



Wilson Center

Washington, DC September 7, 2016

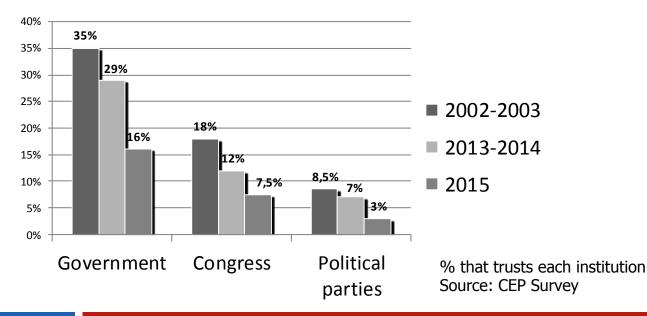
Eduardo Engel

Universidad de Chile and Espacio Público Former Chair of Anti-Corruption Commission

PRESIDENTIAL COMMISSION Triggers

September 2014 – March2015:

Cases of illegal political financing, influence peddling and conflicts of interest led to a **Confidence Crisis**



10 2015

Creation of the Presidential Advisory Council against Conflicts of Interest, Influence Peddling, and Corruption

PRESIDENTIAL COMMISSION Opportunity

- Corruption, influence peddling, conflict of interest as symptoms of institutional weakness
- Major state reforms usually take place during times of crisis:



In normal times

- Importance of reforms is not apparent
- Affected groups have veto power

PRESIDENTIAL COMMISSION Members



Eduardo Engel (President) Benito Baranda Álvaro Castañón Vittorio Corbo Rosanna Costa Alfredo Etcheberry Olga Feliú Claudio Fuentes José Andrés Murillo Andrea Repetto Manuel Riesco Marcela Ríos Lucas Sierra Agustín Squella Paulina Veloso Daniel Zovatto

PRESIDENTIAL COMMISSION Management and Report

Requisites:

- ✓ No political or business leaders
- **✓ Specific** proposals
- **✓Independence** from the Executive

From March 11, 2015 and in **45 days**:

REPORT

5 Chapters

21 Thematic areas, 12 priority

236 Proposals, 217 (92%) unanimous

PRESIDENTIAL COMMISSION Management and Report

In only 45 days?

- ✓ Technical team
- ✓ Previous commissions
- ✓ Commission members
- ✓ Advisors: official and in the shadow



ANTI-CORRUPTION AGENDA Summary

- **I** Preventing Corruption
- **II** Regulating Conflicts of Interest
- **III** Financing Politics to Strengthen Democracy
- **IV** Market Confidence
- **V** Integrity, Ethics and Citizen Rights

Preventing Corruption

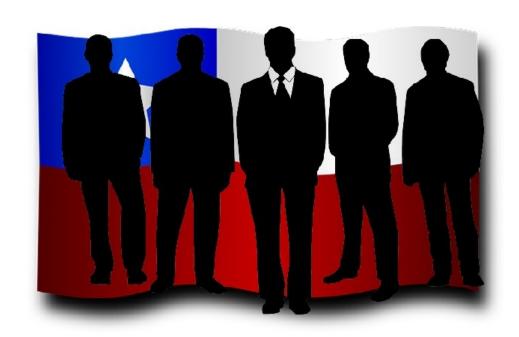
- **1.** Probity and strengthening of municipalities
- **2.** Reform of the civil service system
- **3.** Reform of the public procurement system, concessions, and defense spending
- 4. Prosecution and punishment of corruption
- **5.** Transparency and access to public information
- **6.** Criminal responsibility of legal entities
- **7.** Preventing corruption in land-use planning
- **8.** Creation of an agency to evaluate public policies





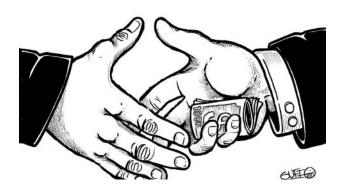
Regulating Conflicts of Interest

- 1. Revolving door regulations: pre- and post-public employment policies and incompatibilities during public employment
- 2. Disclosure of assets and private interests
- **3.** Blind trust and diversified trust
- 4. Lobbying regulation



Financing Politics to Strengthen Democracy

- Internal democracy and financing of political parties
- 2. Political campaign finance and regulations
- **3.** Enforcement of laws and regulations in 1 and 2.





Market Confidence

- **1.** Empowering regulators for effective oversight of markets
- 2. Reforming government supervisory and regulatory bodies
- **3.** Strengthening the corporate governance of firms



Integrity, Ethics and Citizen Rights

- **1.** Civic and ethics education
- **2.** Creation of Office of the Ombudsman
- **3.** Creation of integrity systems for the public and private sectors



CONCEPTUAL FRAMEWORK

- The importance of incentives (Becker, 1968):
 - *B* < *pC*
 - Costs have non-monetary components
- All that is needed is to enforce existing legislation?
- New laws or cultural change?
- A lost wallet in a parking lot and three types of people

FINAL OBJECTIVE

- ✓ Economic development and institutional strengthening:
 - High correlation
 - Causality?
- ✓ The institutions that contributed to Chile becoming an emerging economy are not upto the task of helping Chile become a developed country

HELPING THE AGENDA MOVE FORWARD

April 24, 2015:

Handing over of the report to President Bachelet.

April 28, 2015:

President Bachelet announces a Probity and Transparency agenda on national television.

May and June, 2015:

Executive introduces 21 legal iniciatives and 14 administrative ones involving 18 of the thematic areas of the report.

HELPING THE AGENDA MOVE FORWARD

Political leaders:

✓ Executive: important improvements during legislative process

√Congress: leaders emerge

a common theme

✓ Communication: in search of

Media:

✓ Denouncing

✓ Helping overcome resistence:(almost) everyone agrees

✓ Challenge: rebuilding confidence

Civil society:

✓ Crucial role due to weakened leaderships

✓ Requires accurate and timely information

✓Impossible to follow 21 laws making their way through Congress

ANTICORRUPTION OBSERVATORY

- Espacio Público and Ciudadano Inteligente
- Launched: November 2015
- For each of the 21 thematic areas (and each of the 236 proposals):
 - evaluation of achievement of objectives: grade 1.0 (worst) to 7.0 (best)
 - degree of progress in the legislative process: 0 a 100%





ANTICORRUPTION OBSERVATORY

- Weighting the importance of proposals and thematic areas by experts
- Helping civil society, the media and decision makers
 - simple, timely and reliable information





Financiamiento de la política para fortalecer la democracia

El nivel de avance y la nota de calidad de esta macro área corresponde a un promedio ponderado de las sub categorías. Es decir, para el resultado final, las medidas que que han sido definidas como prioritarias o más importantes por parte de un panel de expertos, pesan más. Para conocer el detalle de las ponderaciones, revisa el documento de metodología que se encuentra al inicio.



5.3 NOTA DE CALIDAD

CATEGORÍAS	PORCENTAJES DE AVANCE	NOTAS DE CALIDAD	0
DEMOCRACIA INTERNA Y FINANCIAMIENTO DE PARTIDOS POLÍTICOS. 20 PROPUESTAS(18 COMPLETA, 0 INCOMPLETAS, 2 SIN PROGRESO)	91%	6.1	%
REGULACIÓN DE CAMPAÑAS ELECTORALES 26 PROPUESTAS (19 COMPLETA, 1 INCOMPLETAS, 6 SIN PROGRESO)	79%	5.3	96
FISCALIZACIÓN DE LA POLÍTICA Y SU FINANCIAMIENTO. 22 PROPUESTAS(16 COMPLETA, O INCOMPLETAS, 6 SIN PROGRESO)	77%	4.4	%

CATEGORÍAS	PORCENTAJES DE AVANCE	NOTAS DE CALIDAD	•
DEMOCRACIA INTERNA Y FINANCIAMIENTO DE PARTIDOS POLÍTICOS. 20 PROPUESTAS(18 COMPLETA, O INCOMPLETAS, 2 SIN PROGRESO)	91%	6.1	%
Partidos políticos que responden a nuevos estándares democráticos Nueva ley de partidos políticos que pueda ser discutida junto a las normas sobre Financiamiento de la Política y Reforma del Servel	100% Cumplimiento ¿Por qué?	7.0 Nota de calidad ¿Por qué?	
Partidos políticos que responden a nuevos estándares democráticos Consagrar a los partidos políticos como personas jurídicas de derecho público	100% Cumplimiento ¿Por qué?	7.0 Nota de calidad ¿Por qué?	
Partidos políticos que responden a nuevos estándares democráticos Dentro de un plazo razonable se realice una reinscripción de todos los militantesde los partidos políticos existentes a fin de asegurar padrones confiables. Esta será una condición básica para acceder al nuevo financiamiento público y el Servel deberá colaborar para que este proceso se lleve a cabo. Es imprescindible revisar el actual sistema de inscripción para aumentar la transparencia y probidad, junto con disminuir los costos para partidos y ciudadanos.	100% Cumplimiento ¿Por qué?	5.0 Nota de calidad ¿Por qué?	
Partidos políticos que responden a nuevos estándares democráticos Revisar requisitos aprobados en la reforma al sistema electoral sobre la conformación de partidos, para asegurar que se fomente la existencia de partidos nacionales, aumentando la extensión geográfica requerida. La revisión al alza de hace aún más necesaria considerando la propuesta de financiamiento público. Respecto de su disolución, si en una elección un partido no alcanza el umbral de votos, perderá el aporte basal y el aporte variable ligado a la votación. Si esta situación se repite en una segunda elección, se deberá cancelar su registro	100% Cumplimiento ¿Por qué?	5.0 Nota de calidad ¿Por qué?	

Partidos políticos que responden a nuevos estándares democráticos

Dentro de un plazo razonable se realice una reinscripción de todos los militantesde los partidos políticos existentes a fin de asegurar padrones confiables. Esta será una condición básica para acceder al nuevo financiamiento público y el Servel deberá colaborar para que este proceso se lleve a cabo. Es imprescindible revisar el actual sistema de inscripción para aumentar la transparencia y probidad, junto con disminuir los costos para partidos y ciudadanos.

100%

Cumplimiento ¿Por qué? 5.0

Nota de calidad ¿Por qué?

nticorrupción Ciudadano Inteligente y Espacio Púl	NOTA DE CALIDAD		×		
Partidos políticos que responden Reinscr	ripción completa dentro de 12 meses como , realizada con supervisión del Servel	o condición al financiamiento Zeor ques	J	7.0 Nota de calidad ¿Por qué?	
Partidos políticos que responden a nuevos Consagrar a los partidos políticos como perso		100% Cumplimiento ¿Por qué?		7.0 Nota de calidad ¿Por qué?	
Partidos políticos que responden a nuevo Dentro de un plazo razonable se realice una militantesde los partidos políticos existentes confiables. Esta será una condición básica pa financiamiento público y el Servel deberá co lleve a cabo. Es imprescindible revisar el act aumentar la transparencia y probidad, junto partidos y ciudadanos.	reinscripción de todos los s a fin de asegurar padrones ara acceder al nuevo laborar para que este proceso se ual sistema de inscripción para	100% Cumplimiento ¿Por qué?		5.0 Nota de calidad ¿Por qué?	

SPENDING POLITICAL CAPITAL: SUNDAY (JANUARY 17, 2016) IN THE SENATE









Engel lidera rebelión contra ajustes del Congreso a nueva Ley de Partidos

Declaración de 39 organizaciones y personas dice que proyecto genera "desigualdad" y acusa debilidad en materia de sanciones.

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Rebelión transversal por ley de partidos políticos

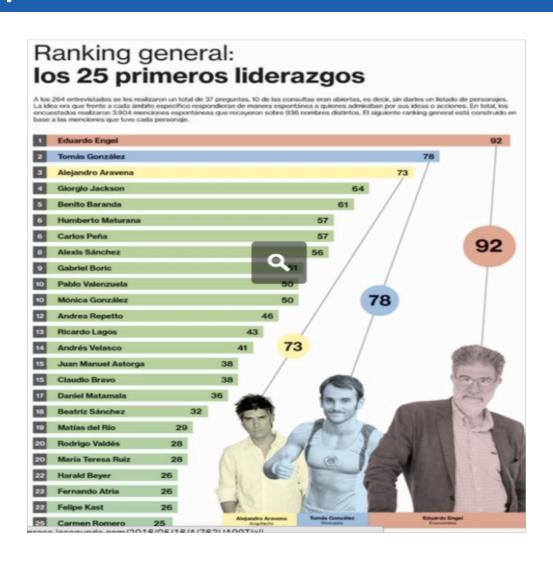








ACCUMULATING POLITICAL CAPITAL AGAIN: MAY 16, 2016



EVALUATING PROGRESS: IMPORTANT DIFFERENCES

- ✓ Weighted average of all thematic areas: 4.4, 58%
- ✓ Large diversity in evaluations and progress:
 - 5 areas with laws that have been approved
 - 5 areas with well evaluated laws making progress
 - 2 areas with well evaluated laws and little progress
 - 9 areas without significant progress

AREAS WITH SUBSTANTIVE PROGRESS

- ✓ 5 areas where laws have been passed:
 - Disclosure of interests and private assets: 5.8, 95%
 - Civic and ethics education: 5.3, 72%
 - Internal democracy and financing of political parties: 6.1, 91%
 - Political campaign finance and regulations: 5.3, 79%
 - Enforcement of political financing and political party laws: 4.4, 77%
- ✓ Next step: Implementation Observatory

AREAS WITH PROPOSALS THAT SHOW PROMISE

- √ 5 thematic areas with good legal initiatives making progress:
 - Reform of the civil service system: 5.0, 71%
 - Prevention of corruption in land-use planning: 4.2, 44%
 - Empowering regulators: 5.1, 76%
 - Reforming regulatory bodies: 4.7, 60%
 - Strengthening corporate governance of firms: 4.1, 33%

AREAS WITH PROPOSALS THAT SHOW PROMISE

- ✓ 2 thematic areas with well evaluated legal initiatives making little progress:
 - Revolving door regulations: 4.2, 35%
 - Creation of the Office of the Ombudsman: 5.2, 55%

AREAS WITH ALMOST NO PROGRESS

✓ 9 thematic areas with almost no progress:

- Probity and strengthening of municipalities: 2.0, 19%
- Reform of public procurement system, infrastructure concessions and defense spending: 1.9, 14%
- Transparency and access to information: 3.2, 40%
- Lobbying regulation: 4.4, 45%
- Creation of an agency to evaluate public policies: 1.0, 0%
- Criminal responsibility of legal entities: 2.8, 10%

A PARADOX

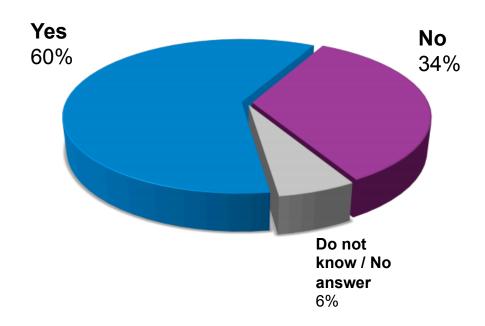
Perception vs. reality regarding the agenda's progress:

- ✓ Seeing is believing
- √ Progress is not news
- ✓ Controversies benefit the agenda but not perceptions
- ✓ Evaluations beyond personal obsessions

CADEM SURVEY MAY 2, 2016

PUBLIC TRUST

Do you think that Congress passing most of the measures proposed by the Engel Commission will restore public confidence in politics?



CHALLENGES

- ✓ What to do about the past
- ✓ Helping and monitoring implementation
- ✓ Improving legal initiatives making their way through Congress
- ✓ Promoting thematic areas that have not been addressed yet

ELEMENTS FOR A CONCEPTUAL FRAMEWORK

✓ A window of opportunity:

- major corruption scandals
- ✓ A presidential commission:
 - a report with specific and unanimous proposals
 - independent, credible, accumulating/spending political capital

✓ Follow up from civil society:

- Anticorruption observatory (and implementation observatory)
- pushing and validating progress





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