

U World Governance Survey Chile

Index

Presentation	3
1. Data Collection	5
2. Assessment of Governance Dimension Rates	6
3. Changes Over Time in Perceptions of Governance	12
4. Suggestions Regarding the Survey Process	14

Background

Between 1973 and 1990, Chile was ruled by a military dictatorship which carried out radical social, political and economic changes. After the coup that overthrew the socialist government of Salvador Allende, the armed forces imposed their authority by brutal force, and by restricting the citizen's rights and liberties.

The coup was justified as a response to the unconstitutional actions of Allende's government, and it was supported at first by economic powers, political parties and other organizations. The strong political repression together with an in-depth reform of the legal system produced a huge reduction of the number of social organizations. At the same time, all public spaces of participation and the political arena were shut to any organized activity. Pluralism was considered insane. Political parties were forbidden and all democratic institutions were closed. The media fell under the absolute control of the regime. Only the church kept some level of autonomy and free speech and led the human rights defense.

The military *junta* headed by General Augusto Pinochet took control over the legislative and executive branches. The *junta* conducted a political institutional process and a de-regulation of the economy. The severe decrease in economic intervention from the state and the opening of the external market were accompanied by neo-liberal propaganda emphasizing the criticism towards the idea of state and political decision-making. These points of view prevail in actual public opinion debates.

The political reform took the shape of a new Constitution approved by the 67% of the citizens on a plebiscite held on September 11, 1980. The plebiscite took place under an "exception state" situation that enabled the suspension of many constitutional guarantees. Political parties were proscribed and there were neither electoral records nor an electoral court. Despite these abnormalities, the regime's opposition could not question the legitimacy of the new Constitution, which came into effect as planned by the military government.

This establishment was conceived as a "protected democracy", featuring amongst other characteristics: (i) an executive branch with a strong authority; (ii) a mixed parliament composed by elected senators and senators appointed by the executive branch, the judicial branch and the armed forces; (iii) a National Security Council on which the armed forces are recognized as "guarantors of the national institutions"; (iv) the proscription of subversive groups and the prohibition to outspread their doctrines.

According to the Constitution, a plebiscite was held in 1988, offering two possibilities: electing Pinochet as a President of the Republic for an additional period of eight years or calling for free and competitive presidential elections. This plebiscite was initially intended to ratify the military government, endorsed by the macroeconomic growth of the last years. However, the opposition accepted and appropriated the plebiscite, after the negotiations and social mobilizations to overthrow the dictatorship failed.

Despite the "exception states" that still ruled in Chile, limiting civil rights and guarantees, and the fear and skepticism felt by great part of the population, all the democratic forces successfully gathered to promote voter registration and guarantee transparency during this public consultation. As a result, Pinochet's reelection was rejected by 54.7% of the

citizens. During the following year, amendments to the 1980 Constitution were negotiated and the first election process in 15 years was held. Almost 95% of the electorate participated in electing Patricio Aylwin, who belonged to the coalition of the rebuilt opposition political parties, as their new president. Since then, electoral participation has steadily decreased.

This political coalition, the *Concertación* has been reelected on the following three periods, achieving a high level of development and governance. The neo-liberal economic model has been established but with some corrections oriented to improve social justice. On the other hand, the government has been unable to modify the so-called “authoritarian enclaves” inherited from the military government with no positive results yet.

For example, the regime of parliamentary and municipal elections changed the principle of proportional representation into a majority one, reflected in a bi-nominal system. This system excludes political minorities from parliamentary representation. It also distorts the relationship among the political forces at the Parliament. In the Senate this situation has been aggravated by incorporating both senators who have been named by the military forces and ex-presidents as senators for life, such as General Pinochet (although he has recently lost his immunity due to the law suit filed against him).

On the other hand, the unbalanced power relationships inherited by Chilean society, make it more difficult for democratically elected governments to perform their duties. They have to administrate a small state, not capable to counterbalance the economic power, associated with the military power and the media. Their efforts in order to promote a stronger civil society have not been sufficient. This is why democracy is still not highly valued by Chileans. Political participation has decreased considerably since the first elections, primarily among the young voters (over one third of the young electorate are not registered).

All these historical and contextual factors should be taken into consideration when analyzing the results obtained by Chile in the World Governance Survey. This preliminary report discusses the following issues related to the survey process:

1. The data collection exercise
2. Differences in the rating between the six dimensions
3. Changes over time in perceptions of governance
4. Suggestions regarding the survey process

1. Data Collection

The World Governance Survey formally started in Chile on December 10, when an initial meeting was carried out to plan the work and begin to elaborate a preliminary list of experts.

On December 14, 113 experts were identified, from different spheres of society related to governance. Each expert received a letter explaining the aim of the WGS (the questionnaire attached) and asking for participation in the survey; the answer to the questionnaire could be sent via e-mail or fax, or an appointment could be scheduled with an interviewer. All letters were followed-up in the next months.

In total, 35 interviews were carried out; 29 were answered by e-mail or fax, and the rest were conducted face to face. It took almost three months to complete the process. The holiday period made it difficult to contact some experts, especially those working for governmental institutions.

Among the experts interviewed, there were high-ranking Civil Servants; successful Entrepreneurs; senior Judges or Lawyers; long-standing Parliamentarians; respected Academics, Consultants or Policy Advisors; Heads of local NGOs and Bishops of the Catholic Church. The latter were included, due to the high influence that the Catholic Church has over the public in Chile. **Table 1** illustrates the sample distribution.

Table 1

Groups	Number of experts interviewed
High-ranking Civil Servants	6
Successful Entrepreneurs	3
Senior Judges or Lawyers	5
Long-standing Parliamentarians or equivalent	3
Academics, Consultant or Policy Advisors	8
Heads of local NGO's	8
Catholic Church Bishops	2
Total	35

On the other hand, **Table 2** represents the percentage of individuals who responded to our request and volunteered for the survey.

Table 2

Groups	Number of experts asked to participate in the project	Number of experts interviewed	Percentage of experts interviewed
High-ranking Civil Servants	19	6	31,5 %
Successful Entrepreneurs	12	3	25%
Senior Judges or Lawyers	10	5	50%
Long-standing Parliamentarians or equivalent	13	3	23%
Academics, Consultant or Policy Advisors	15	8	53,3%
Heads of local NGOs	16	8	50%
Editors or Reporters from the Media	13	0	0%
Catholic Church Bishops	7	2	28,5%
Heads of Trade Unions	8	0	0%
Total	113	35	30,9%

It is interesting to notice that the experts that showed the biggest interest on the survey are academics, consultants, policy advisors and NGO representatives. They belong to the sectors traditionally defined as civil society; they account for almost half of the sample (45%) and could have critically shaped the average results. In contrast, the media sector, a group accustomed to opinion surveys, showed no interest in the WGS.

2. Assessment of Current Governance

Regarding the functional dimensions of governance, the average ratings obtained are: *regulatory* (3.50), *socializing* (3.48), *executive* (3.48), *aggregating* (3.01), *adjudicatory* (2.98) and *managerial* (2.77).

The overall average score obtained for all dimensions is 3.18, which means that the general assessment of the quality of governance is *moderate*. Nevertheless, in a large amount of questions, this score shows, more than a shared moderate opinion, the contradictory mix of negative and positive opinions.

As a general comment to the analysis, it is important to mention that in all the dimensions the majority of the experts highlighted a huge difference between the current regulations in Chile (*de jure*) and what really happens (*de facto*). This contradiction can be noticed in questions in which assessment, according to the pre-coded scale, falls between *moderate* and *high*, although their are negative and/or critical.

It is not strange that the dimension that describes the relationship between the state and the market – the *regulatory* dimension - had obtained the most positive general evaluation, if one considers the stability showed by the neo-liberal economic model applied in Chile since the late 70's, as well as the emphasis on its macro-economic successes present in the recent governmental speeches. It is possible to speculate that this dimension would have obtained an average score over 4 (between *high* and *very high*) if Question 23 - on corruption - wouldn't have a reversed scale¹, in which the positive indicators fall in the categories 1 and 2 (*very low* and *low*).

Within this dimension we can find the question with the second current highest average score (4.10), on government's consideration of the globalization phenomenon in the formulation of policies (Question 25). Over 70% of the interviewees think the government is very concerned with Chile's integration into the world trade, in agreement with the neo-liberal ideology that it holds. Negotiations that started during the Y2K with the USA can be added to the free trading agreements already signed with Mexico and Canada. However, a large number of experts consider the government uncritical and unaware of the negative effects and possible problems that the globalization can cause in the country (specially for the environment).

¹ Same as Question 3.

Question 23, on the existence of corrupt transactions, obtained the lowest current average score of the entire survey (2.30), as already mentioned. Chile has been traditionally considered a country with a very low corruption rate, especially when compared to the rest of the Latin-American countries. In any case, some experts point out this could be an obsolete opinion, which does not really correspond to the national reality.

Questions 22 & 24, on regulations equally applied to firms and the consultation degree between private and public sectors, were both given scores between 3 and 4 by the majority of the experts. However, it was pointed out that consultations and equality favor above all large business groups and harm micro entrepreneurs and certain groups such as the workers and the consumers. Among the answers to these questions we can find the recurring opinion that the Chilean economic model, despite the sustained growth it has allowed, is not equal and only benefits the big enterprises:

- *The Private is viewed as a characteristic of big economic groups. All family, small rural and aboriginal businesses, as well as micro enterprises need to be included in the Private's huge concept.*
- *The "Market" category should be extended beyond the large enterprises.*

Finally, regarding Question 21, large-scale promotion of property rights by the government is being acknowledged. These rights have a constitutional character in Chile. As a violation to these rights, some experts mentioned the illegal land appropriation by indigenous groups that have occurred lately.

With regards to the *socializing* dimension, which received the second highest current average score (3.48), it is accurate to make a similar comment as for the last dimension: one of its questions (Question 3) has an inverted scale. This question, related to the existence of political discrimination, scored between *moderate* and *high* (3.32). This score raises the general average of the dimension, though it does not indicate a positive value in the quality of governance.

In fact, 45% of the experts think that the political discrimination in Chile is *high* or *very high* and that it is part of our culture, affecting groups such as women, Indians and the youth. On the other hand, although there is no regulation that directly discriminates against certain political groups, the parliamentary and municipal elections system (bi-nominal) leaves without representation groups that do not belong to any of the two large political blocks existing in Chile.

In the *socializing* dimension, Question 4, on government's facilitation of public debates, received the lowest current score (2.80). As in Question 24, it is generally considered that negotiations take place only with large business groups. Though there are mechanisms of consultation and citizen participation, these are still weak, scarce and do not concern important issues.

On the other hand, this dimension includes Question 2, on the freedom of peaceful assembly and association, which obtained the highest score of the entire survey (4.20). Although there are no major restrictions, some practical difficulties are encountered: lack of public spaces and limitations in the use of the ones that already exist, lack of institutional

incentives and resources for the citizen's participation, some resistance to creation of labor unions, etc.

The moderate average score (3.51) obtained by Question 5 - on respect for the system of rule-making - shows the contradiction mentioned at the beginning; although the majority of the citizens and the experts interviewed consider Chile to be a country that respects the law, it contrasts with the dramatic lack of interest that young people show in political participation and the increase in delinquency.

Another example of this contradiction is Question 1, which obtained a current average score between moderate and high (3.60). This reflects that, although there is no regulation that limits the freedom of speech,² the access to the media is very restricted. Over 95% of the private media are controlled by the same political-economic sector (oriented to right-wing and conservative political thought). On the other hand, the state television does not reflect the point of view of the masses, but the government's.

In concluding this dimension, one comment is worth mentioning:

- *The “sense of citizenship” has not been legitimized; individual still do not have a sense of rights and duties. There is a lack of citizen control over the actions of the political elite. There is a gap between political elite and citizens. There is a lack of powerful associations to act as mediators between the government elite and citizens.*

The *executive* dimension obtained a current average score of 3.48 (between moderate and high), although the supplementary comments to the questions are more negative. An explanation to this lies in the formulation of the three questions related to government commitment in diverse areas and not necessarily to the results of this commitment.

However, Question 15 obtained the highest current average score of the entire survey (4.20, same as Question 2). There is a large agreement about government commitment to solve social conflicts in a pacific way, as policies of the last three presidential mandates have constantly aspired to generate consensus, non-confrontation and stability. Many experts pointed this could be a response to the violence experienced by the country during the 70s and 80s.

Questions 11 & 12, on government commitment to guarantee “personal security” and “adequate standard of living” for the citizens, reveal both a high commitment (3.58 and 3.42) and inefficient solutions. Question 11 highlights the increase of delinquency and the poor effectiveness of the government's procedures, focused on repression and not on social integration. Comments for Question 12 indicate that the policies of the government have helped to make poverty decrease, but not to redistribute the national income more fairly or face unemployment, which is a current problem in Chile. One of the reasons for this situation lies in the need to maintain a macroeconomic balance that makes more social investments:

² Except for the prohibition of slander or libel against public persons. This resource has allowed the censorship of a book about the Chilean Judicial Power and, recently, a judicial process against some journalists.

- *The weight of the economic issues (the need of not harming the economic system), does not allow an authentic defense of the rights of the relegated.*

Scores for Questions 13 & 14 locate them below the *moderate* level. In the comments of Question 13, leaders encouraged to make tough decision, some experts pointed out the existence of a populist tradition in the Chilean political class. On the other hand, they point out the weakness of the government in facing what has been called “the factitious powers”³ that would impose their points of view in the political decision-making. An example for this is the incapacity of the last three governments to pass legislation on the divorce. Political sectors have hindered this process, despite the approval of the vast majority of the population, according to several surveys.

Finally, regarding Question 14, on subordination of the military to civilian government, a great improvement is acknowledged over the last five years. In fact, it is the question that shows the second highest increase over time (0.73). Over 60% of the experts think that this subordination was *low* or *very low* five years ago, and 57% think it is *moderate* now. No force manifestations have been observed, as was the case in the first years of democratic government. Nevertheless, the comments on this subject are generally negative and distrustful:

- *(The military) they comply with the rules though they don't sympathize with them.*

The following 3 dimensions obtained scores below the *moderate* level, reflecting the current condition of the pending tasks towards democratization and modernization required by the Chilean political system.

The *agregating* dimension obtained a current average score of 3.01 and includes the second worst assessed question of the survey (Question 10, with an average score of 2.35). This question measures the accountability of the legislative body and its results reflect a very negative public image of parliamentarians.

Question 6 obtained a current score of 2.60 and reveals two big criticisms to the legislative body representativeness. On the one hand, the constitution of this body is not entirely democratic, since it is generated by the bi-nominal system and includes non-elected senators from the armed forces. This situation makes it very difficult to achieve a parliamentary majority to approve the reforms that could democratize the system. On the other hand, the distance between the political class that composes the legislative body and the citizens' interests is highly criticized.

Policy-making reflective of public preferences received a current average score of 2.80. Due to the features of the institutions inherited from the dictatorship, the legislative body “over-represents” certain power groups, whereas totally excludes others. Thus, the political priorities do not match the citizens' interests.

³ This designation includes Entrepreneurial Groups, the Armed Forces, the Mass Media and the Catholic Church.

Regarding Question 7, about the competition for political power, the current average score obtained was 3.90, as the same electoral system that excludes political minorities, promotes an arduous dispute between the two largest political blocks and within themselves. In this sense an expert commented:

- *The electoral system is not good, it is neither fair for the majorities nor fair for the minorities.*

Question 9, on the influence that the legislative body exerts over the political contents, obtained a *moderate* current average score of 3.40. In Chile, the political system gives minimum legislative initiative to this body, the executive power being the one who proposes almost all law projects. The legislative is rather restricted to the veto or approval of the executive power's projects and to treasury control labor.

Some of the indicators in the *managerial* dimension received low scores both for now and five years ago, which explains why this dimension was the worst evaluated dimension for Chile (2.77 both for now and five years ago). Expert comments blame this negative assessment on the regulations of the public administration (Administrative Statute) which determines the immobility and the political struggle to hiring their employees (Question 17); the limited control capacity of other entities over their actions (Question 18); and the lack of clarity about the regulations applied (Question 19).

Question 20, on equal access to public services, obtained a current score of 3.22, up 0.2 from five years ago. This reflects the improvements achieved on this matter, whose main problem has to do with the population's geographic scattering (specially the rural population). However, the services granted are not considered high quality services since the Administrative Statute allows poorly paid public personnel with low qualifications.

On the other hand, Question 16, on higher civil servants part of policy-making, received current score of 2.44, lower than a score of 3.00 for five years ago. In many cases the experts doubt the usefulness or the need for this participation:

- *It would be not necessarily right if they got involved.*
- *The decision making is not the public employees' responsibility but the elected authorities'.*

The *adjudicatory* dimension received a current average score slightly better than the managerial dimension (2.98). Question 29, on the incorporation of new international legal human rights into national rights, obtained the highest current score in this dimension (3.70). This score is based on the events that occurred after the detention of General Pinochet in London (re-opening of different cases, changes in the judicial doctrine to deal with human rights violation, etc).

The low scores received by Questions 26 and 27 (2.60 and 2.90, respectively) are attributed to the diverse inefficiencies of a judicial system that is currently undergoing reform. The equality of access to justice and the transparency of the system are severely criticized. It is said that justice is expensive, slow, and tends to be influenced by the government in office. The Chilean Judicial Body has been one of the worst evaluated

institutions in diverse surveys. Nevertheless, the majority of the respondents expressed their hope that the penal prosecutor reform recently launched, will have a positive impact on the performance of the adjudicatory system in Chile.

The non-judicial resolution of conflicts (Question 30) is still scarce and not well developed, despite the improvements in this direction (current average score reached 2.98 from a score of 2.61 five years ago).

The significant factor that affected the negative evaluation of the judicial body in the past, with strong remnants in the present, was the negative way that human rights violations were dealt with during the dictatorship.

- *In this country, the judicial body is the one that has taken longer in getting back credibility and respect from the citizens after the dictatorship. Lately, it has made significant efforts in that aspect.*

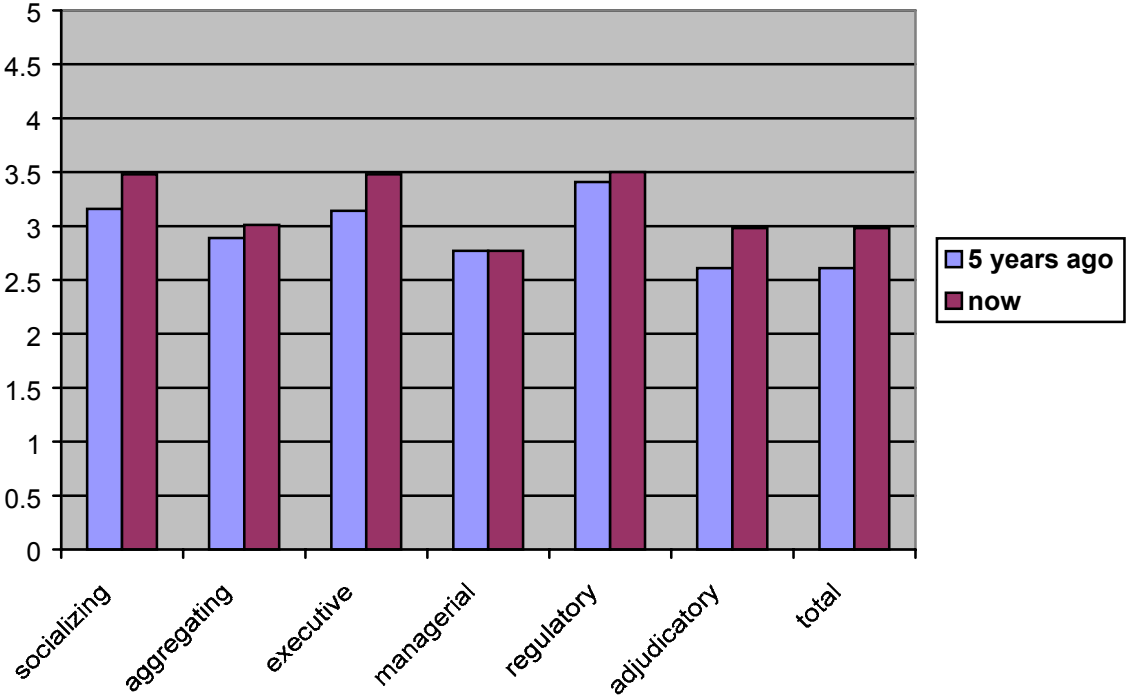
3. Changes Over Time in Perceptions of Governance

Overall results show a relative improvement in the quality of governance in Chile. This is illustrated in the total average score, which shows an increase from 2.99 five years ago to 3.20 now.

The dimension that shows the greatest change over time is the *adjudicatory* (0.37), which has currently started the reform process. The increase achieved over time by this dimension is close to that of the *executive* dimension (0.34) and *socializing* dimension (0.32). Although these scores do not show significant improvements in the quality of governance, they express the expectations for change that many people have on the current government of president Ricardo Lagos.

The *managerial* dimension shows no change at all over time.

The chart below compares dimension scores for “now” and “five years ago”, showing a slight tendency for improvement in the quality of governance.



It is important to indicate that within each dimension, none of the questions reached a bigger difference than 0.83, showing a significant change throughout time.

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