

Independent Reporting Mechanism Chile Progress Report 2012-13

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NOTE: This is the unofficial English translation of the original Spanish-language report. As such, this document may contain inaccuracies or outdated information. Please refer to the original Spanish-language report for any citations or other official use.



EXECUTIVE SUMMARY

Independent Reporting Mechanism (IRM) Progress Report 2012-13

For the first plan, the Government created a consultation process that, despite limitations in its scope and duration, has great future potential. Given the current national context, it is recommended that the new administration, prior to finalizing the second plan, consider lessons learned from the first plan and recommendations from key stakeholders, included in this report, to contribute to the political changes already under discussion at a national level.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a biannual review of the activities of each OGP participating country.

Chile was officially included as a participating country on 20 September 2011. Its first action plan was presented at the First OGP International Conference, held in April 2012 in Brasilia, Brazil.

In Chile, the entity in charge of coordinating the OGP with government institutions is the Citizens' Defense and Transparency Commission, an advisory body to the President of the Republic, directed by Mr. Alberto Precht. The Commission principally coordinated with the Secretary General of the Presidency and then with other institutions, such as the Council for Transparency, the General Secretariat of the Presidency (SEGPRES), the General Comptrollership and the Registry of Vital Statistics and Identification, among others. SEGPRES is in charge of coordination with the Legislative Branch.

OGP PROCESS

Countries participating in the OGP must follow a process for consultation with civil society to develop and implement their plans.

To design the plan, the Government received five documents through its consultation mechanism. In the government's opinion, this process made it possible to gather various points of view, which were written up in a summary document, available online. The government issued a document responding to the proposals received.

However, the civil society organisations (CSOs) interviewed indicated that the presentation of information by the government took priority in the process, which impeded substantive dialogue on the commitments to be included.

During the implementation of the plan there was no formal periodic dialogue process between the Government and other stakeholders. Two meetings were organised for the OGP Working Group, but mainly government institutions participated.

Two self-assessments were published for public consultation. Despite reasonable periods for receipt of comments, only 3 were received and answered. There was no dissemination of these consultations.

At a glance

Participant since: 2011
Number of commitments: 19

Level of Completion:

Completed: 15 of 19
Substantial: 0 of 19
Limited: 1 of 19
Not started: 3 of 19

Timing

On schedule: 13 of 19

Commitment emphasis:

Access to information: 15 of 19
Participation: 6 of 19
Accountability: 9 of 19
Technology and innovation for transparency and accountability: 4 of 19
Unclear: 3 of 19

Number of commitments with:

Clear relevance to an OGP Value: 16 of 19
Moderate or transformative potential impact: 10 of 19
Substantial or complete implementation: 15 of 19

All three (★): 7 of 19

Commitment Implementation

As participants in the OGP, countries are required to make specific commitments in a two-year action plan. The following table summarises each commitment, its level of completion; its potential impact; whether it was completed within the planned schedule, and next steps for future action plans. The Chilean plan covered a wide variety of issues and sectors, and contained a number of potentially transformative commitments. Chile completed 15 of its 19 commitments.

Table 1: Assessment of Progress by Commitment

COMMITMENT NAME AND SUMMARY	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
<p>★ = COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>										
Theme 1. Open Government to Improve Public Services										
1.1) ChileAtiende: Expand this multi-channel network that integrates processing for various public institutions, including more than 140 branches, a call center and a web portal.									On schedule	New commitment based on existing implementation
1.2) Interoperability Framework: Institutionalise and standardise interoperability processes and platforms among state institutions.									On schedule	None: abandon the commitment
★ 1.3) Open Government Portal: Centralise initiatives for transparency, participation, and public information on a unified platform.									On schedule	Maintenance and monitoring of completed implementation
1.4) Digital Identity: Promote an individual digital password for digital interaction between the citizens and public services.									On schedule	Abandon the commitment
Theme 2. Open Government for Enhanced Public Integrity										
2.1) Perfecting the Access to Public Information Act: Improve the exercise of the right to access public information and the functionality of the Council for Transparency.									On schedule	New commitment
★ 2.2) The Probity in Public Functions Bill: Strengthen, compile, and update regulations for declarations of assets and interests already existing in legislation.									On schedule	New commitment
2.3) Working Group of Government, the Legislature, and Civil Society Organisations: Promote transparency in public management.									On schedule	Revision of the commitment to make it more achievable or measurable
★ 2.4) Transparency Portal: Integrate information regarding transparency obligations of the municipalities on a centralised portal.									On schedule	Maintenance and monitoring
2.5) National Records Policy: Form a working group with various relevant stakeholders to develop recommendations for a transparent national records policy.									Behind schedule	Continued work

COMMITMENT NAME AND SUMMARY	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING	NEXT STEPS
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE		
<p>★ = COMMITMENT IS CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.</p>										
<p>2.6) Public Officials' Letter of Commitment: Require each person joining the Administration to commit to administrative probity.</p>									Behind schedule	Revision of the commitment
<p>2.7) Good Practice of Declaration of Interests: Increase the number of authorities who publish it.</p>									Behind schedule	Abandon the commitment
<p>2.8) New Form for Declaration of Assets: Develop a new form to perfect this declaration, to be filled out by authorities.</p>									Behind schedule	Abandon the commitment
<p>★ 2.9) Lobby Bill: Submit to Congress to ensure transparency in lobbied authorities' agendas.</p>									On schedule	New commitment
<p>★ 2.10) Political Parties Bill: Submit to Congress to reform the law on Political Parties in order to increase their transparency and grant greater rights to party activists.</p>									On schedule	New commitment
<p>2.11) Promotion of the Model Law of the Organisation of American States (OAS): Continue collaborating to promote the adoption of complying laws for access to information.</p>									On schedule	None: implementation completed
Theme 3. Open Government to Increase Institutional Responsibility										
<p>★ 3.1) Promotion of Civic Engagement: Promote participation in the development and implementation of public policies in keeping with civic engagement laws and regulations in effect.</p>									On schedule	New commitment
<p>3.2) Municipal Plebiscites Bill: Sent to Congress, its objective is to strengthen civic engagement in public policies.</p>									Not applicable	Revision of the commitment
<p>3.3) Legislative Bill on the Introduction of Legislation by Civilians: Sent to Congress, its objective is to improve public policy participation.</p>									Not applicable	Revision of the commitment
Theme 4. Open Government for the Creation of Safer Communities										
<p>★ 4.1) Civic Engagement on the Environment: Promote Regional Agreements to Principle 10 of the Rio Declaration, participation of local communities in decision making, and access to environmental justice.</p>									On schedule	Maintenance and monitoring

Table 2: Summary of Results of the Commitments

COMMITMENT NAME	SUMMARY OF RESULTS
<p>1.1 ChileAtiende</p> <ul style="list-style-type: none"> •Relevance to OGP Values: Not clear •Potential impact: Transformative •Progress: Completed 	<p>Surpassing the commitment, as of 20 August 2013, ChileAtiende had 182 service points with trained personnel, two publicity campaigns and mobile units in 190 municipalities. Though important and potentially transformative, as occurs with several other commitments ChileAtiende was not clear in its relationship to open government values. The IRM researcher recommends clarifying how such tools can improve transparency and accountability.</p>

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<p>1.2 Interoperability Framework</p> <ul style="list-style-type: none"> •Relevance to OGP Values: Not clear •Potential impact: Transformative •Progress: Completed 	<p>The Integrated Platform of Electronic Services of the State) consists of allowing public institutions to share information with one another. It was sought to eliminate unnecessary procedures and excessive bureaucracy, which could have benefits for the citizenry. On 20 August 2013, the platform had 21 institutions providing information, 34 institutions consuming information, 110 procedures incorporated, 41 institutions operating on the platform, 76 integrated services on the Platform and more than two million monthly transactions. Nonetheless, the commitment, though important, did not involve the sharing of information between the government and society, which is an OGP value. Therefore, it is recommended not to include it in the second plan.</p>
<p>1.3 Open Government Portal</p> <ul style="list-style-type: none"> •Relevance to OGP Values: Clear •Potential impact: Moderate •Progress: Completed 	<p>The objective was a unified platform centralising the various government initiatives on transparency, engagement, and public information. Although it does not establish concrete goals to be implemented, having this information in a single place will facilitate comprehension, access, and use of the information by the citizenry. Several activities were carried out in order to develop, standardise, and coordinate the Portal. But to date no mass publicity actions have taken place and the citizenry has barely used the available information. Thus, one of the key next steps is the dissemination and launching of the Portal.</p>
<p>1.4 Digital Identity</p> <ul style="list-style-type: none"> •Relevance to OGP Values: Not clear •Potential impact: Moderate •Progress: Completed 	<p>As of 20 August 2013, 8 services were enabled for use with the individual password. As of September 2013 there were 12 services employing it and 21 others were preparing to do so. It is estimated that in September there will be 3 million people with an individual password. Currently, a publicity campaign is underway. Although significant, this commitment is not clearly relevant to OGP values. It is recommended not to include it in the second plan, unless it can be tied to anti-corruption initiatives, for example.</p>
<p>2.1 Perfecting the Public Information Access Act</p> <ul style="list-style-type: none"> •Relevance to OGP Values: Clear •Potential impact: Minor •Progress: Completed 	<p>This Bill was introduced into the Congress on 2 June 2011 to amend Law No. 20,285 on Access to Public Information. The bill passed in January 2013 in the House of Representatives and is currently undergoing its second round. At the time of writing this report, the term for proposing amendments was open. Although the commitment is promising on several positive points for perfecting the law, it is not considered an ambitious commitment, since it involves minor reforms of the current law. In order to continue perfecting the law, the interviewed members of CSOs and of the Council for Transparency propose strengthening the Council's powers, improving active transparency obligations and increasing the types of persons and entities to whom the law applies.</p>
<p>2.2 Probity in Public Functions Bill</p> <ul style="list-style-type: none"> •Relevance to OGP Values: Clear •Potential impact: Moderate •Progress: Completed 	<p>This bill is the result of two amended bills, one that fortified the Declaration of Assets and Interests and another that regulated the institutionality of the blind trust. On 2 May 2011 the Probity in Public Functions Bill, Bulletin No.: 7616-06, was introduced into the Congress. On 6 November 2012 Message 331-361 gave extreme urgency status to the bill in its second constitutional round in the Senate. However, in July 2013, it became public that several Congress members had undeclared stakes in companies, illustrating that the commitment, although technically completed, has not yet achieved the desired change. The interviewed members of CSOs recommend considering a lower limit for the amount of money that must be declared; replacement of differentiated sanctions with equal sanctions; and obligatory filing of a declaration by officials of public institutions with fixed-term contracts.</p>
<p>2.3 Working Group of Government, the Legislature, and Civil Society Organisations</p> <ul style="list-style-type: none"> •Relevance to OGP Values: Clear •Potential impact: None •Progress: Completed 	<p>The working group met on two occasions in 2012 and once in 2013. While it is relevant that high-ranking authorities of various branches of government meet to discuss an agenda of topics in common, it is difficult to establish, based on available information, whether agreements were reached on concrete actions regarding inter-institutional coordination or other measures that strengthen transparency. It is important for future sessions of the Working Group to incorporate other expert CSO's on the topics discussed by the Working Group, in addition to those that participated in the consultations for developing the plan.</p>
<p>2.4 Transparency Portal</p> <ul style="list-style-type: none"> •Relevance to OGP Values: Clear •Potential impact: Moderate •Progress: Completed 	<p>The Portal's objective is to channel information requests. On 15 April 2011 an agreement was signed to implement the Portal, and after two years of work by the Council for Transparency and the General Secretariat of the Presidency, a tender was issued, in July 2012, for development and maintenance of software for the Portal's construction. It was launched 24 April 2013. At the time of writing this report, 71 municipalities from 10 regions were participating, out of a total of 345 municipalities in 15 regions. The project is important and relevant, since it promises to facilitate exercise of the citizenry's right to access information. The Council for Transparency recommends requiring public services to join the Portal, and that all 345 Municipalities of Chile join it, along with the other obligated services.</p>
<p>2.5 National Records Policy</p> <ul style="list-style-type: none"> •Relevance to OGP Values: Clear •Potential impact: Minor •Progress: Not started 	<p>Chile does not have a records policy establishing clear standards and procedures for managing historic records or for creating digital platforms. According to the self-assessment of 20 August 2013 the government is studying the possibility of contracting a consulting service to develop a crosscutting records policy applicable to the management of documents in government administration. Therefore, the Working Group has not yet been organised.</p>

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<p>2.6 Public Officials' Letter of Commitment</p> <ul style="list-style-type: none"> •Relevance to OGP Values: Clear •Potential impact: Minor •Progress: Limited 	<p>The decision was taken to replace the letter with an educational booklet on administrative probity, which is currently being developed. CSOs generally thought that it is not a relevant initiative, since signing a letter of commitment does not establish clear obligations with respect to public probity, and it is not an instrument that allows for accountability on the part of those who sign it. In this regard, a booklet could be supplemented with workshops where obligations are presented together with the existing procedures for complying with them.</p>
<p>2.7 Good Practice of Asset Declaration</p> <ul style="list-style-type: none"> •Relevance to OGP Values: Clear •Potential impact: Minor •Progress: Not started 	<p>The self-assessment of 31 January 2013 reported that a database was being developed with the totality of the Regional Ministerial Secretaries (SEREMIS), who would be requested to file the Declaration of Assets. But the self-assessment of 20 August 2013, only reported on the progress of the Probity in Public Functions Bill. That law would regulate declarations of assets and interests by officials of the Public Administration, including the SEREMIS. Accordingly, the completion of this commitment is subject to the passage and entry into force of the Probity in Public Functions Act. For that reason, the IRM researcher recommends that this commitment be abandoned in the next plan and that emphasis be placed on the passage of said Bill, which could incorporate these aspects as an integral part of such legislation.</p>
<p>2.8 New Form for Assets Declaration</p> <ul style="list-style-type: none"> •Relevance to OGP Values: Clear •Potential impact: Minor •Progress: Not started 	
<p>2.9 Lobby Bill</p> <ul style="list-style-type: none"> •Relevance to OGP Values: Clear •Potential impact: Transformative •Progress: Completed 	<p>The government, on 18 May 2012, proposed an amendment (Bulletin No. 6189-06) to the lobby bill (which has been pending in Congress for 10 years), which considers the regulation of lobbied officials. Interviewed stakeholders agreed on the relevance of regulating lobbyists, through the creation of a public, updated registry. They add that the original bill would have regulated lobbyists, but the proposed amendment of 18 May eliminated that requirement. In addition to the actions already planned by the government, the researcher agrees with stakeholders and recommends regulating lobbyists through the creation of a registry.</p>
<p>2.10 Political Parties Bill</p> <ul style="list-style-type: none"> •Relevance to OGP Values: Clear •Potential impact: Moderate •Progress: Completed 	<p>The commitment was introduced into the Congress with the objective of modernising the current Political Parties Act, in order to make political parties more open to the citizenry. It would also expand the powers of the Electoral Service (Servicio Electoral – SERVEL). The bill is undergoing its first constitutional round in the Senate, and is currently under discussion in the Commission on Government, Decentralisation, and Regionalisation (Bulletin No. 8937-06). But no progress has been made on this bill after being introduced into the Congress. Therefore, a commitment is needed to move ahead in the legislative debate over the Political Parties Bill, which should incorporate some type of ongoing public financing for the parties. In such case, the parties ought to be subject to Law 20.285 on Access to Public Information.</p>
<p>2.11 Promotion of OAS Model Law</p> <ul style="list-style-type: none"> •Relevance to OGP Values: Clear •Potential impact: None •Progress: Completed 	<p>Chile participated in international events during 2012 and in the Regional Meeting on Open Government in Santiago de Chile in 2013, where the adoption of laws was promoted for access to information in accordance with the standards of the OAS Model Law. But given that this commitment is not clearly relevant to the challenges facing Chile in terms of the strategic objectives established in the OGP, this report does not establish next steps.</p>
<p>3.1 Promotion of Civic Engagement</p> <ul style="list-style-type: none"> •Relevance to OGP Values: Clear •Potential impact: Minor •Progress: Completed 	<p>This commitment is associated with Law 20.500, which establishes the implementation for the various levels of government of 1) Participatory digital platforms, 2) Participatory dialogues, 3) Civil Society Councils and 4) Consultations with the citizenry. Although much progress has been made on civic engagement, the principal challenge is to provide these bodies with a strategic vision supported by the political authorities in question, so that these procedures and dialogues will have a true impact on public decision-making. The IRM researcher recommends creating an autonomous entity to oversee implementation of Law 20.500, creating a Pro-Participation Agenda, and training officials for more participatory management.</p>
<p>3.2 Municipal Plebiscites Bill</p> <ul style="list-style-type: none"> •Relevance to OGP Values: Clear •Potential impact: None •Progress: Completed 	<p>On 20 November 2010, the government sent a Municipal Plebiscites Bill to Congress. It has been in the Commission on Government, Decentralisation and Regionalisation, (Bulletin 7308-06), since 19 December 2012. This bill would simplify the legalisation process for signatures required to request a plebiscite and proposes the possibility of holding plebiscites during election years, except for years when municipal elections are held. The constitutional reform Bill on the Introduction of Legislation by Civilians was introduced into the Congress on 10 September with simple urgency status. At the time of writing (November 2013) the bill remained in that first round under simple urgency status.</p>
<p>3.3 Legislative Bill on the Introduction of Legislation by Civilians</p> <ul style="list-style-type: none"> •Relevance to OGP Values: Clear •Potential impact: None •Progress: Completed 	
<p>4.1 Civic Engagement on the Environment</p> <ul style="list-style-type: none"> •Relevance to OGP Values: Clear •Potential impact: Transformative •Progress: Completed 	<p>A variety of relevant actions took place to fulfil this commitment, both nationally and internationally. This process provides an opportunity to strengthen rights of access and foster greater inclusion in decision-making regarding environmental impacts. The researcher recommends continued work toward incorporating more signatory countries to Principle 10 of the Rio Declaration, along with dissemination of the process. The researcher also recommends that, by the year 2014, the type of regional instrument necessary should be defined in order to improve implementation of rights of access to environmental justice.</p>

MOVING FORWARD

Today, Chile is at a crossroads. On the one hand, its democratic institutionalism and legal framework meet the majority of international standards, and it is often cited as an example of democracy and transparency. On the other hand, large sections of the Chilean citizenry are dissatisfied, since they consider themselves to have no real place in decision-making on public affairs directly affecting them. It is thus fundamental to strengthen dialogue between the government and the citizenry, in line with the pillars of OGP.

Stakeholder Priorities

All those interviewed from CSOs and other nongovernmental sectors are of the opinion that the action plan is not a plan *per se*, since its commitments are general in nature, and since the plan does not establish expected products or set clear terms for its implementation. With respect to the relevance of the commitments established, the general opinion is that even though they are interesting and necessary because they address challenges that the country is facing, for the most part they already formed a part of the Program of Government of President Piñera, and therefore they existed prior to the Chilean government's participation in the OGP.

The Government has already drafted its second action plan. It held an electronic citizens' consultation process from 6 September to 2 October 2013, as well as in-person workshops in four regions of the country. During the interviews conducted, the following actions stood out as priorities to be incorporated into the 2013-2014 plan:

1. Train and technically support officials (especially sub-national officials) in charge of implementing commitments, so that these efforts will be sustainable.
2. Make progress on the National Records Policy.
3. Perfect the Information Access Act, strengthen the Council for Transparency, and include open data policies regarding Active Transparency obligations.
4. Make progress on an open data policy that:
 - a. Extends the obligation to maintain open data to more persons and entities, such as private universities that receive financing from the state, and that
 - b. Permits certain data to be freely available, accessible and reusable, for any person, without restrictions or control mechanisms.
5. Oversee compliance with the rules on Declarations of Assets.
6. Implement Law 20.500 on Partnerships and Civic Engagement in Public Management.
7. Pass legislation regarding probity in public functions and on the regulation of lobbying.

Recommendations

1. That the new administration taking office on March 2014 should review this report and incorporate CSO recommendations into the 2013-2014 plan, in light of the new administration's new plan of government.
2. Prioritise the commitments incorporated into the plan with explicit criteria.
3. Publicise information alongside the new plan through diverse media, so that it reaches various sectors of society. It is especially recommended to contact the Civil Society Councils that have been created in the country at the central, regional, and local level, within the framework of implementation of Law 20.500.
4. Implement an accountability strategy, parallel to the 2013-2014 action plan, for what has taken place and for problems encountered. Such accountability must take shape not only through reports, but also through a periodic face-to-face dialogue with stakeholders regarding the issues in the action plan.
5. Conceive of participation processes for developing future action plans as substantive dialogue between the government and the various stakeholders interested in the issues. These processes require time for their preparation, implementation, and systemisation; they cannot be conceived as a set of isolated meetings. The action plan must reflect the result of this dialogue. In other words, the participants must be part of decision-making on the plan's commitments. It is suggested to follow the steps established in the Civic Engagement Manual of the PARTICIPA Corporation for organising a consultation process.

Eligibility Requirements 2012: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions. Objective indicators are used to determine country progress on each of the dimensions. For more information, visit <http://www.opengovpartnership.org/how-it-works/how-join/eligibility-criteria>. OGP figures are in parentheses.

Budget transparency: Both relevant budget documents public (4 out of 4) **Access to Information:** Law in effect (4 out of 4)

Asset Disclosure: elected and appointed officials, to the public (4 out of 4) **Civic Engagement:** 9.41 out of 10 (4 out of 4)

Andrea Sanhueza has been coordinating projects for 25 years on democracy, governability, transparency and participation at a national, regional, and global level. She is the founder of the networks named 'Iniciativa de Acceso' ['Access Initiative'] and 'Democracia Activa' ['Active Democracy'] and is a fellow of the Center on Democracy, Development, and the Rule of Law of Stanford University. Ms. Sanhueza received her Master's in Political Science from Universidad de Chile and her Master's in Human Settlements and the

I. BACKGROUND

Introduction

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen democratic governance. OGP provides an international forum for dialogue and for sharing innovations among governments, civil society, and the private sector, all of which are stakeholders committed to the pursuit of open government.

In September 2011, Chile submitted its letter of intent to join the OGP. It formally became one of the 39 countries of the second cohort on 20 September 2011. Chile presented its first Action Plan at the 1st OGP International Conference. The conference was held on 17 and 18 April 2012 in Brasilia, Brazil.

In order to participate in OGP, governments must demonstrate a clear commitment to the concept of open government, reflected in a set of fundamental indicators: 1) fiscal transparency 2) public disclosure of income and assets by those who hold political office and high-ranking public officials; 3) access to public information, and 4) citizen participation in the control of public accounts. In order to determine the degree of progress of each country in each of these dimensions, objectives developed by entities separate from the OGP are used as base indicators, assigning a maximum of 4 points for each indicator.

When Chile initially joined the OGP, it received 4 out of 4 points for the indicators of fiscal transparency.¹ With respect to public disclosure of income and assets from those in political office and high-ranking public officials, Chile obtained a score of 4 out of 4.² With respect to access to information, Chile obtained 4 points out of 4 on account of having a law on transparency.³ Finally, in citizen participation it attained a total of 4 points, since it received a score of 9.41 on the Economist Intelligence Unit Participation subscore.⁴

All participating governments must develop action plans that include specific commitments to be fulfilled during an initial two-year period. Governments should organize their action plans around the OGP “grand challenges.”⁵

At the time of writing this report, the Government of Chile fulfilled 15 out of 19 of its commitments within the first Action Plan. It has not started implementing the other 4 commitments. Between 6 September and 2 October 2013, Chile held a consultation for the second Action Plan, which will go into effect in 2014.

According to the governance rules of OGP, the Independent Reporting Mechanism (IRM) works with local researchers who have relevant expertise in the area. The IRM collaborates with independent researchers to make assessments of each country’s achievements in the development and implementation of their action plan. For the evaluation of Chile, the IRM worked with Andrea Sanhueza to conduct independent research on the progress of the First Action Plan. The IRM serves to establish an ongoing dialogue around the development and implementation of future commitments in each participating country. The methodology, sources, and references used are described in the Methodology Note.

Institutional context

The OGP in the Government of Chile is coordinated by the Citizens’ Defense and Transparency Commission, an advisory body to the President of the Republic whose

mission is to safeguard respect for rights and duties in the relationship between the citizenry and the State. Its sphere of action is limited to agencies under the umbrella of the Central Administration of the State. Its creation and objectives are indicated in Supreme Decree No. 86 of the General Secretariat of the Presidency of 8 October 2012.

Mr. Alberto Precht, Chairman of the Commission, is in charge of coordinating the development, implementation, and accountability of the Government of Chile's first OGP Action Plan. For purposes of developing and implementing the Action Plan, the Commission mainly coordinated with the Secretary General of the Presidency. The Commission also worked with other institutions, such as the Council for Transparency, the General Secretariat of the Presidency (SEGPRES), and the Registry of Vital Statistics and Identification, among others.

SEGPRES is in charge of coordinating with the Legislative Branch and approving bills introduced to the Congress by the Executive Branch. Therefore, it has played a fundamental role in the Action Plan's implementation. Out of the 19 commitments, it is responsible for 4 commitments in particular that correspond to legislative bills.

Methodology note

The IRM prepares and disseminates progress reports on each country that participates in OGP. The IRM established alliances with independent researchers who have attained recognition for their work in each of the countries. Andrea Sanhueza is the author of Chile's current report. The researcher developed a work plan that consists of 6 core activities. The first activity was to review the Action Plan of the Government of Chile dated April 2012,⁶ and the Chilean Government's three self-assessments published on 30 June 2012,⁷ 31 January 2013,⁸ and 20 August 2013⁹ respectively. Generally, the in-country researchers will hold at least two meetings with the stakeholders. Given the close nature of the stakeholders in Chile, the researcher decided to conduct a significantly greater number of direct interviews. A list of the interviewees is made available in the online library. All explanatory information on the methodology used by the researcher appears at the end of this report in the methodology annex.

The information found within this work was gathered throughout the course of the research process. All the original documents, as well as several documents cited within this report, are available for viewing and comments in the IRM Online Library in Chile, at <http://bit.ly/18ivVkh>

¹ <http://internationalbudget.org/wp-content/uploads/2011/04/OBI2010-Chile.pdf>

² Based on a survey commissioned in 2009 by the World Bank on the public disclosure of income and assets of political officials, entitled "*La revelación de los políticos*," by Simeon Djankov, Rafael La Porta, Florencio López de Silanes, and Shleifer Andrei, which covers 175 countries; and a World Bank study from 2009 on income and the declaration of assets of high-level officials entitled "Income and Assets Declarations of the Member Countries of the World Bank," by Richard Messick, Senior Public Sector Specialist of the World Bank, which covers 149 countries.

³ The Constitution of the Republic of Chile does not consecrate the fundamental right of Access to Public Information. Nonetheless, it does expressly include the principle of probity and transparency in public functions in its Article No. 8. Available at: <http://bit.ly/18iyeUu>. Chile also has a law on access to information, <http://bit.ly/IEBm2Y>

⁴ Democracy Index 2012. Economist Intelligence Unit. (Consulted on November 4, 2013.)

⁵ The OGP Grand Challenges are the improvement of public services, enhanced public integrity, more effective public resource management, the creation of safer communities, and enhanced corporate responsibility.

⁶ Open Government Partnership. Action Plan of the Government of Chile, April 2012.

⁷ First Progress Report on Open Government Plan Commitments, 20 June 2012.

⁸ Second Progress Report on OGP Commitments, 31 January 2013.

⁹ Third Public Consultation Report, 2012-2013 Plan, 20 August 2013.

II. PROCESS: DEVELOPMENT OF THE ACTION PLAN

Countries participating in OGP must consult extensively with the public during the preparation of their action plans.

This process must meet the following criteria:

- Publicly disseminate the details of the public consultation processes and the schedule (at least virtually) prior to the consultations.
- Extensively consult with the community at a national level, both with civil society and with the private sector.
- Seek a diverse range of opinions.
- Prepare a summary of the public consultation and make it available, together with all individual written comments received.
- Undertake OGP awareness raising activities to enhance public participation in the consultations.
- Notify the public in advance prior to the consultations.
- Use a variety of mechanisms, including on-line and in-person meetings, to create opportunities for citizen participation.

A fifth guideline of the process included in the OGP Charter is discussed in Section III “Consultation during Implementation:”

- Identify a viable forum to regularly consult with the various stakeholders regarding OGP implementation. This could be a new entity or one already in existence.

Table 1: Consultation Process

Phase	OGP Requirements: <i>Articles of Governance</i>	Has this requirement been met?
During the development of the plan	Timeline of the process: available prior to the consultations	Yes
	Timeline: on line	Yes
	Timeline: other channels	Yes
	Timeline: Hyperlinks	http://www.AGA.cl/2011/12/23/consulta-publica-alianza-para-el-gobierno-abierto/
	Advance notice	Yes
	Days in advance	8
	Adequate advance notice	Yes
	Publicity and promotion	Yes
	Publicity: Hyperlinks	http://www.minsepres.gob.cl/2011/12/parte-consulta-ciudadana-sobre-medidas-de-transparencia-y-participacion-en-chile/
	On-line consultations	Yes

	Consultations: Hyperlinks	http://www.cdc.gob.cl/2011/12/23/consulta-publica-alianza-para-el-gobierno-abierto/
	In-person Consultations	Yes
	Summary of comments	Yes
	Summary of comments: Hyperlink	http://www.AGA.cl/wp-content/uploads/documentos/310112_Respuestas_a_Consulta_Final.pdf
During implementation	Forum that meets regularly	No

Advance notice of consultations

Through the General Secretariat of the Presidency (SEGPRES), the Government of Chile conducted a non-binding public consultation from 23 December 2011 to 9 January 2012 to gather opinions on the Action Plan proposal. The process was mainly publicized through the www.AGA.cl and www.minsegpres.gob.cl websites on 15 December.¹ Concurrently, SEGPRES held a meeting with the OGP Working Group and discussed the challenges faced by Chile on account of its participation in the initiative.

Invited to participate as members of the OGP Working Group were Manuel Aris from the Fundación Ciudadano Inteligente, Andrea Sanhueza, from the Corporación Participa, Moisés Sánchez from the Fundación Proacceso, Jaime Bellolio, from the Fundación Jaime Guzmán, and Sebastián Errázuriz from Chile Transparente. The remaining members are from the Administration of the State and the Library of the National Congress.

Proposals could be received through two avenues: electronically through the website (www.probidadytransparencia.cl/AGA/) or by traditional mail. Through this process, the government received five documents, three from individuals and two from CSOs related to the issues of participation and transparency. In the government's opinion, the process made it possible to receive contributions from a variety of sources with different points of view. The summary documents are available on the www.AGA.cl website. The government issued a document in which it replied to the proposals and suggestions received.²

Quality and breadth of consultation

It is important to note that this entire process had the nature of a consultation. It was thus indicated from the start that ideas and proposals coming from civil society would serve as input to perfect the Action Plan, but that the government would have the power to decide the extent and details of each commitment contained in its Action Plan.

Nevertheless, civil society organizations (CSO) and relevant stakeholders agreed in a consensus that the consultation process failed to meet the OGP requirements for drafting the Action Plan as previously described.

- The first three requirements were not met. The Plan did not succeed in achieving the results of a substantive dialogue between the government and participating organizations. The consultation was announced when it was just about to be started. The consultation was also conducted for a very short time, from 23 December 2011 to 9 January 2012.
- The consultation primarily focused on providing information from the government on the Action Plan. Dialogue and feedback through the

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incorporation or non-incorporation of proposals made by the CSOs was minimal. Nonetheless, representatives of the participating organizations noted that some proposals were indeed incorporated, such as actions regarding open data and the promotion of a regional instrument on rights to information, participation, and justice in environmental matters.

- The participating organizations of the consultation are CSOs headquartered in the city of Santiago with expertise on the issues in question. They do not have a social and territorial base, which was important at the time of inviting the CSOs.

The government, in response, indicated that the consultation was carried out within a restricted timeframe, which limited their ability to incorporate other proposals into the Action Plan.

¹ See as examples <http://bit.ly/18pnq3y> or <http://bit.ly/17sUNYl>

² <http://bit.ly/1aD4MVN>

III. PROCESS: CONSULTATION DURING IMPLEMENTATION

During the implementation of the Action Plan, no formal dialogue between government and nongovernmental stakeholders was initiated on a periodic basis.

As Table 2 of the preceding section indicates, a forum that regularly held public consultations on the 2012 Action Plan was not established during the Plan's implementation stage.

The General Secretariat of the Presidency organized only 2 meetings with the Permanent OGP Working Group and both meetings were held within a limiting timeframe between the final quarter of 2011 and the first quarter of 2012. The Working Group is comprised of the following public institutions:

- Library of the National Congress;
- General Government Auditing Council (CAIGG);
- Council for Transparency;
- General Comptrollership of the Republic;
- General Secretariat of the Presidency;
- Ministry of Foreign Relations;

And the following CSOs:

- Chile Transparente;
- Corporación Participa;
- Fundación Ciudadano Inteligente;
- Fundación Preacceso, and
- Fundación Jaime Guzmán.

The first public consultation meeting took place on 15 December 2011. The second meeting took place on 16 January 2012 and was organized to incorporate comments received by the government. Subsequently, a third Working Group meeting was held in February 2012 with Ana Bellver, Senior Public Management Specialist of the World Bank. Bellver presented information on the accomplishments to date and provided recommendations on behalf of the World Bank with respect to Chile's commitments to Transparency, Access to Information, and Participation.¹

The CSOs confirmed that the Working Group convened during the development of the April 2012 Action Plan, but did not reconvene throughout the Action Plan's implementation stage.

¹ Raimundo Valera. Commission for Defense of the Citizenry and Transparency. October 8, 1 pm. Telephone interview.

IV. IMPLEMENTATION OF COMMITMENTS

OGP participating countries develop biannual action plans. Governments are expected to start their plans by describing current efforts related to their chosen OGP Grand Challenges, including specific open government strategies and ongoing programs. Plans should then propose the government's commitments to change government practices in that sector. These commitments may build on existing efforts, identify new steps to supplement ongoing reforms, or may initiate action in new areas.

Commitments are to be structured around a set of five “grand challenges” that all governments face. OGP recognizes that each country starts from a different baseline. Countries are charged with selecting the grand challenges and related concrete commitments most relevant to their unique country context. No action plan, standard, or specific commitments are forced upon any country.

The five grand challenges are:

- Improving Public Services — measures that address the full spectrum of services to the citizenry, including public health, justice, water, electricity, telecommunications, and any other relevant service to foster improvements in services or private innovation.
- Enhancement of Public Integrity — measures that address corruption and public ethics, access to information, campaign finance reform, and freedom of the press and of civil society.
- Efficient Management of Public Resources — measures that address budgets, procurement, natural resources, and foreign aid.
- Creation of Safer Communities — measures that address public safety, the national security sector, disaster and crisis response, and environmental threats.
- Improvement of Corporate Accountability — measures that address corporate responsibility on issues such as the environment, anti-corruption, consumer protection, and community relations.

While the design of concrete commitments to address a grand challenge must be flexible and adapt to each country's unique circumstances, OGP commitments must also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP participating countries. The IRM uses the following guiding definitions to assess relevance to the core Open Government values.

- **Transparency** — These commitments:
 - Pertain to government-held information;
 - Are not restricted to data; rather, they apply to all types of information;
 - May include proactive or reactive transparency;
 - May be associated with strengthening the right to information; and
 - Must provide open access to information (they cannot privilege the government by limiting this information to its internal use).
- **Citizen Participation** —
 - Governments seek to mobilize citizens to engage in public debate and make contributions that lead to more responsive, innovative, effective governance. Citizen participation commitments:
 - Open up decision making to all interested members of the public. These forums tend to be ‘top down’ in that they are created by the government (or stakeholders empowered by the government) to inform decision-making;

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- Often include elements of access to information in order to ensure meaningful input by interested members of the public into decisions;
- Often include enhancing the citizen's right to be heard, but not necessarily the right to be heeded.
- **Accountability** — Rules, regulations, and mechanisms should be in place that call upon government actors to justify their actions, act upon criticisms and accept the consequences of failure to comply with laws or fulfill commitments.
 - As a part of Open Government, those commitments have an “open” element, in that they are not purely internal accountability systems, without a public face.
- **Technology and Innovation** — These commitments:
 - Promote new technologies that offer public opportunities to share information, participate and collaborate;
 - Should make more information public so that the public can stay informed on what the government is doing and be able to exert an influence on its decisions;
 - Can support the capacity of the government and the citizenry to use technology favoring transparency and accountability; and
 - Can likewise support the use of technology by public servants and the citizens alike.

Countries may focus their commitments at a national, local, and/or subnational level, wherever they believe the efforts will have the greatest impact.

Given that achieving open government commitments requires a multiyear process, governments should include timelines and benchmarks in their commitments, indicating what is to be accomplished each year, to the extent possible.

This section of the report describes each of the commitments that Chile included in its Action Plan, including the points of view of various stakeholders. For a list of interviewees, see the Methodology Annex at the end of the report. This first Plan focused on open government to improve public services, create safer communities, and enhance public integrity and institutional responsibility. With the exception of commitments 2.7 and 2.8, 3.2 and 3.3, this section follows the thematic organization of the Plan.

While most measures are methodologically clear and objective, some deserve further explanation.

- **Relevance:** The IRM researcher evaluated each commitment for its relevance to OGP values and “grand challenges.”
 - *OGP values:* Some commitments are unclear in their relationship to OGP values. In order to identify such cases, the researcher made a judgment based on a careful reading of the commitment text. This identifies commitments that can better articulate their relationship to fundamental Open Government issues.
 - *Grand challenges:* While some commitments may be relevant to more than one grand challenge, the researcher only marked challenges identified by the government, since the majority of the commitments address a single challenge.
- **Ambition:**
 - *Potential impact:* The participating countries are expected to make ambitious commitments, with new or pre-existing activities that change government practice in the relevant sector. In order to contribute to a broad definition of ambition, the IRM researcher judged how potentially

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transformative each commitment might be, based on the evidence from the research and the researcher's experience as an expert in governance.

- *New or already in existence:* Note was also taken, in a non-judgmental fashion, as to whether the commitment was based on an action that predated the plan.
- **Timing:**
 - *Projected completion:* The OGP Articles of Governance encourage participating countries to make commitments with clear deliverables and suggested annual milestones. In cases where this information is not available, the researcher uses the evidence and the researcher's own experience to make a judgment on what was expected to be completed by the end of the implementation period.

1. Open Government to Improve Public Services

1.1 ChileAtiende

Text of the commitment

ChileAtiende is a multi-channel network that seeks to make government services accessible to the public, by allowing a set of procedures from different public institutions to be processed in a single place. Through a network with more than 140 branches, a call center, and a web portal, ChileAtiende seeks to offer the citizens a consistent, responsible service through all channels.

Description of the commitment						
Responsible entity	Lead institution	General Secretariat of the Presidency				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Degree of specificity and measurability		High: Commitment provides clear, measurable, verifiable milestones for the goal				
Relevance	OGP grand challenges	Improve public services				
	OGP relevant values	Transparency	Citizen participation	Accountability	Technology and Innovation for Transparency and Accountability	None
						✓
Ambition						
New or pre-existing?		Potential impact				
Pre-existing		Transformative: The commitment is a reform that could transform the relevant policy practice.				
Degree of completion						
Start date:		End date:		Current progress		Completed
Not specified		31-Dec-2012				
				Projected completion		Completed

Next steps

New commitment based on existing implementation

What happened?

The creation of this initiative predated the development of the Government of Chile's OGP Action Plan. The commitment established that by the end of the year 2012, the ChileAtiende Network would have three channels of direct contact with the public (call center, service centers, and a web portal). Ten public services would be integrated and at least 80 products would be delivered.

The commitment's completion was amply surpassed. According to the self-assessment, ChileAtiende had established 182 service points with trained personnel throughout the country as of 20 August 2013. Two publicity campaigns have been organized to introduce the citizenry to ChileAtiende through mass communications media, in addition to the presence of mobile units in 190 municipalities and 5 regions of the country.

During the implementation of this commitment, those in charge of ChileAtiende faced three challenges:

- To design strategies that would transform the work culture of public services, specifically with respect to the initial difficulty of handing over to a third party the administration of procedures conducted on their websites.
- To succeed in extending the hours of service provided to the public by the institutions involved.
- To succeed in achieving a necessary coordination between the first 25 participating public services. Among other challenges, certain legal obstacles needed to be overcome in order to transfer specific powers from certain public services to others that will be taking charge of administering ChileAtiende.

Did it matter?

The interviewed stakeholders collectively agreed that the progress of the commitment to date has been concrete. The achievement is substantive towards the framework of processes for Modernization of the State because it contributes to improved public services and facilitates more efficiency in the processing of a variety of procedures for the country's public services. But this commitment, as well as several others described below, is unclear in its relationship with Open Government values.

Moving forward

With respect to next steps, the government is seeking further geographic expansion and an increase in the number of procedures incorporated within ChileAtiende. The IRM researcher recommends additional commitments that lend to the continuity of ChileAtiende within the framework of the Government of Chile's second Action Plan, such as:

- Organize publicity campaigns to expand the public awareness and use of the web portal;
- Prioritize geographically isolated sectors by installing service centers and/or the necessary equipment for connectivity, and providing training on the use of the Internet and ChileAtiende; and
- Clarify how tools such as ChileAtiende can be used to improve transparency and accountability.

1.2 Interoperability Framework

Text of the commitment

As indicated by President Piñera, one of his administration's core objectives is to eliminate unnecessary procedures and excessive bureaucracy. To accomplish that, public institutions need to share information, and do so securely and electronically. The Interoperability Framework will help simplify processes and activities for networking the Institutions of the State. This will make it possible to increase the number of services provided without requiring additional information from the citizenry.

This framework will consist of institutionalizing and standardizing processes and platforms used to manage interoperability in the State.

Description of the commitment						
Responsibility	Lead institution	General Secretariat of the Presidency				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Degree of specificity and measurability		None: The language of the commitment does not contain verifiable deliverables or milestones.				
Relevance	OGP grand challenges	Improve public services				
	OGP relevant values	Transparency	Citizen participation	Accountability	Technology and Innovation for Transparency and Accountability	None
						✓
Ambition						
New or pre-existing?			Potential impact			
New			Transformative: The commitment is a reform that could transform the relevant policy practice.			
Degree of completion						
Start date:		End date:		Current progress		Completed
Not specified		31-Dec-2013		Projected completion		Completed
Next steps						
None: abandon the commitment						

What happened?

The Interoperability Framework or the “Integrated Platform of Electronic Services of the State” (Plataforma Integrada de Servicios Electrónicos del Estado; PISEE) enables public institutions to share information with one another. By increasing the interoperability of the central Institutions of the State, citizens can benefit from not having to resubmit information that has already been provided to another public service.

In addition, the interoperability platform seeks to strengthen ChileAtiende and Chile sin Papeleos (Chile Without Red Tape). Chile sin Papeleos is a project that works to increase the number of procedures available online and to shorten the time it takes for the procedures to be processed.

No specific goal was set for completion by the end of the timeline because institutions of the State join the platform on a voluntary basis. In order to encourage more institutions to join the platform, strategic actions were taken to promote the platform’s growth. Notable among the actions include:

- Coordination Meetings with Institutions to establish interoperability needs and offer technical assistance.
- Survey of the needs of the institutions through ChileAtiende and Chile sin Papeleos.
- Issuing of a Presidential Directive (17 August 2012, Number 002) requesting that institutions prioritize their interoperability objectives through use of the platform.
- Implementation of a strategy that supports institutions with high demand for information, such as the Vital Statistics and Identification Registry Service.

On 20 August 2013, the platform reportedly had 41 institutions operating on the platform, 34 information consumer institutions, 110 incorporated procedures, 21 information provider institutions, and 76 integrated services, conducting more than two million monthly transactions.

Did it matter?

The Integrated Platform of Electronic Services of the State (PISEE) started in 2008 with institutions such as the Vital Statistics and Identification Registry Service, the Internal Revenue Service, and the Ministry of Housing and Urban Development.

The citizenry can benefit from an interoperability platform that brings together the use of technology with:

- Coordination of the institutions of the State in order to fulfill the objectives proposed in the Digital Government Agenda;
- Operation of the system with availability 24 hours a day, 7 days a week;
- Constant updating of technology usage to lower barriers, thus facilitating integration onto the Platform, and
- Cost reductions and/or significant savings for the State and the citizenry when processing a procedure or service.

Nonetheless, it is important to note that the commitment did not involve the sharing of information between the government and society, an OGP value.

Moving forward

The initiative is not recommended for pursuit as a commitment in the second Action Plan because it does not explicitly incorporate one of the OGP values.

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1.3 Open Government Portal

Text of the commitment

It is sought to facilitate the citizens' access to spaces of transparency and participation and provide government services with a standard and tools for facilitating fulfillment of their commitments. To that end, the integration of these initiatives will be promoted on a one-stop-shop portal, which will draw upon the best international experiences (as is the case of the Open Government Initiative of the USA). The web portal will thus make it possible to centralize initiatives for transparency, participation, and public information, on a unified platform, thereby lending them consistency on a government-wide level and facilitating their understanding and use by the citizens. Instruction on open government will be provided to public services, standards and forms will be established, and the publication of data will be promoted. Data-access standards for the Administration of the State will be established, taking into consideration the citizen's usage needs, applying the same methodologies indicated in this plan.

Description of the commitment						
Responsibility	Lead institution	General Secretariat of the Presidency				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Degree of specificity and measurability		Low: Language of the commitment describes activities that can be interpreted as measurable				
Relevance	OGP grand challenges	Improve public services				
	OGP relevant values	Transparency	Citizen participation	Accountability	Technology and Innovation for Transparency and Accountability	None
		✓	✓	✓	✓	
Ambition						
New or pre-existing? Pre-existing			Potential impact Moderate: The commitment is a significant step in the relevant policy practice, but is limited in scope.			
Degree of completion						
Start date: Not specified		End date: 31-Dec-2012		Current progress		Completed
				Projected completion		Completed

Next steps

Maintain and monitor completed implementation

What happened?

The commitment is an initiative that pre-dated the Action Plan. The objective of the portal is to centralize the various government initiatives related to transparency, participation, and public information through a unified platform. Although the commitment does not establish concrete goals for implementation, having data in a single place can facilitate the citizenry's comprehension of, access to, and use of government information.

The self-assessment of 20 August 2013 noted that Presidential Directive No. 005 of 12 November 2012, provided instructions to public services regarding Open Government. It established standards and forms, and promoted the publication of data. Currently the web portal provides a link to public services that the citizenry can use to stay informed or to make information requests, queries, claims and suggestions. Coordination has been established with the General Secretariat of Government. Hence, the web portal can become a key tool for implementing accountability. The leading institution of the web portal reports that they have developed a support strategy under which they will visit public services interested in joining the Open Government Portal.

Several challenges were encountered, including:

- Meeting the different needs of each interested public service,
- Succeeding in having the interested services understand the magnitude and relevance of the web portal, and
- Promoting citizenry demand for the data published on the web portal. To date the citizenry has made slight use of the available data. Possible explanations might be that the data published is not of interest for a large part of the citizenry or that the initiative's existence is largely unknown.

Did it matter?

A CSO interviewee commented that the portal is a necessary initiative and the Presidential Directive was an important step towards making process in the area of open data. Nonetheless, the initiative can be considered a pilot strategy that lays down the foundation for an Open Data Policy with the Chilean government. Within the first thematic group of commitments in the First Action Plan, this commitment in particular ranks highly in relevance to Open Government.

Moving forward

The next step is the launching of the web portal. It is an important activity. To date, no mass publicity of the portal has been made and the citizenry's current use of available data is low. No goal has been set for how many public services and their respective initiatives will want to publish content on the web portal. Nor has a timeline been defined.

1.4 Digital Identity

Text of the commitment

As the offer of government services migrates to electronic means, the ability to digitally identify oneself becomes increasingly relevant. The government will thus promote the creation and adoption of an individual digital password for digital interaction of the citizens with public services. That way, people will have a secure and unique means of identification that will be jointly administered by the Vital Statistics and Identification Registry Service and the General Secretariat of the Presidency.

Description of the commitment						
Re sp on si bil ity	Lead institution	General Secretariat of the Presidency				
	Supporting institutions	Civil Registry				
	Point of contact specified?	No				
Degree of specificity and measurability		Moderate: Language of the commitment describes an objectively verifiable activity but without specified milestones or deliverables				
Re le va nc e	OGP grand challenges	Improve public services				
	OGP relevant values	Trans paren cy	Citizen participation	Accountab ility	Technology and Innovation for Transparency and Accountabilit y	None
						✓
Ambition						
New or pre-existing? Pre-existing			Potential impact Moderate: The commitment is a significant step in the relevant policy practice, but is limited in scope.			
Degree of completion						
Start date: Not specified		End date: 30-Jun-2013		Current progress		Completed
				Projected completion		Completed
Next steps						
None: abandon the commitment						

What happened?

The initiative predates the Action Plan's development and the commitment did not establish concrete deliverables. The individual password (<http://www.claveunica.cl>) would be administered by the Vital Statistics and Identification Registry Service and the General Secretariat of the Presidency. The self-assessment of 20 August 2013 indicates that the following 8 services were enabled for use of the individual password:

- Vital Statistics and Identification Registry Service (Driver's Life Record and Background Certificate);
- Accreditation by the National Traffic Safety Commission (Safe Driver Seal);
- Housing subsidy of the Ministry of Housing and Urban Development (emerging groups (Supreme Decree No. 1, Title I));
- Housing subsidy of the Ministry of Housing and Urban Development (middle class families (Supreme Decree No. 1, Title II));
- Civil Defense of Chile (Certificate of Military Status for Volunteers);
- Undersecretariat of Agriculture (Favorable report for construction (Formerly Change of land use));
- General Directorate of National Mobilization (Military Service as a volunteer); and
- General Directorate of National Mobilization (Certificate of Military Status).

The lead institution for the commitment reports that as of September 2013, 12 procedures use the individual password and 21 other services are preparing to do so. By September, an estimate of 3 million people will have an individual password. Currently, a radio and television campaign is underway to promote the individual password, in particular with direct outreach to housing subsidy applicants.

Two main problems arose during implementation of the Digital Identity commitment:

- Reluctance of people to go to an office to receive it;
- Having public services accept the use of a single password for several procedures.

Did it matter?

The commitment brought substantive change to the public administration, increasing the ease of applying for benefits and subsidies for millions of people and conducting procedures with various public services. Nevertheless, it does not clearly address OGP values.

Moving forward

It is recommended not to include this commitment in the Second Action Plan, unless it can be linked to anti-corruption initiatives, for example.

2. Open Government for Enhanced Public Integrity

2.1 Perfecting the Public Information Access Act

Text of the commitment

This commitment, now that the Transparency Act has been in effect for 3 years, seeks to improve the exercise of the right of access to public information and the functionality of the Council for Transparency.

Description of the commitment						
Responsibility	Lead institution	General Secretariat of the Presidency				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Degree of specificity and measurability		Low: Language of the commitment describes activities that could be interpreted as measurable				
Relevance	OGP grand challenges	Enhance public integrity				
	OGP relevant values	Transparency	Citizen participation	Accountability	Technology and Innovation for Transparency and Accountability	None
		✓		✓		
Ambition						
New or pre-existing? Pre-existing			Potential impact Little: The commitment is a small but positive step forward in the relevant policy practice			
Degree of completion						
Start date: Not specified		End date: Not specified		Current progress		Completed
				Projected completion		Completed
Next steps						
New commitment based on existing implementation						

What happened?

The commitment is not new. Several of the proposals for perfecting Law No. 20.285 and incorporated in Bill No. 7686-07¹ arose from dialogue between the government and the Council for Transparency. The bill was introduced to Congress on 2 June 2011 to amend Law No. 20.285 on Access to Public Information.² The bill was passed in January 2013 in

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the House of Representatives and is currently in its Second Round at the Senate. At the time of writing this report, the term for proposing amendments was open.

The principal contents of the bill include:

- Perfecting the rules on active transparency by incorporating a publication of the remunerations of:
 - Workers under the Labor Code and
 - Authorities elected by popular election or selected by any other means of designation.
- Extension of the term to notify any third parties harmed by the request for access and of the term for responding to that notification.
- Making more public services subject to the Transparency Act, such as municipal associations and corporations.
- Specification of what constitutes public information when in the possession of the administrative bodies of the State.
- Inclusion of certain items that public services will be obligated to publish on their web portals, such as interests and assets declarations of authorities and public servants.
- Perfecting the procedure before the Council for Transparency through inclusion of a special remedy against its resolutions named “special remedy for reconsideration.”
- Greater protection of personal data; for example, when information of a personal nature is requested, it can only be provided to the person in question or to that person’s legal representative.

Interviewed members of the CSOs noted that the government has found difficulty in getting the bill prioritized in the congressional debate. Nonetheless, in the opinion of certain civil society experts, progress was possible due to events that took place between July and October 2012. During the time frame, a discussion took place over whether the information contained in e-mails between public servants and authorities can be classified as public information. In July 2012, Juan José Soto requested the General Secretariat of the Presidency to release copies of the e-mails sent and received by the Secretary General of the Presidency, Mr. Cristián Larroulet, between 18 and 21 July 2011. The Ministry declined to share the information, arguing that doing so would violate the official’s fundamental rights. Soto took the disputed claim to the Council for Transparency, which concluded that “e-mails of public servants, sent or received from their institutional e-mail box and in the exercise of public functions —that is, not those involving their private or personal life— are public unless the presence of specific legal grounds for secrecy or reserve is demonstrated.”³

On 4 October 2012, the Constitutional Court granted the petition that was filed on behalf of Secretary Cristián Larroulet and declared the application of Article 5(2) of the Public Information Access Act unconstitutional. It rejected the pro-transparency arguments made by the Council for Transparency.

Two aspects of the bill are particularly sensitive areas for some stakeholders. Others consider them to be possible setbacks.

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- The Law currently states that the requesting party need not provide a foundation for his or her interest in obtaining the information.
- A request for information can be declared inadmissible on the grounds of being repetitive or offensive.

Did it matter?

Although the commitment undertakes several positive steps, it is not considered an ambitious commitment because they are minor perfections to the law.

Moving forward

With respect to the next steps for strengthening Law 20.285 on Access to Public Information, the interviewed members of the CSOs and of the Council for Transparency propose the following:

- Strengthen the powers of the Council for Transparency, specifically the sanctions mechanism when a public service refuses to turn over the information.
- Substantively improve active transparency obligations, thus better aligning with the information needs of the citizenry and with the new open data standards.
- Obligate more types of persons and entities under the Transparency and Access to Information Act, since at present there are inconsistencies. For example, private universities are not obligated by the Law, but nonetheless receive significant public financing.

Other interviewees, who are advisors to the Congress on transparency and access to information, indicate that the next step to be taken on transparency and access to information is the approval of two amendments introduced to be incorporated into the Constitution: the human right of access to information, and accountability on the part of the legislative branch. See amendments at <http://bit.ly/1cbod9t> and <http://bit.ly/1dQjctJ>

¹ <http://bit.ly/18ivVkh>

² <http://bcn.cl/msg>

³ <http://www.uchile.cl/noticias/88799/privacidad-del-correo-electronico-en-la-administracion-del-estado>

2.2 Probity in Public Functions Bill

Text of the commitment

The government introduced a bill to the National Congress on 3 May 2011 aimed at regulating the exercise of public office from the perspective of fulfilling the principle of probity. This bill specifically aims to strengthen the regulation of the declarations already existing in the legislation. The bill gathers in a single piece of legislation the entirety of the regulations in effect on declarations of interests and assets, updates them, and establishes new obligations for authorities and public servants to whom the regulations apply.

It also establishes, as a mechanism to control conflicts of interest, that certain authorities establish a power of attorney under which the administration of certain assets considered conflictive by the law would be turned over to an independent third party authorized for said purpose, and in cases where that is not sufficient, it orders the disposal or relinquishment of assets.

Description of the commitment						
Responsibility	Lead institution	General Secretariat of the Presidency				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Degree of specificity and measurability		Low: Language of the commitment describes activities that could be interpreted as measurable				
Relevance	OGP grand challenges	Enhance public integrity				
	OGP relevant values	Transparency	Citizen participation	Accountability	Technology and Innovation for Transparency and Accountability	None
		✓		✓		
Ambition						
New or pre-existing? Pre-existing			Potential impact Moderate: The commitment is a significant step in the relevant policy practice, but is limited in scope.			
Degree of completion						
Start date: Not applicable		End date: Not applicable		Current progress		Completed
				Projected completion		Completed
Next steps						

New commitment based on existing implementation

What happened?

The commitment predated the development of the Plan. It is the consolidated result of two legislative bills, one that strengthened the Declaration of Assets and Interests¹ and another that regulated the institutionality of the blind trust.²

On 2 May 2011, the Probity in Public Functions Bill, Bulletin No. 7616-06 was introduced to the Congress.³ Ever since it was introduced, the government gave its processing an “extreme urgency status”. After an intense debate in the House of Representatives, it was passed in March 2012. Upon reaching the Senate, no progress was made on the bill until it was reactivated in 2013 and passed in the Senate Commission on Government. On 6 November, through Message 331-361, the bill was given extreme urgency status in the Second Constitutional Round of the Senate.

The government reports that the incorporation of the assets and liabilities of one’s spouse into the Declarations of Assets and Interests has perked great interest in Congress. A debate is underway as to whether that information should be incorporated depending on the property arrangement applicable to the marriage of the authority in question.

Did it matter?

The commitment is relevant since it is necessary to increase the number of public offices that are subjected to this obligation, such as the members of the Council for Transparency, the Public Defenders, and the regular and alternate members of the Public Procurements Tribunal. The bill creates an electronic procedure through the web portal of the General Comptrollership of the Republic for filing the declarations, thereby facilitating access to them. Another reason why it is relevant is that it determines which authorities must submit a power of attorney for the administration of their assets and, in certain special cases, establishes an obligation to alienate them as a way to reduce or avoid possible conflicts of interest.

Nonetheless, a discovery in July 2013 illustrates that the commitment has not yet been able to accomplish the desired change. Although it was technically completed, “nearly 40% of the Congress members have stakeholdings in companies that were not included in the declarations of assets that they are obligated by law to declare.”⁴

Moving forward

The interviewed members of civil society organizations highlighted certain elements that should be incorporated into the bill:

- Consider a lower limit for the amount of money that the authorities are currently obligated to hand over to an independent third person for administration, and consider a lower amount than the current figure for the assets they are obligated to relinquish.
- Eliminate differentiated sanctions for the various authorities and replace them with equal sanctions for all public servants, regardless of who receives them.
- Obligate public servants who have fixed term contracts with public institutions to publish their Declaration of Assets and Interests.

¹ <http://bcn.cl/msg>

² <http://bcn.cl/2okm>

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³ <http://bit.ly/18ivVkh>

⁴ <http://bit.ly/1ivmjqx> and also <http://bit.ly/11d325v>

2.3 Working Group of Government, the Legislature, and Civil Society Organizations to Promote Transparency

Text of the commitment

The government will continue working in the high level Working Group led by the Secretary General of the Presidency and comprised by representatives of the principal entities in charge of promoting transparency in public management at the government level, in the legislative branch, and in civil society.

Description of the commitment						
Responsibility	Lead institution	General Secretariat of the Presidency				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Degree of specificity and measurability		Null: Language of the commitment does not contain verifiable deliverables or milestones.				
Relevance	OGP grand challenges	Enhance public integrity				
	OGP relevant values	Transparency	Citizen participation	Accountability	Technology and Innovation for Transparency and Accountability	None
		✓				
Ambition						
New or pre-existing? New			Potential impact None: The commitment maintains the <i>status quo</i> .			
Degree of completion						
Start date: Not specified		End date: Not specified		Current progress		Completed
				Projected completion		Completed
Next steps						
Revision of the commitment to make it more achievable or measurable						

What happened?

This is a new commitment. During the year 2012, the working group met on two occasions; and in 2013, just once. In the meetings, the following participants were present:

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- The Comptroller General of the Republic,
- The Chairman of the Council for Transparency,
- Representatives and senators of the Bicameral Transparency Commission and of the Commission on the Constitution, Legislation, and Justice of the House of Representatives,
- The Chairman of Chile Transparente, and
- Executives of the General Secretariat of the Presidency and the Secretary General of the Presidency.

Did it matter?

It is a relevant action, given that high-ranking authorities from various branches of government can meet to discuss an agenda of issues that they have in common. Based on the available information, it is difficult to determine whether any agreements were reached to execute concrete actions toward inter-institutional coordination or other measures that strengthen levels of transparency.

The representative of the General Comptrollership of the Republic reported that the sessions of the Working Group covered a discussion of the commitments to be incorporated into the 2013-2014 Action Plan. He also noted that it was principally a body aimed at coordination rather than discussing the issues in a substantive manner.

Moving forward

Future sessions of the Working Group can incorporate other civil society organizations. At a minimum, organizations with expertise on the issues addressed by the Working Group should be included, in addition to those that participate in the consultations for developing the Action Plan.

2.4 Transparency Web Portal

Text of the commitment

This initiative seeks to strengthen compliance with the Law on Access to Public Information on the part of public entities and 12 municipalities, by consolidating information regarding their transparency obligations on a centralized web portal. This will make it easier for citizens to access and use such information, since common standards will be applied for the publication of information. The development of tools is also contemplated in order to facilitate public information searches, analysis of such information, and its publication in open formats.

The General Secretariat of the Presidency and the Council for Transparency are in charge of developing this Portal.

Description of the commitment						
Responsibility	Lead institution	General Secretariat of the Presidency				
	Supporting institutions	Council for Transparency				
	Point of contact specified?	No				
Degree of specificity and measurability		Low: Language of the commitment describes activities that could be interpreted as measurable				
Relevance	OGP grand challenges	Enhance public integrity				
	OGP relevant values	Transparency	Citizen participation	Accountability	Technology and Innovation for Transparency and Accountability	None
		✓			✓	
Ambition						
New or pre-existing? Pre-existing			Potential impact Moderate: The commitment is a significant step in the relevant policy practice, but is limited in scope.			
Degree of completion						
Start date: Not specified		End date: 30-Jun-2013		Current progress		Completed
				Projected completion		Completed
Next steps						
Maintenance and monitoring of full implementation						

What happened?

The commitment predates the development of the Action Plan. On 15 April 2011, an agreement was signed to implement the “Unified Transparency Web Portal for the State of Chile.”¹ After two years of work between the Council for Transparency and the General Secretariat of the Presidency, a tender was issued in July 2012 by the Council and with the sponsorship of the World Bank for the development and maintenance of the Transparency Web Portal’s software. The web portal was launched on 24 April 2013 as part of the celebration of the fourth anniversary of the Transparency Act. Currently, 71 out of 345 municipalities within 10 of the country’s 15 regions participate in the portal.

The web portal is a unified digital platform with the objective to act as a channel for information requests. In addition, the web portal offers follow-up replies to requests for training or statistical information and an extensive help desk to serve members of government and the public. The authorities report that the commitment surpassed 100% compliance and the General Comptrollership of the Republic and the Legislative Branch are interested in signing an agreement to join the Transparency Portal.² They report that the web portal compiles the data that must be published in accordance with active transparency obligations, but the data is not in an open data format.

The researcher finds that the commitment was met, since the web portal is operating and includes the participation of 71 municipalities. Nonetheless, it is of the utmost relevance to include all municipalities and central-level public services that are not yet linked to the web portal.

Did it matter?

The project is relevant since it facilitates the citizen’s right of access to information. Establishing coordination with municipalities, in order to facilitate the fulfillment of their active transparency obligations, is of the utmost relevance. Indeed, since the enactment of Law No. 20.285 on Access to Public Information on 11 August 2008, the municipalities have had the least amount of complete fulfillment of their active and passive transparency obligations.

The Chilean Institute of Municipal Studies (Instituto Chileno de Estudios Municipales; ICHEM) found that 289 of the country’s 345 municipalities have enabled their web sites to provide the obligatory information indicated by active transparency laws. In conclusion, since 2008, the municipalities have made a significant effort to enable their web portals.

“Nonetheless, despite this progress, the municipalities are not adequately complying with the Transparency Act in terms of the quality of the information published on their web pages... The average compliance rate on a national level is a mere 29%.”³

Moving forward

The Council for Transparency establishes two priority next steps:

- Make it obligatory for public services to join the web portal.
- Have all 345 municipalities of Chile join the web portal. In this regard, a target of 100 municipalities has been set for the end of 2013. For these purposes, visits will be organized to the municipalities, and they will be offered a free consultation to install or improve their management model, in exchange for having the municipality join the web portal.

¹ For more information, see <http://www.portaltransparencia.cl>

² *Estudio sobre el Ejercicio de Acceso a la Información Pública para el Consejo para la Transparencia* [Study on the Exercise of Access to Public Information for the Council on Transparency] Corporación Libertades Ciudadanas. May 17, 2011. <http://bit.ly/1aGSgYP>

³ <http://bit.ly/1icXvUd>

2.5 National Records Policy

Text of the commitment

A working group will be formed comprised by various relevant stakeholders from the field of public records, with the overall objective of making the necessary recommendations for a sound and efficient national records policy in line with the country's current reality and consistent with the practices of good government and transparency.

Description of the commitment						
Re sp on si bil ity	Lead institution	General Secretariat of the Presidency				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Degree of specificity and measurability		Low: Language of the commitment describes activities that could be interpreted as measurable				
Re lev an ce	OGP grand challenges	Enhance public integrity				
	OGP relevant values	Trans paren cy	Citizen participation	Accounta bility	Technology and Innovation for Transparency and Accountability	None
		✓			✓	
Ambition						
New or pre-existing? Pre-existing			Potential impact Little: The commitment is a small but positive step forward in the relevant policy practice			
Degree of completion						
Start date: 10-Jul-2012		End date: Not specified		Current progress Not started		
				Projected completion Substantial		
Next steps						
Continued work on basic implementation						

What happened?

The commitment existed prior to the OGP. The self-assessment of 20 August 2013 indicated that consideration is being given to the possibility of contracting a consulting service. The consultancy would develop a crosscutting records policy that would provide input for adopting a policy in said regard and applied to the management of documents in the administration of the State. For that reason, the Working Group has

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not been organized. The government has confirmed that the consulting service will be contracted and once the consultation is completed, a determination will be made as to whether it is pertinent to create the Working Group.

In the year 2012, the Council for Transparency organized a seminar that made a diagnostic assessment of the records situation in Chile. One of the seminar's objectives was to organize a working group, but it was not accomplished.

Did it matter?

Developing a National Records Policy is greatly relevant. Chile does not have a Records Policy that sets clear standards and procedures for managing historic records or creating digital platforms. These are only some of its most immediate challenges.

Moving forward

With respect to next steps, the Council on Transparency, one of the stakeholders interested in making progress in this area, recommended other possible avenues, such as a presidential directive or a bill designating the lead institutions and processes to be applied towards the development of a national records policy. The lead institution would coordinate the Network for Transparency of Access to Public Information, with support from the European Social Fund, and work on the issue of records policies.

2.6 Public Servants' Letter of Commitment

Text of the commitment

A letter of commitment will be developed, in accordance with which anyone who starts working in the Central Administration of the State must commit to respecting the principle of administrative probity. That letter will be ready for initial implementation during the first half of 2012. Instructions will be provided for its application and implementation.

Description of the commitment						
Re sp on si bil ity	Lead institution	General Secretariat of the Presidency				
	Supporting institutions	General Internal Government Auditing Council				
	Point of contact specified?	No				
Degree of specificity and measurability		Moderate: Language of the commitment describes objectively verifiable activity but without specified milestones or deliverables				
Re sp on si bil ity	OGP grand challenges	Enhance public integrity				
	OGP relevant values	Trans paren cy	Citizen participation	Accounta bility	Technolo gy and Innovatio n for Transpar ency and Accounta bility	None
				✓		
Ambition						
New or pre-existing?			Potential impact			
Pre-existing			Little: The commitment is a small but positive step forward in the relevant policy practice			
Degree of completion						
Start date:		End date:		Current progress		Limited
Not specified		1-Jan-2012		Projected completion		Completed
Next steps						
Revision of the commitment to make it more achievable or measurable						

What happened?

The initiative predates the development of the Plan. The self-assessment of 20 August 2013 indicated that a decision was made to replace the public servants' commitment

letter with an educational booklet on administrative probity. The booklet is currently being developed.

Did it matter?

The commitment was not fulfilled since it was replaced by another action. Subsequently, it is not a clearly relevant commitment. When the interviewed CSO stakeholders were consulted on the commitments related to the objective of Open Government for Enhanced Public Integrity, none of them were aware of the initiative. When they were informed of what the commitment involved, the general opinion was that it is not a relevant initiative, since having public servants sign a letter of commitment does not establish clear obligations in terms of public probity. In addition, it is not an instrument that allows for accountability on the part of those who sign it.

Moving forward

An educational booklet on probity and transparency obligations can be useful, but on its own, it is insufficient as a tool for authorities and public servants to use to become familiarized with and fulfill their obligations. In this regard, the booklet can be supplemented with workshops where presentations are made on the obligations and current procedures for compliance.

2.7 & 2.8 Actions related to the Declaration of Assets and Interests

Text of the commitments

2.7) By order of the government, currently 205 public authorities have published their declarations of assets and interests. The objective is to increase this figure by 207 more authorities corresponding to the Regional Ministerial Secretaries.

2.8) Development in the second half of 2012 of a new form for the declaration of assets and interests with the objective of perfecting this good practice on the part of government authorities.

Description of the commitment						
Re sp on si bil ity	Lead institution	General Secretariat of the Presidency				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Degree of specificity and measurability		Moderate: The language of the commitment describes an objectively verifiable activity, but without specified milestones or deliverables				
Re le va nc e	OGP grand challenges	Enhance public integrity				
	OGP relevant values					
	Commitment	Transparency	Citizen participation	Accountability	Technology and Innovation for Transparency and Accountability	None
	2.7) Increase the number of authorities	✓		✓		
2.8) New form	✓		✓			
Ambition						
Commitment	New or pre-existing?	Potential impact				
2.7) Increase the number of authorities	Pre-existing	Little: The commitment is a small but positive step forward in the relevant policy practice				
2.8) New form	Pre-existing	Little: The commitment is a small but positive step forward in the relevant policy practice				
Degree of completion						

Commitment 2.7) Increase the number of authorities			
Start date: Not specified	End date: 30-Jun-2012	Current progress	Not started
		Projected completion	Completed
Commitment 2.8) New form			
Start date: Not specified	End date: 31-Dec-2012	Current progress	Not started
		Projected completion	Completed
Next steps			
2.7) Increase the number of authorities	None: Abandon the commitment		
2.8) New form	None: Abandon the commitment		

What happened?

The two initiatives predated the OGP, but at the time at which this report was written (November 2013), they have not yet been completed.

The self-assessment of 31 January 2013 reported that a database was being compiled with the totality of the Regional Ministerial Secretaries (SEREMIS). But the self-assessment of 20 August 2013 only reported on the progress of the Probity in Public Functions Bill. The law regulates declarations of assets and interests belonging to public servants working in the administration of the State, including the Regional Ministerial Secretaries.

Understandably, the commitments depend upon the passage of the Probity in Public Functions Bill.

Did it matter?

The first of the two commitments is not of high relevance because it is fundamentally a voluntary practice. Both commitments can become relevant if they expand the obligation of publishing declarations of assets and interests to include more authorities and public servants, and if there is an entity in charge of overseeing the process. The CSO interviewees noted that it is not clear what the Chilean government's intent was when it undertook the commitments in parallel to the discussion and processing of the Probity in Public Functions Bill.

Moving forward

The next steps are likewise dependent upon the passing of the Probity in Public Functions Bill. Hence, the IRM researcher recommends focusing on the approval of the bill in the next plan and incorporating the commitments as integral parts of the bill.

2.9 Lobby Bill

Text of the commitment

The government will introduce a bill in the National Congress on the regulation of lobbying, whose core idea is for the agendas of lobbied public authorities to be transparent.

Description of the commitment						
Re sp on si bil ity	Lead institution	General Secretariat of the Presidency				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Degree of specificity and measurability		Moderate: Language of the commitment describes objectively verifiable activity but without specified milestones or deliverables				
R el ev an ce	OGP grand challenges	Enhance public integrity				
	OGP relevant values	Transparency	Citizen participation	Accountability	Technology and Innovation for Transparency and Accountability	None
		✓		✓		
Ambition						
New or pre-existing? Pre-existing			Potential impact Transformative: The commitment is a reform that could transform the relevant policy practice.			
Degree of completion						
Start date: Not specified		End date: Apr-2012		Current progress		Completed
				Projected completion		Completed
Next steps						
New commitment based on existing implementation						

What happened?

The Lobby Bill¹ already existed prior to the development of the Action Plan. On 18 May 2012, the government submitted a proposed amendment to the bill (Bulletin No. 6189-06), which establishes rules for lobbying activity. The bill has been pending in Congress for 10 years.

Highlights of the bill:

- It includes lobbying actions, establishes other types of activities that involve the representation of private interests before public authorities, and provides definitions on such activities.
- It includes new authorities and public servants that could be considered targets of lobbying or of other activities that represent private interests.
- It makes the agenda of lobbied public authorities transparent. The bill contemplates sanctions in the form of fines for authorities or public servants who fail to register information or who do so in an inaccurate or false manner.

Accordingly, the bill calls for records to be kept on meetings held by authorities and public servants that can be categorized as lobbied officials:

- The General Secretariat of the Presidency:
 - Semi-annually, a record will be made available to the public with a list of persons who have held meetings and hearings with Secretaries and Undersecretaries.
 - This list will identify the person lobbied and the specific matter discussed.
- The Administrative Body of the Judiciary:
 - It must make its public agenda available, including information on any hearings and meetings held and any trips made by the Director of the Administrative Body of the Judiciary.
- Congressional Representatives and Senators:
 - They must make a public record available of meetings and hearings held whose objective is lobbying or the handling of private interests with respect to decisions within the framework of the congressional debate on legislative bills.
- Persons engaged in lobbying or activities furthering private interests:
 - They must report on those from whom they requested the meeting or hearing, as well as the name of persons they represent and whether they receive remuneration for their activities.

Did it matter?

The commitment is relevant since the bill on regulating lobbying activity has been pending in Congress for ten years without making any progress. The Agenda of Probity and Transparency has been advocated for by various administrations, within governance programs of candidates to the presidency, and by organizations and experts who have continually insisted upon the need to make progress on the issues of transparency and probity.

Generally speaking, the interviewed CSO members agree upon the bill's relevance. It regulates lobbyists through the creation of a Registry of Lobbyists that would be public and periodically updated. The interviewees noted that the bill originally regulated lobbyists, but the provision was eliminated in the proposed amendment that the government introduced on 18 May 2012 (Bulletin No. 6189-06).

Moving forward

The Lobby Bill was passed by the floor of the House of Representatives. It currently has a report from the Commission on Government, Decentralization, and Regionalization of the Senate.² The report recommends approving most of the amendments introduced by the House of Representatives, with the exception of the amendment that includes

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permanent advisors to congress members and secretaries of the commissions in the National Congress as lobbied officials.

On 6 November 2013, the bill was debated in its third constitutional round in the Senate. Some amendments passed and others failed. As a result, a mixed commission will have to be formed.³

Finally, the researcher finds it pertinent to include amendments to the bill that would lend transparency to and regulation of the lobbyists through the creation of a registry of lobbyists.

¹ Presidential Message. Initial Processing of the Lobby Act, October 2008. bit.ly/17U98NU

² Report of the Commission on Government, Decentralization, and Regionalization.

³ <http://bit.ly/1hXTJAt>

2.10 Political Parties Bill

Text of the commitment

The government will introduce a bill into the National Congress to reform the Political Parties Act. The bill would grant greater rights to political party members, such as their participation in developing party programs or the right to request information from the parties. It would also create an obligation to publish information on their web sites and would establish mechanisms for overseeing the fulfillment of the publication obligation.

Description of the commitment						
Responsibility	Lead institution	General Secretariat of the Presidency				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Degree of specificity and measurability		Moderate: Language of the commitment describes objectively verifiable activity but without specified milestones or deliverables				
Relevance	OGP grand challenges	Enhance public integrity				
	OGP relevant values	Transparency	Citizen participation	Accountability	Technology and Innovation for Transparency and Accountability	None
		✓	✓	✓	✓	
Ambition						
New or pre-existing?			Potential impact			
Pre-existing			Moderate: The commitment is a significant step in the relevant policy practice, but is limited in scope.			
Degree of completion						
Start date:		End date:		Current progress		Completed
Not specified		30-Jun-2012		Projected completion		Completed
Next steps						
New commitment based on existing implementation						

What happened?

The commitment predated the development of the Action Plan. The self-assessment of 20 August 2013 reports that the bill¹ was introduced to the Congress, but the date of its introduction was not provided. The objective of the bill is to modernize the current Political Parties Act in order to make political parties more transparent and open to the citizenry. It also increases the powers of the Electoral Service (Servicio Electoral; SERVEL).

With respect to active transparency, it obligates the parties to keep institutional information regarding the party and its financial situation, such as contributions from its members received during the respective calendar year, its annual balance sheet, and all entities in which it has participation or representation. The information should be made available to any interested person on their web sites. With respect to passive transparency, party members may request information from their parties, and the parties will have a term of 30 days to respond. If the information is not provided, a claim can be made before the Supreme Electoral Tribunal against the party in question. The highest level to which the claim can go will be the Elections Qualifier Tribunal, which has the power to apply sanctions.

The bill is in its first constitutional round at the Senate. Specifically, it is being discussed in the Commission on Government, Decentralization, and Regionalization (Bulletin No. 8937-06), but no progress has been made on the bill following its introduction to the Congress. The government reports that it has not the debate an urgent status, since it has had other priorities. Therefore, the bill is unlikely to pass in the short term. Additionally, the interviewees stated that the government has not made an effort to have a debate commence on the bill.

Some aspects of the bill that have generated the most debate among the interviewed experts from civil society are the following:

- Active transparency and delivery of the compliance report to the Electoral Service, who will be able to sanction the political party in question for noncompliance in this regard.
- The political parties' passive transparency obligations towards party members, including establishment of a response period and avenues for filing claims. Some of the interviewees believe that this measure is insufficient, and that the parties should be obligated under Law 20.500 on Access to Information.
- The lack of permanent public financing for political parties, which, in the opinion of the interviewees, is a significant weakness. Regulated public financing that is subject to accountability based on set standards can promote transparency and provide stability to political activity.
- The importance of granting SERVEL new and strengthened powers in keeping with international standards on the role of an Electoral Service.

Did it matter?

The commitment is relevant since Chile requires an updated legal framework that is in line with current political activity. Suitable regulation of political parties and greater involvement of its members in their management and decision making stand out as fundamental requirements for parties to achieve greater levels of transparency, participation, and legitimacy in the eyes of the citizenry.

In the National Survey conducted by Universidad Diego Portales² in September 2013 to gather insight on the level of confidence in institutions, political identification, and approval of the president, political parties ranked lowest in confidence. They received a confidence ranking of 4.4% in the year 2012 and 7.7% in 2013. On the other end of the

spectrum, the institution with the highest confidence ranking was the Chilean National Police (“Carabineros”) with 45.2% in the year 2012 and 43.8% in 2013.

Moving forward

A legal framework that establishes requirements for political parties with respect to access to information, transparency, accountability, and participation is relevant. A well implemented legal framework, accompanied by outreach campaigns on the new regulations for the parties can encourage participation by members and new people.

A critical factor for political parties to attain greater levels of transparency and open new avenues of participation is for their leaders to invest political capital in encouraging and shaping these changes. Without such a political will and strategic approach, these will be empty, meaningless reforms.

Therefore, there is a need for a commitment that moves the legislative debate forward on the Political Parties Bill and contemplates some type of ongoing public financing. Consequently, the political parties should be obligated under Law 20.285 on Access to Public Information.

¹ Presidential Message. Legislative Bill Amends the Political Parties Act, May 2013.
bit.ly/17U98NU

² <http://www.encuesta.udp.cl/wp-content/uploads/2013/10/PPT-Encuesta-ICSO-UDP-2013.pdf>

2.11 Promotion of the Model Law of the Organization of American States

Text of the commitment

The Chilean government will continue collaborating, as it has to date, with the other countries of the Americas, exporting good practices and promoting the adoption of laws on access to information that meet the standards of the Model Law.

Description of the commitment						
Responsibility	Lead institution	General Secretariat of the Presidency				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Degree of specificity and measurability		Null: Language of the commitment does not contain verifiable deliverables or milestones.				
Relevance	OGP grand challenges	Enhance public integrity				
	OGP relevant values	Transparency	Citizen participation	Accountability	Technology and Innovation for Transparency and Accountability	None
		✓				
Ambition						
New or pre-existing?			Potential impact			
New			None: the commitment maintains the <i>status quo</i> .			
Degree of completion						
Start date:		End date:		Current progress		Completed
Not specified		Not specified		Projected completion		Completed
Next steps						
None: implementation has been completed.						

What happened?

The commitment was created for the Action Plan. The Chilean government participated at international events in Mexico and Colombia in the year 2012. The Chilean government also participated in the Regional Meeting on Open Government in Santiago

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de Chile in the year 2013, where the adoption of laws for access to information in accordance with the standards of the Model Inter-American Law on Access to Public Information of the Organization of American States (OAS) was promoted.

Did it matter?

The commitment is not considered relevant towards Chile's OGP objectives.

Moving forward

No next steps are established.

3. Open Government to Increase Institutional Responsibility

3.1 Promotion of Citizen Participation

Text of the commitment

The government will strongly promote the participation of the entire community in processes for developing and implementing public policies within the regulatory framework in effect on Citizen Participation. This implies working together with civil society on solutions to provide the citizens with a public policy and involve them in the full cycle of its implementation. Said policy includes defining the public problem to be solved and conducting the diagnostic, design, implementation, and evaluation. The development of participatory avenues for dialogue between authorities of government and representatives of civil society will also be promoted, as established by the respective regulations on citizen participation in the framework of Law 20.500.¹

Description of the commitment						
Re sp on si bil ity	Lead institution	Division of Social Organizations of the General Secretariat of Government				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Degree of specificity and measurability		Low: Language of the commitment describes activities that could be interpreted as measurable				
R el ev an ce	OGP grand challenges	Improve corporate accountability				
	OGP relevant values	Trans paren cy	Citizen Particip ation	Accountability	Technolo gy and Innovatio n for Transpar ency and Accounta bility	None
		✓	✓			
Ambition						
New or pre-existing? Pre-existing			Potential impact Moderate: The commitment is a significant step in the relevant policy practice, but is limited in scope.			
Degree of completion						
Start date:		End date:		Current progress		Completed

Not specified	Not specified	Projected completion	Completed
Next steps			
New commitment based on existing implementation			

What happened?

The commitment (which predated the Action Plan) establishes that the central government will work towards conducting and creating the following:

- Participatory Digital Platforms,
- Participatory Dialogues,
- Civil Society Councils
- Citizens' Consultations.

Chile has been making progress over the past 10 years in the creation of avenues that facilitate participation in public management, especially at the central level. Outstanding examples include the Civil Society Councils, Participatory Dialogues, and Citizens' Consultations.

Did it matter?

Similar to the analysis of other commitments on citizen participation in this Action Plan, Chile requires a more robust institution to channel the citizens' interest in being informed and involved in public interest matters. Although much progress has been made on citizen participation, the principal challenge is providing these avenues with a strategic vision. The vision should be supported by relevant authorities, so that the array of procedures and dialogues can have a stronger impact on decision making rather than public affairs.

Moving forward

With respect to next steps, the following are the principal proposals provided by the interviewed CSO members.

- Create an autonomous body to oversee compliance with Law 20.500.
- The next administration coming into office in March 2014 should develop a Pro-Participation Agenda to develop both a vision and strategic objectives for the progress of implementing the Law. This agenda must be extensively publicized and have political support.
- Develop expertise and methodologies for participatory public management. Preparing public servants and strengthening their capacities in these matters, as is proposed for the case of access to information, is fundamental.
- Provide resources for training and for implementation of the Pro-participation Agenda.

¹ <http://www.participacionciudadana.gob.cl/ley-20-500/>

3.2 & 3.3 Legislative Bills on Citizen Participation

Text of the commitment

3.2) The government sent a municipal plebiscites bill to the National Congress for the strengthening of citizen participation in public policy making.

3.3) The government sent a constitutional reform bill to the National Congress on the introduction of legislation by civilians, with the objective of improving citizen participation in public policy making.

Description of the commitment						
Re sp on si bil ity	Lead institution	Secretary General of the Presidency				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Degree of specificity and measurability		Low: Language of the commitment describes activities that could be interpreted as measurable				
Re le va nc e	OGP grand challenges	Improve corporate accountability				
	OGP relevant values					
	Commitment	Transparency	Citizen participation	Accountability	Technology and Innovation for Transparency and Accountability	None
	3.2) Municipal plebiscites	✓	✓			
3.3) Introduction of Legislation by Civilians	✓	✓				
Ambition						
Commitment		New or pre-existing?		Potential impact		
3.2) Municipal plebiscites		Pre-existing		None: The commitment maintains the <i>status quo</i> .		
3.3) Introduction of Legislation by		Pre-existing		None: The commitment maintains the <i>status quo</i> .		

Civilians			
Degree of completion			
Commitment 3.2) Municipal plebiscites			
Start date:	End date:	Current progress	Completed
Not specified	Not specified	Projected completion	Completed
Commitment 3.3) Initiative citizenry			
Start date:	End date:	Current progress	Completed
Not specified	Not specified	Projected completion	Completed
Next steps			
3.2) Municipal plebiscites	Revision of the commitment to make it more achievable or measurable		
3.3) Introduction of Legislation by Civilians	Revision of the commitment to make it more achievable or measurable		

What happened?

On 20 November 2010, the government sent a Municipal Plebiscites Bill that strengthens citizen participation in public policy making to the National Congress.¹ Currently, the bill is at the Commission on Government, Decentralization, and Regionalization. (Bulletin 7308-06). It has been at this stage since 19 December 2012.

The aim of the first bill is to reform certain provisions contained in Organic Constitutional Law No. 18.695 on Municipalities, in Organic Constitutional, Law No. 18.700 on Popular Elections and Ballot Tallying, and Law No. 18.593 on Regional Electoral Tribunals. The interviewed CSO members highlighted two positive aspects of the Plebiscites Bill:

- It simplifies the process for the legalization of signatures required to request a plebiscite from the municipal authority. The current law states that the process must take place before a notary public. The bill changes the requirement and indicates that the signatures can be certified before the Electoral Service.
- It provides for the possibility of holding plebiscites during election years, except for years when municipal elections are held.

Another aspect included by the Commission on Government, Decentralization, and Regionalization, is to amend the bill so that a plebiscite's result will be binding when more than 40% of the eligible voters in the respective municipality participate in the plebiscite.

The proposed constitutional reform for Introduction of Legislation by Civilians was introduced to the Congress on 10 September 2010 with "simple urgent" status.² At the present (November 2013), the bill remains in the first round and continues to have simple urgent status.

Did it matter?

The legislative bills are relevant commitments since they would simplify and reduce the costs for mass citizen participation. It is important to note that the commitments were aimed at addressing past actions, rather than promoting and making progress on the initiatives. The challenge of incorporating direct participation modes into the Chilean

democratic system is relevant. Nonetheless, over the course of three years, the commitments have made little progress in their legislative debate, and no concrete activities were indicated to move them forward.

Moving forward

Passage of the legislative bills would be a step forward on the agenda of strengthening democracy and moving towards a more participatory public administration. The researcher believes that the Municipal Plebiscites Bill should be amended to include the modality of binding plebiscites. Requirements should be established in order for the result of a plebiscite to be considered obligatory for the authority, such as determining a percentage of voters participating in the plebiscite.

On the other hand, the bill should maintain aspects that simplify the procedure and requirements for calling a plebiscite.

¹ Presidential Message. Municipal Plebiscites Bill, August 2012. bit.ly/17U98NU

² bit.ly/17U98NU

4. Open Government for the Creation of Safer Communities

4.1 Citizen Participation on the Environment

Text of the commitment

Chile considers it fundamental to fully implement the rights of access, participation, and environmental justice consecrated in Principle 10 of the Rio Declaration. For that same reason, Chile promotes entry into Regional Agreements for the adoption of Principle 10.¹ Along the same lines, Chile advocates to facilitate participation by local communities in decision-making processes, which should include instruments to provide sufficient information to the population for citizens so that they may form their opinion. Chile advocates for improved instruments that provide for oversight and access to environmental justice with respect for the sovereignty of each country. Chile also advocates for a solution to environmental harm at the international level, as occurs with harm to territories that are not subject to national jurisdictions.

Description of the commitment						
Responsibility	Lead institution	Ministry of the Environment				
	Supporting institutions	Not specified				
	Point of contact specified?	No				
Degree of specificity and measurability		Null: Language of the commitment does not contain verifiable deliverables or milestones.				
Relevance	OGP grand challenges	Create safer communities				
	OGP relevant values	Transparency	Citizen participation	Accountability	Technology and Innovation for Transparency and Accountability	None
		✓	✓	✓		
Ambition						
New or pre-existing?			Potential impact			
Pre-existing			Transformative: The commitment is a reform that could transform the relevant policy practice.			
Degree of completion						
Start date:		End date:		Current progress		Completed
Not specified		Not specified		Projected completion		Completed

Next steps

Maintenance and monitoring of full implementation

What happened?

The progress made one year is:

- The initiative has received support from several international bodies. In addition, a global network called “Access Initiative” with more than 150 NGOs and a global presence in 50 countries is actively participating in this process.
- Currently 15 countries are participating in the initiative.
- It started with a diagnostic that undertakes a review of the legal and institutional frameworks of the 33 countries and a review of good practices.
- During the period of November 2012 to November 2013, the Steering Committee was comprised by the Office of the President of Chile, the Office of the Vice President of Mexico and the Rapporteur from the Dominican Republic.
- At the first meeting of focal points, the countries unanimously approved the roadmap for the process of creating an instrument. International experts and experts from civil society indicated that the initiative is a commitment to democracy.
- At the second meeting, after an unprecedented amount of work between countries and experts of civil society, the plan of action was approved with acclamation. It included the following tasks:
 - Promote the Declaration and incorporate new signatories into the process.
 - Strengthen and highlight progress in the region.
 - Promote the active participation of civil society at the national level.
 - Move forward toward creating a regional instrument through two work groups, one on capacity building and cooperation, and another on rights of access and on a regional instrument. This includes the holding of workshops and the sharing of good practices to encourage cooperation among the countries.
- The plan contemplates procedures for strengthening public participation in the international meetings on the initiative.

At a national level the following progress is notable:

- The right of access to information and the right to participation on environmental matters is regulated in Law No. 19.300 on the Environment (amended by Law No. 20.417 of 2010).
- Several environmental regulations have been issued with which a public consultation was called. Of note are the Regulation on the Registration of Emissions and Transfers of Contaminants (Registro de Emisiones y Transferencias de Contaminantes; RETC) and the Regulation on the Environmental Impact Assessment System (Sistema de Evaluación de Impacto Ambiental; SEIA).
- A Superintendency of the Environment was created, and later commenced its oversight functions on 28 December 2012.
- A total of 3 Environmental Tribunals was created: the first of them, the Environmental Tribunal of Santiago is already functioning, and those of Antofagasta and Valdivia are at the installation stage.

The CSO that was interviewed to obtain its opinion on the commitment’s relevance and level of completion noted the following elements:

Unofficial English Translation. Please cite the official Spanish version.

- With respect to the objective of promoting a regional convention for implementation of Principle 10, it noted the role that has been played by the Chilean government, and it believes that a binding instrument must be adopted.
- Even though several channels of citizens' participation on environmental matters have been developing, they have not always demonstrated themselves to be effective. The incorporation of citizen participation into regulations does not ensure that it will occur in practice.
- Instruments for oversight and for access to environmental justice have improved through the creation of the new Environmental Tribunals.
- Progress has been made on more expeditious and concentrated procedures, aimed at obtaining timely results in cases of environmental harm, and at resolving claims over failure to consider the observations made by the communities.

Did it matter?

The process creates an opportunity to strengthen the rights to access, thus favoring greater social inclusion and a proper response to national and regional needs. The signatory countries will hopefully work together to establish peaceful avenues for channeling interests, concerns, and demands. The countries should also establish avenues for sharing experiences and good practices, in order to respond positively to the legitimate demands of the social players, as well as to environmental challenges, while strengthening the democratic systems.

Moving forward

- Succeed in incorporating more signatory countries to the regional process of Principle 10.
- Extensively publicize the process, so that more individuals and legal entities will participate.
- By the year 2014, the best type of regional instrument should be defined in order to improve implementation of rights of access.

¹ bit.ly/17U98NU

V. SELF-ASSESSMENT

The government produced three progress reports on the degree of implementation of the Action Plan on the following dates: 30 June 2012, 31 January, and 20 August 2013.

The reports note the progress made on each of the 19 commitments. The level of detail may vary, but the information is general in nature. Some commitments provide concrete actions and verifiable achievements, but with the commitments regarding legislative bills, the progress is more ambiguous. Since it depends on the process for enacting legislation, it is more difficult to establish precise terms.

Two progress reports were published for public consultation. The first was posted online between 3 and 30 September 2012, and 3 comments were received, all of which were answered. The second was posted from 27 August to 15 September 2013, and no comments were received. Despite considering reasonable terms for sending comments, no major dissemination of the consultations took place, and the format is not user friendly. It contains an introductory paragraph in .pdf that was unappealing in its design and simply explained the objective of the consultation, the terms, and the reports.

Table 2: Self-Assessment Checklist

Was annual progress report published?	Yes
Was it done according to schedule?	Yes
Is the report available in the local language?	Yes
According to stakeholders, was this adequate?	Yes
Is the report available in English?	Yes
Did the government provide a two-week public comment period on draft self-assessment reports?	Yes
Were any public comments received?	Yes
Is the report deposited in the OGP portal?	Yes
Did the self-assessment report include review of the consultation efforts?	No
Did the report cover all of the commitments?	Yes
Did it assess completion according to schedule?	Yes
Did the report reaffirm responsibility for openness?	Yes
Does the report describe the relationship of the action plan with grand challenge areas?	No

VI: MOVING FORWARD

This section places the action plan within the specific national context and highlights potential next steps, as reflected in the preceding sections, as well as stakeholder-identified priorities.

Context Chilean

In 1994, the Chilean government embarked upon a Probity and Transparency Agenda. The principal milestones of this Agenda were:¹

- The recommendations of the National Commission on Public Ethics of President Frei in 1994.
- The initiatives of the Political-Legislative Accord for Modernization of the State.
- Transparency and the promotion of growth, developed under the administration of President Lagos and agreed upon with the opposition in 2003.
- The thirty recommendations of the Commission of Experts contained in the Report on Measures to Favor Probity and Efficiency in Public Management, which constituted the Agenda on Probity and Transparency, Modernization of the State and Improvement of Policy, of President Bachelet in 2006.
- President Piñera's Agenda on Modernization of the State, which contains a chapter on transparency, probity, and citizen participation in the management of the State, in 2010.²

In second place, discontent among the citizenry that had been germinating ever since mid 2000 reached levels of relevance and public expression through several protests, such as the student movement of 2006 and 2009. It was clear that the principal reasons for this social discontent were rooted in intense dissatisfaction with democratic institutionality, as well as with the levels of inequality present in the country and with the way "things are done." Indeed, this level of distrust is reflected in the results of the National Public Opinion Study of November 2012, which indicated that 51% of those interviewed were of the opinion that "Most politicians are in politics only on account of what they can get for themselves."³

On the other hand, the state of frustration can also be explained by what has been called "the paradox of democracy."⁴ To the extent that the democratic system and its institutionality provide ever greater guarantees to people, and people succeed in more fully exercising their rights, dissatisfaction among the citizenry increases.

For all of the foregoing reasons, Chile today is at a crossroads. On the one hand, its democratic institutionality and legal framework comply with most international standards and it is cited as an example of democracy and transparency. On the other hand, large sections of the Chilean citizenry are dissatisfied on account of the obstacles that prevent them from attaining a better quality of life. They also realize that they have no real place in decision-making on the public affairs that affect them directly. In this regard, once again the National Public Opinion Study indicates that 56% of those interviewed are of the opinion that "the plebiscites are a good way to make decisions on important political matters;" and 51% are of the opinion that "the municipal plebiscites and consultations are a good way to make decisions on local problems."⁵

As such, there are fundamentally two challenges for strengthening dialogue between the government and the citizenry. They are also pillars of the OGP.

Unofficial English Translation. Please cite the official Spanish version.

- Provide Chilean institutions with new forms and procedures for more participatory public management.
- Invest political capital in this public management “reengineering” effort.

A systematic effort has been made to provide public management with new avenues of participation, but to date, those measures have not led to improved dialogue with the citizenry. Support has been lacking from the authorities in charge, and until that changes, the public will continue to perceive these measures as lacking in legitimacy.

Stakeholder priorities

Interviewed members of CSOs and of other nongovernmental sectors, in their totality, are strongly of the opinion that the Action Plan does not correspond to a Plan *per se*, since its commitments are general in nature and do not establish clear terms or deliverables for its implementation. With respect to the relevance of the commitments established, the general opinion is that although they are interesting and necessary since they address challenges that the country is facing in these matters, they mostly formed a part of President Piñera’s Program of Government, and therefore existed prior to the Chilean government’s participation in the Open Government Partnership.

The Chilean government has already developed its second Action Plan 2013-2014, which included an electronic citizen’s consultation process (from 6 September to 2 October 2013). In addition, in-person workshops were held in four regions of the country. In the conducted interviews, the following actions stood out as priorities and are proposed for incorporation into the 2013-2014 Action Plan:

- Provide training and technical support to the public servants (especially those at a subnational level) in charge of implementation of the Action Plan’s commitments, so that these efforts will be sustainable.
- Make progress on the National Records Policy.
- Perfect the Information Access Act and strengthen the Council for Transparency. Specifically, it is proposed that active transparency obligations should include the incorporation of open data policies.
- Make progress on an open data policy that:
 - extends the obligation to maintain open data to more persons and entities, such as private universities that receive financing from the State, and that
 - allows certain data to be freely available, accessible, and reusable for any person, without copyright restrictions, patents, or other control mechanisms.
- Oversee compliance with the rules on Declarations of Assets.
- Implement Law 20.500 on Partnerships and Citizen Participation in Public Management, providing the process with a sense of purpose and political vision.
- Pass the bills on probity in public functions and on the regulation of lobbying.

Recommendations

The following recommendations are made for the process of developing commitments for the next Action Plan:

Unofficial English Translation. Please cite the official Spanish version.

- That the new administration coming into office as of March 2014 review this Report and incorporate the recommendations from the CSOs into Action Plan 2013-2014 in light of the new Plan of Government to be unveiled by this new administration.
- Prioritize the commitments incorporated into the Action Plan in keeping with explicit criteria.
- Carry out a strategy, in parallel to implementation of the 2013-2014 Action Plan, for publicizing the Plan using a variety of media channels to have the information reach all sectors of society. It is especially recommended to contact the various Civil Society Councils that have been created in the country at the central, regional and local level, within the framework of implementation of Law 20.500.
- Implement an accountability strategy, in parallel to implementation of the 2013-2014 Action Plan, for what has taken place and the problems encountered. Accountability must take shape not only through reports, as it has to date, but also through a periodic face-to-face dialogue with relevant stakeholders regarding the issues addressed by the Action Plan.
- That the processes of participation for developing future Action Plans be conceived as a substantive dialogue between the government and the various stakeholders interested in the issues. Participation processes are, in fact, processes that require time for its preparation, implementation, and systemization. A participation process cannot be conceived as a set of isolated meetings. The Action Plan must reflect the result of this dialogue. In other words, the participants must be part of decision-making on the Action Plan's commitments. The steps established in the Citizen Participation Manual of the PARTICIPA Corporation for organizing a consultation process is suggested.⁶

¹ <http://bit.ly/HQHSn7>

² http://www.modernizacion.gob.cl/assets/doc/120925_agendamod2.pdf

³ <http://bit.ly/18kl7ku>

⁴ Pedro Mujica, "*La Igualdad Política: El significado actual de la participación ciudadana.*" RIL Editores, May 2010.

⁵ <http://bit.ly/V71Xv8>

⁶ Available at: <http://bit.ly/1aAXlh>

ANNEX: METHODOLOGY

As a complement to the government self-assessment, researchers from the participating country developed an independent report. These experts used a shared methodology that follows OGP guidelines, based on a combination of interviews with local stakeholders and desk-based analysis.

Introduction

Analysis of progress on OGP action plans consists of a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The report builds upon the findings of the government's own self-assessment and other assessments put out by civil society or international organizations with respect to specific issues, such as the assessment made by the CSOs following up on the implementation of Law 20.500 on "Partnerships and Citizen Participation in Public Management."¹

The local researchers met with stakeholders to ensure an accurate portrayal of the events in the OGP process. Given budgetary and time constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency, and therefore, where possible, makes the process of stakeholder engagement (detailed later in this section) public. In those national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM protects the identity of the informants.

This report was reviewed by an International Panel of Experts to certify that it meets the highest research standards. In addition, the IRM strongly encourages public comment on the drafts of the government documents.

Stages of the methodology

First, the documents, including the Action Plan and the three self-assessments, written by the government during its process were reviewed.

Second, Interview Guidelines were structured based on the information compiled in the above-mentioned government documents and considering the information to be included in the Independent Reporting Mechanism Report. A process was also undertaken for selecting the persons to be interviewed. This process had several stages:

- First, a determination of the stakeholders to be interviewed for each commitment was made. The majority of the stakeholders familiar with the OGP that had participated in the process were expert organizations on issues of transparency, access to information, and open data.
- Accordingly, the second stage consisted of determining which stakeholders would be interviewed on commitments related to the topics of citizen participation and digital tools included in the challenge of improving public services. Most of these interviewees had a general awareness of the OGP, but were not clear of its origin, objectives, and strategies.
- Once these groups were identified, two types of letters were prepared, one of which provided more background information on the OGP.

Third, 14 government representatives that were directly involved in the implementation of the 19 mandates of the Action Plan were contacted and they agreed to be interviewed. The interviews were conducted between 24 September and 17 October 2013. The public servants selected for the interview work at the General Secretariat of the Presidency, the Citizens' Defense and Transparency Commission, the Division of Social Organizations of

the General Ministry of Government, the Ministry of Housing and Urban Development, and the Ministry of the Environment.

Fourth, a request for interviews was made to 16 professionals from a number of Chileans CSOs and other stakeholders that work on issues of probity, access to public information, and citizen participation. A total of 13 professionals agreed to be interviewed, and the interviews were conducted between 24 September and 17 October 2013.

Fifth, based on the information compiled through interviews with public servants and CSOs, a first draft was prepared for the independent assessment. Seven public servants were contacted for a second time in order to corroborate specific information, three of whom replied with the requested information by 4 November 2013. Then, the independent assessment was uploaded onto the OGP intranet.

Sixth, the IRM professional staff and members of the panel of experts reviewed the report. The government also had an opportunity to comment, add information, and identify errors prior to its publication.

Together with other documentation referred to by this report, a complete list of interviewees is available in the online library of the IRM for Chile, <http://bit.ly/1aAXlhS>

All of the interviews were made by Skype or telephone. In total, 16 interviews with CSOs were requested, of which 13 took place, as well as seven with stakeholders who were familiar with the OGP and six with those who were not familiar with the initiative.

Anonymous participants

One person interviewed will remain anonymous in this report. That person was interviewed on account of having closely participated in the preparation of the Action Plan. Today, that person is in a new position whose regulations do not allow for the giving of interviews.

About the Independent Reporting Mechanism

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a bi-annual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods. The current membership of the International Experts' Panel is:

- Yamini Aiyar
- Debbie Budlender
- Jonathan Fox
- Rosemary McGee
- Gerardo Munck

A small staff based in Washington, DC shepherds reports through the IRM process in close coordination with the local researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org

¹ Available at: <http://bit.ly/1aAXlh>