recovery of land by the National Indigenous Development Corporation (CONADI) prevent many members of indigenous peoples from gaining access to their ancestral lands. The Committee also notes with concern that representatives of indigenous peoples claim that the tracts of land given to them in exchange for their ancestral lands, even in nearby areas, have often proven to be unproductive and difficult to make use of and that they do not form part of an overall strategy for the restitution of indigenous peoples’ rights. While the Committee takes note of the regulations concerning environmental impact assessments that will soon enter into force, it reiterates its concern about the fact that indigenous peoples complain that their territories continue to be negatively affected by the development of natural resources, the establishment of waste disposal sites and the pollution of water and other subsoil resources located in or on those lands. The Committee regrets that the existing plans to halt some production activities do not provide for measures of redress (arts. 2, 5 and 6).

The Counter-Terrorism Act and excessive use of force by agents of the State against indigenous peoples
14. The Committee welcomes the amendments made to Act No. 18.314 (the Counter-Terrorism Act). However, it remains concerned by reports that this law continues to be applied to a disproportionate extent to members of the Mapuche people in respect of acts that have taken place in connection with their assertion of their rights, including their rights to their ancestral lands (CERD/C/CHL/CO/15-18, para. 15). The Committee is concerned by the lack of objective legal criteria for the enforcement of this law in respect of Mapuches who are charged with committing a terrorist act and for the determination by police officers and public prosecutors of what types of charges to bring against them, all of which could constitute a violation of the principles of legality, equality and non-discrimination. The Committee also reiterates its concern about the undue and excessive use of force against members of Mapuche communities, including children, women and older persons, by members of Carabineros and the Investigative Police during raids and other police operations (ibid., para. 19) and about the impunity with which such abuse is committed. The Committee observes that the enforcement of the Counter-Terrorism Act and the undue and excessive use of force against members of the Mapuche people could have negative and discriminatory impacts on indigenous peoples that go beyond their impacts on the individuals suspected of having committed an offence (arts. 2 and 5)."

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<tr>
<th>Country</th>
<th>Specified risk for land rights</th>
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<tr>
<th>Country</th>
<th>Specified risk for unequal treatment before the law</th>
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<tr>
<th>Country</th>
<th>Specified risk for undue and excessive use of force against Mapuche</th>
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“A string of events in the southern Chilean region of Araucanía, where the Mapuche Peoples are struggling for their land rights, turned for the worst when two people died in one of several arson attacks. Pedro Cayuqueo, the Indigenous Mapuche editor of the newspaper Mapuche Times, said the attack reflects the “abandonment of the authorities’ political responsibility to handle the conflict, and their insistence on using repressive measures that merely inflame antagonisms and produce this kind of escalation”. These events highlight what analysts call the “supine ignorance” of the authorities when it comes to the history of this country, and especially the history of Araucanía.

 […] Mapuche leaders and organizations in Chile rejected the government’s announcement of a plan to implement three bills meant to promote the development and political participation of the Mapuche people in the country. The Mapuche said the legislation was being imposed unilaterally and that the government was ignoring the recommendations established at a recent Mapuche summit. They are demanding a proper dialogue with government.

 […] Barrick Gold, owner of the Pascua Lama mine that spans the Chile-Argentina border, has admitted that it violated environmental regulations. The admission from Barrick comes four months after a successful court case, won by a group of Diaguita communities that effectively shut down the operations of Barrick. The Diaguita communities argue that Barrick Gold’s license should be revoked for its failure to comply with the regulations.

 […] Riot police and members of the Group of Special Operations (an elite, special unit of the Chilean Police force), evicted the Mapuche Community of Temucuicui from their ancestral lands in the Araucania Region of Southern Chile. More than two years ago, the self-nominated “autonomous” community returned to the lands, from which they were previously dispossessed. Despite the police burning their homes, running over a flock of sheep and assaulting at least two people, the families of Temucuicui re-entered the lands without fear of another eviction.”

Mapuche leaders warned of the presence of paramilitary groups in the Chilean Araucania region, acting surreptitiously to blame the Mapuche for violent acts. A Spokesperson for the autonomous Temucuicui community of Ercilla town stated that “the paramilitaries are the children of farmers and retired police officers that are frightening us and generating this type of situations in order to accuse the Mapuche communities.” Local analysts issued similar warnings that
private business people and big landowners were moving to declare a siege on the Araucania in order to advance their own interests.

Three Mapuche women and other members of the Mapuche Territorial Alliance occupied the headquarters of UNICEF in Santiago, Chile, to urge the organization to pressure the Ministry of Interior to withdraw police forces from Mapuche communities. The Mapuche Territorial Alliance explained in a public statement that Mapuche children were being victimized—even shot—by the police forces. UNICEF responded to the request by saying that ‘cannot’ accede to the request. Tom Olsen, an agency representative, stated his personal opposition to the occupation and warned that UNICEF would forcefully remove the Mapuche from their offices.

Five Mapuche activists entered their fifth week of an “open-ended” hunger strike at Angol Detention Center in Chile’s Araucanía region. One Mapuche, Daniel Levinao Montoya, called the hunger strike after he and Paulino Levipan Coyán were convicted by a military court in mid-August. The men were protesting the militarization of their land in Chile’s south and calling for the release of all Mapuche political prisoners.

Forest Peoples Programme: [www.forestpeoples.org](http://www.forestpeoples.org)  
FPP’s focus is on Africa, Asia/Pacific and South and Central America.  
http://www.forestpeoples.org/region/south-central-america  
The website of FPP does not cover Chile.

Country: Low risk

No information found on English part of this website that leads to a conclusion of specified risk.

Country: Low risk

Regional human rights courts and commissions:  
- European Court of Human Rights [http://www.corteidh.or.cr/docs/casos/articulos/seriec_279_esp.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_279_esp.pdf)  
The filed case of “Narín Catrimán vs. Chile Case,” (in Spanish). This case focuses on presenting before the Court the serious damage incurred by implementation of the so-called “Anti-Terrorist Law,” police violence, unjust imprisonment, and discriminatory procedures in the Chilean judicial system.

Country: Specified risk for unfair trial

Data provided by National Indigenous Peoples’, Traditional Peoples organizations;  
Asociación Auspice Stella (Comisión Mapuche de Derechos Humanos) [http://www.auspicestella.com/all/index.html](http://www.auspicestella.com/all/index.html)  
The purpose of our association is to support the Mapuche people of Chile and Argentina as well as other indigenous peoples of the Latin America in their fight for their human rights and to help them in order to get from the concerned countries the respect of the UN Declaration on the rights of the indigenous peoples and their struggle for land rights, for economic and cultural rights, for autonomy and self-determination. Our organization strives to achieve these objectives by establishing communications with representatives Mapuche activists and other indigenous peoples of the Americas Latin for human rights, by compiling cases of

Country: -
violations of human rights, by collecting information on each specific case of atrocities made in violation of human rights, by producing documents that will be presented to the United Nations and other international organizations for defense of human rights, by creating a database of contacts of Mapuche activists, of human rights organizations and of medias. (information mostly in Spanish)

**Coordinating Unit of Mapuche Organizations and Communities from the Araucanía region**

**Pelón Xaru Mapuche Nation Peoples Culture Centre**

**The Mapuche Territorial Alliance**

“The Mapuche Territorial Alliance (ATM) is one of the grassroots organizations based on the ancestral territory of the Mapuche Nation in the South of Chile – the Gulu Mapu, or west side of the Andes. The ATM’s core mission is the full defense of Mapuche inherent rights, especially with regard to the protection of the territory and the natural environment.”

[http://alianzaterritorialmapuche.blogspot.nl/](http://alianzaterritorialmapuche.blogspot.nl/) Website is in Spanish

**El Consejo de Todas las Tierras o Aukiñ Wallmapu Ngulam**
[https://prezi.com/k9ainllyd8cs/el-consejo-de-todas-las-tierras-o-aukin-wallmapu-ngulam/](https://prezi.com/k9ainllyd8cs/el-consejo-de-todas-las-tierras-o-aukin-wallmapu-ngulam/)

Website is in Spanish only.

<table>
<thead>
<tr>
<th>Data provided by Governmental institutions in charge of Indigenous Peoples affairs;</th>
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<tr>
<td><strong>Ministry for Indigenous Affairs</strong></td>
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<td>President Michelle Bachelet proposed during late September to create a Ministry for Indigenous Affairs to place more weight on policies affecting Chile’s Indian communities, many of which are mired in poverty and demanding political autonomy.</td>
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<td>Bachelet said the ministry would allow decisions about Indian affairs to be made at the highest level of government. But the proposal was met with</td>
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<th>Country</th>
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disapproval from the Mapuche Indians, Chile’s largest tribe, who continue to protest by occupying farmland and burning farm machinery."

**CONADI (Chile’s Indigenous development corporation)**

[http://www.conadi.gob.cl/](http://www.conadi.gob.cl/)

Only available in Spanish

https://en.wikipedia.org/wiki/CONADI

"The National Corporation for Indigenous Development, or Corporación Nacional de Desarrollo Indígena (CONADI) in Spanish, is a Chilean institution founded in September 28, 1993 by the "Ley Indigena 19253" ("Indigenous Law").[1] CONADI's main goal is to promote, coordinate and execute the state’s work to support the development of the indigenous peoples of Chile."

| Data provided by National NGOs; NGO documentation of cases of IP and TP conflicts (historic or ongoing): | **Observatorio de Derechos de los Pueblos Indígena & others, Temuco, Chile**
https://www.escr-net.org/member/observatorio-derechos-pueblos-indigenas-chile

Observatorio de Derechos de los Pueblos Indígenas is a non-governmental organization devoted to promoting, documenting and advocating the rights of indigenous peoples, OBDPI seeks to raise the awareness of Chile’s society and government about the reality of the country’s indigenous peoples, and about the need to have their internationally protected individual and collective rights acknowledged and respected in Chile. (http://observatorio.cl/ is in Spanish only.) |

| Country | - |

| National land bureau tenure records, maps, titles and registration (Google) | **CONADI (Chile’s Indigenous development corporation)**
The Indigenous Lands and Waters Fund (FTAI) of the National Indigenous Development Corporation (CONADI), created under Law No. 19,253 […] operates by purchasing lands for indigenous peoples.

[http://www.conadi.gob.cl/](http://www.conadi.gob.cl/)

Only available in Spanish.


*The Indigenous World 2015 - Chile*

 […] the Indigenous Lands and Waters Fund (FTAI) of the National Indigenous Development Corporation (CONADI), created under Law No. 19,253 […] operates by purchasing lands for indigenous peoples on the open market, at speculative values. These purchases usually relate to lands already recognised to indigenous peoples but subsequently grabbed. The purchase of traditionally occupied lands is not generally considered, despite international standards. | Country | Specified risk for Land Rights of Mapuche |
Between 1994 and 2014, land purchases made by the FTAI through subsidies to indigenous communities lacking land (Article 20 of Law 19,253) came to 17,527.27 ha, most of which (17,266.77 ha) was for the Mapuche.17 In terms of lands purchased by the FTAI that had already been recognised by the state but subsequently lost (Article 20 b Law 19,253), these totalled 120,321.73 ha, of which 119,885.82 ha were for the Mapuche.18

However, the legally-owned and/or ancestral lands and territories of the Mapuche continue to be threatened by a large number of extractive, productive or infrastructure projects which have been or are being assessed by the state through the SEIA (SD No. 40) without adequate consultation processes and without considering the right to free, prior and informed consent.

http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/CHL/INT_CCPR_CSS_CHL_17506_E.pdf


“[...] between 1861 and 1883, the Chilean waged a war against the Mapuche known as the Pacificación de la Araucanía, which ended the Mapuche rebellion and with it their independence. The Chilean government created slightly fewer than 3000 reducciones—pockets of land onto which the Mapuche could live their lives, distanced from national politics—which were later subdivided and sold to wealthy elites and corporations, leaving the Mapuche with just over five per cent of their original territory.


The Indigenous World 2014 – Chile

“Another critical problem for indigenous peoples is the lack of a response to their demands for their ancestral lands and territories, in accordance with Convention 169. The policies promoted by CONADI, a body established under the provisions of Law 19,253 of 1993, continue to be insufficient to resolve the land problems affecting the different peoples, including the Mapuche and the Rapa Nui. CONADI’s restrictive interpretation of the concept of indigenous lands establishes that its Lands and Waters Fund should finance initiatives destined only to return those lands that are recognised as such through an original land title (título de merced) granted to the Mapuche by the state, or that were in the hands of the Mapuche communities during the agrarian reform process and which were later either returned to their previous non-indigenous owners or remained in the hands of the state following the 1973 military coup. Demands referring to ancestral title or customary use, as expounded in applicable international law, are not included within this interpretation.” (p. 206-207).
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<td>The Indigenous World 2015 - Chile</td>
<td>The population that self-identifies as belonging to or descending from Chile’s legally-recognised indigenous peoples1 numbers 1,369,563 individuals, or 8% of the country’s total population, and comprises Aymara (0.59%), Quechua (0.07%), Colla (0.06%) and Di- aguita (0.06%) living in the Andean valleys and altiplanos of the north; Rapa Nui in Polynesian Te Pito o Te Henua (Easter Island) (0.03%); Mapuche (6.97%) in Wallmapu in the centre-south of the country; and Kawashkar (0.01%) and Yamana (0.01%) in the southern canals.</td>
<td><a href="http://www.censo.cl">www.censo.cl</a> National Institute of Statistics, Summary of 2012 Census Results</td>
<td>The results of the 2012 Population Census, published in 2013, showed a substantial increase in the country’s indigenous population, which was estimated at 1.7 million, or 11.11% of the country’s total population. This census, however, was ruled as inadmissible due to its lack of accuracy, as recognised by the government.</td>
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| - Evidence of participation in decision making; | See information above | | | |
| National/regional records of claims on lands, negotiations in progress or concluded etc. | See section above regarding CONADI | | | |
| Cases of IP and TP conflicts (historic or ongoing). Data about land use conflicts, and disputes (historical / outstanding grievances and legal disputes) | See information presented above | | | |
| Social Responsibility Contracts (Cahier des Charges) established according to FPIC (Free Prior Informed Consent) principles where available | NA | | | |

According to Peñailillo, the government will launch the process through a consultation with indigenous peoples before drafting any bill. This, the Minister says, is required by the 169 Convention on indigenous peoples of the International Labour Organisation, which was ratified by Chile. Some 11% of the Chilean population belongs to an indigenous people, according to the 2012 Census. Five out of six indigenous Chileans are Mapuche.

Seat reform is insufficient, indigenous organizations say. Have their own seats in Congress could ensure permanent parliamentary presence to indigenous peoples, which has not existed until now. But several indigenous groups believe that this alone will not allow to guarantee real political power to the first nations, especially if representation in Congress continues to be channelled through political parties.

This is what National Coordinator for Indigenous Development's (CONADI) Ana Llao believes. According to her, direct election of representatives by indigenous communities could be an effective measure to overcome party control.

On the other hand, the issue of indigenous autonomy and self-determination remains open. Several indigenous organizations believe that the rights of their peoples will not be fully guaranteed until they are recognized their right to self-determination, or at least are granted some degree of autonomy. Indigenous autonomy was a manifesto commitment by current President of Chile Michelle Bachelet. No concrete results have yet seen the light of day. The Mapuche and the Rapanui (Easter islanders) have been, and continue to be, the most vocal indigenous groups to claim their right to self-government.

Mapuche Indigenous Seek Meeting with Chile Government


Mapuche Indigenous Seek Meeting with Chile Government - 30 August 2015

“Leaders from the Mapuche Indigenous community in southern Chile announced that they will travel to the capital Santiago to demand a meeting with the interior minister over an ongoing territorial conflict with local truck drivers.

The announcement comes after the truck drivers -- in a 13 truck convoy -- reached the capital last Thursday for their own government meeting to protest against alleged arson attacks by Indigenous rights activists. […] “With the same willingness the truckers were received, the Mapuche will also have to be received. Otherwise, the country will know where the direction of this government is,” Huilcaman said.

At least 15 Indigenous leaders will travel to Santiago Sept. 1 to deliver the interior ministry a “proposal for a comprehensive solution” to the conflict between the Mapuche and local industry, said Huilcaman.
The indigenous leader added that mobilizations will continue in the two Araucania districts of Maléco and Cautín if the government refuses to see them. The Mapuche community – Chile’s largest Indigenous group – have long struggled with the state and local industry over land rights. The group is mainly located in Araucania, one of the country’s poorest regions but also home to most of its forestry and paper industry.”

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<th>Additional general sources for 2.3</th>
<th>Additional specific sources</th>
<th>scale of risk assessment</th>
<th>risk indication</th>
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| San José, Costa Rica.—On Wednesday, May 29th, leaders and members of the Mapuche nation, as well as a pro-Mapuche Chilean Activist, began filing a lawsuit against the Chilean State in the Inter-American Court. This cause, named the “Narín Catrimán vs. Chile Case,” focuses on presenting before the Court the serious damage incurred by implementation of the so-called “Anti-Terrorist Law,” police violence, unjust imprisonment, and discriminatory procedures in the Chilean judicial system. Regarding this, Juan Pichun, from the community of Temulemu, stated, “We hope that the Chilean State is condemned for the violence, raids, and incarceration which it has utilized against members of the Mapuche Nation.” Taking into account that in Chile a regulation was put into effect that “criminalizes” Mapuche communities’ struggles for their lands and rights, the Human Rights Commission sent the case to the Court on 7 August 2011. According to the Commission, the cases of affected Mapuche leaders will allow the Court to “set standards regarding equality and non-discrimination.” “
| https://panampost.com/valerie-marsman/2015/01/30/7-key-facts-to-understanding-chiles-mapuche-conflict | 7 Key Facts to Understanding Chile’s Mapuche Conflict, History of Violence Shows Peaceful Integration the Only Way Forward – 30 January 2015 “In the past two weeks alone, Chilean President Michelle Bachelet has received no less than 160 reports of fires in Chile’s southern regions — to farms, property, cars — of which only 15 were formally linked to the so-called Mapuche conflict, the long-running dispute between Chile’s largest indigenous group and local landholders. | Araucania department | Specified risk for land rights conflicts |
Interior Subsecretary, Mahmud Aleuy, told press that it is important to "identify with close scrutiny which fires correspond with the Mapuche conflict and which ones do not…. It is a task that is extremely relevant, as we need to be able to address real events rather than imagined ones."
However, some are suspicious of the Bachelet administration’s willingness to address the problem. Senator Alberto Espina of the conservative National Renewal party has accused the government of failing to deliver "any definitive response." Meanwhile, the violence in the Araucanía department and nearby has only worsened, adversely affecting the property and liberty of its victims, and in the worst cases, taking their lives.
To fully understand the situation, we must highlight seven distinct elements that have created tensions between indigenous communities, the state, business owners, and the remainder of Chilean citizens.

1. Origins of the Conflict
The beginning of the Mapuche struggle with the Chilean government dates back several centuries. At the end of the 19th century, a law was enacted to move the Mapuche peoples to other territories. This allowed the state to carry out the colonization of the south, as well as integrate large vast swaths of land that were up until then under no state control and often uninhabited.
The conflict around land ownership has since increased, with some claiming that this has created a sort of historical debt to Mapuche community. However, the legislation entailed that all the individuals who lived in the territory would automatically become Chilean citizens, enjoying the same rights and responsibilities as the rest of the population.+

2. Legal Integration
A series of laws have been enacted that were intended to regulate the possession of land and those who owned it. The 1866 Araucanía Property Law and 1979’s Decree 2568 both allowed the sale of indigenous land.+
By the end of the Pinochet regime (1974–1990), only 20 of the 2,197 original indigenous communities were in existence. For the Pinochet administration, there was no such thing as distinct cultural groups since the Mapuches were considered Chileans like the rest of Chile, which meant that they would not receive any special treatment, or have special laws created for their protection.+
This all would change during the administration of Patricio Aylwin (1990–1994) whereby the Indigenous Laws were enacted, which would protect patrimonial territories, including those towns which had developed amid ancestral lands.+

4. The Forestry Incident
On December 1, 1997, Mapuche activists set fire to a logging truck, which was the first to haul off lumber from a territory which was being disputed between the Arauco forestry company and the Mapuche residents of the town of Lumaco. The objective: to recover their ancestral lands from the lumber company. This situation has repeated itself year after year, leaving many
victims in its wake, both among Mapuche activists and other members of local communities.

The modus operandi of some violent Mapuche groups has already claimed lives, as in the Luchsinger-Mackay case, where a farming couple were burned alive in their own home. Only one person was found responsible: the machi of the Mapuche village, Celestino Córdova, when at least 20 people were involved. At the same time, peaceful Mapuche protests have also met with violence, as in the case of Mauricio Quintriqueo, who was crushed to death by a farm worker on a tractor during a peaceful occupation of a farm.

5. Mapuche Recognition

The fundamental goal for many Mapuche leaders is the recognition of the Mapuche nation as an ethno-political body that maintains ties with the state, while simultaneously maintaining rights over their sovereign lands. In addition, they call for the state to return their ancestral lands to Mapuche ownership.


Deadly attack stokes Chile Mapuche conflict - May 30, 2013

[...] “Over the past five years, reported acts of violence from the Mapuche struggle have escalated 10 times over, prompting a police response that the indigenous group says has been heavy-handed and abusive. Now, after decades trying to appease Mapuche demands, Chile’s government finds itself at an impasse over how to ease tensions. In the last three years, it has returned 10,000 hectares (25,000 acres) to the Mapuche and encouraged timber companies and other landowners to allow people to till small plots. Yet the violence has only grown as the Mapuche demand the return of some 400,000 hectares (1 million acres) — about the size of Rhode Island.

[...] In addition to more land, the Mapuche have called for the expulsion of timber companies they say damage the environment by planting millions of invasive pines and eucalyptus trees to supply European and U.S. markets. They also want an apology from the Chilean government for its alleged mistreatment of the Mapuche, as well as autonomous rule similar to that in the Catalonian region of Spain.

President Sebastian Pinera has responded to the tensions by invoking an anti-terrorism law dating back to Gen. Augusto Pinochet’s dictatorship, which lets suspects be held in isolation without charges and permits the use of phone taps and secret witnesses in investigations. Pinera also deployed hundreds of police agents to the region to guard land at risk of militant Mapuche attack.

[...] The Mapuche ultimately secured treaties with the Chilean state recognizing their land as everything south of the Bio Bio, or roughly the entire southern half of the long, thin country.

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<th>Country</th>
<th>Specified risk for land rights</th>
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<td>Returned areas to IPs</td>
<td>Low risk for land rights</td>
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But in the late 19th century, a second wave of European settlers arrived, and to make way for them, the treaties were breached in a violent takeover called the "Pacification of the Araucania."

Today, many of the 800,000 Mapuche live in that region, the country's poorest, on the fringes of timber lands or ranches.

[...] After Chile returned to democracy in 1990, governments did buy land from timber companies and turn the plots over to the Mapuche, while brokering deals to let communities grow crops elsewhere. Yet the Mapuche often lacked the money or tools to develop the returned land, and they've struggled to prove exactly what belongs to them."

http://foreignpolicy.com/2014/05/16/the-skeleton-in-chiles-closet/

The Skeleton in Chile's Closet - Chile has made progress toward democracy. Why do its indigenous people still feel left out? - MAY 16, 2014

[...] the efforts at land restitution have been half-hearted. None of the democratic governments has been willing to jeopardize the interests of forest plantation owners, who are significant players in Chile's economic growth.

Timber is the country's second largest export commodity, worth almost $6 billion a year. Moreover, the political elite is deeply invested in the industry. For example, the former governor of Araucanía, Andrés Molina Magoffe, has a 42 percent share in a small timber company Santa Laura, worth $600,000.

The government has neglected to give the necessary expropriation powers to the body in charge of buying back the disputed land, the National Corporation for Indigenous Development (CONADI). As a result, it has been locked in protracted negotiations with landowners, who, knowing that law requires the state to buy the land back, have been demanding exorbitant prices, according to CONADI’s regional director Julio Anativia.

Meanwhile, the Mapuches struggle to survive on tiny plots of land. Neighboring pine and eucalyptus plantations are making their situation worse, as these water-demanding plants are causing droughts. Araucanía, where almost a third of the population is Mapuche, is Chile’s poorest region, with the poverty level of 22.9 percent in 2011.

Unable to find a solution to the land conflict, previous governments turned to repression instead. Countless carabineros (uniformed police) were sent to remove Mapuche’s "illegal" land occupations. Human rights activists reported that these evictions have come with indiscriminate violence against women, children, and the elderly. A 17 year old, Alex Lemun, was shot dead in 2002 while his community was occupying private land. Matias Catrileo (22 years old) and Jaime Mendoza Collio (24 years old) were killed under similar circumstances in 2008 and 2009 respectively. Under existing Chilean legislation, all complaints of abuse by carabineros are heard in military court procedures that are largely secret. Many complaints are rejected or left unresolved. The officer who killed Alex Lemun evaded prison and continues to serve in the police force.
The de facto impunity enjoyed by law enforcement officers is in a stark contrast with the vigorous prosecution of the Mapuches who break the law. Under the Pinochet-era anti-terrorist legislation, Chile’s democratic governments — including President Michelle Bachelet’s — have held Mapuches in pre-trial detention for months, and handed out tough prison sentences based on the testimonies of secret witnesses. In one of the most emblematic cases, five Mapuche leaders were sentenced to 10 years in prison in 2004 for "terrorist arson" at the Poluco Pidenco estate of the timber company Mininco. In another case, three Mapuche leaders were sentenced to five years in prison for threats of arson against the estate of former agriculture minister Juan Agustín Figueroa in 2003.

Last year, a U.N. human rights investigator, Ben Emmerson, warned that the Araucanía region was "extremely volatile" partly due to the misuse of this counter-terrorism legislation within the context of "an inexcusably slow" process of ancestral repatriation. He urged the government to make the resolution of this conflict a political priority.

Luckily, Chile’s new president, Michelle Bachelet, seems to have the will to address the Mapuche’s grievances — some of them, at least. During her campaign, she pledged to never again use the anti-terrorist laws against indigenous activists, and to investigate abuses caused by the use of these laws in the past. She also promised to strengthen CONADI by turning it into a ministry, and to include recognition of indigenous peoples in a new constitution. Until now, Chile’s principal law has insisted that there is only one nation in the country.

The new governor of Araucanía, Francisco Huenchumilla, also plans to help. Just a day after he took office on March 11, he apologized to the Mapuche people for the land grabs and acknowledged that the Chilean state owes them a debt. Himself a half-Mapuche, Huenchumilla is determined to persuade the timber companies to take part in resolving the conflict, asking them to leave the most critical zones. However, it seems like he shouldn’t count on the good will of the investors. They have made it clear that they are not ready to join the governor’s apology, saying that they, not the Mapuches, are the victims of the land conflict. At the moment, Huenchumilla doesn’t have any tools on hand to force them to cooperate. Despite his experience and resolve, he is only a designated representative of the president and he, too, will have to follow orders.

[...] Recognition in the constitution was already promised to indigenous people during Bachelet’s first government — to no avail. Moreover, the Mapuches won’t be appeased by token recognition in a new constitution. They want it to include certain, specific rights, such as the right to self-determination, the right to land, and the recognition of ancestral territories and Mapuche parliaments. The huge challenge for the new president will be to win the Mapuches’s trust, lost during years of ill treatment. Rural communities, for one, have very little confidence in politics. "The state is using laws to protect the interests of the..."
It favors the right to property over the right to life. There is a law on indigenous people, but not a half of it has ever been respected," Kelv Tranamil, a leader of the protest supporting Córdova, said. "The little we have achieved, we have achieved because our people fought and died."

To be fair, in some ways Chile has gone further than many well-established democracies to protect the rights of its indigenous peoples. It is one of only 22 countries that has ratified the ILO Convention 169, a legally-binding treaty that covers a wide range of rights, including land, education, health, employment, natural resources and participation in public affairs. However, previous governments failed to fully implement the convention within its domestic legal system, especially when it comes to the indigenous people’s right to consultation on legislation or investment projects that directly affect them. As a result, Chile is not only violating its international legal obligations, but is also perpetuating the Mapuche’s distrust of the government and fuelling conflict between the two, and undermining the integrity of its own democracy.

*Correction, May 19, 2014: Andrés Molina Magofke is the former governor of Araucanía. The original language suggested that he is the current governor. (Return to reading.)

*Correction, May 19, 2014: Araucanía has the highest proportion of Mapuche people of any Chilean state. This article previously misstated that most of Chile’s Mapuche live in Araucanía. (Return to reading.)*


Land-reclamation campaign by indigenous Mapuches scorches southern Chile - June 8, 2014

ERCILLA, Chile — The Mapuche warriors of southern Chile were so fierce, they conquered the conquistadors, driving out the Spanish invaders in the 1600s. Today they are at war again, taking back ancestral land one farmhouse at a time.

The worst of the violence has flared in southern Chile’s fertile Araucanía region, where the rapid expansion of the paper-pulp industry, once championed as an engine for growth, turned out to be a time bomb. Vast pine and eucalyptus plantations blanket millions of acres, but unlike wheat, oats or other local crops, the tree farms provide few jobs, as the saplings need years to mature and require little maintenance. The cultivated trees are insatiably thirsty, absorbing far more groundwater than the local native forests they replaced.

Mapuche subsistence farmers, often living on tiny plots immediately downhill from the tree farms, saw their wells and springs go dry.

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<th>Country</th>
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<tr>
<td>Country</td>
<td>Specified risk for land rights</td>
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UNPO Visits Mapuche Occupation Protest in Chile: “People of the Land Conquering One Pine Tree at a Time” - January 28, 2015

[...] The encroachment on Mapuche ancestral lands began with the passing of the Forest Ordinance 701 (Decreto Ley 701) in 1974, during the reign of General Augusto Pinochet, which subsidized the expansion of tree plantations, giving away Mapuche lands to the National Forestry Corporation. This initiated the quick expansion of monoculture plantations of pines and eucalyptus trees for paper manufacturing and timber. Since then, many corporations have bought land, destroyed the once abundant forests, evicted and marginalized indigenous inhabitants. During Pinochet's regime, the area of 10 million hectares allocated to the Mapuche was reduced to only 350,000 hectares. Since the fall of the regime, one Government administration switched to the next; some Mapuche land has been seized, and some returned, leaving behind a “scattered patchwork” of indigenous lands, which were once part of the “Nación Mapuche”.

Not only did the forestry expansion evict Mapuche communities from their lands, it also impoverished these communities with the disappearance of native forests, sources of water, and biodiversity. These foreign plant species absorb a much greater quantity of water than native species, which renders the surrounding land unsuitable for small-scale agriculture - the mainstay of many Mapuche households. [...] All this combined has forced many Mapuches to migrate to the city in search of better opportunities. Unfortunately, Chile's cities have not provided asylum as many live below the poverty line and face enduring discrimination.

[...] Considering that Mapuche (meaning “people of the land”) culture is closely tied to the harmonious relationship between man, land and nature, the destruction of their 'homescapes' and the violent evictions from their ancestral lands has regrettably led to the destruction of their cultural practices and traditions.

[...] Unsurprisingly, the forestry industry is closely tied to political interests, exemplified by the former Governor of Araucania, Andres Molina Magofke, who had a 42 % share in a timber company in the region. In some cases, communities have been granted legal entitlements to their lands, but as in the case of the Pichi-Loncoyan and Pilin-Mapu communities of Lumaco municipality, much of the territory has been re-confiscated by logging companies, such as Arauco S.A. In other instances, the returned land could no longer be cultivated due to overuse or destruction. In September 2013, the Chilean Government returned land to two Mapuche communities (1.04 square miles worth approximately US$2.5 million) after a 15 year process as a part of Chilean President Piñera’s policy to address the most significant and ongoing indigenous land claims.

http://unpo.org/article/17898

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<th>Country</th>
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<td>Pichi-Loncoyan and Pilin-Mapu communities of Lumaco municipality</td>
<td>Specified risk for land rights</td>
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<tr>
<td>1.04 square miles returned to Mapuche</td>
<td>Low risk for land rights</td>
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In Defence of Rakgo Mapu: Building a case for Mapuche self-determination, Ben Morton – February, 2004

One hundred years after their arrival, the Spanish were forced to sign the Parlamento General de Quillín (1641), acknowledging their failure to defeat the Mapuche people. The peace established with this agreement recognized the independence of the Mapuche people and fixed the Bio-Bío River [4] as the boundary between the Spanish colony and Mapuche territory. Nevertheless, wars between the parties continued to take place throughout the eighteenth century, largely in the form of local armed conflicts. In the years following Chilean independence in 1818, the Parlamento General de Quillín (1641) continued to be built upon by subsequent parlamentos between the Republic of Chile and the Mapuche Nation. However, as European immigration increased, pressure to extend Chilean jurisdiction into Mapuche territory undermined these agreements. In 1852 and 1866, a series of land allotment acts unilaterally imposed Chilean sovereignty over Mapuche territory, [5] beginning a process of land re-distribution to non-indigenous settlers; a dispossession of territory consolidated during the “Pacification of Araucania” and the removal of surviving Mapuche onto “reducciones” or reserves.
Chile, according to the information obtained, has mechanisms and processes to resolve conflicts about traditional rights, as well as being a public institution created to assure compliance on current sectorial legislation. Based on this information, Chile’s counties can be considered as LOW RISK for this indicator.

**INDICATOR 2.5 There is no registered record of violation of the ILO Convention 169 on Indigenous and Tribal People in the forest areas on the respective district.**

In order to assess this indicator, the FSC-STD-40-005 Standard suggests to consult with National Initiatives and ILO country offices. Thus, FSC Chile consulted with the National Corporation for Indigenous Development (CONADI). CONADI was created in Chile to promote, coordinate and implement the state action for the integral development of individuals and indigenous communities, particularly in the economic, social and cultural development and, also, to encourage their participation in the society, through a inter-sector coordination, the financing of investment initiatives and the provision of services to users. Apart from its duties, CONADI has the necessary infrastructure and procedures to address those claims or actions that threaten or violate the rights of the indigenous people. The information provided does not demonstrate violations to ILO Convention N° 169, in the forest sector linked to native forest. For additional information, visit: [http://www.conadi.cl](http://www.conadi.cl). For information about ILO Convention N° 169, visit: [http://www.oitchile.cl](http://www.oitchile.cl)

**Risk Thresholds**

According to the information obtained, and taking as criterion the “existence of current conflicts over land occupancy, registered by CONADI”, it can be considered:

**LOW RISK** those counties in which:
- There are no current occupancy conflicts or others that infringes ILO Convention N°169.
- No information is available.

**UNSPECIFIED RISK** those counties in which:
- CONADI records show that there is at least one conflict between forestry companies and indigenous communities over land occupancy or other conflicts that involves the violation of ILO Convention N° 169.

<table>
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<tr>
<th>Risk Level</th>
<th>Country</th>
<th>Low risk</th>
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According to the given information by pertinent entities, Chile's counties are considered to be LOW RISK for this indicator.

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**INDICATOR 2.4** There are recognized and equitable processes in place to resolve conflicts of substantial magnitude pertaining to traditional rights including use rights, cultural interests or traditional cultural identity in the district concerned. 

In relation to the sources of information suggested by Annex 2 B to the FSC-STD-40-005 Standard for determining the risk level of indicator 2.4, we can say that Chile has adopted legislation – the criminal code; and Indigenous Peoples Law N. 19,253 – which provide alternative means for conflict resolution. The National Corporation for the Development of Indigenous Peoples, CONADI, which is a State agency, has established a legal defense program, a Conciliation office, and a program for the promotion of native peoples' rights, which provides counsel to native peoples in various counties.

Moreover, on 15 September 2008, ILO Convention 169 on the rights of Indigenous and Tribal Peoples was ratified by Chile (The decree enacting the ratification of ILO Convention 169 was published in the Official Gazette on 14 October 2008).

For information on conflict resolution mechanisms, and on legislation related to native peoples, see: http://www.conadi.cl

**Risk Level**

The information obtained shows that Chile has mechanisms and processes to resolve conflicts related to traditional rights, as well as a public institution created with the purpose of assuring compliance with current legislation on the matter. Based on this information, Chile’s counties can be considered as LOW RISK in terms of this indicator.

**INDICATOR 2.5** There is no evidence of violation of the ILO Convention 169 on Indigenous and Tribal Peoples taking place in the forest areas in the district concerned. 

The FSC-STD-40-005 Standard suggests, as examples of ways to assess this indicator, that ILO National Initiatives and Country Offices be consulted. Therefore, FSC Chile consulted with the National Corporation for the Development of Native Peoples (CONADI).
CONADI was created in order to promote, coordinate, and execute actions on the part of the Chilean State aimed at the integral development of indigenous persons and communities, especially in the economic, social, and cultural dimensions, and to promote their participation in mainstream society, by means of inter-sector coordination, the financing of investment initiatives, and the provision of services to users. In the framework of its functions, it has infrastructure and procedures for processing complaints and examining actions that infringe or violate the rights of native peoples. In spite of this institutionality, there exists evidence of conflicts between forestry companies and indigenous communities in areas having forest plantations.

CONADI maintains, and makes available, an up-to-date registry of all cases of conflict between indigenous communities and private parties, including forestry companies. This record shows that in zones having a high percentage of indigenous population, there are a number of districts in which such conflicts take place.

More information on this matter is available at http://www.conadi.cl. For information on ILO Convention 169, see http://www.oitchile.cl

**Risk Thresholds**

On the basis of the information obtained concerning the criterion “Existence of current conflicts over occupancy of land, as registered by CONADI”:

**LOW RISK** corresponds to counties in which:
- There are no current occupancy conflicts or other conflicts which contravene ILO Convention 169.
- No information is available.

**UNSPECIFIED RISK** corresponds to counties in which:
- CONADI records show that there is at least one conflict between forestry companies and indigenous communities over land occupancy or other conflicts which involve violations of ILO Convention 169.

**Risk Levels**

According to information supplied by sectorial organizations, there are in Chile 9 counties with UNSPECIFIED RISK in terms of indicator 2.5. The rest of the counties in Chile which have been assessed can be rated as districts having LOW RISK in terms of this indicator.

### Conclusion on Indicator 2.3:
- The 2011 National Socio-Economic Characterization Survey (CASEN) recognizes the existence of 1,369,563 indigenous persons in Chile, equivalent to 8.1 per cent of the estimated population of the country, and comprises Aymara (0.59%), Lickanantay (0.14%),
The ILO Convention 169 is ratified by Chile on 15 Sep 2008 and UNDRIP is endorsed in 2007, but these are not effectively enforced; Chile's 1980 Political Constitution is still in force, approved under the dictatorship, and this recognises neither indigenous peoples nor their rights. The draft constitutional reform referring to these peoples and submitted to Congress in 2007/08 made no progress in 2014. The rights of indigenous peoples are governed by Law No. 19,253 of 1992 on "encouragement, protection and development of indigenous peoples", a law that is not in line with international legislation on indigenous peoples' rights to land, territory, natural resources or participation and political autonomy; Supreme Decree (SD) No. 66 of the Ministry of Social Development came into effect in March 2014. This "regulates the procedure for indigenous consultation". It falls below the standard of ILO Convention 169 since it limits consultation to legislative projects likely to have a direct and significant impact on indigenous peoples. It also states that a consultation can be considered complete even if the agreement or consent of the indigenous peoples has not been obtained. Supreme Decree (SD) No. 40 of the Ministry of the Environment came into effect on 25 December 2013. This "approves regulations for the System of Environmental Impact Assessments (SEIA)" and contains rules on "consulting" indigenous peoples with regard to investment projects that are subject to the SEIA. According to this SD, should an agreement not be reached with the indigenous peoples with regard to investment projects, they can still be approved and only high-impact projects that directly affect the peoples are subject to consultation, and this is to be determined by the authority in advance. The validity and scope of this decree has been challenged by a number of indigenous organisations, who have called for it to be repealed. Supreme Decree No. 124 of the Ministry of Planning expressly precludes consultations concerning investment projects and has led to the award of contracts for production activities that impinge upon the rights of indigenous peoples. Consultation processes have been held with indigenous peoples regarding draft bills of law that directly affect them: one creating the Ministry of Indigenous Affairs and the Council of Indigenous Peoples, the other the Ministry of Culture and Heritage. The first of these two processes was to be governed exclusively by the procedure established in SD No. 66. And was thus rejected by the indigenous peoples. Despite the opposition and low turn-out of the indigenous organisations, the consultation went ahead. The consultation relating to the draft bill of law creating the Ministry of Culture and Heritage was convened by means of Exempt Resolution 213114 which states that it will be implemented on the basis of ILO Convention 169 and must be undertaken in good faith, in a manner appropriate to the circumstances and with the aim of reaching an agreement or consent on the proposed actions. This process is still under consideration. Indigenous peoples are also governed by Law No. 20,249 of 2008 which "creates the marine coastal spaces of native peoples" although its implementation has been minimal. The Government has also, without adequate consultation, initiated bills that impact on the lives of indigenous peoples (e.g. the Fisheries Act and the Forestry Development Act). One positive example is that under Act No. 20249 establishing indigenous marine coastal areas, the Fisheries Department authorized the creation of an indigenous marine coastal area (ECMO) encompassing a sector of seabed and area of water at Punta Capitanes in the Los Lagos region, to be administered by the Altué indigenous community. The Governing Body of ILO decided to set up a tripartite committee to examine alleged non-observance by the Government of Chile of Convention No. 169 (refer to category 1).

There is significant evidence of violations of legal and customary rights of IPs: The forestry expansion evict Mapuche communities from their lands, it also impoverished these communities with the disappearance of native forests, sources of water, and biodiversity, which renders the surrounding land unsuitable for small-scale agriculture - the mainstay of many Mapuche households. This has forced many Mapuches to migrate to the city in search of better opportunities, but there many live below the poverty line and face enduring discrimination. Considering that Mapuche (meaning "people of the land") culture is closely tied to the harmonious relationship between man, land and nature, the destruction of their 'homescapes' and the violent evictions from their ancestral lands has regretfully led to the
destruction of their cultural practices and traditions as well. This is why such projects are widely rejected by the communities, and have led to great conflict in the regions in which they live (Araucanía, Los Ríos and Los Lagos). Cases of excessive use of force and arbitrary detention during police operations against Mapuche, including against their women and children, continue to be reported. The rights of indigenous communities in the Andes region are more affected by mining projects.

- There are conflicts of substantial magnitude pertaining to the rights of Indigenous and/or Traditional Peoples and/or local communities with traditional rights. In 1641 the Spanish were forced to sign the Parlamento General de Quillín, which established peace with the Mapuche and fixed the Bio-Bio River as the boundary between the Spanish colony and Mapuche territory. In the years following Chilean independence in 1818, the Parlamento General de Quillín (1841) continued to be built upon by subsequent parlamientos between the Republic of Chile and the Mapuche Nation. In 1852 and 1866, a series of land allotment acts unilaterally imposed Chilean sovereignty over Mapuche territory, beginning a process of land re-distribution to non-indigenous settlers; a dispossession of territory consolidated during the "Pacification of Araucanía" between 1861 and 1883 and the removal of surviving Mapuche onto some 3000 "reducciones" or reserves, which were later sub-divided and sold to wealthy elites and corporations, leaving the Mapuche with just over five percent of their original territory. The 1866 Araucanía Property Law and 1979’s Decree 2568 both allowed the sale of indigenous land. The encroachment on Mapuche ancestral lands began with the passing of the Forest Ordinance 701 (Decreto Ley 701) in 1974, during the reign of General Augusto Pinochet, which subsidized the expansion of tree plantations, giving away Mapuche lands to the National Forestry Corporation. This initiated the quick expansion of monoculture plantations of pines and eucalyptus trees for paper manufacturing and timber. Since then, many corporations have bought land, destroyed the once abundant forests, evicted and marginalized indigenous inhabitants. During Pinochet’s regime (1974-1990), the area of 10 million hectares allocated to the Mapuche was reduced to only 350,000 hectares and only 20 of the 2,197 original indigenous communities were in existence by the end of this regime. Subsequent governments failed to address historical indigenous grievances. Mapuche expectations such as land reform, constitutional recognition, and an element of control over natural resources were not met. Organised Mapuche political and social protests began in the early 1990s, and have been escalating ever since.

Another conflict of substantial magnitude relates to the claims of the Rapa Nui people to ownership of their ancestrally occupied lands on Easter Island. In 1933, despite having been annexed by Chile via a treaty or “Memorandum of Understanding” in which the Rapa Nui retained ownership of their ancestral lands, Chile registered the lands as being owned by the state. Since the 1960s, different laws have been passed regularising lands in favour of the Rapa Nui but this has been achieved by transferring small family plots with individual title, in contravention of this people’s communal ownership structure. Moreover, these transfers have been very limited.

For the purpose of the Indicator 2.3, a conflict of substantial magnitude is a conflict which involves one or more of the following:

a) Gross violation of the legal or customary rights of indigenous or traditional peoples;
b) Significant negative impact that is irreversible or that cannot be mitigated;
c) A significant number of instances of physical violence against indigenous or traditional peoples;
d) A significant number of instances of destruction of property;
e) Presence of military bodies;
f) Systematic acts of intimidation against indigenous or traditional peoples.

Guidance:
In the identification of conflicts of substantial magnitude one must also be aware of possible parallel activities of other sectors than the forest sector that also impact the rights of indigenous/traditional peoples and that there can be a cumulative impact. This cumulative impact can lead to a ‘gross violation of indigenous peoples’ rights’ or ‘irreversible consequences’ but the extent of the contribution of forest management operations needs to be assessed. The substance and magnitude of conflicts shall be determined through NRA development process according to national/regional conditions. NRA shall provide definition of such conflicts.
restricted primarily to the urban area of the island, with the Rapa Nui owning only 13% and more than 70% of the territory thus remaining under state ownership. No effective public policies have been promoted to reverse this reality since 2009, and this has generated social protest among the Rapa Nui who have found themselves criminalised by the state. The Rapa Nui people’s struggle for territory continues.

- There are recognized laws and/or regulations and/or processes in place to resolve conflicts of substantial magnitude pertaining to TP or IP rights and/or communities with traditional rights, but these are not recognized by affected stakeholders as being fair and equitable; The mechanism used to return lands to indigenous peoples is the Indigenous Lands and Waters Fund (FTAI) of the National Indigenous Development Corporation (CONADI), created under Law No. 19,253. Because of CONADI’s restrictive interpretation of the concept of indigenous lands establishes that its Lands and Waters Fund should finance initiatives destined only to return those lands that are recognised as such through an original land title (título de merced) granted to the Mapuche by the state, or that were in the hands of the Mapuche communities during the agrarian reform process and which were later either returned to their previous non-indigenous owners or remained in the hands of the state following the 1973 military coup. This constituted only 6.4% of original Mapuche territory. Demands referring to ancestral title or customary use, as expounded in applicable international law, are not included within this interpretation. Between 1994 and 2014, land purchases made by the FTAI through subsidies to indigenous communities lacking land (Article 20 of Law 19,253) came to 17,527.27 ha, most of which (17,266.77 ha) was for the Mapuche. In terms of lands purchased by the FTAI that had already been recognised by the state but subsequently lost (Article 20 b Law 19,253), these totalled 120,321.73 ha, of which 119,885.82 ha were for the Mapuche. Yet the Mapuche often lacked the money or tools to develop the returned land, and they've struggled to prove exactly what belongs to them. The tracts of land given to them in exchange for their ancestral lands, even in nearby areas, have often proven to be unproductive and difficult to make use of. The Mapuche demand the return of some 400,000 hectares (1 million acres). As in the case of the Pichi-Loncoyan and Pilin-Mapu communities of Lumaco municipality, much of the territory has been re-confiscated by logging companies. The legally-owned and/or ancestral lands and territories of the Mapuche continue to be threatened by a large number of extractive, productive or infrastructure projects which have been or are being assessed by the state through the SEIA (SD No. 40) without adequate consultation processes and without considering the right to free, prior and informed consent. Unable to find a solution to the land conflicts, successive Chilean governments turned to repression of Mapuche people instead. Countless carabineros (uniformed police) were sent to remove Mapuche’s “illegai” land occupations and arrest Mapuche for alleged arsons or during protests. Human rights activists reported that these evictions have come with indiscriminate violence against women, children, and the elderly. All complaints of abuse by carabineros are heard in military court procedures that are largely secret. Many complaints are rejected or left unresolved. The de facto impunity enjoyed by law enforcement officers is in a stark contrast with the vigorous prosecution of the Mapuches who break the law. Under the Pinochet-era anti-terrorist legislation, Chile’s democratic governments — including President Michelle Bachelet’s — have held Mapuches in pre-trial detention for months, and handed out tough prison sentences based on the testimonies of secret witnesses. In response, three Mapuche women and other members of the Mapuche Territorial Alliance occupied the headquarters of UNICEF in Santiago, Chile, to urge the organization to pressure the Ministry of Interior to withdraw police forces from Mapuche communities. Five Mapuche activists entered in an “open-ended” hunger strike at Angol Detention Center in Chile’s Araucania region.

In the case of the Manganese Los Pumas project of the Hemisferio sur s.C.M mining company, the Arica Court of Appeals overturned the Environmental Qualification Resolution that approved the project, for lack of consultation and for violating freedom of religion (because of the possible effects on the river’s waters, which are a source of the communities’ world vision). However, the Supreme Court revoked the ruling, stating that it was for the new Environmental Courts to hear issues relating to environmental assessment processes, including consultation and indigenous rights. This sets a worrying precedent as it involves an abdication on the part of the Supreme Court of its role in protecting fundamental rights, which could be detrimental to the indigenous communities’ right of access to justice. On the other hand, courts are increasingly ruling in favour of recognizing indigenous property rights and the right of indigenous
peoples to prior consultation. The courts had resolved to withhold approval for certain forestry and hydroelectric projects located on Mapuche territory and for certain mining projects in Andean regions.

- The indigenous peoples' right to free prior and informed consent is not recognized nor implemented by the Chilean authorities (see also the second point above). Initiatives to create a Ministry of Indigenous Affairs, a Council of Indigenous Peoples and a Ministry of Culture and Heritage have not yet come to realization. Although President Bachelet announced a specific legislative proposal in June 2014 that would make indigenous representation in the National Congress possible, this has not yet commenced its legislative path and was excluded from the draft bill of law. A positive development was the appointment of a lawyer of Mapuche origin, Francisco Huenchumilla, to the post of Governor of Araucanía Region, the region which is home to the largest number of indigenous people. This is the first time that a Mapuche has held this post. On taking office, Huenchumilla asked for “forgiveness from the Mapuche people for the land they have been dispossessed of by the Chilean state”. On the other hand, the issue of indigenous autonomy and self-determination remains open. Several indigenous organizations believe that the rights of their peoples will not be fully guaranteed until they are recognized their right to self-determination, or at least are granted some degree of autonomy.

The following specified risk thresholds apply, based on the evidence:

(23) The presence of IP and/or TP is confirmed or likely within the area. The applicable legislation for the area under assessment contradicts indicator requirement(s) (refer to 2.2.6); AND

(24) Substantial evidence of widespread violation of IP/TP rights exists; AND

(26) There is evidence of conflict(s) of substantial magnitude pertaining to the rights of IP and/or TP. Laws and regulations and/or other legally established processes do not exist that serve to resolve conflicts in the area concerned, or, such processes exist but are not recognized by affected stakeholders as being fair and equitable. Note under threshold No 20 applies.
Controlled wood category 3: Wood from forests in which high conservation values are threatened by management activities

Overview
In 2015, Chile’s forests covered an area of 17.5 million hectares, which represents 23.2% of the nation’s land territory. Of this, approximately 14.36 million hectares are natural forests (18.9 % of the land territory) and represent 81.7 % of the country’s forest resources; forest plantations cover an area of approximately 2.45 million hectares (4% of the land territory), equivalent to 18.3 % of the total forest area in Chile.

Chile’s territory is organized by regions, the region being the highest administrative unit into which the country is divided. In turn, the regions are divided into provinces and communes, which are the basic unit in the country’s political-administrative structure. At present, Chile is divided into 15 regions, which in order from North to South are the following:

- Region XV: Arica and Parinacota;
- Region I: Tarapacá;
- Region II: Antofagasta;
- Region III: Atacama,
- Region IV: Coquimbo;
- Region V: Valparaíso;
- Metropolitan Santiago;
- Region VI: Libertador General Bernardo O’Higgins;
- Region VII: Maule;
- Region VIII: Bío Bío;
- Region IX: Araucanía;
- XIV Region: Los Ríos;
- Region X: Los Lagos;
- Region XI: Aysén del General Carlos Ibañez del Campo;
- XII Region: Magallanes and Chilean Antarctica.

Forest activity in Chile occurs between Regions V and XII, where the largest area of natural forests (99.4%) and forest plantations in production (98.9%) in the country is concentrated. The intensive forest production in Chile is in the VII, VIII, IX, X and XIV Regions. Further to the South (region XI and XII) there are large expanses of native forest, but there is no industry or intensive forest production, and Region V and VI only have some low intensity natural and exotic plantation.
management. Even though some forests exist in the Northern arid regions; Region XV, Region I.-IV and Metropolitan Santiago, these areas do not have any natural production forests, forest plantations in production or any forest activity (INFOR 2015, CONAF 2015).

The National Forest Corporation (CONAF – its Spanish acronym), which is a Chilean Governmental entity, oversees monitoring forests in Chile. They oversee and approve the main forest management tool which incorporates, adhered to all relevant forest management regulations in Chile, the forest Management plan. Also, over twenty years ago, in 1993, the National Forest Corporation (CONAF) began a project, “Survey and Assessment of Chile's Native Plant Resources”, with the objective to prepare a national survey of land uses and plant formations, especially those related to natural forests, forest plantations and brushlands, to establish a base line for plant cartographic information for Chile. This work made it possible to have the basic data for government management, either regarding forest and environmental issues or policies for management and conservation of these resources.

The information provided by the survey is updated periodically by CONAF through continuing projects that are regional in scope. Their objective has been to monitor changes of use occurring between measurement periods and to identify the causes. Thus, the survey and its updates have become a digital cartographic support that has available information about the location, distribution, size, structure and status of plant communities, especially the forest communities belonging to the different forest ecosystems in Chile.

Chile’s nature heritage has unique characteristics that distinguish its biodiversity, especially on land. The natural barriers that are boundaries for Chile, such as an arid desert in the North, the ocean on the West and extreme South and the Andes mountains to the East, create a territory that is isolated by nature, and behaves like an island. A first result of this relative isolation is the presence of endemic species and it has one of the highest levels of endemism in Latin American and the Caribbean. For example, of the more than 5,000 species of vascular plants, 55% of the species of dicotyledonous plants are found exclusively in this country.

With regard to ecosystems, Chile has some that are recognized worldwide for their importance, such as the Atacama Desert, sclerophyllous brushlands and forests, the Valdivian temperate rain forest, the Patagonian steppes, and the Andean lakes, among others. In addition, approximately 40% of the land area, principally the central-northern part of the country, as well as several nearby islands, including the Juan Fernández Archipelago, is part of a “hot spot” of Chile’s Valdivian winter rainforests, one of the 34 critical biodiversity points in the world. At the same time, Chile has ecosystems that are still mostly untouched. Chile has the largest bloque of temperate forests in the Southern Hemisphere and one of the largest stretches of natural forests that are relatively untouched in the world. (Source: Ministry MMA, GEF, UNPD, Kauyeken 2016).

There is a series of covenants, protocols, conventions and agreements aimed at protecting biologic diversity that have been signed by Chile, such as the Convention on Biological Diversity, ratified by Chile on 9 September 1994; Inter-American Convention for the Protection of Flora, Fauna and Natural Scenic Beauties, which was signed in 1940 and took effect in Chile in 1967; Convention on Wetlands of International Importance, especially as habitat for aquatic birds (RAMSAR), signed in 1971, Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), signed in 1974, United Nations Convention to Combat Desertification in Those Countries Experiencing Severe Drought and/or Desertification, signed in 1994; and Convention on Conservation of Migratory Species of Wild Animals, signed in 1979, among others.
In 2014, approval was given by the Ministry of the Environment (Ministerio del Medio Ambiente), for the creation of the National Protected Areas Committee (Comité Nacional de Áreas Protegidas--CNAP), whose purpose is to study, analyse, evaluate and propose to the Ministry of the Environment, actions, policies, programs, plans, regulations, and projects associated with the creation, management, and financing of protected areas. In Chile, the following are considered to be protected areas:

1) SNASPE Sites National System of State-Owned Protected Wilderness Areas (Sistema Nacional de Areas Silvestres Protegidas del Estado), where the following are identified:
   a. National Parks (IUCN Category II), 36 sites, with a total area of 9,181,758 ha.
   b. National Reserve (IUCN Category IV), 26 sites, with a total area of 751,304.7 ha.
   c. Forest Reserve (IUCN Category IV), 23 sites, with an area of 4,663,040.73 ha.
   d. Natural Monument Natural (IUCN Category III) 16 sites, with a total area of 34,429 ha.
   e. Nature Sanctuary (IUCN Categories III and IV) 46 sites, with an area of 478,712.6 ha.

2) RAMSAR sites: 13 sites, with an area of 358,991.77 ha.
3) Biosphere Reserves: 10 sites, with an area of 10,937,253 ha.
4) Protected National Property: 55 sites, with an area of 610,131.9 ha.
5) Conservation Landscape: 2 sites
6) Priority Site for Conservation of Biodiversity, Law 19.300: 64 sites, with an area of 4,634,044.87 ha.
7) Priority Site for Conservation of Biodiversity (Regional Strategy): 266 sites, with an area of 9,575,762.68 ha.  
(Source: www.areasprotegidas.mma.gob.cl)

Many areas that are part of SNASPE are too small and isolated from each other to represent a high conservation value and above all, the system is not sufficiently representative of Chilean ecosystems. In addition, almost one-fourth of SNASPE’s protected areas is covered permanently with snow and ice and 57% is made up of ecosystems with swamps and perennial forests that represent 18% of the nation’s area. In summary, the protected portion is less than 5% for four of the eight existing types of landscape (desert, brushlands, deciduous forests, and Patagonian steppes). On smaller scales, a similar scenario is observed; the percentage of protection is less than 5% in 13 of the 21 subregions. At an even more detailed level, 17 of the 85 plant formations are not found in SNASPE (See below, “Evaluation of Chile’s Environmental Performance” (“Evaluación de desempeño ambiental de Chile”) OCDE/CEPAL, 2005”). (Source: FSC-CWRA-002-CHI)

The principal non-timber forest products (NTFP) produced and exported in Chile in 2015 were musk rose, moss and soapbark tree (quillay) extracts. The participation of this segment of forest products, among all exports from the forest and agricultural sector, amounted to 1.53%. The stakeholders present in the NTFP sector and/or category are small producers and/or gatherers, and the trading chain is characterized by small and medium companies. Programs have been implemented through the Ministry of Agriculture for dissemination of technological information about NTFP for the purpose of contributing to sustainable development of people and natural resources linked to gathering, processing and trading non-timber forest products from the country’s forest ecosystems, through the generation and transfer of information, knowledge, and new technologies that create increased value (Source: www.infor.cl).

Regarding enforcement of laws and regulations that apply to the forest sector and High Conservation Values, Chile’s legal performance is generally good. According to Transparency International’s Corruption Perception Index for 2016, Chile had a CPI rating of 66 on a scale of 0 (very corrupt) to 100 (very clean),
and occupies place No. 24 among the 176 countries, No.1 being the cleanest country; therefore, Chile has quite a low level of corruption. (Source: https://www.transparency.org/news/feature/corruption_perceptions_index_2016)

Sources:
Experts consulted

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<th>Name</th>
<th>Organization</th>
<th>Area of expertise (category/sub-category)</th>
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<tr>
<td>2</td>
<td>Cristian Echeverría</td>
<td>University of Concepción</td>
<td>Forestry Engineer Director Department Forest Management and Environment, School of Forest Sciences</td>
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<tr>
<td>3</td>
<td>Víctor Vargas</td>
<td>INFOR</td>
<td>Forestry Engineer Researcher INFOR, Headquarters Bio Bio</td>
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<td>4</td>
<td>Pablo Ramírez de Arellano</td>
<td>Bioforest - Arauco</td>
<td>Forestry Engineer Head, Ecosystems Management Division</td>
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<td>5</td>
<td>Susana Oñate</td>
<td>SAG</td>
<td>Livestock Technician Regional Wildlife Coordinator - SAG Bio Bio Region</td>
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<td>6</td>
<td>Alberto Bordeau</td>
<td>CONAF</td>
<td>Forestry Engineer Head, Department of Protected Wilderness Areas – CONAF Bio Bio Region</td>
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<td>7</td>
<td>Aída Baldini</td>
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<td>8</td>
<td>Noelia Carrasco</td>
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<td>9</td>
<td>Diego Alarcón</td>
<td>Chile Bosque</td>
<td>Forestry Engineer. Expert in Biodiversity</td>
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<td>10</td>
<td>Alfredo Unda</td>
<td>Developer of Guidelines Principle 9, FSC Chile</td>
<td>Forestry Engineer. Member of FSC Chile</td>
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<td>11</td>
<td>José Manuel Rebolledo</td>
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<td>Forestry Engineer Former Ministerial Secretary of Agriculture in the Bio Bio Region.</td>
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<td>Ander Uriarte</td>
<td>Forest Consultant</td>
<td>Forestry Engineer. Expert in Biodiversity</td>
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<td>Pablo Huaiquilao</td>
<td>Forest Consultant</td>
<td>Forestry Engineer With experience with indigenous peoples</td>
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<td>14</td>
<td>Carlos Vergara</td>
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<td>Forestry Engineer In charge of forest certification</td>
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## Risk assessment

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<tr>
<th>Indicator</th>
<th>Sources of Information</th>
<th>HCV occurrence and threat assessment</th>
<th>Geographical/Functional scale</th>
<th>Risk designation and determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.0</td>
<td>1, 2</td>
<td>In Chile, there are no documents or reports for the country in which HCVs are identified according to FSC’s definition. Only forest companies certified in FSC Forest Management have applied the HCV identification methodology defined by FSC.</td>
<td>Geographical scale: Country</td>
<td>Low risk for the country. Thresholds (1) and (2) are met: Data available are sufficient for determining HCV presence within the area under assessment; AND Data available are sufficient for assessing threats to HCVs caused by forest management activities.</td>
</tr>
</tbody>
</table>

In 2009, FSC International approved the Controlled Wood Risk Assessment (FSC-CWRA-002-CHI), and in 2014 FSC Chile’s National Initiative published a Guide to HCVs for Chile, entitled “Guidelines for High Conservation Values and FSC Principle 9 in Chile” (“Pautas para Altos Valores de Conservación y el Principio 9 de FSC en Chile”), which has been reviewed but not approved by FSC International, and at present is in a process of being updated. Both documents are considered as sources of information in this analysis.

Public information is available in Chile to determine the presence of High Conservation Values (HCV) for the requirements of this document. There is a lot of general information that does not permit in every case a precise determination of the distribution of HCVs.

In the opinion of the experts interviewed, information is available to analyse the concentration of High Conservation Values (HCVs).

For this assessment, the following sources of information were considered:

**For HCV 1 to HCV 3**
- RAMSAR Sites in Chile: Chile has 13 wetlands of international importance. [http://www.ramsar.org/wetland/chile](http://www.ramsar.org/wetland/chile)
- UNESCO Biosphere Reserves. In Chile there are 10 UNESCO Biosphere Reserves. [Biosphere Reserves World Map: http://unesdoc.unesco.org/]
- Conservation International: [http://www.conservation.org/How/Pages/Hotspots.aspx](http://www.conservation.org/How/Pages/Hotspots.aspx)
- WWF Global 200 Ecoregion
- Border Forests [www.intactforest.org](http://www.intactforest.org)
- National System of State-Owned Protected Wilderness Areas (Sistema Nacional de Áreas Silvestres Protegidas–SNASPE): an approximate area of 14,5 million hectares, 19.2% of Chile’s continental territory [www.conaf.cl](http://www.conaf.cl)
- IUCN: In 2016, there were 1,788 species listed for Chile by IUCN, of which 43 are critically endangered; 46 are endangered and 104 are classified as vulnerable. [www.iucnredlist.org](http://www.iucnredlist.org)
- Bird Areas (IBAs) Bird Life International has identified 176 IBAs in Chile (Important Bird and Biodiversity Area Search).
- CITES Threatened Species of Fauna and Flora: [www.cites.org](http://www.cites.org)
- List of Threatened Species, Ministry of the Environment (Ministerio de Medio Ambiente). [www.mma.cl](http://www.mma.cl)
- Species prohibited for Hunting (Hunting Law) (Ley de Caza). [http://www.sag.cl/ambitos-de-accion/especies-prohibidas-de-caza](http://www.sag.cl/ambitos-de-accion/especies-prohibidas-de-caza)
- Priority Sites for Conservation of Biodiversity [http://areasprotegidas.mma.gob.cl/](http://areasprotegidas.mma.gob.cl/)
- [www.conaf.cl](http://www.conaf.cl)
- [www.mma.cl](http://www.mma.cl)
- [www.chilebosque.cl](http://www.chilebosque.cl)
- [http://gefespeciesinvasoras.cl/](http://gefespeciesinvasoras.cl/)
- [http://www.lib.udec.cl/invasiones.html](http://www.lib.udec.cl/invasiones.html)
- Alarcón and Cavieres. 2015. *In the Right Place at the Right Time: Habitat Representation in Protected Areas of South American Nothofagus-Dominated Plants after a Dispersal Constrained Climate Change Scenario*. Published: March 18, 2015 [http://dx.doi.org/10.1371/journal.pone.0119952](http://dx.doi.org/10.1371/journal.pone.0119952)
- [http://www.intactforests.org/world.map.html](http://www.intactforests.org/world.map.html)
- Roadmap to Recovery: The world’s last intact forest landscapes. 2006. Greenpeace
- CONAMA. 2008. Book Chile’s Biodiversity, Heritage and Challenges (Biodiversidad de Chile, Patrimonio y Desafíos).
- Sepúlveda et al. 2006. Southern River Freshwater Conservation in Chile: Local and Regional Actions. Codeff.
- [http://iucnrle.org/resources/published-assessments/](http://iucnrle.org/resources/published-assessments/)
- Guidelines for High Conservation Values and FSC Principle 9 in Chile (Pautas para Altos Valores de Conservación y Principio 9 de FSC en Chile). 2014. FSC-Chile.
- [http://areasprotegidas.mma.gob.cl/](http://areasprotegidas.mma.gob.cl/)
- [http://www.proyectogefareasprotegidas.cl/areas-protegidas-de-chile/mapas/](http://www.proyectogefareasprotegidas.cl/areas-protegidas-de-chile/mapas/)
## HCV 4

- Fabián Romero et al. 2014. Riparian Zones: Protection, Restoration and Legal Context in Chile. Forest (Valdivia) (Zonas ribereñas: protección, restauración y contexto legal en Chile. Bosque (Valdivia)) v.35 n.1 Valdivia
  - [http://repositoriodigitalonemi.cl/web/handle/2012/89](http://repositoriodigitalonemi.cl/web/handle/2012/89)
  - [http://comercial.ciren.cl/](http://comercial.ciren.cl/)
  - Guidelines for High Conservation Values and FSC Principle 9 in Chile (Pautas para Altos Valores de Conservación y Principio 9 de FSC en Chile). 2014. FSC-Chile.

## HCV 5

- [http://www.dga.cl/atlasdelagua/Paginas/default.aspx](http://www.dga.cl/atlasdelagua/Paginas/default.aspx)
  - Reyes et al. Firewood, Renewable Energy for Conservation of Natural Forests in Chile (Leña energía renovable para la conservación de los bosques nativos de Chile). AIFBN.

## HCV 6

  - [www.monumentos.cl](http://www.monumentos.cl)
  - [http://www.conadi.gob.cl/index.php/nuestra-institucion/areas-de-desarrollo-indigena](http://www.conadi.gob.cl/index.php/nuestra-institucion/areas-de-desarrollo-indigena)

### Threats & Safeguards identification and evaluation

The information about threats from management activities is not always available, and those that have been identified were obtained by consulting with experts.
NGO websites and reports: A strategic conservation objective of WWF Chile is that by 2050 the ecological footprint of production of key raw materials in the country shall be maintained within the limits of Chile’s ecosystems and natural resources shall be distributed equitably.

Two conservation strategies are aimed at achieving this objective.

Some related reports can be accessed at http://www.wwf.cl/noticias/publicaciones/. In consulting with WWF, they indicated that reports on monitoring and follow-up actions are available at the request of anyone interested.

Bird Life International, Bird Life International's IBA program is intended to identify, monitor and protect a global network of sites for conservation of wild birds and other biodiversity and their habitats throughout the world. To date, 176 IBAs have been identified and confirmed in Chile.

Most of the research about forest ecosystems is done at the level of habitats or species. Regarding habitats, the experts indicated that they are not sufficiently represented in the National System of State-Owned Protected Areas. Efforts are being made by the Ministry of the Environment, scientists and certified forest company to protect unrepresented habitats and ecosystems. In spite of the above, it should be pointed out that “biodiversity is one of Chile’s most important natural heritages and, internationally, a consensus has been reached that conservation in-situ, (that is, the creation and management of protected areas, is the best mechanism for preserving all their elements (genetics, species and ecosystems). At the national level, the definition of protected areas is: “Portions of territory delineated geographically and established by an administrative act by a competent authority, placed under official protection for ensuring biologic diversity, safeguarding nature conservation or preserving the environmental heritage”. Legislative and institutional development of protected areas in Chile has led to the establishment of various types of protected areas, whose purpose is conservation of biodiversity; they have management plans and institutional mechanisms for planning, designation and management.

In Chile there is an area of approximately 3.04 million hectares where the land use is for plantations. Of these, approximately 1.6 million hectares are certified in FMUs, where the requirements of FSC Principle 9 are followed. A review of public reports on the certified companies indicates there are no problems related to HCVs on certified properties.

http://info.fsc.org/certificate.php

Forest Management Plans: CONAF administers an internal data base, known as SAF, where information is kept about fines and sanctions for non-compliance with the management plans presented for natural forests and plantations. The information is not published in public data bases, but can be requested from CONAF.

Several authors have identified threats to Chile’s native forests:
According to a report by Rojas et al (INFOR), Analyses of Forest Degradation in Mexico within the Framework of REDD+ (Análisis de la Degradación forestal en el marco de REDD+) at www.mma.cl, Book Biodiversity in Chile, Heritage and Challenges (Libro Biodiversidad de Chile, Patrimonio y Desafíos). 2008. CONAMA (Chapter III).

Major Factors in Loss of Biodiversity (Grandes factores de perdida de biodiversidad) at https://www.cbd.int/doc/world/cl/cl-nr-05-05-es.pdf

Change in Land Use: In Mediterranean ecosystems in the central zone of Chile, from 1975 to 2008 the principal tendencies in that very dynamic landscape were a decrease of forests in semi-arid environments and conversion of brushlands to cultivated lands. Together with conversion of the soil for agricultural use, urban development and planting of exotic species, such as Pinus radiata and Eucalyptus globulus, have been the principal change factors

Introduction and Dispersion of Invasive Exotic Species (IES): Although this does not occur associated only with one of the productive sectors mentioned previously, it is closely linked to major productive activities in the country, including trade, transportation and tourism. IES prey on natural species, compete for resources, transmit diseases, alter and fragmentize ecosystems and degrade ecosystem services with major social and economic effects. In Chile, there is a lack of exhaustive inventories of invasive exotic species, so it is difficult to evaluate the degree of dispersion and condition of invasiveness.

Development of productive sectors: Forest Sector: Wood harvesting by the forest industry is a major threat to conservation of the natural forests. However, although between the years 1989-1995 chip production was an important use of this resource, since 1996 the forest sector has decreased use of natural wood chips significantly, reducing pressure on the natural forests. Although industrial harvesting of natural wood has decreased, use of firewood from native tree species has practically doubled during the last 20 years, going from four to close to nine million solid cubic meters per year, and has become the principal pressure on natural forests.

Forest Fires: Forest management conditions that can result in fires and HCV loss and/or fragmentation. Fires can severely alter the stability of ecosystems, modifying the structure and composition of species—factors which taken together, translate into loss of the ecosystem’s functionality, from which recovery is difficult. (40)

Climate change: Several studies have been made on a national scale to model the future behaviour of terrestrial species and ecosystems in Chile stimulating various scenarios of climate change scenarios. Regarding the distribution and dispersion of species, they indicate that the consequences of change would depend fundamentally on the capacity for dispersion or migration on a large scale of the species studied (according to Wolodarsky, A. et al, (WWF)).

Human intervention and footprint in Nahuelbuta: Extensive agriculture and forest harvesting are two of the productive activities that most directly threaten conservation of the Nahuelbuta Mountain Range. Another threat is unregulated and uncontrolled harvesting of natural species that contributes seriously to degradation of the Nahuelbuta forests, and the forest fires that affect natural forests are mostly caused by human actions.
In the case of ecosystem attributes, such as the availability of water, the main threat, identified by the “Water that You Drink” Initiative (Iniciativa agua que has de beber), indicates that the biggest limitation, for sanitary companies such as Rural Potable Water Cooperatives (Cooperativas de Agua Potable Rural--CAPR) is the lack of territorial planning for watersheds that supply potable water that make it possible to ensure continuity in providing water in quality and quantity. In forest locations, disputes over use of water have their origin in competition among economic activities in the region that have a high demand for water, such as forests, forest mono-cropping, extensive agriculture and fruit crops for export, aquaculture and energy generation.

In conclusion, the data available are sufficient for determining HCV presence within the area under assessment (Low risk threshold (1) is met) and data available are sufficient for assessing threats to HCVs caused by forest management activities (Low risk threshold (2)) is met) thus, it is deemed Low risk for this indicator for both natural forests and plantations.

3.1 HCV

<table>
<thead>
<tr>
<th>Occurrence</th>
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<td>In Chile, there are areas that are designated as important with regard to HCV 1 values, because of national legislation and/or international agreements, some of which fall under restrictions imposed by national legislation, and it can be seen that in many of the protected areas there is no allowance of forest management activities.</td>
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</table>

There is a series of covenants, protocols, conventions and agreements aimed at protecting biologic diversity which incorporate HCV 1 values that have been signed by Chile, such as: Convention on Biologic Diversity, ratified by Chile on 9 September 1994; Inter-American Convention for the Protection of Flora, Fauna and Natural Scenic Beauties, signed in 1940, which took effect in Chile in 1967, Convention on Wetlands of International Importance, especially as habitat for aquatic birds (RAMSAR), signed in 1971; Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), signed in 1974; United Nations Convention to Combat Desertification in Those Countries Experiencing Severe Drought and/or Desertification, signed in 1994, Convention on Conservation of Migratory Species of Wild Animals, signed in 1979, among others.

In 2014, approval was given by the Ministry of the Environment (Ministerio del Medio Ambiente), for the creation of the National Protected Areas Committee (Comité Nacional de Áreas Protegidas--CNAP), whose purpose is to study, analyse, evaluate and propose to the Ministry of the Environment, actions, policies, programs, plans, regulations, and projects associated with the creation, management, and financing of protected areas. In Chile, the following are considered to be protected areas:

According to the definition of a biodiversity hot spot designated by Conservation International, Chile is part of the hot spot known as the Valdivian Rain Forest, in central Chile, which includes part of North Chico down to part of Chile’s Region X. There are many endemic species and some endangered species, and this hot spot is located in the country’s forest production areas (Regions V to X).
The analyses made by WWF Global Region 200 indicate that the forest ecoregions, wooded zones or mangroves designated by the World Wildlife Fund for Nature as Global Ecoregion 200 are identified as priority zones for conservation WWF classified them as endangered or of critical importance. For Chile, WWF has identified (WWF, 2009) the Valdivian Forest Ecoregion, known as the Temperate Rain Forest Ecoregion of Chile and Argentina, or the "Valdivian Ecoregion", whose characteristics are that it corresponds to one of the world’s 5 temperate forests, contains the last remnants of forest in good condition, is a biogeographical island separated by large extensions of deserts and oceans and has an extraordinary level of endemisms. For example, 90% of species and 34% of genera for woody species.

In Chile, there are Lists of Threatened Species, in which a first list of threatened species was published in 1971 (Carlos Muñoz Pizarro in his book, “Chile: Plants in Danger of Extinction” (‘Chile: Plantas en Extinción’). Then, in 1974, as part of CONAF, Jürgen Rottmann published the first list of endangered birds in the country. Since then, various assessments have been published, with two books standing out among them as important technical references: CONAF’S Red Books: Red Book of Terrestrial Vertebrates in Chile (Libro Rojo de los Vertebrados Terrestres de Chile) and Red Book of Terrestrial Flora in Chile (Libro Rojo de la Flora Terrestre de Chile), 1988 and 1989, respectively. Starting in 2005, a process of classification of species began in Chile, in which a list of species according to their conservation status in Chile was created and updated in January 2016, which is available to the public at www.mma.gob.cl. Some species listed in threatened categories can be found in Chile’s producing forest areas (plantations and natural forests).

Threatened species are present in all of Chile. If focusing on the regions of the country in which forest production might exist in forest plantations and in natural forests (Region V to Region XII), with regard to the presence of endangered species of flora and fauna according to the species classification updated by the Ministry of the Environment, it can be seen that the region with the largest number of endangered species of flora and fauna is Region V, where forest activity is marginal and where priority is given to fruit cultivation and vineyards. In this region, there are 97 species (spp.) identified as being endangered. The regions with the next highest presence of endangered species are Region VII (27 spp) and Region VIII (31 spp).

IUCN List of Threatened Species: In 2016, 1788 species are listed for Chile by IUCN, of which 43 are critically endangered, 46 are endangered and 104 are classified as vulnerable. Some of these species are in areas where there is forest production.

Bird Areas (IBAS): Bird Life International has identified 176 IBA’s in Chile (Important Bird and Biodiversity Area Search). The environmental NGO, CODEFF, is responsible in Chile for implementing Bird Life International’s IBA program for conservation of birds. In the case of Chile, the biggest concentration of IBA’s is in the northern part of the country in zones where there is no forest production. Bird Life has defined 10 endangered IBA’s, of which 4 are in communes where there is forest activity: Mouth of the Bio Bio River, Mouth of the Mataquito River, Lake Lanalhue and Contulmo Nature Monument. (San Pedro de la Paz, Hualpen, Contulmo and Licanten Communes). Bird Life has also identified the existence of 54 IBA’s in forest habitats, of which 53 are in communes located from Region V to Region XII; in some of these communes there are producing forests (both plantations and natural
forests) corresponding to 60 of the country’s communes. Of the 54 IBA’s in forest habitats, 30 are in private or State-owned sites, where measures are taken to conserve the species and associated habitats.

There is also the CITES List of Threatened Species of Flora and Fauna for Chile; the species included in CITES have been incorporated into three lists or appendices. Chilean species included in the appendices are: In Appendix I, there are three species of Reino Flora: Araucaria araucana (Araucaria); Fitzroya cupressoides (larch) and Pilgerodendron uviferum (Giaitecas Cypress). In Reino Fauna there is a list of species for Chile, in which the following species of mammals are included (that are dependent on forest ecosystems): South Andean Deer (Huemul) (Hippocamelus bisulcus); Pudu puda (Pudú deer) and Lontra provocax (Southern river otter—Huillin). In Appendix II, in Reino Fauna, the following mammals are among the species listed: Lycalopex culpaeus (Culpeo Fox); Lycalopex fulvipes (Chiloé Fox); Leopardus guigna (Guiña or Kodkod); and Puma concolor (Puma), which live in forest habitats. Appendix III: There are no species listed in Appendix III.

In Chile, almost 25% of its species are endemic, which makes Chile especially relevant for conservation of the planet’s biodiversity. In Chile, there are species family groups that stand out because of their endemism, such as amphibians (toads and frogs), where 65% of the species are found only Chile; reptiles, with 63% of endemism, fish in continental waters with 55% of the species being endemic, and plants with half of the species exclusive to the country. On the other hand, other groups do not have this particularity, especially those with more mobility, such as birds, of which a little less than 2% of the species recorded in Chile are endemic (1,399 species).

Interactive maps are available on the webpage, www.chilebosque.cl that show the distribution of the natural habitat of the different species of Chile’s native flora, some of which qualify as HCV 1. Each map is based on bibliographic references and distribution of collections of herbaria; excursions, open information, and various research studies. The source for most of the maps presented is information from research by: Alarcón and Cavieres. 2015. In the Right Place at the Right Time: Habitat Representation in Protected Areas of South American Nothofagus-Dominated Plants after a Dispersal Constrained Climate Change Scenario. The maps are updated periodically to incorporate more and better information about the locations of each species. These maps are complemented with information about the different species available on descriptive fact sheets for the species, published on that same webpage, which make it possible to locate places of special interest for Chile’s biodiversity. The author of the page indicates that there are 100 fact sheets available on Chilean native species.

Threats & Safeguards identification and evaluation
The Hunting Law (Ley de Caza) and its Regulations, by the Agricultural and Livestock Service (Servicio Agrícola y Ganadero-- SAG), is the only institutional tool that lists the species of wild animals whose hunting and capture are prohibited. Chile has modern rules that permit regulation of the various activities that endanger the survival of species of native wildlife. These include, not only regulation of hunting or capture, but also incorporate the conditions for keeping these species in captivity, trading them, the risks derived from bringing new species into the country or releasing them in the wild environment, owning exotic species included in international agreements and transportation conditions. Also included is implementation of areas where hunting is prohibited, establishing a
basis to achieve conservation of protected species. In Article Three, the Hunting Law (Ley de Caza) considers that hunting or capture of wild animals classified as endangered, vulnerable, rare or little-known species is prohibited throughout all the nation’s territory.

As a measure to protect threatened species, some species of flora and fauna have been declared a Nature Monument: In Decree 2, dated 30/06/2006, these species of wildlife were declared a Nature Monument: Huemul, Costina Chinchilla, Cordillera Chinchilla, Condor, Picaflor de Arica and Picaflor de Juan Fernández. (Threatened species are in the endangered and vulnerable categories). In Decree 654 Exempt, these species are declared a Nature Monument: Huemul, Araucaria Araucana, Queule, Pitao, Belloto del Sur, Belloto del Norte and Ruil. Consideration is given to the possibility that the National Forest Corporation (Corporación Nacional Forestal) might authorize cutting and harvesting of these species, in the event of actions that would have to do with conducting duly authorized scientific research, preparation of land for construction of public works or national defence, and development of forest management plans by official, government bodies, whose exclusive purpose would be to conserve or improve the state of conservation of the species protected by these decrees.

Endemic species: The efforts made are in the case of Nature Monument species, such as the case of Araucaria, Larch, Pitao, and Queule, among others. Most of the species in Chilean forests are endemic to Chile and Argentina and therefore the protective measures defined by CONAF are applicable to them. In the case of wildlife, the Hunting Law (Ley de Caza) regulates the requirements regarding wild animals.

Threatened species: As described above, in Chile there is an updated list of threatened species with different conservation statuses that is reviewed continuously and is elaborated by the Ministry of the Environment. The categories of conservation status that are used in Chile are the current categories of IUCN, which correspond to: Extinct, Extinct in the Wild, Critically Endangered, Endangered, Vulnerable, Near Threatened and Least Concern.

Although there is specific legislation for some species enumerated in the lists of threatened species (Nature Monument Species), this information is taken into consideration in designating areas under the protection of wildlife and the Hunting Law (Ley de Caza) and in application of the environmental impact assessment for protection and conservation of wild organisms under the requirements of the Law on Environmental Bases (Ley Bases del Medio Ambiente (Law 19.300).

Many species described in the lists of threatened species are protected in State-Owned Protected Areas and Private Protected Areas (such as the BAVC of certified forest companies); however, in the opinion of the experts interviewed, protection is not sufficiently represented in the National System of State-Owned Protected Areas. Many areas that are part of SNASPE are too small and isolated from each other and the system is not sufficiently representative of Chilean ecosystems. As mentioned in the overview section the protected portion is less than 5% for each of the eight existing types of landscape (desert, brushlands, deciduous forests, and Patagonian steppes).

At an even more detailed level, 17 of the 85 plant formations are not found in SNASPE (See below, “Evaluation of
Chile's Environmental Performance” (“Evaluación de desempeño ambiental de Chile”) OCDE/CEPAL, 2005”). Therefore, protected areas in itself is not enough to safeguard HCV1.

According to an analysis of violations connected to harming threatened species, obtained when consulting CONAF, for the years 2012 to 2016, there were only 28 violations that occurred in Chile’s Regions VI, VII, VIII, IX, X and XIV, which allows the determination that there is a high level of compliance with the applicable legal requirements. This can also be supported by the Controlled Wood Risk Assessment: Plantations in Chile FSC-CWRA-002-CHI, where in the legal categories are of low risk in general. However, legal compliance is not often sufficient to protect HCV 1 values when forest management activities are not of a low intensity and can threaten HCV 1 due to habitat fragmentation, removal and/or facilitation of invasive species.

Habitat fragmentation: In the opinion of the experts, fragmentation of forest areas in Chile is important, especially in the zones of highest urban and industrial concentration, and as a product of the expansion of agriculture, afforestation with exotic species and consequences of forest fires. These drivers of fragmentation are leading to threats to HCV 1 including the forest management activities linked to afforestation of exotic species.

Introduction of invasive species: As defined in the Convention on Biologic Diversity (CBD), invasive exotic species are one of the three most important causes of extinction of species in nature, together with habitat alteration and overexploitation. Chile is also a witness to biologic invasions by exotic species, both animal and plant species. In fact, almost 15% of plant species that live in the wild are exotic. Controlling exotic species that are feral in Chile, especially those that have acquired the condition of invasive exotic species, is a fundamental task for reducing the factors that threaten biodiversity. The threat of invasive exotic species to HCV 1 can also be attributed to forest management activities which facilitate conditions such as creating fragmentation and edge effects that provide good conditions for exotic species establishment.

The Ministry of the Environment (Ministerio de Medio Ambiente—(MMA) has initiated plans for controlling invasive species in some areas of the country, such as Region XI on Juan Fernández Island, among others. The MMA is working with the GEF Invasive Species in Chile Project to deal with the threat that these species represent to biodiversity.

The Biologic Invasions Laboratory (Laboratorio de Invasiones Biológicas—LIB) was created in the Forest Sciences School in the University of Concepción, which has a line of research regarding invasive species in Chile that has generated field guides, a study of invasive species, and has served as support for managing invasive species in some FSC-certified companies.

The purpose of LIB management is to generate and develop data bases on exotic species in Chile, to develop risk assessment tools; to conduct monitoring including modelling biologic invasions; to establish collaboration between the academic world and the public and private bodies in charge of controlling biologic invasions and to inform and educate about the causes and consequences of biologic invasions in Chile. These actions are directed towards all the country's production and public affairs sectors (not only for use by FSC-certified
companies). For example, on 28/07/2015, LIB sent a letter to the President of Chile requesting that afforestation with invasive species should not be subsidized.

Forest Management Plans: Forest managers need to prepare a Management Plan for Plantations and/or for Natural Forests which is presented and approved by the National Forest Corporation (Corporación Nacional Forestal--CONAF). These plans need to incorporate environmental protection measures. And there is a so-called “preservation management plan” that must be presented when dealing with native forest of preservation and when dealing with exceptional situations that affect individuals of the plant species in conservation.

Overall, there is a high compliance level with implementing the regulations incorporated into forest management plans in Chile (this is confirmed by reviewing FSC-CWRA-002-CHI and the information provided in indicator 1.3 indicating that 25% of submitted management plans in Chile was under inspection, and the non-conformance level was under 3.5%. However, the implementation of forest management plans is not a sufficient safeguard alone, as in some cases the intensity of the level of forest management still can threaten the HCV 1 values through habitat removal, fragmentation and/or the facilitation of invasive species.

CBD: Chile is a signatory of the Convention on Biological Diversity signed in 1992, which took effect in Chile in 1995. According to a report available at https://www.cbd.int/doc/world/cl/cl-nr-05-es.pdf, an analysis was made, of the country’s Action Plan (2004-2015), of the National Biodiversity Strategy and the action plans for the policies issued, namely the Action Plan for the National Threatened Species Policy, the Action Plan for the National Protected Areas Policy, and the Action Plan for the National Strategy for Conservation and Rational Use of Wetlands in Chile. In total, there was a record of 315 actions described, which are distributed in the four Action Plans for the policies/strategies indicated. Regarding the proportion of the actions completed: 50% of the total of the actions established were accomplished; 18% of the actions are still in the development process; 16% of the actions have not been carried out for various reasons (and, with smaller percentages, 7% of the actions were not carried out because they were considered to be unnecessary or were replaced by other actions in those plans. The latter corresponded to actions considered to be unnecessary or not applicable, given the working guidelines for the respective units). Finally, 5% corresponded to actions carried out partially and 4% corresponded to actions of which there is no information as to their current status. The main reasons cited for lack of progress include: an absence of political will, change in priorities among the bodies responsible for implementation, lack of coordination and/or agreement and a lack of financial resources.

Furthermore, Chile’s CBD country page identifies the main threats to biodiversity are changes in land use due to activities related to the forestry and agricultural sectors. (https://www.cbd.int/countries/profile)

NTFP production: As mentioned in the Overview section the NTFP production is carried out by small producers and/or gatherers, and the trading chain is characterized by small and medium companies. Overall there is a low level of production of NTFPs in Chile and their development in general, considers sustainable forest management of NTFP and does not threaten HCV 1 values.

Non-productive forest Regions: Whilst some forests exist in regions XV, I – IV and Metropolitan Region (RM),
these areas do not have any producing natural forests, forest plantations in production or any forest management activity (Source: 4.6; 4.7). These areas are thus considered Low risk.

In regions XI and XII the forest activity taking place is at such low intensity that it does not threaten HCV 1 values (Source 4.6; 4.7).

**Risk conclusion**

*Low intensity and non-productive forest Regions: XV, I – IV, Metropolitan Region (RM), XI and XII*

Low risk threshold (6) is met: there is low/negligible threat to HCV1 caused by management activities in the area under assessment.

*Region: V, VI, VII, VIII, IX, X and XIV*

Specified risk. Threshold (8) is met: HCV 1 is identified and/or its occurrence is likely in the area under assessment and it is threatened by management activities.

### 3.2 HCV 2

#### Occurrence

According to the maps from [www.intactforest.org](http://www.intactforest.org), at [http://www.globalforestwatch.org/map/3/15.00/27.00/ALL/grayscale/none/607](http://www.globalforestwatch.org/map/3/15.00/27.00/ALL/grayscale/none/607), and in Roadmap to Recovery: The World’s Last Intact Forest Landscapes. 2006. Greenpeace: there are intact forests landscapes in southern Chile and Argentina (Patagonia). Besides the areas classified as IFL areas the are no forest areas in Chile that has experienced lesser levels of past human disturbance or management activities and are considered regionally significant. Therefore, only IFL areas are considered HCV2 in Chile. This was corroborated through stakeholder consultation conducted by FSC Chile.

According to what is indicated by Greenpeace and Global Forest Watch, 34 % of the forested zone of Patagonia remains as intact forest landscape. Less than 1 % of the world’s last intact forest landscapes are located in Patagonia and 82% of Patagonia’s intact forest landscapes are in Chile and 18% are in southern Argentina. Furthermore, 32% of the intact forests are strictly protected in Chile. More than 89% of all the intact forests in Patagonia correspond to mixed forests and the other 11% are forests, brushlands, mountain ecosystems and glaciers in forest landscapes.

Border Forests (World Resources Institute), identifies the Chilean Coastal Forests (WRI, 2009), describing the Valdivian forests as one of the largest and ecologically intact forested remnants. They are temperate forests that contain at least 50 species of timber trees (95% of them are endemic) and more than 700 vascular plants, half of them endemic. They indicate that larch (*Larix spp*), the largest conifer in the Southern Hemisphere, is present there.

The areas assigned as IFL (Intact Forest Landscapes) are in the Andes mountain range, from Region VII to Region XII and Region XIV. There are no IFL areas in the remaining regions. The country’s communes where
there are forests and potential forest management threats that correspond to IFLs are. (based on IFL areas mapped on www.globalforestwatch.org):

<table>
<thead>
<tr>
<th>Región</th>
<th>Comunas con presencia de IFL</th>
</tr>
</thead>
<tbody>
<tr>
<td>VII</td>
<td>Parral</td>
</tr>
<tr>
<td>VIII</td>
<td>San Fabián; Quillaco; Mulchén</td>
</tr>
<tr>
<td>IX</td>
<td>Curarrehue; Pucón</td>
</tr>
<tr>
<td>XIV</td>
<td>Panquipulli; Futrono; Lago Ranco; Rio Bueno</td>
</tr>
<tr>
<td>X</td>
<td>Puyehue; Puerto Octay; Puerto Varas; Cochamó; Ancud; Dalcahue; Chonchi; Quellón; Huallahlue; Chaitén; Futaleufú; Palena</td>
</tr>
<tr>
<td>XI</td>
<td>Cisnes; Lago Verde; Aisén; Río Ibañez; Chile Chico; Tortel; O’Higgins</td>
</tr>
<tr>
<td>XII</td>
<td>Natales; Torres del Paine; Laguna Blanca; Punta Arenas; Río Verde; Timaukel; Cabo de Hornos</td>
</tr>
</tbody>
</table>

The location of the IFLs was analysed throughout the country using the Intact Forest Landscape maps (5.1) and it was found that in zones where the IFLs are located, there are currently no forest plantations, only natural forests.

**Threats & Safegurds identification and evaluation**

Several sectors of areas defined as IFLs are protected by SNASPE (National System of Protected Wilderness Areas) (Sistema Nacional de Areas Silvestres Protegidas), sectors that are adequately protected, since in those areas management activities are prohibited. In the CW category 1 there are no reportings of illegal logging within the protected areas being an issue, and there is therefore no risk that the forest within protected areas will be affected by management activities. However, many areas that are part of SNASPE are small and isolated (Source: FSC-CWRA-002-CHI), and as SNASPE do not cover all of the IFL area, the threat from forests under management shall be assessed.

Some of the main threats from forest management activities to HCV 2 values include (6.1; 6.2):

- Conversion to forest areas for forest/agricultural use (crops, livestock production and plantations) leading to HCV 2 loss and/or HCV 2 fragmentation.
Construction of infrastructure (roads and means of access for operations).
- Forest management practices on properties that cause fragmentation and degradation of the ecosystems.
- Forest management conditions that can result in fires and HCV 2 loss and/or fragmentation.

In areas (regions & comunas (e.g., districts)) listed in the Table above, HCV 2 is identified and it is potentially threatened by management activities through fragmentation and degradation. The collection of NTFPs is not considered to threaten HCV2 values, as there overall is a low level of production and their development in general, considers sustainable forest management (See overview section). The threats listed above are mainly related to forest management operations. A review of the IFL map at the IntactForests.org shows a reduction of IFL areas in Chile between 2000 and 2013 (6.1).

Forest management operations located within IFLs areas in Production forest identified in the Table above include: Region VII, Parral Comuna; VIII Region, Comunas of San Fabián, Quilaco, Mulchén; IX Region, Comunas of Curarrehue and Pucón; X Region Comunas of Puyehue, Puerto Octay, Puerto Varas, Cochamo, Ancud, Dalcahue, Chonchi, Quellon, Huailalhue, Chaiten, Futaleufu, Palena, Region XI Comunas of Cisnes, Lago Verde, Aisen, Rio Ibanez, Chile Chico, Tortel, O’Higgins, And Region XII Comunas Natales, Torres del Pain, Laguana Blanca, Punta Arenas, Rio Verde, Timaukel and Cabo de Hornos, XIV Region, Comunas of Panquipulli, Futrono, Lake Ranco and Rio Bueno.

Even small scale harvesting can affect the connectivity of the IFL areas, and therefore the low intensity harvesting taking place in region XI and XII is also considered to be a potential threat.

**Risk conclusion**
- Region VII, Parral Comuna;
- Region VIII, Comunas of San Fabián, Quilaco, Mulchén;
- IX Region, Comunas of Curarrehue and Pucón;
- X Region Comunas of Puyehue, Puerto Octay, Puerto Varas, Cochamo, Ancud, Dalcahue, Chonchi, Quellon, Huialalhue, Chaiten, Futaleufu, Palena;
- Region XI Comunas of Cisnes, Lago Verde, Aisen, Rio Ibanez, Chile Chico, Tortel, O’Higgins, And Region XII Comunas Natales, Torres del Pain, Laguana Blanca, Punta Arenas, Rio Verde, Timaukel and Cabo de Hornos;

Specified risk. Threshold (12) is met. HCV 2 is identified in the area under assessment, and it is threatened by management activities.

**Rest of the country**
Low Risk. Threshold (9) is met: There is no HCV 2 identified in the area under assessment.
### Occurrence

In Chile, there are several indications at the international and national level that there are ecosystems and habitats in the country that could be classified as rare, threatened or endangered (HCV 3). HCV 3 are identified and present in Chile, especially in the zone defined as a biodiversity hot spot, which includes the country’s forest heritage from Region V to Region X.

The analyses made by WWF Ecoregion Global 200 identify priority zones for conservation. For Chile, WWF has identified (WWF, 2009): the Ecoregion of the Valdivian Temperate Forests, the one known as the Temperate Rainforest Ecoregion of Chile and Argentina, or the “Valdivian Ecoregion”, whose characteristics are: it corresponds to one of the five temperate forests in the world, and is the home of the last forest remnants in good condition, it is a biogeographic island separated by large extensions of deserts and oceans and has an extraordinary level of endemisms (i.e. 90% of species and 34% of genera for woody species).

In addition, WWF was the leader in an analysis regarding the ecological characteristics, needs for protection, opportunities and threats to biodiversity in the Valdivian Temperate Forest Ecoregion, and in general terms their result was identifying 69 priority areas for conservation.

UNESCO Biosphere Reserves: In Chile, there are ten Biosphere Reserves, and three of them are in sectors where there is forest production: Nevados de Chillán-Laguna del Laja, Araucarias, and Temperate Rainforests of the Southern Andes.

RAMSAR Sites: Chile has 13 wetlands of international importance, 2 are in areas where there are forest management activities. (Site: El Yal Wetlands /Region V) and Carlos Andwanter Nature Sanctuary (Region XIV). Most Ramsar sites are protected sites and are under government administration.

SNASPE: National System of Protected Wilderness Areas (Sistema Nacional de Áreas Silvestres Protegidas del Estado). SNASPE Sites (National System of State-Owned Protected Wilderness Areas (Sistema Nacional de Áreas Silvestres Protegidas del Estado), where the following are identified:

- National Parks (IUCN Category II), 36 Sites, with a total area of 9,181,758 ha.
- National Reserve (IUCN Category IV, 26 Sites, with a total area of 751,304.7 ha.
- Forest Reserve (IUCN Category IV), 23 Sites, with an area of 4,663,040, 73 ha.
- Nature Monument (IUCN Category III) 16 Sites, with a total area of 34,429 ha.
- Nature Sanctuary (IUCN Category III and IV) 46 Sites, with an area of 478,712.6 ha.

Important Bird and Biodiversity Areas (IBAS): Bird Life International has identified 176 IBA’s in Chile. The environmental NGO, CODEFF, is responsible in Chile for implementing Bird Life International’s IBA program for conservation of birds. In the case of Chile, the biggest concentration of IBAs are found in the northern part of the country in zones where there is no forest production. Bird Life has defined 10 endangered IBAs, with 4 located in communes where there is forest activity: Mouth of the Bio Bio River, Mouth of the Mataquito River, Lake Lanalhue and Contulmo Nature Monument (San Pedro de la Paz, Hualpen, Contulmo and Licanten Communes).

<table>
<thead>
<tr>
<th>Geographical scale:</th>
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<tr>
<td>- Region</td>
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<tr>
<th>Functional scale:</th>
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<tr>
<td>- Protection scheme</td>
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<td>- Protected areas</td>
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<td>- Other areas</td>
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<td>- Type of forested area</td>
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<td>- Natural forest</td>
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<td>- Plantation</td>
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<td>- Scope of management</td>
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<tr>
<td>- Areas with high intensity forest management operations</td>
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<tr>
<td>- Areas with low intensity forest management operations</td>
</tr>
<tr>
<td>- Areas where no forest management operations occur</td>
</tr>
</tbody>
</table>

**Low risk for regions XV, I – IV, RM, XI and XII.** Threshold (14) is met: there is low/negligible threat to HCV 3 caused by management activities in the area under assessment.

**Specified risk for regions V – X and XIV.** Threshold (17) is met: HCV 3 is identified is likely in the area under assessment and it is threatened by forest management activities.
In addition, Bird Life has found that there are 54 IBA's in forest habitats, of which 53 are in communes located from Region V to Region XII; in some of these communes there are production forests (both plantations and natural forests). Of the 54 IBAs in forest habitats, 30 are in private or state-owned protected sites where measures are taken to conserve species and associated habitats.

Priority sites for conservation of biodiversity that do not fall into a protection category: There are Priority Sites for Conservation of Biodiversity. These priority sites were derived from work done from 2001 to 2002 in each of Chile's regions under supervision of Regional Biodiversity Committees, coordinated by what at that time was called the National Environmental Commission (Comisión Nacional del Medio Ambiente--CONAMA). There are now 266 priority sites throughout the country.

At the time the assessment was made, it was indicated that the Ministry of the Environment was working to define “priority ecosystems”, based on the National Biodiversity Strategy, Regional Biodiversity Strategy and National System of Protected Wilderness Areas (SNASPE) but this information is not yet available.

In consulting with the experts, it was found that researchers from the Forest Engineering School of the University of Concepción conducted a review of the priority sites in Regions VII and VIII for the Ministry of the Environment from the perspective of vulnerability, representation, irreplaceable sites and complementariness; this information will be available publicly in approximately 6 or more months (approximately mid-2017).

For more than 15 years, CODEFF, the National Committee for Defence of Fauna and Flora (Comité Nacional pro Defensa de la Fauna y Flora), with the support of the Frankfurt Zoological Society, performed various activities to help with conservation of the southern river otter (huillin) in the Mahuidanche – Queule area (Huillín is a freshwater otter, classified as endangered and its habitat are rivers and riparian forest zones where it is protected. It is distributed in areas where there are plantations of exotic species and natural forests). Their principal objective was to gather information about this species and its habitat, and the threats that are a risk for its survival including its HCV 3 riparian habitat, as well as to conduct educational activities and restoration of the riparian habitat, activities that are important for conservation of the environments they inhabit. A product of the work done by Codeff is a map with the habitat of the southern river otter (huillín) in the Mahuidanche – Lastarria area, where Codeff determined preservation and mitigation zones. The preservation zones are made up principally of vegetation defined as swampy forests, which in the opinion of the experts is a threatened ecosystem.

In consulting the experts about identification of HCV 3, most of them indicated that a study of vegetation layers (Pisos Vegetacionales by Luebert and Pliscoff), is a good tool for identifying rare, threatened or endangered ecosystems. A vegetation layer is defined as: “Spaces characterized by a set of zonal plant communities with uniform structure and physiognomy, located under mesoclimatically homogenous conditions that occupy a determined position along a gradient of elevation on a specific spatial-temporal scale” (Luebert and Pliscoff 2006).
To evaluate the state of conservation of vegetation layers, the actual area (remnant) was determined for each of the layers. As can be expected, the vegetation layers in the central zone of Chile (Regions V to VIII) have the highest level of conversion due to agricultural and forest activities, with 15 layers, belonging principally to formations of shrubs and spiny forests, bushlands, brushlands and sclerophyllous forests and deciduous forests with less than 50% of remnant area.

The percentage of protected area of each of the vegetation layers defined was also determined by superposition of the maps of vegetation layers and the respective maps of protected areas. This analysis was made for the areas of the National System of State-Owned Protected Wilderness Areas (Sistema Nacional de Áreas Silvestres Protegidas del Estado—SNASPE) created up to the year 2005. Of the total of 127 layers, 86 had less than 10% of their remnant area under protection. Of these, 47 units had less than 1% of their area protected and 25 had no coverage from the National System of State-Owned Protected Wilderness Areas (Sistema Nacional de Áreas Silvestres Protegidas (Luebert and Pliscoff 2006). The units with no representation from SNASPE are distributed principally in the northern and central zones of the country and correspond principally to formations of desert brushlands, bushlands and spiny forests, brushlands and sclerophyllous forests, and deciduous forests and low-altitude brushlands.

In a study by Pliscoff, P. (2015), which had an objective to apply at a national scale of application of the criteria of the methodology for assessing the state of conservation of ecosystems used by the International Union for the Conservation of Nature (IUCN) for Chile’s terrestrial ecosystems and to assess their applicability in Chile. A total of 8 ecosystems were classified as critically endangered (CR); 6 ecosystems were classified as Endangered (EN), 49 ecosystems as Vulnerable (VU); 5 ecosystems were classified under the category of Nearly threatened (NT). In conclusion from a total of 127 vegetation layers, 63 were shown to be threatened (classified as R, EN or VU) or 49.6% of the total of ecosystems of Chile. It was observed the threatened categories (CR, EN or VU) are concentrated principally in the central zone of Chile, with the categories of a higher degree of threat (CR) in Regions VI to VIII, followed by the EN category in Regions VI to XIV, and a large part of the country's regions with vulnerable ecosystems, this in Regions XV to XI.

The threshold proposed by FSC Chile in “Guidelines for High Conservation Values and FSC Principle 9 in Chile” (“Pautas para Altos Valores de Conservación y Principio 9 de FSC en Chile”), considered HCV 3 all areas inside the FMU buffering area that contain the vegetation layers defined by Luebert and Pliscoff (2005) whose present remnants are equal to or less than 25% of their potential distribution (that is, that have lost 75% or more of their potential distribution), and/or have less than 10% representation) in SNASPE.

In the Controlled Wood Risk Assessment: Plantations in Chile FSC-CWRA-002-CHI and in the Controlled Wood Risk Assessment: Natural Forests in Chile FSC-CWRA-004-CHI, it was stated in category 3 that, “Chile is recognized worldwide for having temperate regions with a high degree of biodiversity, endemisms and threats due to human actions; - Chile has an important network of Protected Wilderness Areas (PWA) with some degree of conservation nationally, but the diversity of Chilean ecosystems is not represented within them.” Thus, this was used to shape the threshold: the presence of areas that contain HCV in the commune. These areas include
SNASPE areas that are CONAMA priority conservation sites, RAMSAR sites, WWF high-priority sites. And risk consideration was given to the following:

LOW RISK communes:
Where there are no areas with HCV. Where there are HCV present and the Forest Management Units (FMU) are located at a distance of more than 5 km from the boundary of the area with HCV, always provided that there is no evidence of damage caused to the HCV by management activities.

UNSPECIFIED RISK communes:
Where there are areas with HCV and the FMU are located adjacent to or at a distance of at least 5 km from the boundary of the area with HCV or there is evidence of damage caused by management activities.

The result of the analysis of the information available was that 104 communes in the country were found to be UNSPECIFIED RISK for indicator 3.1, which correspond to HCV 3, while the remaining 104 communes assessed were found to be LOW RISK for this indicator.

**Threats & Safeguards identification and evaluation**

According to the description given by Pliscoff, P. (2015), “a greater threat that affects the ecosystems in the central zone of Chile is manifested through the loss, degradation and fragmentation of these ecosystems, and is explained by both anthropic and natural impacts experienced by these ecosystems, with the change in the use of the land, the principal anthropic factor that has brought about changes in our country’s the natural terrestrial ecosystems. Irregular cutting of forests and plantations with exotic species has caused a significant loss of natural forests in this zone. This, together with clearing of forests to establish pastures and crops and the increase in urbanization, are the biggest threats for these changes (Ministry of the Environment, 2014)”.

Some threats from forest management activities causing the loss or degradation of HCV 3 include:

- Conversion of forested areas for forest/agricultural use (crops, livestock and plantations)
- Construction of infrastructure (roads and means of access to operations).
- Management practices on properties that cause fragmentation and degradation of ecosystems.
- Management conditions that can lead to fires (debris and no backfires).
- Invasion by exotic species (in the case of forest plantations).
- In the case of natural forests, improper use of harvesting techniques without silvicultural criteria.

Policy on Protected Areas, and the Action Plan on the National Strategy for Conservation and Ration Use of Wetlands in Chile, that in total, there was a record of 315 actions described, which are distributed in the four Action Plans for the policies/strategies indicates. Regarding the proportion of these actions that have been completed, 50% of all the actions established were accomplished; 18% of the actions are in the process of being carried out; 16% of the actions have not been carried out because they were considered unnecessary or were replaced with other actions in those plans. The latter correspond to actions considered to be unnecessary or that were not applied given the working guidelines for the respective units. Finally, 5% correspond to actions carried out partially and 4% correspond to actions for which there is no information on their current status. The main reasons cited for lack of progress include: an absence of political will, change in priorities among the bodies responsible for implementation, lack of coordination and/or agreement and a lack of financial resources. Furthermore, Chile’s CBD country page identifies the main threats to biodiversity are changes in land use due to activities related to the forestry and agricultural sectors. (https://www.cbd.int/countries/profile)

NTFP production: As mentioned in the Overview section the NTFP production is carried out by small producers and/or gatherers, and the trading chain is characterized by small and medium companies. Overall there is a low level of production of NTFPs in Chile and their development in general, considers sustainable forest management of NTFP and does not threaten HCV 3 values.

Low and Non-productive Forest Regions: XV, I – IV, Metropolitan Region, and XI, XII: Whilst some forests exist in regions XV, I – IV, these areas do not have any natural forests forest production, forest plantations in production or any forest management. Region XI and XII only have low-intensive forest management (Overview section and 8.2; 8.3). Forest management is thus not considered a threat in any of these regions on HCV3.

**Risk conclusion**

*Non-productive and low intensity forestry Regions*: XV, I – IV, Metropolitan Region, XV, XI and XII

Low risk threshold (14) is met: there is low/negligible threat to HCV3 caused by management activities in the area under assessment.

*Region*: V, VI, VII, VIII, IX, X and XIV

Specified risk threshold (17) is met: HCV 3 is identified and/or its occurrence is likely in the area under assessment and it is threatened by forest management activities.

<table>
<thead>
<tr>
<th>3.4 HCV 4</th>
<th>9,10</th>
<th><strong>Occurrence</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Petula</td>
<td></td>
<td>Forest in Chile deliver important ecosystem services in relation to prevention against erosion, as well as ensuring clean water catchments.</td>
</tr>
</tbody>
</table>

| Watersheds: Drinking water availability is an important ecosystem service that is affected by forest management. Forest monocropping with rapid-growth exotic species has a high demand for water, as well as other land uses. The change in land use where forest monocropping prevails creates effects on regulation of the hydrological cycle by reducing the availability of water (Huber et al. 2008, Little et al. 2009), a process that in practice goes from reduction of flows to their exhaustion (Huber et al. 2010). Also harvesting can affect riparian zones and geographical scale: -Region Functional scale: -Type of forested area |

### Low risk for regions: XV, I – IV, RM, XI and XII, and natural forest in regions V-X and XIV.

Threshold (20) is met: there is...
watersheds, which have been acknowledged by Chilean law. Proxy areas for HCV4 have been identified as riparian zones in forest areas associated with the function of protecting watercourses as identified in the Chilean legislation (Forest Law, Management regulations applicable to thinning operations for the oak-rauli-coigüe type of forest; Management regulations applicable to final cutting in evergreen forest types; Regulations applicable to management of plantations of Eucalyptus spp., Pinus radiate, D. Don and other exotic species; Supreme Decree No. 2.374; Decree-Law 701 (1974), Law 20.283 of 2008, on Recovery of Natural Forests and Forest Promotion; The regulations on Soil, Water, and Wetlands (Please see more under Threats and Safeguards section). Since 1996 each of the regions from the northern central part (Metropolitan Region) to the far north of Chile (Region I and XV) demand has been greater than availability (9.8).

Forests that protect vulnerable soils: In the Centre for Information on Natural Resources (Centro de Información de Recursos Naturales--CIREN) maps have been prepared of existing erosion and potential erosion for all the regions in Chile. Existing erosion corresponds to the degraded state of the soil, showing alterations or losses of soil caused by erosive forces, such as rain, wind or gravity. Soil erosion has been determined for all of Chile’s continental territory on a scale of 1:50,000 (agricultural land) and 1:250,000 (the rest of Chile). Risk of potential erosion is the capacity of the soil to be eroded by an erosive agent, particularly water, considering the intrinsic, topographic and climatic variables of the soil. In other words, the losses from dragging or transporting soil particles that would occur if there were no vegetation at all are the maximum or potential losses.

In the Guidelines for High Conservation Values and Principle 9 for Chile, prepared by FSC Chile’s National Initiative, a critical threshold is proposed for identification of HCV 4.2 (forests that protect vulnerable soils) based on the information from CIREN’s data bases (see http://bibliotecadigital.ciren.cl/). All those areas identified with the rating of “very severe” potential erosion, according to the methodology developed by CIREN (2010). According to the: "HCV Guidelines for Chile" of FSC Chile, vulnerable soils as indicated by HCV 4.2 include:

- All those areas identified with the “very severe” erosion potential range according to the methodology developed by CIREN (2010) or "extreme" and "very extreme" according to the "Protocol to define areas of high conservation value 4.2. Of forest management units "(Schlatter, J., 2011).
- All areas at risk of avalanche or landslide, affecting human lives, fragile ecosystems and infrastructure, defined according to experts, such as those areas with slopes above 25 degrees (47%) for regions X and XIV, where there is pumicite in the subsoil. These criteria should also be considered for any terrain with a slope greater than 30º (58%), as well as for steep peaks, in these and other regions located to the north, according to Schlatter et al. 2003.
- All areas of high erosivity with local precipitation greater than 3000 millimetres per year.

**Threats & Safeguards identification and evaluation**

The most common potential threats related to forest management activities to HCV 4 in Chile include:

- Reduction in the amount of water available for human consumption (evidence detailed below).
- Reduction in water quality with failure to comply with the restrictions set in the management plans presented to CONAF like conducting forest management in areas that require to be protected to protect soil and water HCV 4 values.
- Risk of damage to communities’ dwellings/town adjacent to forest management areas due to the erosion of fragile soils because of failure to comply with the restrictions on cutting defined in the management plan such as forest plantations leaving the soil without an adequate top soil cover thus making the soils susceptible to erosion caused by rain and other abiotic agents.
- Construction of infrastructure (roads and other means of access to operations) causing forest degradation and impacts like increased soil erosion and sedimentation.

These threats are most commonly related to non-compliance with the regulations required under the CONAF approved forest Management Plan (See indicators 1.8-1.10). Evidence reviewed of forest management activities HCV 4 impacts are detailed below as is information on compliance levels with the forest management plans.

Watersheds: In south-central Chile, a high proportion of the groundwater under forest plantations is being consumed by the process of tree evapotranspiration (Huber et al. 2008, Hassan et al. 2005). This loss of soil means that each new forest plantation is established on thinner soils, with less productivity and organic material, and therefore with less capacity to retain water in winter, creating a worsening of the problem with each new plantation and forest harvesting on an ecosystem scale (micro basin).

There is evidence of disputes linked water use and levels amongst rural communities and forest plantation owners. The issues with lack of water is linked with the cumulative effect of both forest with (monocropping) rapid growth exotic species, and other land uses with a high demand for water (e.g. mining, agriculture). Water consumption for plantation use is only part of the issue, but are accumulatively with other land uses affecting water availability in Chile (10.3; 10.4; 10.5)). Evidence of some the problems related to plantations is reflected in the study entitled, “Water in Chile – Territorial Diagnoses and Proposals for Dealing with the Water Crisis” (“Agua en Chile - Diagnósticos territoriales y propuestas para enfrentar la crisis hídrica”) (2014) by the Initiative, Water for you to drink (Agua que has de beber). In Chapter IV, an analysis of the water situation in four territories in Chile, three of which possess forest plantation area. A summary of the analysis is included below.

The excessive consumption of water has lead to lack of water in many rural communities in Chile, which clearly shows the disruption of the ecosystem service of protecting the water catchments. Water consumption for plantations has shown to directly be drying up slopes and wells.

Examples are the Region IX (Araucania) where 31 out of 32 communes in the region is dependent on water from water trucks, and several of the communities have over 30% of their land under monocrops of Pinus or Eucaluptus (CONAF 2014). In region XIV (Los Ríos) the Rural Potable Water Committees (Comités de Agua Potable Rural--(CAPR) are threatened by bad management of the territory in the watersheds that supply them with water, which
are not located within their patrimony. The principal risk factors are deforestation of natural forests, degradation of vegetation and soil and the establishment of forest monocropping.

Another example of how forestry affects water availability can be seen in region X (Los Lagos), Chiloé Grand Island where there are no high mountains, so the provision of water for human being depends exclusively on rainfall. The natural water reservoirs consist of peatlands, swamp forests and lands with natural forests, since these are abundant ecosystems in that territory and have a large capacity for capturing and storing water from precipitations. The principal disputes over water in the northern sector of Chiloé occur because of the scarcity of water for human consumption, which has its origin in the production practices that affect wetlands (peatlands and swamp forests) and natural forests. These ecosystems have historically been mismanaged, causing their degradation, which is creating a scarcity of water for human consumption during the summer.

Added to this, since the beginning of the decade of 2000, there has been a government incentive to set up forest monocropping with Eucalyptus, with large amounts of public funds allotted to this. During the period 2003 to 2012, about 1.5 million pesos were paid out to forest 2,969 hectares, in contrast to the subsidies allotted for management and conservation of natural forests, which in the period 2009 to 2011 amounted to more than 67 million pesos. In addition, in recent years a private foreign company began a process of installing forest monocropping with Eucalyptus in Ancud, which replaced natural forests and has not respected the protective zones for watercourses. In contrast to the plantations promoted by the government, which were established principally on small landholdings, this process takes place on a massive basis through the purchase of contiguous properties, which is creating large extensions of monocropping.

In the northern zone of Chiloé Province, these phenomena of degradation and change of use of the land are becoming stronger and consequently there are bigger problems of access to water for human use. It is important to point out that at least in the northern zone of the province, there is no decrease in rainfall, since in the last 20 years there has been a slight upward trend. With this, it can be argued that climate change would not be the principal driving force for the decrease in the availability of water in recent years.

Thus, exemplified with the three regions above it is shown how poorly managed forests, and especially plantation forestry is affecting the watersheds in Chile negatively. Interviews of stakeholders of FSC Chile showed that water availability problems were identified in Regions V, VI, VII, VIII, IX, X, and XIV where intensive forest management occur.

According to the legal review made by Romero et al (2014), there is a series of legal regulations that are meant to safeguard forests and watersheds through protection.

- Various regulations of the Forest Law (Ley de Bosque) remain in force, although with a high degree of ineffectiveness and non-compliance (Romero et al. (2014), On the other hand, other authors, such as Pellet et al. (2005), recognize, for example, their direct relation to watershed management, since they
permit protection of the soil and water, utilizing prohibitions on cutting vegetation. According to Gayoso and Gayoso (2003), "The lack of consideration of the topographic differences, reliefs, soils, climatic variables, vegetation, and type and importance of streams has made the regulation inapplicable". They also indicate that to overcome this deficit, the forest institution (CONAF) has gradually incorporated management regulations, orientations regarding treatment of stream protection, mentioning the following management regulations. Below are some examples of how some of the regulation are applied to forest management in Chile:

- Management regulations applicable to thinning operations for the oak-rauli-coigüe type of forest. Permanent streams shall have a protective, unmanaged strip 30 metres (m) wide on each side of the stream. Non-permanent watercourses are protected by a strip 15 m wide, as a minimum. Also, protected from any production are areas with slopes equal to or greater than 60% for more than 30 metres (m) (Gayoso and Gayoso 2003, Pellet et al. 2005).

- Management regulations applicable to final cutting in evergreen forest types which fix the minimum width of protective riparian strips at 10 to 20 m and from 20 - 30 m for permanent watercourses, according to the lateral slope degree - between more than 30% and less than 45% (Gayoso and Gayoso 2003, Pellet et al. 2005).

- Regulations applicable to management of plantations of Eucalyptus spp., Pinus radiate, D. Don and other exotic species. A strip of protective forest shall be kept that is 25 m wide shall be applied on each side of the watercourse on permanent and temporary watercourses (Gayoso and Gayoso 2003).

- Supreme Decree No. 2.374, approves the regulations for harvesting forests found in hydrographic watersheds. In Article 4, it states that: "In any situation in which the land has an excessive slope, or in which its nature is that it is easily disaggregated, forest harvesting shall be absolutely prohibited, at least in a zone no less than 200 m on both sides of the "thalweg" (line that links the lowest points of a ravine)". These regulations are intended to prevent the destruction of hydrologic-forest equilibrium through a system of harvesting forests located in a watershed and established on lands declared as forest (Pellet et al. 2005).

- One of the instruments used most frequently in recent years is Decree-Law 701 (1974) on promotion of forests, amended by Law 19.561 in 1998. Article 13 of this decree identified protective forests as "those located on fragile soil with slopes equal to or greater than 45% and those close to springs, streams or bodies of water intended to protect the water resource, which may cover a strip equivalent to the maximum width of the natural streambed and may not exceed 400 meters measured from the its bank. However, it does not define additional conservation measures for these forests.

- Law 20.283 of 2008, on Recovery of Natural Forests and Forest Promotion, defines in Article 2 that a "natural conservation and protective forest is one, of whatever area, that is located on slopes equal to or greater than 45%, on fragile soil, or at least 200 meters from springs, natural bodies of water or streams, intended to protect soil and water resources."

- The regulations on Soil, Water, and Wetlands in Law 20.283, published in February 2011, establish in Article 2, letter p), a “protective zone with exclusion of work”, whose size will depend on the stream’s section area (Figure 1ª depicted in cited the Law publication). Those same regulations also establish in
Article 2 letter q) a “Protective zone with limited management” contiguous to the zone of exclusion of work of a natural watercourse with a section greater than 0.50 m², body of water or spring, whose size shall vary with the slopes present on the land (Figure 1B depicted in cited the Law publication). In addition, Articles 3 and 4, indicate the possible types of work that can be performed and the restrictions to be considered in each protective zone, whereas Article 5 regulates application of these activities in the nation’s territory depending on the region. Figure 1C (depicted in cited the Law publication) shows how both protective zones would be seen around a watercourse. Furthermore, the same regulations establish a protective zone 10 m wide, measured horizontally, around bodies of water located in priority conservation sites or Ramsar sites, outside of which work may be done in the tree cover, leaving at least 10% of it.

Additionally, the government has several legal instruments available to deal with water shortage in Chile such as the ability to create new water reserves, groundwater restricted areas etc. For example, the Decree of Reserve led to the declaration of 28 water reserves in the nation from 2007 to 2015, in zones where there are forest management activities, from Region V southward, there are decrees of reserves in the MR and Regions VI, VII, IX, X, XI and XII. (Water Atlas (Atlas del Agua), Chile 2016). Another example included the Chilean General Directorate of Waters (Dirección General de Aguas de Chile--(DGA) keeps a map of Declarations of Exhaustion of Surface Waters in the country’s forest zone from Region V southward. There are Declarations of exhaustion in rivers in the Region V, Metropolitan Region, Region VI and Region VIII. (Water Atlas, Chile 2016).

Forest Management Plans for watersheds and vulnerable soils: The legal requirements applicable to forest activities shall be integrated into forest management plans in Chile as safeguards for the protection of vulnerable soils and HCV 4 water related values. Forest managers need to prepare a Management Plan for Plantations and/or for Natural Forests which is presented and approved by the National Forest Corporation (Corporación Nacional Forestal--CONAF). Within these “Environmental Protection Measures” are required which include safeguards for vulnerable soils and water protection. For soil and water protection connected to forest management, the main safeguard/control tool is the Management Plan. Regarding Management Plans for Forest Plantations, a description of the environmental protection measures is required, as well as attaching an Environmental Protection Map which must show graphically: the property boundaries, magnetic north, U.T.M. coordinates, hydrographic network, existing roads, contour levels, sectors with restrictions due to the topography, sectors with restrictions due to the soil conditions, sectors with restrictions because of the presence of water resources, roads and planned gathering points, high and medium priority forest fire protection zones and observation towers and combat brigades.

In the case of Management Plans for Natural Forests, in which protective measures are required, a description is required of Protective Measures for Soil, Water, Biodiversity and Landscapes; which must include measures for implementation of water care, considered to be measures for controlling erosion and sediments, measures to prevent or minimize alterations of springs, bodies of water and watercourses, and measures to implement construction of roads, among others.
Upon reviewing the relevant regulations and related information available, management of protective riparian stream areas where forest management activities take place are deemed to be under control by CONAF and through control of compliance with management plans through regular auditing. By consulting with CONAF, it was indicated that information referring to the applicable regulations they apply to audits and sanctions and fines for non-compliance with management plans and for damage to protective areas, is kept in an internal database known as SAF. The information is not available to the public, but can be requested.

For forests that protect vulnerable soils and watersheds, the requirements in the forest management plans are being overall well complied with. This is confirmed by reviewing FSC-CWRA-002-CHI and the information provided in indicator 1.3 indicating that 25% of submitted management plans in Chile was under inspection, and the non-conformance level was under 3.5%. The compliance levels related to vulnerable zones were also crossed checked against stakeholder opinions that ensures that damage to vulnerable soils is not a recurrent issue caused by forest management companies in Chile (stakeholder consultation conducted by FSC Chile on the draft outcomes of this assessment in 2016).

In conclusion, there were not significant issues of soil erosion detected from forest management activities. Chile.

Upon reviewing the information related to the availability of water (detailed above), there are many areas of the country where groundwater availability is limited and disputes of substantial magnitude between rural communities and forest plantation operations. According to the evidence analysed and interviews of stakeholders of FSC Chile water availability problems were identified in Regions V, VI, VII, VIII, IX, X, and XIV where intensive forest management occur. These HCV 4 values are identified in these areas have a high likelihood of being threatened by forest management activities thus are considered specified risk.

Low and Non-productive Forest Regions: XV, I – IV, Metropolitan Region, and XI, XII: Whilst some forests exist in regions XV, I – IV, these areas do not have any natural forests forest production, forest plantations in production or any forest management. Region XI and XII only have low-intensive forest management (Overview section and 8.2; 8.3). Forest management is thus not considered a threat in any of these regions on HCV4.

Risk conclusion

Plantations in productive forest regions: V, VI, VII, VIII, IX, X, and XIV
HCV 4 values are identified in these areas have a high likelihood of being threatened by forest management activities thus are considered Specified risk for Production of plantations (Specified risk threshold (22) is met).

Non-productive forest Regions: I – IV, RM and XV, XI, XII and natural forest in regions V-X, XIV
Low risk threshold (20) is met: there is low/negligible threat to HCV4 caused by management activities in the area under assessment.
### 3.5 HCV 5

<table>
<thead>
<tr>
<th>Occurrence</th>
<th>Geographical scale:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NTFPs:</strong> NTFP harvesting occurs in all areas where there are native forests and plantations in the country. In some areas NTFPs are collected for personal consumption, and in other areas the collection is for personal consumption and commercial sale. However, there are no communities where NTFP sites and resources are fundamental for satisfying the basic necessities of local communities or indigenous peoples in Chile. Under FSC forest management certification NTFP are not identified as an HCV5. Firewood is a product that rural communities obtain from the forests for their use mainly to heat their homes and sale. In Chile, there are no communities that depend solely on firewood to meet their fundamental energy needs as other sources are also available to them such as gas, oil, coal and electricity. This finding was corroborated by stakeholder consultation conducted by FSC Chile. Ábalos (1997) states that dependency of firewood occurs in regions where there is an abundance of forest biomass, since it would be associated with low prices. As the biomass becomes scarcer and needs to be transported over long distances, the prices rise and substitute energy sources become more competitive. In fact, in Region V the relation between levels of consumption in small and large cities was the inverse of that observed in the south, responding rather to availability of biomass than to cultural factors. Drinking water: Water availability is a fundamental resource for sustaining basic necessities for rural communities, as lack of drinking water is a known issue in Chile (See HCV 4). Forest monocropping with rapid-growth exotic species has a high demand for water, as well as other land uses. The change in land use where forest monocropping prevails creates effects on regulation of the hydrological cycle by reducing the availability of water (Huber et al. 2008, Little et al. 2009), a process that in practice goes from reduction of flows to their exhaustion (Huber et al. 2010). Also harvesting can affect riparian zones and watersheds. See more information under indicator 3.4 HCV4.</td>
<td>- Region</td>
</tr>
<tr>
<td><strong>Functional scale:</strong></td>
<td>- Type of forested area</td>
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<tr>
<td></td>
<td>- Natural forest</td>
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<td>- Plantation</td>
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<td></td>
<td>- Scope of management</td>
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<td>- Areas with forest management plan</td>
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<td></td>
<td>- Other areas</td>
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<td>- Areas with high intensity forest management operations</td>
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<td>- Areas with low intensity forest management operations</td>
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<td>- Areas where no forest management operations occur</td>
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</table>

### Threats & Safeguards identification and evaluation

Please see indicator 3.4 HCV4 for a description of how forestry affects watersheds and drinking water availability. Accumulatively, land use (including forestry) has lead to a decrease in drinking water availability, which has lead to a lack of water supply in numerous rural localities and affected many families, who had to be supplied by tanker trucks (10.1). Based on this the risk is considered specified for water availability for local communities.

Low and Non-productive Forest Regions: XV, I – IV, Metropolitan Region, and XI, XII: Whilst some forests exist in regions XV, I – IV, these areas do not have any natural forests forest production, forest plantations in production or any forest management-. Region XI and XII only have low-intensive forest management (Overview section and 8.2; 8.3). Forest management is thus not considered a threat in any of these regions on HCV5.

### Risk conclusion

*Plants in productive forest regions: V, VI, VII, VIII, IX, X, and XIV*

HCV 5 values identified in these areas have a high likelihood of being threatened by forest management activities thus are considered Specified risk (Specified risk threshold (26) is met).
Non-productive forest Regions: I – IV, RM and XV, XI, XII and natural forest in regions V-X, XIV

Low risk threshold (24) is met: there is low/negligible threat to HCV5 caused by management activities in the area under assessment.

<table>
<thead>
<tr>
<th>HCV 6</th>
<th>Occurrence</th>
<th>Geographical scale:</th>
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<tbody>
<tr>
<td>13,14</td>
<td>In Chile, there are HCV 6 designated as important under the national legislation and/or international conventions, including: The World Heritage Convention was approved by UNESCO’s General Conference in 1972, and then ratified by Chile in 1980. The World Heritage List is a list of cultural and natural heritage properties throughout the whole world that are considered of exceptional universal value, that is, that are of value to all mankind, and not only to the community or country in which they are situated. Chilean Sites on the World Heritage List (WHS): Rapa Nui National Park (1995), Churches in Chiloé (2000); Historical Area of the city-port of Valparaíso (2003); Humberstone and Santa Laura Saltpetre Works (2005) and Sewell Camp (2006) and Qhapaq Ñan – Andean Trail System (2014), which is a site shared by 6 countries, including Chile. Not all UNESCO World Heritage Sites in Chile are forested sites nor are they in areas influenced by forest management. Historic Monuments are places, ruins, buildings and fiscal, municipal or privately-owned objects, which because of their historic or artistic quality or because of their antiquity, have been declared as such by supreme decree, dictated at the request and prior agreement of the Council. In analysing the Historic Monuments in the zones where there is forest management in Chile (from Region V to Region XII), 1,010 Historic Monuments were identified, most of which correspond to urban sites. The Historic Monuments located in forest management influence zones, identified in <a href="http://www.Monumentos.cl">www.Monumentos.cl</a> correspond to ceremonial sites of importance to the Mapuche communities, and according to consultations with experts such as Noelia Carrasco (University of Concepción – Chile) and stakeholder consultations via FSC Chile, the existing public information about these sites is published on this webpage. The sites identified are in Lonquimay, Freire, Rio Bueno, Padre Las Casas, Villarica, Cañete, Freire, and Arauco Communes. One site that is considered important among the Historic Monuments defined by the experts and stakeholders in Chile is the Monte Verde site (archaeological site). In 1977, the U.S. archaeologist, Tom Dillehay, began his investigations of that site, initiating a series of excavations that resulted in the discovery of a human settlement that wither carbon 14 measurements was found to have a date of 14,800 years old. This indicated there were vestiges of the Pleistocene period located in Puerto Montt Commune.</td>
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<tr>
<th>Functional scale:</th>
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<td>- Region</td>
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<tr>
<td>- Type of forested area</td>
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<td>- Plantation</td>
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<tr>
<td>- Scope of management</td>
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<tr>
<td>- Areas with low intensity forest management operations</td>
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<tr>
<td>- Areas where no forest management operations occur</td>
</tr>
</tbody>
</table>

Low risk for regions: V - X, and XIV. Threshold (29) is met: HCV 6 is identified in the area under assessment, but it is effectively protected from threats caused by management activities. Low risk for regions: I – IV, RM, XI, XII, and XV. Threshold (28) is met: there is low/negligible threat to HCV 6 caused by management activities in the area under assessment.
Nature Sanctuary (NS). Nature Sanctuaries are all the terrestrial or marine sites that offer special possibilities for geological, palaeontological, zoological, botanical or ecological studies and research, or that possess natural formations whose conservation is of interest to science or the State. Defence of one of the categories with which Chile protects its natural heritage, Nature Sanctuary, corresponds to the National Monuments Council (Consejo de Monumentos Nacionales). The NS are terrestrial or marine sites that offer special or unique conditions and possibilities for geological, palaeontological, zoological, botanical or ecological studies and research, whose conservation is of interest to science or the State.

In the country’s forest zones, from Region V to Region XII, there are 33 Nature Sanctuaries, several of which represent marine ecosystems and islands in areas of forest influenced by management of both natural forests and plantations; there are 18 of them located in Dalcahue, Melipilla, Puerto Montt, Linares, Longaví, Colbún, Aysén, Chanco, Vichuquén, El Tabo, Huallahue, Teno, Cohueco, San Clemente, San José de Maipo, Valdivia, Til Til, San Felipe and Pirque Communes. ([http://www.monumentos.cl/](http://www.monumentos.cl/)).

Regarding sites of cultural, archaeological or historical interest for indigenous peoples, in particular, the Mapuche people, who are located in areas potentially influenced by forest management in Chile. Information on this was accessed at [www.monumentos.cl](http://www.monumentos.cl); and it was observed the website information is in the process of being updated and/or populated. For example, during the year 2015 the Ministry of National Properties (Ministerio de Bienes Nacionales) began preparation of the first registry of ceremonial sites in La Araucanía.

In the opinion of the social experts consulted, they indicate that the Indigenous Development Areas (IDA) can also be considered as sites of cultural interest. Indigenous Development Areas (IDA) are territorial spaces in which the administrative organisms of the State will focus their actions for the benefit of harmonious development of the indigenous peoples and their communities. To be established, they must meet the following criteria: Territorial spaces in which the indigenous ethnics have lived traditionally, with a high density of indigenous population, existence of lands of indigenous communities or individuals, ecological homogeneity and dependence on natural resources for the equilibrium of those territories, such as management of watersheds, rivers, river banks, flora and fauna”.

In the forest management area of influence in Chile the following IDAs have been declared: Lleu Lleu (Cañete, Contulmo and Tirúa Communes); Alto Bío Bío IDA (Santa Bárbara Commune); Ercilla IDA (Ercilla Commune); Budi Lake IDA (Teodoro Schmidt and Puerto Saavedra Communes); Puel Nahuelbuta IDA (Galvarino, Chol-Chol, Lumaco. Purén, Traiguén and Los Sauces Communes).

In the opinion of the experts consulted, it is evident that in communes in Regions VIII, IX, XIV, and X, there are sites of cultural interest for the Mapuche communities.

**Threats & Safeguards identification and evaluation**

Whilst some forests exist in regions XV, I – IV, these areas do not have any natural forests forest production, forest plantations in production or any forest management-. Region XI and XII only have low-intensive forest
management (Overview section and 8.2; 8.3). Forest management is thus not considered a threat in any of these regions on HCV6.

Potential threats related to forest management activities that can affect HCV 6 are:

- Destruction or damage of HCV 6 values as the result of forestry work (harvesting, construction of roads, and preparation of lands for plantations, among others).
- People from outside the communities entering sections of cultural interest while forestry work is being done (forest workers) which can lead to HCV 6 values being damaged.
- Increase in accessibility to sites of cultural interest to the communities, as accessibility is improved by construction of forest roads which can lead to HCV 6 values being damaged.

There is legislation in place to protect the cultural values and which applies to all productive activities in the country, including forestry. The applicable legislation is Law No. 17.288 on National Monuments and its Regulations (D.L. No. 484 of the 02.04.1991) and Law No. 19,300 On General Bases of the Environment (Modified by Law No. 20,417.). During the review of the information and consultation with experts (see list of experts) and stakeholder consultation via FSC Chile there was no evidence that the threats identified above are occurring due to forest management activities.

**Risk Conclusion**

*Productive forest regions: V, VI, VII, VIII, IX, X, and XIV*

HCV 6 is identified and/or its occurrence is likely in the area under assessment but it is effectively protected from threats caused by management activities in Production: Natural Forests and plantations. Low risk threshold (29) is met.

*Non-productive and low intensity forest regions: XV, I – IV, RM and XI, XII:*

Low risk. Threshold (28) is met: there is low/negligible threat to HCV 6 caused by management activities in the area under assessment.
### Recommended control measures

The recommended control measures here are only indicative in nature, and are not mandatory. Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Recommended control measures</th>
</tr>
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<tbody>
<tr>
<td>3.0</td>
<td>N/A</td>
</tr>
</tbody>
</table>
| 3.1 HCV 1 | Verify if HCV 1 species is present in the wood supply area:  
1) In the opinion of the experts on threatened species, there is sufficient information in Chile to be able to make an analysis and define the distribution of the threatened species, creating a probability matrix, so there are communes or sectors of the country that could be classified as low risk. This will begin with an analysis of the information available at [www.chilebosque.cl](http://www.chilebosque.cl). If HCV 1 species are found in the wood supply area move to adopting the controlled measures for confirmed Specified risk areas, if no significant distribution of HCV 1 species are found in the wood supply area, the wood supply area can be considered Low risk.  
**Evidence required for Specified risk areas**  
**Generic:**  
1) Maintain protection areas defined in the management plans presented to CONAF for cutting natural forests and plantations.  
2) Define practices for harvesting forests that allow conservation of areas of natural vegetation, protection areas, threatened species (Manual of Good Practices).  
3) Define practices for building roads that minimize fragmentation of natural forests and protection areas (wildlife corridors).  
4) Implement measures for controlling hunting and illegal cutting.  
**Country Specific:**  
1) Comply with the requirements of CONAF’s management plans, do not damage protection areas or individuals of threatened species or species protected by law.  
2) Review the presence of threatened species in adjoining sectors or closer to the areas to be harvested (Rapid Ecological prospection).  
3) Train personnel in work with threatened species that potentially could be found in areas in operation.  
4) Mark on maps or in the field the presence of threatened species. |
| 3.2 HCV 2 | 1) Comply with the requirements of CONAF’s management plans, do not damage areas defined as protection areas for soil, water, forests, others.  
2) Make a prior analysis of work to be done to evaluate the condition of the forest and potential damage from operations in landholdings located at a distance that is less or equal to 5 Km from forests that have the characteristic of IFL.  
3) Forest management activities do not cause fragmentation of the protected landscape.  
4) On landholdings bordering on an IFL, buffer areas will be implemented, defined by experts or according to restrictions in the Management Plan for Protected Areas and low impact harvesting operations in sectors that border on the IFL and there is no evidence of any commercial industrial cutting now or in the future in IFL areas.  
5) There is evidence that management activities in HCV 2 areas do not contribute to/increase forest fragmentation by seeking evidence such as:  
  - Satellite images demonstrating no road infrastructure in HVC 2 areas (for non SLIMF operators; e.g. using platforms such as Google earth)  
  - Buffer forest management zones adjacent to HCV 2 and IFL core areas are using low impact forestry Reduced Impact Logging) to minimize forest cover loss and fragmentation  
  - Management plans do not include development of industrial logging and road infrastructure |
| 3.3 HCV 3 | Verify:  
Communes where there is the presence of areas with HCV and the supply units are located adjacent to or at least at a distance of 5 Km. from the boundary of the area with HCV.  
The communes are: |
<table>
<thead>
<tr>
<th>Nº</th>
<th>Comuna RNE</th>
<th>Provincia</th>
<th>Región</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Vichuquén</td>
<td>Curicó</td>
<td>VII del Maule</td>
</tr>
<tr>
<td>2</td>
<td>Molina</td>
<td>Curicó</td>
<td>VII del Maule</td>
</tr>
<tr>
<td>3</td>
<td>Constitución</td>
<td>Talca</td>
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<td>Empeadra</td>
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<td>Mauleco</td>
<td>IX de la Araucanía</td>
</tr>
<tr>
<td>32</td>
<td>Temuco</td>
<td>Cautín</td>
<td>IX de la Araucanía</td>
</tr>
<tr>
<td>33</td>
<td>Carahue</td>
<td>Cautín</td>
<td>IX de la Araucanía</td>
</tr>
<tr>
<td>34</td>
<td>Toltén</td>
<td>Cautín</td>
<td>IX de la Araucanía</td>
</tr>
<tr>
<td>35</td>
<td>Pitrufquen</td>
<td>Cautín</td>
<td>IX de la Araucanía</td>
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<tr>
<td>36</td>
<td>Villarrica</td>
<td>Cautín</td>
<td>IX de la Araucanía</td>
</tr>
<tr>
<td>37</td>
<td>Gorbea</td>
<td>Cautín</td>
<td>IX de la Araucanía</td>
</tr>
<tr>
<td>38</td>
<td>La Unión</td>
<td>Ranco</td>
<td>XIV de los Rios</td>
</tr>
<tr>
<td>39</td>
<td>Marigna</td>
<td>Valdivia</td>
<td>XIV de los Rios</td>
</tr>
<tr>
<td>40</td>
<td>Corral</td>
<td>Valdivia</td>
<td>XIV de los Rios</td>
</tr>
<tr>
<td>41</td>
<td>Valdivia</td>
<td>Valdivia</td>
<td>XIV de los Rios</td>
</tr>
<tr>
<td>42</td>
<td>Maitín</td>
<td>Valdivia</td>
<td>XIV de los Rios</td>
</tr>
<tr>
<td>43</td>
<td>San Juan de la Costa</td>
<td>Osorno</td>
<td>X de los Lagos</td>
</tr>
<tr>
<td>44</td>
<td>Río Negro</td>
<td>Osorno</td>
<td>X de los Lagos</td>
</tr>
</tbody>
</table>
**Generic:**

1. Maintain production areas defined in management plans presented to CONAF, for cutting native forests and plantations.
2. Define forest harvesting practices that allow conservation of the condition of natural vegetation areas, protection areas, and threatened species (Good Practices Manual).
3. Define practices for building roads that minimize fragmentation of natural forests and protection areas (wildlife corridors).
4. Implement measures for controlling hunting and illegal cutting.
5. Ensure that the number and length of roads and means of access are the indispensable minimum.
6. Establish a buffer area around the HCV 3 identified in order to prevent gradual degradation of the HCV 3 due to anthropic activities.
7. Comply with the requirements of CONAF’s management plans; do not damage protection areas or individuals of threatened species and species protected by law.
8. Planning of operations, considering conservation of the sectors that have HCV 3 category, for example, operations in SNASPE sites where it may be possible to carry out productive activities, MMA sites, WWF sites and Ramsar sites.
9. Mark on maps or in the terrain the presence of threatened species.

| 3.4 HCV 4 | 1) Comply with the requirements of CONAF’s management plans; do not damage areas defined for protection of soil, water, forests, and others. |
| 3.5 HCV 5 | 2) Define forest harvesting practices that allow conservation of the condition of natural vegetation areas and protection areas (Good Practices Manual). |
| 3.6 HCV 6 | 3) Define buffer and harvesting equipment exclusion zones. |
|          | 4) Implement techniques for building roads to minimize damage to protection areas and streams. |
|          | 5) Implement selective cutting systems in situations where there are forests that protect the soil. |
|          | 6) Comply with the legal requirements defined in management plans with regard to protective areas for streams and the soil. |
|          | 7) Mark or place signs in water catchment sectors. |

<p>| 3.6 HCV 6 | N/A |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Source of information</th>
<th>Relevant HCV category and indicator</th>
</tr>
</thead>
</table>
24) http://iucnrle.org/resources/published-assessments/
26) http://www.proyectogareasprotegidas.cl/areas-protegidas-de-chile/mapas/

HCV 4
27) Fabián Romero et al. 2014. Riparian Zones: Protection, Restoration and Legal context in Chile (Zonas ribereñas: protección, restauración y contexto legal en Chile), Bosque (Valdivia) v.35 n.1 Valdivia
28) http://repositoriodigitalonemi.cl/web/handle/2012/89
29) http://apmldia.com/aluviones-en-chile-historia-y-analisis/
30) http://www.conaf.cl/nuestros-bosques/bosque-nativo/formularios-para-planes-de-manejo/
31) http://www.conaf.cl/nuestros-bosques/plantaciones-forestales/formularios-dl70/
32) http://comercial.ciren.cl/
33) Guidelines for High Conservation Values and FSC Principle 9 in Chile. 2014. FSC-Chile.

HCV 5
34) http://www.dga.cl/atlasdelagua/Paginas/default.aspx

HCV 6
37) UNESCO World Cultural Heritage: There are 6 UNESCO World Heritage Sites in Chile. http://whc.unesco.org/en/statesparties/cl
38) www.monumentos.cl
39) http://www.conadi.gob.cl/index.php/nuestra-institucion/areas-de-desarrollo-indigena

| 2 | 1) www.mma.cl | 3.0 Threats |
| 3 | 2) www.conaf.cl | |
| 4 | 3) http://info.fsc.org/certificate.php | |
| 5 | 4) http://www.wwf.cl/noticias/publicaciones/ | |

| 3 | 1) RAMSAR Sites in Chile: Chile has 13 wetlands of international importance. [http://www.ramsar.org/wetland/chile](http://www.ramsar.org/wetland/chile) | HCV 1 Occurrence |
| 3 | Conservation International: [http://www.conservation.org/How/Pages/Hotspots.aspx](http://www.conservation.org/How/Pages/Hotspots.aspx) |
| 4 | WWF Ecoregion Global 200 |
| 5 | Bosques Frontera: [www.intactforest.org](http://www.intactforest.org) |
| 6 | Sistema Nacional de Áreas Silvestres Protegidas (SNASPE): approximate area of 14.5 million hectares, 19.2% of Chile’s continental territory. [www.conaf.cl](http://www.conaf.cl) | |
7) IUCN: As of 2016, there are 1,788 species listed by IUCN for Chile, of which 43 are critically endangered; 46 Endangered, and 104 classified as vulnerable. [www.iucnredlist.org](http://www.iucnredlist.org)

8) Bird Areas (IBAS) Bird Life International, has identified 176 IBA’s (Important Bird and Biodiversity Area Search).

9) CITES Threatened Species of Fauna and Flora: [www.cites.org](http://www.cites.org)

10) List of Threatened Species (Listado de Especies Amenazadas) Ministry of the Environment (Ministerio de Medio Ambiente), [www.mma.cl](http://www.mma.cl)

11) Species Prohibited for Hunting (Especies prohibidas de Caza) Hunting Law (Ley de Caza). [http://www.sag.cl/ambitos-de-accion/especies-prohibidas-de-caza](http://www.sag.cl/ambitos-de-accion/especies-prohibidas-de-caza)


13) [www.conaf.cl](http://www.conaf.cl)

14) [www.mma.cl](http://www.mma.cl)

15) [www.chilebosque.cl](http://www.chilebosque.cl)

16) Alarcón and Cavieres. 2015. *In the Right Place at the Right Time: Habitat Representation in Protected Areas of South American Nothofagus-Dominated Plants after a Dispersal Constrained Climate Change Scenario*. Published: March 18, 2015 [http://dx.doi.org/10.1371/journal.pone.0119952](http://dx.doi.org/10.1371/journal.pone.0119952)

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<table>
<thead>
<tr>
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<th>HCV 2 Occurrence</th>
<th>HCV 2 Threats</th>
<th>HCV 3 Occurrence</th>
</tr>
</thead>
</table>
| 4) 1) [www.conaf.cl](http://www.conaf.cl)  
2) [www.mma.cl](http://www.mma.cl)  
3) [http://gefespeciesinvasoras.cl](http://gefespeciesinvasoras.cl)  
| 5) 1) [http://www.intactforests.org/world.map.html](http://www.intactforests.org/world.map.html)  
2) Roadmap to Recovery: The world's last intact forest landscapes. 2006. Greenpeace | | 1) [http://www.intactforests.org/world.map.html](http://www.intactforests.org/world.map.html)  
4) [http://iucnrlie.org/resources/published-assessments/](http://iucnrlie.org/resources/published-assessments/) | | | |
5) Guidelines for High Conservation Values and FSC Principle 9 in Chile (Pautas para Altos Valores de Conservación y Principio 9 de FSC en Chile). 2014. FSC-Chile.
6) http://areasprotegidas.mma.gob.cl/
7) http://www.proyectogareasprotegidas.cl/areas-protegidas-de-chile/mapas/
8) Consultation with experts.

|---|---|
| 9 | 1) Fabián Romero et al. 2014. Riparian Zones: Protection, Restoration and Legal Context in Chile (Zonas ribereñas: protección, restauración y contexto legal en Chile. Bosque (Valdivia) v.35 n.1 Valdivia  
2) http://repositoriodigitalonemi.cl/web/handle/2012/89  
3) http://apmtlda.com/aluviones-en-chile-historia-y-analisis/  
4) http://www.conaf.cl/nuestros-bosques/bosque-nativo/formularios-para-planes-de-manejo/  
5) http://www.conaf.cl/nuestros-bosques/plantaciones-forestales/formularios-d170/  
6) http://comercial.ciren.cl/  
7) Guidelines for High Conservation Values and FSC Principle 9 in Chile (Pautas para Altos Valores de Conservación y Principio 9 de FSC en Chile). 2014. FSC-Chile.  

| 10 | 1) Water in Chile (Agua en Chile) 2014. Territorial Diagnoses and Proposals for Dealing with the Water Crisis (Diagnósticos territoriales y propuestas para enfrentar la crisis hídrica) Iniciativa, Water for you to drink (Iniciativa Agua que has de Beber) May 2014  
2) Pautas para Altos Valores de Conservación y el Principio 9 de FSC en Chile. 2014. (Guidelines for High Conservation Values and FSC Principle 9 in Chile. 2014.  

| 11 | 1) http://www.dga.cl/atlasdelagua/Paginas/default.aspx  
5) Reyes et al. Firewood, Renewable Energy for Conservation of Natural Forests in Chile (Leña energía removable para la conservación de los bosques nativos de Chile). AIFBN.

Controlled wood category 4: Wood from forests being converted to plantations or non-forest use

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Source of information</th>
<th>Functional scale</th>
<th>Risk designation and determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1</td>
<td>Native forest</td>
<td>-</td>
<td><strong>Assessment based on legality</strong></td>
</tr>
<tr>
<td></td>
<td>1 Act 20.283 (on native forest recovery and forest development) (L20.283 sobre recuperación de Bosque Nativo y fomento forestal) 30 July 2008 (<a href="https://www.leychile.cl/Navegar?idNorma=274894">https://www.leychile.cl/Navegar?idNorma=274894</a>)</td>
<td>-</td>
<td>Content of law</td>
</tr>
<tr>
<td></td>
<td>2 Act 18.362 (Act on Protected Areas) (SNASPE) 10 October 2014 (L 18.362 ley de Áreas Protegidas) (<a href="http://www.leychile.cl/Navegar?idNorma=29777">http://www.leychile.cl/Navegar?idNorma=29777</a>)</td>
<td>-</td>
<td>Chile created the National System of Protected Wildlife Areas (SNASPE) in 1984, whose main purpose is to protect the terrestrial or aquatic areas which represent the biological and cultural diversity of the country, with CONAF being responsible for the administration and care of them with SNASPE, which covers 19% of the national territory (Ministry of the Environment 2011) (Ministerio del Medio Ambiente). In Article III of this law any cutting of native flora within these areas is forbidden. According to Bergh and Promis 2011 “Act 20.283 on Native Forest Recovery and Forest Development, which aims at the protection, recovery and improvement of native forests in order to ensure forest sustainability and environmental policy. However, this Act does not give an explicit indication of the replacement regulation of native forest with plantations, nor the development of agricultural land from native forest. “However, in order to cut down native forest, a management plan must be presented an instrument that in its specifications restricts the clear cutting and therefore restricts the substitution of native forest. Based on the Decree 701-article 28, any cutting action, in natural or artificial forests, whether or not they have been declared before to the CONAF, will require reforestation or regeneration of an area of land equal to that cut at least in similar conditions of density and quality, in accordance with the forestry engineer's plan. There is a possibility of a change in land use of native forests in the cases of projects that require installing civil works, for which a Civil Works management plan must be presented to CONAF, agreeing to establish the same cut surface of native forest in the plot or if not possible outside of it, under the compensation modality. In the case in which the native forest to be cut down is environmentally relevant on a national level, a declaration or environmental impact assessment must be submitted beforehand to the management plan for civil works, as appropriate, based on the parameters defined in the regulations of the Environmental Act 19.300 (Ley ambiental 19.300).</td>
</tr>
<tr>
<td></td>
<td>3 Supreme Decree 93 (approving general regulations on native forest recovery and forest development) (D.S 93: aprueba reglamento general sobre recuperación de BN y fomento forestal) 10 March 2012 (<a href="http://www.leychile.cl/Navegar?idNorma=1006865">http://www.leychile.cl/Navegar?idNorma=1006865</a>)</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4 Supreme Decree 82 (approving soil, water and wetland regulations L20283) (D.S 82: aprueba reglamento de suelos, aguas y humedales L20283) 20 July 2010 (<a href="http://www.concursolbn.CONAF.cl/ajuda/Reglamento_Suelos_Agua_Humedales.pdf">http://www.concursolbn.CONAF.cl/ajuda/Reglamento_Suelos_Agua_Humedales.pdf</a>)</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5 Supreme Decree 4363 (on the Forest Law) (D.S. 4363 sobre ley de bosques) 2 February 2013 (<a href="http://www.leychile.cl/Navegar?idNorma=194422">http://www.leychile.cl/Navegar?idNorma=194422</a>)</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td></td>
<td>7 Supreme Decree 43 (declaring la Araucaria to be a natural monument) (D.S 43 declara monumento natural a la</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>
Araucaria) 3 April 1990
(http://www.leychile.cl/Navregar?idNorma=8102&idParte=0)
8 Supreme Decree 490 (declaring el Alerce to be a natural monument) (D.S 490: declara monumento natural al Alerce) 8 May 2003
9 Supreme Decree 295 (banning the cutting of trees in the Andean zone) (D.S. 29: prohíbe la corta de árboles en zona Andina) 31 January 1979
(http://www.leychile.cl/Navregar?idNorma=1027876)
10 Supreme Decree 129 (banning the cutting and extraction of Copihue) (D.S 129: prohíbe corta y extracción del Copihue) 1 April 1971
(http://www.sag.cl/sites/default/files/d_s_129_copihue.pdf)
11 Supreme Decree 68 (approving the count of tree and shrub species originating in the country) (D.S 68: aprueba nómina de especies arbóreas y arbustivas originarias del país) 2 December 2009
(http://www.leychile.cl/Navregar?idNorma=1008674)

Forest plantations
(http://www.leychile.cl/Navregar?idNorma=6294)
13 Supreme Decree 2374/1937 on forest and water basins exploitation (D.S 2374/1937: sobre explotación bosques cuencas hidrográficas) 24 November 1937

Other Acts
14 Act 19.300 bases of the environment (Ley 19.300 bases del medioambiente) 9 March 1994
www.bcn.cl/leyes/pdf/actualizado/30667.pdf

Act 19.300 and its regulation amendments in 2012 specify the variables to be considered in order to define a project as requiring EIS or EIA. It applies to forest development or logging projects covering a single or continuous final harvesting area or area for regeneration felling, though the clear felling of more than 20 hectares a year from the regions of Arica and Parinacota to the region of Coquimbo. In the case of the region of Valparaiso and the Metropolitan region of Santiago, 200 hectares per year. In the case of the region of Libertador General Bernardo O’Higgins to the region of Aysén, 500 hectares per year. In the case of the regions of Magallanes and Antártica Chilena, 1000 hectares per year. It also applies to forest development or exploitation projects on fragile soils and native forest land.

Is the law enforced?
The substitution had devastating effects in areas where there is no greater state protection. According to Aguayo et al. 2009 “Between 1979 and 2000 it was possible to quantify a net loss of 184 thousand hectares of native forest, equivalent to 28.2% of the forest in 1979. During this period the native forest was replaced at an annual rate of 1.6%”. It should be noted that erroneous land-use classifications, which indicated, for example: as thicket of secondary forest of native forest (especially close to protected areas), they allowed between 1974 and 1992, more than 200 thousand hectares of native forest to be replaced in Chile mainly by forest plantations (Aguayo et al. 2009, Donoso and Otero 2005). Studies carried out by certification bodies, Rainforest Alliance, SGS and Woodmark, as well as Universities such as the Austral University and the Concepción University, have led to the quantification of the substitution carried out by forest companies in Chile, done based on the requirements to obtain the FSC certification (Table 1). This study shows us the number of hectares already converted during the past years. The intent of including this, is to describe that this conversion category was a main problem in the past (and now). These figures show that even certified companies have converted native forest into plantation.
15 Supreme Decree 40 General framework law regulation (DS 40 Reglamento ley de bases) 12 August 2013
https://www.leychile.cl/Navegar?idNorma=1053563

Audit institutions
CONAF 1 to 13
Ministry of the Environment (Ministerio de Medioambiente) 14, 15

Sources:
Global Forest Watch (Chile data) Updated until 2016: http://www.globalforestwatch.org/country/CHL
WWF (updated nowadays) Deforestation: http://wwf.panda.org/about_our_earth/deforestation/
Forest Legality Alliance- Risk Tool Chile- Last updated September 2014: http://www.forestlegality.org/risk-tool/country/chile
Site web Mongabay.com: Description of Chile. International Forestry Statistics (Estadísticas forestales internacionales): http://rainforests.mongabay.com/deforestation/archive/Chile.htm
CONAF web site: Historial statistics (630,000 ha in forest loss due to wildfire between 2001 and 2013 (Pérdida de bosques por incendios 630,000 ha entre 2001 y 2013)): Table 1: Area replaced by forestry companies

<table>
<thead>
<tr>
<th>Year</th>
<th>Company</th>
<th>Surface replaced (ha)</th>
<th>Substitution area</th>
<th>Estate at that date (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994-2010</td>
<td>Arauco Co.</td>
<td>24,353</td>
<td>VI-IX region</td>
<td>1,086,944</td>
</tr>
<tr>
<td>1994-2012</td>
<td>Volterra Co.</td>
<td>469</td>
<td>VII-IX region</td>
<td>19,185</td>
</tr>
<tr>
<td>1994-2012</td>
<td>F. Tierra Chilena Co.</td>
<td>164</td>
<td>VIII region</td>
<td>4,908</td>
</tr>
<tr>
<td>2006-2012</td>
<td>Masisa Co.</td>
<td>2,229</td>
<td>XIV region</td>
<td>26,453</td>
</tr>
<tr>
<td>1994-2012</td>
<td>Mininco Co.</td>
<td>8,738</td>
<td>VIII region</td>
<td>656,738</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>35,953</td>
<td></td>
<td>1,794,228</td>
</tr>
</tbody>
</table>

Source: Elaborated from info.fsc.org

However, as a result of Forest certification over the last five years, no relevant substitution reports have been identified. The Montreal country report from 2015 on average, for the period 2004 to 2014, includes a 3.7% non-compliance with the approved instruments, corresponding to 7,378.8 hectares or 738 ha/per year (non-compliance with the requirements of the management plans for the whole country). The report indicates that the number of inspections has decreased from 1400 controls to 800 over the same period, however, the use of remote sensing technologies via satellite imagery, reconnaissance flights, aerial photographs, use of drones, etc. has been reinforced which results in greater effectiveness in the control.

However, based on interviews with various experts, substitution is only one aspect of conversion (that which is caused by plantations) which is mainly caused by other productive activities including agriculture, especially by
There are other studies that show that deforestation rates for native forests in Chile are high, but the study areas have been at a local level (focusing on commercial purposes). There is an increase in forest (both native forest and naturally regenerated forest) between the years 2010 and 2015 (168,800 ha per year, from 13,847,000 ha to 16,937.57 ha). In contrast, FAO Global Forest Resources Assessment for Chile (2016), the average annual native forest loss between 1999-2000 was 30,000 ha annually, which is well below the threshold of the indicator.

Furthermore, there are doubts about the reliability of the figures provided by CONAF, and other parties that differ greatly.

Is it possible to conclude that the spatial threshold can be met by assessing the enforcement of legislation? No, the enforcement of the applicable legislation is not sufficient to assess this indicator with the legally-based thresholds.

Assessment based on spatial data

Is it possible to conclude that the spatial threshold (0.02% or 5000 ha) is met? The Montreal country report from 2015 detected that, on average, for the period from 2004 to 2014 there was a 3.7% non-compliance rate with the approved instruments, which corresponds to 7,378.8 hectares, which implies that the estimation of illegal cutting of native forest that does not exceed 738 ha / per year (non-compliance with the requirements of the management plans for the whole country), which is well below the threshold of the indicator.

On the other hand, CONAF published an estimation of deforestation of 6700 ha/year (this spatial data from CONAF was mentioned in a note by El Mercurio, which was cited in the article ‘La verdad incomoda del bosque nativo’ in El Desconcierto.cl, see reference on the ‘Sources of information’). However, when considering conversion as a whole (including which is caused by plantation, agriculture, cattle, among others) there are researchers from Universidad Austral de Chile and Centro de Ciencia del Clima y la Resiliencia (CR) who indicate that these figures from CONAF (6700 ha/year) can be quadrupled: ... These studies, some of which we have participated with in their authorship, show that after the year 2000 the significant net loss rates of native forests persist, which total more than 30,000 ha annually. (See reference on News on the journal El Desconcierto on the list of sources of information). Furthermore, according to Universidad de Chile (2016), the average annual native forest loss between 1999-2013 was 16,937.57 ha.

In contrast, FAO Global Forest Resources Assessment for Chile (2015) shows an increase in forest (both native forest and naturally regenerated forest) between the years 2010 and 2015 (168,800 ha per year, from 13,847,000 ha to 14,691,000 ha). In the case of planted forest, it increased in the same period of time by 132,000 ha per year (from 2,384,000 ha to 3,044,00 ha), mainly for commercial purposes. There are other studies that show that deforestation rates for native forests in Chile are high, but the study areas have been at a local level (focusing on

FSC database: https://info.fsc.org/


Interviews with different experts:

Conversations with different experts - conducted during May 2016, which helped the writers of this report to better understand the applicable legislation and the associated risks with their implementation. Regarding this sub-category, representatives of different organizations were interviewed including: National Forestry Corporation, Ministry of the Environment, Forestry companies, FSC Chile, Internal Revenue Service, Investigation police, WWF Chile, SSC Américas, National Customs Service and legal experts.

It’s important to note that different methodologies are used for the calculation of the deforestation rate, so results obtained are different from each organism.

Based on the differences in numbers among the available spatial data to calculate the average net forest annual loss in Chile, precautionary approach has been applied, thus this indicator is considered specified risk.

Risk designation: Specified Risk
Threshold (4) is met: There is more than 5000 ha net average annual loss or there is more than 0.02% net average annual loss of natural forest in the assessment area in the past 5 years.

Specific types of forests or regions). For example: Miranda et al. (2016), Miranda et al. (2015), among others (sources have been listed in the column to the left).

Recommended control measures
Intentionally left blank – Organizations shall evaluate and devise appropriate control measures to mitigate the risks identified in this risk assessment as applicable.
Controlled wood category 5: Wood from forests in which genetically modified trees are planted

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Sources of information</th>
<th>Functional scale</th>
<th>Risk designation and determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1</td>
<td>Resolution (Resolución) 3970/97, 3135/99 y 1523/2001 OGM (GMO) SAG: <a href="https://www.leychile.cl/Consulta/listado_n_sel?_grupo_aporte=&amp;sub=727&amp;agr=1054&amp;comp=">https://www.leychile.cl/Consulta/listado_n_sel?_grupo_aporte=&amp;sub=727&amp;agr=1054&amp;comp=</a> Servicio Agrícola y Ganadero (SAG): Subject to 2005 SAG resolution 6966 a technical GMO committee and technical secretariat are created (Por resolución exenta 6966 del SAG de 2005 se crea Comite técnico OGM y secretaría técnica) <a href="http://www.sag.gob.cl/sites/default/files/3928-2015_nuevo_comite_ogm.pdf">http://www.sag.gob.cl/sites/default/files/3928-2015_nuevo_comite_ogm.pdf</a> SAG rules (Normativas SAG): <a href="http://www.sag.gob.cl/ambitos-de-accion/organismos-geneticamente-modificados-ogm/1354/normativas">http://www.sag.gob.cl/ambitos-de-accion/organismos-geneticamente-modificados-ogm/1354/normativas</a> SAG. Lists and statistics (Listas y estadísticas): <a href="http://www.sag.cl/ambitos-de-accion/listas-y-estadisticas">http://www.sag.cl/ambitos-de-accion/listas-y-estadisticas</a> Biotech in Chile (Biotecnología en Chile): <a href="http://radicalreference.info/node/425">http://radicalreference.info/node/425</a> Sustainable Societies Foundation report (Informe de Fundación Sociedades Sustentables: Investigación Biotecnológica en Chile orientada a la producción de transgénicos): <a href="http://www.rallt.org/PAISES/LATINOAMERICA/CHILE/invest_biotecnolog.pdf">http://www.rallt.org/PAISES/LATINOAMERICA/CHILE/invest_biotecnolog.pdf</a> GMO New forest conflict: <a href="http://www.mindfully.org/GE/2005/Chile-GM-Trees1feb05.htm">http://www.mindfully.org/GE/2005/Chile-GM-Trees1feb05.htm</a> Genfor S.A: <a href="http://www.forestalchile.cl/directorio/empresas/Genfor%20SA.html">http://www.forestalchile.cl/directorio/empresas/Genfor%20SA.html</a> Chilean GMO Company (Empresa de GMO chilena): Vitrigen SA Interviews with experts: Conversations with different experts - conducted during May 2016, helped the writers of this report to better understand the applicable legislation and the associated risks with their implementation. Regarding this category, representatives of different organizations were interviewed including: National Forest Corporation, Ministry of the Environment, Forest Companies, FSC Chile, WWF Chile, Mapuche Professional, SSC Americas and legal experts.</td>
<td>-</td>
<td>Low risk The following thresholds are met: (2) There is no commercial use of GMO (tree) species in the area under assessment, AND (3) Other available evidence does not challenge a ‘low risk’ designation. According to the applicable legislation, the use of GMO (tree) species is not prohibited in Chile. The use of GMOs in the reproduction or production of seeds or plants for afforestation or reforestation of native or exotic plants has not been authorized until now, and there is no evidence of the use of GMO by the Forestry industry.</td>
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<td>GMO Context Question</td>
<td>Answer</td>
<td>Sources of Information (list sources if different types of information, such as reports, laws, regulations, articles, web pages news articles etc.).</td>
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<td>RES-1523 EXENTA_14-JUL-2001</td>
<td><a href="http://www.leychile.cl/Navegar?idNorma=187630">http://www.leychile.cl/Navegar?idNorma=187630</a></td>
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<td>RES-4468 EXENTA_17-AGO-2010</td>
<td><a href="http://www.leychile.cl/Navegar?idNorma=1016323">http://www.leychile.cl/Navegar?idNorma=1016323</a></td>
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<td>RES-6229 EXENTA_26-OCT-2010</td>
<td><a href="http://www.leychile.cl/Navegar?idNorma=1018451">http://www.leychile.cl/Navegar?idNorma=1018451</a></td>
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<td>Does applicable legislation for the area under assessment include a ban for commercial use of GMO (trees)?</td>
<td>No. In Chile, the use is not prohibited, if regulated and authorized by the Agricultural and Livestock Service &quot;SAG&quot;. The only specific legislation in Chile regarding transgenics is found in Resolution 1927, from 1993 of the SAG on Norms and Regulation of Transgenic Release. According to the Decree of Plant Protection No. 3557, only the entry of transgenic seeds is authorized for multiplication for export purposes. SAG is the official body of the State of Chile, responsible for supporting the development of agriculture, forests and livestock, through the protection and improvement of animal and plant health. SAG is the institution that grants the GMO permits in Chile (reproduction and production).</td>
<td>RES-1927 EXENTA_09-OCT-1993: <a href="https://www.leychile.cl/Navegar?idNorma=40013">https://www.leychile.cl/Navegar?idNorma=40013</a></td>
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In Chile, the use of GMOs in the reproduction or production of seeds or plants for afforestation or reforestation of native or exotic plants has not been authorized until now, and there is no evidence of the use of GMO by the Forestry industry, the opposite situation to agricultural activity.

No, in Chile, the use of GMOs in the reproduction or production of seeds or plants for afforestation or reforestation of native or exotic plants has not been authorized until now, and there is no evidence of the use of GMO by the Forestry industry, the opposite situation to agricultural activity. Also, during the assessment, there is no evidence from the stakeholders interviewed (SAG, forest companies, NGOs, consultant companies..) that shown unauthorized use of GM trees.

Resolution (Resolución) 3970/97, 3135/99 y 1523/2001 OGM (GMO) SAG: https://www.leychile.cl/Consulta/listado_n_sel?_grupo_aporte=&sub=727&agr=1054&comp=

Servicio Agrícola y Ganadero (SAG): Subject to 2005 SAG resolution 6966 a technical GMO committee and technical secretariat are created (Por resolución exenta 6966 del SAG de 2005 se crea Comite técnico OGM y secretaría técnica) http://www.sag.gob.cl/sites/default/files/3928-2015_nuevo_comite_ogm.pdf


Biotech in Chile (Biotecnología en Chile) http://radicalreference.info/node/425


GMO New forest conflict: http://www.mindfully.org/GE/2005/Chile-GM-Trees1feb05.htm

<p>| 4 | Is there any commercial use of GM trees in the country or region? | No. The SAG (Agricultural and Livestock Service), publish lists of use of GMOs. Some of these lists describe the areas where GMOs species have been planted. These lists include only agricultural species and no forest plantation species appear. This is the evidence that prove that actually there are no commercial use of GM trees in the country. | Evidence: SAG. Lists and statistics (Listas y estadísticas): <a href="http://www.sag.cl/ambitos-de-accion/listas-y-estadisticas">http://www.sag.cl/ambitos-de-accion/listas-y-estadisticas</a> |
| 5 | Are there any trials of GM trees in the country or region? | No. The SAG (Agricultural and Livestock Service), publish lists of use of GMOs. Some of these lists describe the areas where GMOs species have been planted or trials on the country. These lists include only agricultural species and no forest plantation species appear. This is the evidence that prove that actually there are no trial of GM trees in the country. | Evidence: SAG. Lists and statistics (Listas y estadísticas): <a href="http://www.sag.cl/ambitos-de-accion/listas-y-estadisticas">http://www.sag.cl/ambitos-de-accion/listas-y-estadisticas</a> |
| 6 | Are licenses required for commercial use of GM trees? | Yes, SAG is the institution that grants GMO permits in Chile. | RES-1523 EXENTA_14-JUL-2001 <a href="http://www.leychile.cl/Navegar?idNorma=187630">http://www.leychile.cl/Navegar?idNorma=187630</a> |</p>
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<td>7</td>
<td>Are there any licenses issued for GM trees relevant for the area under assessment? (If so, in what regions, for what species and to which entities?)</td>
<td>No. The SAG (Agricultural and Livestock Service), publish lists of use of GMOs. These lists include only agricultural species and no forest plantation species appear. This is the evidence that prove that actually there are no licences of GM trees in the country for forests purpose.</td>
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<td></td>
<td></td>
<td>Evidence: SAG. Lists and statistics (Listas y estadísticas): <a href="http://www.sag.cl/ambitos-de-accion/listas-y-estadisticas">http://www.sag.cl/ambitos-de-accion/listas-y-estadisticas</a></td>
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<td>8</td>
<td>What GM ‘species’ are used?</td>
<td>Not applicable.</td>
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<td>9</td>
<td>Can it be clearly determined in which MUs the GM trees are used?</td>
<td>Not applicable.</td>
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**Recommended control measures**

N/A