

Case Study

Lobbying Regulation in Chile: Opening Access to Authorities

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Resumen

El presente trabajo tiene por objeto analizar el impacto que ha tenido en Chile la Ley 20.730 que “Regula el Lobby y las Gestiones que Representen Intereses Particulares ante las Autoridades y Funcionarios”, más conocida como Ley del Lobby. A partir de la incorporación de Chile a la Alianza para el Gobierno Abierto el año 2011, se definió como uno de los compromisos prioritarios la dictación de una ley que regulara el proceso de toma de decisiones de las autoridades, de manera de promover mayor transparencia, rendición de cuentas y control social. El documento analiza el contexto previo y posterior a la dictación de la ley promulgada en 2014. Luego, se estudian los datos disponibles y opinión de actores relevantes para ponderar los primeros resultados tras su implementación. Finalmente, se señalan las principales ventajas de contar con una Ley del lobby y los desafíos que enfrenta la ley y la sociedad chilena frente a este cambio de paradigma.

Abstract

The purpose of this paper is to analyze the impact of the Lobbying Act in Chile. Since Chile joined the Open Government Partnership in 2011, one of the most important commitments was to push for a legislation that regulates the decision-making process of authorities, thus promoting more transparency, accountability and social control. This document examines the context both previous and after the enactment of the law. Then, the study focuses on the early results after the enactment of the Lobbying Act in 2014. In the end, the document pinpoints the advantages of the law and the challenges Chilean society and the regulation face in view of the shift paradigm that Lobbying Act has represented.

I. Background

In recent years, Chile has been facing different political and financial scandals which have affected public trust and highlighted the need for stronger regulatory frameworks for business and government relationships¹. On September 2014, a political scandal was discovered by the press, involving various high profile corporations in banking, retail, and mining sectors. The accusations, currently under judicial investigation, revealed illegally financing Congressmen and government officials from the whole political spectrum. In this particular case, meetings between corporation executives and politicians were frequent and allowed the exchange of influences and campaign resources. While the role of big businesses and interest groups in influencing

¹ Luna, J. P. (2016). Chile's Crisis of Representation. *Journal of Democracy*, 27(3), 129-138.

government and electoral politics has always been widely assumed, until recently there was no real possibility for civil society or members of the public to monitor or control these public-private relationships.

The lack of transparency of lobbying activities was particularly significant in the case of Chile since it has heavily regulated sectors including energy, environment and capital markets amongst others - all of which have considerable impact on the economy - making them prone to influence by interest groups and their specific agendas. In these areas, there has always been an intensive lobbying activity and public authorities have historically been under pressure. In the absence of regulations on lobbying, public officials had little accountability for the meetings they held with these groups and their outcomes.

Since 2004, after multiple political and corruption scandals², succeeding governments in Chile have launched different legal initiatives to improve transparency, probity and principles of good government, including the Transparency Act, Government Procurement Act, Declaration of Assets and Interest Act and the Civil Service Reform Act. Recently, President Bachelet created the Anti-Corruption Council in order to propose initiatives to reduce scandals in public campaign financing. The Lobbying Act must be situated in this wider context of reforms.

1.1 Chile's OGP Commitment on Lobbying Regulation

The Government of Chile sent its letter of intent to join OGP in September 2011. The Ministry of Secretary General for the Presidency (SEGPRES) in collaboration with non-governmental organizations, the Comptroller General, and the Council for Transparency, crafted a proposal for the country action plan. President Sebastián Piñera definitively presented this plan on March 30th, 2012³, after a public consultation where civil society had the opportunity to express its main concerns and points.

The 11th commitment of Chile's first action plan, pertained to the adoption of a Lobbying Act, a key issue for transparency, accountability, and citizen engagement in public affairs. As per the commitment, the government would 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. The lobbying act was primarily designed to address two critical issues: first, reducing influence peddling, by creating a system of comprehensive transparency of authorities and elected officials' agendas, travels, and donations. And, secondly, by providing mechanisms and opportunities to improve

² Ferreiro, A. (2003). Corruption, Transparency and Political Financing: Some Reflections on the Experience in Chile. *Sw. J.L. & Trade Am.*, 10, 345.

³ Open Government Partnership Chile Profile. Retrieved from <http://www.opengovpartnership.org/country/chile>

citizen's access to authorities. This case study is aimed at evaluating results of Chile's OGP commitments regarding the Lobbying Act, based on field interviews, analysis of publicly available data and secondary desk research.

1.2 A Ten-Year Struggle Bears Fruit

There were several earlier attempts to regulate lobbying, and the most recent one, had been in discussion for almost a decade, prior to the commitment made in Chile's OGP action plan. Precisely, as a result of this commitment, the government of Sebastian Piñera introduced the bill in 2012, in a process led by his Minister of the Presidency, Cristián Larroulet. Although the law had many detractors within Congress, there were a few leading Senators and Representatives, from all across the political sectors that pushed for this legislation and helped reach the broad consensus needed for its approval. One of the key advocates was Senator Hernan Larraín from the Democratic Independent Union Party, who also serves as the co-anchor of the Legislative Openness Working Group of OGP.

Senator Larrain was a leading voice in his sector and contributed to reduce opposition to the Lobby Act by many of his party and coalition colleagues. The former Comptroller General, Ramiro Mendoza, was also an active advocate in the Congress's approval of a lobbying regulation. The Committee against Conflicts of Interest, Influence Peddling, and Corruption, led by Eduardo Engel, which has the mission to deepen the lobbying regulation agenda, by proposing new norms to make more transparent the government-business relation, has also been an influential actor.

A coalition of diverse civil society organizations, of more than 40 NGOs and dozens of public intellectuals played a key role in advocating for a legal framework to address lobbying.⁴ Key players included organizations such as Chile Transparente and Ciudadano Inteligente. The campaign combined web-based advocacy, setting up the portal <http://leydelobby.cl/>, with traditional advocacy, including working with the Secretary General of the Presidency, the State Modernization Unit, and the Citizens' Defense and Transparency Unit of the Ministry of the Presidency which has played a key role in the design and implementation of the Lobby Act. The coalition took a pragmatic stand in its advocacy. Rather than aiming for a perfect piece of legislation, they pushed for the passage of the bill, which although imperfect, would become an important first step. This pragmatism also helped them develop a strong working relationship with the politicians and officials on the other side of the table.⁵

⁴ "¿Cómo funciona la Ley del Lobby?" Retrieved from <http://leydelobby.cl/historia-del-proyecto.html>

⁵ Chile passes lobbying law a first in Latin America. Retrieved from <https://sunlightfoundation.com/blog/2014/03/06/chile-passes-lobbying-law-a-first-in-latin-america/>

When Law No. 20.730, known as the Lobby Act, was approved on March 8, 2014, days before Piñera's mandate ended, Chile became the first country in Latin America with legislation on lobbying disclosures.

The main provisions of the Act include⁶:

- Establishing legal definitions for lobbying, active(paid lobbyists and unpaid interest managers) , and passive subjects), (ministers, viceministers, heads of departments, regional directors of public service, mayors and governors, regional ministerial secretaries and ambassadors, and other public individuals and entities).
- Creation of public registers where authorities must disclose information on meetings and individuals/lobbyists who attended those meetings.
- Sanctions and fines.
- The Council for Transparency was also mandated to consolidate data on lobbying activities and make them public via a website. The infolobby.cl platform was established to periodically publish the number of meeting, travels and donatives of the authorities obligated by the law, both aggregate and by public agency. The platform also contains the registration of all lobbyists.

The Lobbying Act's ultimate objective was to regulate lobbying and establish norms to reinforce transparency in the relationships with State actors. This goal responded to the necessity of avoiding the “capture” of public authorities to satisfy private interests that could harm public goods. Additionally, the law declared that the intention was not to prohibit contacts between private interests and public authorities, but to make them transparent. By allowing all interests and public opinion to observe these relationships, they can be subject to judgment, for their convenience and the neutrality of decisions that are related to them.

II. Implementation and Early Results

With the enactment of the Lobby Act in 2014, Chile fulfilled the commitment made in its first OGP action plan which was limited to the presentation of the Lobby Act to Congress. The second action plan for 2014 - 2016⁷, included commitments pertaining to the implementation of the Act, and was organized in six milestones, under the

⁶ “Regula el Lobby y las gestiones que representen intereses particulares ante las autoridades y funcionarios”. Retrieved from <https://www.leychile.cl/Navegar?idNorma=1060115>

⁷ “Plan de Acción de Chile: Gobierno Abierto”. Retrieved from http://www.opengovpartnership.org/sites/default/files/Plan%20de%20Acción%202014-16%20CHILE%20OFICIAL_0.pdf

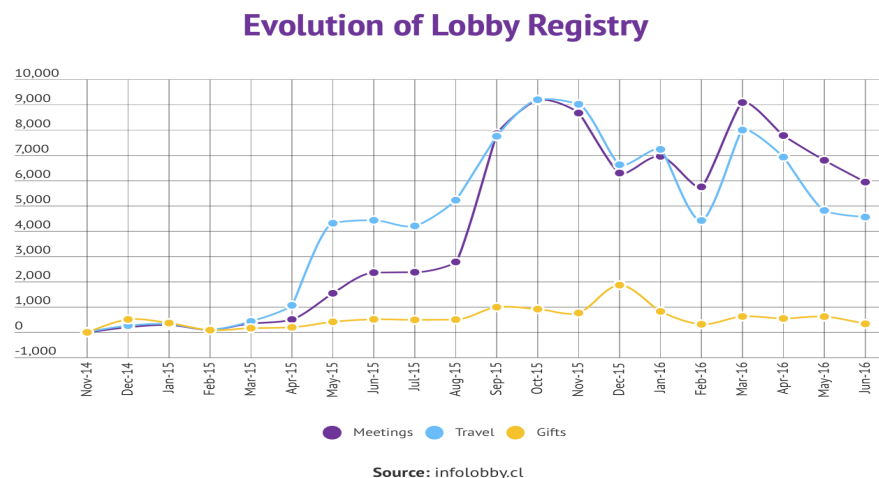
responsibility of the Citizen's Defense and Transparency Unit of the Ministry of the Presidency. Four of the six milestones were successfully achieved. These include the enactment of the complementary regulation of the Lobby Act; the training of active and passive subjects of the lobby; and the implementation of technological support to address the inquiries during the implementation stage.⁸

2.1 Release of data on lobbying activities

This information available through the *infolobby.cl* platform allows us to develop a general perspective of the process of implementation of the Lobby Act and how different active and passive subjects are adjusting their work to fulfill the requirements of the law. Although we are at an initial stage, we can identify a positive trend towards the formalization of the activities of authorities. However, implementation has been uneven across authorities and relies heavily on the *political will* of authorities or elected officials, whether he is a Minister, Congressman, or a Mayor. That said, both the data that is published, and that isn't, can become powerful tools for public accountability of authorities:

- At the time of completion of the IRM report, the Lobby Act had been in force for nine months and gradually exhibited the results of its operation. As of July 2015, the total meetings registered in the Lobby platform was 7,768; the total travel registry amounted to 15,215 trips; and the entire registry of donatives reached, in this month, 2,799⁹.

Figure 1



⁸ 2014-2015 IRM Mid-term Progress Report. Retrieved from http://www.opengovpartnership.org/sites/default/files/Chile_IRM_2014-15_0.pdf

⁹ All data is retrieved from the official consolidation platform of the Lobby Act at <http://www.infolobby.cl>

- The last information available for this report (June 2016), indicates that the total meetings registered in the Lobby platform since November 2014, is 87,195; the total travels registered reaches 93,043 trips; and the total registry of donatives reached 11,366. With an average registry of 9,258 and a more recent average (in the last 6 months) of approximately 13,000 (7% of the total registries). Although, there is no registry of the rejected meetings or the meetings that are not informed through the Lobby Platform.

Figure 2



- The Council for Transparency recently informed that 60 mayors have not registered meetings in the Lobby platform¹⁰. On the same note, by analyzing the data provided by infolobby.cl, we find significant differences among Ministers and Congressman, in the number of audiences informed.

¹⁰ "Alcaldes no han reportado audiencias". Retrieved from <http://www.consejotransparencia.cl/60-alcaldes-no-han-reportado-audiencias-de-lobby-o-gestion-de-intereses-tras-10-meses-de-vigencia-de-la-ley/consejo/2016-06-22/113721.html>

Figure 3



- In the case of the Ministries, the entire meetings informed through the platform sum up to 1,623. The average of meetings per Ministry is 70 in almost twenty months of implementation of the Lobby Act. However, only nine ministries inform 70 or plus meetings, and 14 ministries inform less. For example, the Ministry of Women and Gender Equity, that has been active in the recent year with the discussion of the new Ministry, the Abortion Act, and other critical legislative issues, has only informed of six meetings in the past 20 months. Many of the interviewees raised this issue and questioned whether all authorities are obeying the law.

- In a similar vein, Congress data shows significant differences between representatives. There are three Congressmen that in the last 20 months have not informed any meeting. The total meetings informed through the platform sum up to 1,716.

- The average of sessions per Representative is 14 in almost twenty months of implementation of the Lobby Act. However, only 50 Representatives inform 14 or plus meetings, and 70 Representatives inform less.

- The adoption of the Lobbying Act has been greater in central government than local governments. However, given the law is at an early stage, there is some resistance to adopting its obligations fully. According to the Council for Transparency, among 44,649

officials obligated to register their audiences, only 15 percent has informed the audiences to the public.¹¹

In addition to the formalization of the relationships between public and private actors, the majority of the actors interviewed for this case study indicate that there is also a democratizing effect in the implementation of the Lobby Act. As María Jaraquemada, from the NGO Espacio Público recalls, *“before the Lobby Act, you needed a contact, an email, or the telephone of somebody to get near an Undersecretary, a Minister, a Mayor, or a Congressman. Nowadays, any person can enter the web platform or fill out a form to demand for an audience.”*

The data confirms this phenomenon and we can conclude that the scope of the relationships between private and public interests has broadened as an effect of the implementation of the Lobby Act. More organizations, big, medium, and small corporations, neighborhood councils, among others, have been able to ask for meetings and even to meet with authorities. Before the enactment of the law, usually only big corporations and huge groups of interest had the means and contacts to access authorities. As on June 2016, more than 16,000 people, entities, and organizations, have been represented in meetings under the Lobby Act. They include corporations, universities, neighborhood councils, professional and commercial societies, labor unions, non-governmental organizations, foundations, and even schools. A group of students did a research on the impact of the Lobbying Act in the Ministry of Women and Gender Equity, and they found out that much more people were requesting meetings directly through the Lobby System¹².

Even though many of these organizations could have been granted audiences before the law, they now have the right to request a meeting and in many cases they are granted, formalizing access and in many cases broadening it as well. Before the law, to approach to authority, citizens needed a personal contact to reach the meeting. These privileges have decreased, although the asymmetries persist in terms that personal contacts facilitate the access to public servants. The challenge is how small groups, grassroots organizations, and advocates can harness the opportunity Lobbying Act provides. However, Alberto Precht, from Chile Transparente thinks *“these laws are not going to resolve the issues of access to authorities. What the Lobbying Act allows is to make this access more transparent. I do not imagine a normal citizen waking up in the morning to check transparency or lobby data”*¹³.

¹¹ Assessment of the Lobbying Act, Council for Transparency. June 2016.

¹² Jaraquemada, María. (2016, June 16). Personal Interview.

¹³ Precht, Alberto. (2016, June 24). Personal Interview.

Since the enactment of the Lobbying Act in March 2014, it is possible to identify a series of effects that gradually changes policies, practices and services. In general terms, this law has contributed to shaping a new standard in public-private relations, setting rules and a framework to promote interests before public authorities. Its main long-term impact is to democratize the access to authorities from citizens.

2.2 Increased transparency, accountability and oversight

Prior to the Lobbying Act, there was no data on how many audiences authorities had held with citizens, except public officials or representatives who voluntarily registered their meetings. Also, there was no evidence allowing citizens to demand compliance on authorities' commitments agreed in meetings. Since the law establishes the obligation to inform audiences, travels, and donatives, along with a registry for lobbying companies, today numerous activities, arrangements and communications between public and private sector are available for the public opinion and media.¹⁴ There have been a number of news articles denouncing the non-compliance of the lobby regulation. *La Segunda*, one of the most recognized newspapers by politicians, has published several articles using the information available from *infolobby.cl* and denouncing legislators and government officials¹⁵.

Additionally, the *infolobby.cl* platform allows citizens to track and monitor the number and kind of audiences' authorities have had and, eventually, claim for results agreed in a previous meeting. According to the Transparency Council, the platform has had an average of 8,000 visits per month.¹⁶ Finally, greater levels of transparency and accountability have set more limits about what groups can do and what not. As Gonzalo Cordero, from a Lobbyist Agency implies, "*The Lobbying Act has allowed more public debate over the relationships between the public and the private sector. There is more transparency, public meetings, and issues being discussed*".¹⁷

Before the enactment of the Lobbying Act, there was no information about countless activities, communications, meetings and audiences between authorities and different groups. Journalist José Miguel Wilson, from *La Segunda*, believes that "*the main effect of the Lobbying Act is to allow the disclosure of a series of occupations and activities that were done in the name of lobby*."¹⁸ In that sense, Raul Ferrada, Executive Director of the Council for Transparency, affirms that "*in Chile today there are more than*

¹⁴ Wilson, Jose Miguel. (2016, June 24). Personal Interview.

¹⁵ Lobby enforcement. Retrieved from <http://impresa.lasegunda.com/2015/11/27/A>

¹⁶ Ferrada, Raúl. (2016, June 25). Personal Interview.

¹⁷ Cordero, Gonzalo. (2016, June 17). Personal Interview.

¹⁸ Wilson, José Miguel. (2016, June 24). Personal Interview.

4,017 registered lobbyists, people that declare they do lobby (...) before the law this data was not available, providing an outstanding tool for social control”¹⁹.

2.3 A tool for performance management

The *infolobby* platform and the information stored is being used by some as a performance management tool for authorities. That is, to check the frequency of audiences, what kind of constituents have received, to address the issues discussed with constituents, to create statistics, among others. The fact that the Act provides information to authorities through the public registries, officials and representatives may make data-driven decisions as Wilson confirms: *“Some authorities think that lobbying activities are negative. Others, like the Minister of Health, Carmen Castillo, have proven that the use of this law can be a great tool for public management. They register all the meetings, the details of the issues discussed, and provide follow up on the results”²⁰.*

Some central and local authorities have also had the political will to use the Lobbying Act as a baseline for better practices and policies. That is the case of the Mayor of Curacaví, Juan Pablo Barros, that believes that *“the definition of Lobby in the law is not clearly established. We decided to extend the application of the subjects of the law to all the people that come to our offices. Probably that is not necessary, but we did not want to take any chances”²¹*. This means that they have expanded the scope of the law, imposing transparency and accountability standards to more officials exposed to interest groups. A particular case is the mayor of Curacaví, who implemented the Lobbying Act for all audiences of the Mayor and head of the division, thus overseeing the meetings of the organization.

2.4 Shedding light on government procurement and preliminary negotiations.

The Lobbying Act has served to bring more transparency and information about preliminary negotiations in government procurement. The regulation allows companies interested in making known their products or positioning the brand to register the audiences with potential buyers, making those preliminary traits more transparent. This is the case of new companies, which are offering their products through Chile-Compra, the public platform for government procurement.

¹⁹ Ferrada, Raúl. (2016, June 25). Personal Interview.

²⁰ Wilson, José Miguel. (2016, June 24). Personal Interview.

²¹ Barros, Juan Pablo. (2016, July 7). Personal Interview.

2.5 Cultural change

The introduction of the law has gradually changed the rules of the games about the way interest groups approach to authorities. It is having an impact both for authorities and lobbying agencies. Even though the Lobbying Act has been in effect for less than two years, it is changing the public perception of this type of activities, leading companies to design strategies and take more seriously the relationship with decision makers (v.gr. healthcare companies, insurance corporations, pension funds, energy corporations) are adjusting their strategies to approach to authorities, and providing transparency and information regarding activities that were opaque in the past.

For Cordero and McKinnon, from Azerta, *“before the enactment of the law, there was no clear assessment, by businesses, of the costs and benefits of meetings with authorities. They were used to ask for meetings and use them as relationship building with authorities. After the law, there is a thoughtful decision on whether you require or not to contact the authority. This is a direct effect of transparency as you have to acknowledge that your meeting will be public and known by other actors and the market. In summary, the Lobbying Act causes a change in the strategy of businesses with the State and regulators.”*²²

To the extent that lobbying would be done facing citizens, the activity will be progressively legitimated and thus will shift the paradigm, professionalizing politics. For instance, the Housing Committee now uses the Lobbying Act to inform the applicants and beneficiaries of the subsidies. This is critical for Sebastian Soto, former head of the Legal Division of the Ministry of the Presidency: *“In first place, there has been a formalization of the relationship between the State and businesses. By formalizing, I mean the incorporation of transparency and a formal process of contact between them. Secondly, there is a higher standard of what can and what cannot be done, that is clearer than before”*²³.

III. Challenges

The asymmetry in the implementation of the law by various public authorities is no doubt an impediment in realizing the full potential of the benefits that the Lobbying Act could bring to society. Some of the challenges that have marked the first two years of implementation include:

²² Cordero, Gonzalo. (2016, June 17). Personal Interview.

²³ Soto, Sebastian. (2016, June 17). Personal Interview.

3.1 Lack of understanding and capacity

First, since the law is still at early stage, it requires more time to be fully adopted. Second, the lack of capacity building in certain local governments, Congress and public servants about the way the law works and how to manage it have led to seeing the law as an administrative burden than an opportunity to improve the quality of services to citizens. Third, grassroots organizations still do not understand the advantages of this regulation to enhance their access to authorities and to formulate their concerns and points. As Senator Felipe Harboe indicates, *“the essence of government is to listen to all the sectors. Some sectors are wrong if they believe they are exempt from the Lobbying Act. For example, the unions. The role of the legislator is to listen to the unions but also to other sectors that oppose them. Then, after considering all the facts, he makes a decision”*²⁴. Finally, there are few activities intended to disseminate the law, and more training programs are required.

3.2 Resistance

Because of the negative perception of lobbying activities, especially after decades without a legal framework, public opinion tends to associate lobbying with influence peddling and other behaviors against the law. As a result, many authorities and organizations have tried to avoid the registration of activities under the law. An important issue is the refusal of some civil society organizations to use the law, arguing that their exercise advocacy activities but not lobbying. There was an interesting case from the Government Labor Union (ANEF), which argued that they were not subject to the Lobbying Act since they promoted collective, but not private interests. The General Comptroller stated that any activity intended to influence in the design, implementation or evaluation of policies, projects or programs are subject to the Lobbying Act, without regards of the nature of the organization.²⁵ Furthermore, to not be exposed, some authorities organize meetings as active subject to avoid the law, use the exceptions inappropriately or just decided to not receive key stakeholders for some public policies.²⁶ Finally, some ministries that work in some of the most regulated activities exhibited low levels of audiences.²⁷ Therefore, the challenge is how to shift the paradigm and reduce the negative perception on lobbying activities.

Slow uptake by citizens and civil society

²⁴ Harboe, Felipe. (2016, July 4). Personal Interview.

²⁵ Comptroller Resolution. Retrieved from

<http://www.contraloria.cl/appinf/LegisJuri/DictamenesGeneralesMunicipales.nsf/DetalleDictamen?OpenForm&UNID=0B173E5CF01CE40703257F7300651359>

²⁶ Cordero, Gonzalo. (2016, June 17). Personal Interview.

²⁷ For instance, the Ministry of Justice.

Till date, there has been low interest from citizens in monitoring and evaluating the effective compliance of this law. Wilson believes that *“the law is less known than other transparency regulations, from citizens, media and some NGOs. It is essential a more active promotion from authorities about the opportunities and benefits of this regulation”*²⁸. The media and the NGO’s are gradually increasing their use of the platforms and information provided, although the impact is not significant yet.

IV. Looking ahead

Although the law has passed and implementation has begun, it will be important to consolidate the early gains and ensure progress remains on track on full implementation of the law. The following elements will be crucial for this.

Clear demonstration of political will to support and promote regulations on transparency, integrity, and good government.

In order to fully adopt the Lobbying Act, it is fundamental that the Ministry of the Presidency promotes the law and requires agencies to implement it. At early stages, this kind of laws requires strong commitment from authorities, as Alberto Precht reassures: *“The success of these laws rely on the political will of the actors obliged to follow them. For example, the Minister of Health has one of the most detailed agendas in Government and has registered hundreds of meetings. On the other hand, some Ministers or Congressman appear with no meetings. That is a clear breach of the obligations of the law, because that is clearly not possible”*²⁹. In this light, it is necessary to give more visibility of the existence of the Lobbying Act. The law represents an opportunity for NGOs, grassroots movements, and other groups to formally get access to authorities. Lobbying is not only a matter of big companies. It is fundamental to change the negative perception from some public agencies and authorities, moving from the fear to be exposed on lobbying activities (a legal activity) to take the law as an opportunity to promote equal treatment among citizens, democratize the access and a performance management tool.

4.1 Better enforcement

There is general consensus amongst stakeholders that the Lobbying Act requires stronger enforcement. To date, the level of compliance of the law from many public agencies and authorities is low, with a tendency to under-report the number of audiences with interest groups. It is desirable a comprehensive audit plan led by the Comptroller General to ensure the compliance of the regulation and penalize law

²⁸ Wilson, Jose Miguel. (2016, June 24). Personal Interview.

²⁹ Precht, Alberto. (2016, June 24). Personal Interview.

violations. There is no sanction at this point, but only recommendations. The penalties established by the law are low in comparison with other transparency and integrity laws such as the Transparency Act. Regarding the Congress, the fact that both Senate and Deputy Chamber's Ethic Committees are in charge of the enforcement of the Lobbying Act has resulted in a week monitoring and control.

4.2 More training and capacity building

New training programs for public officials, especially those working for local governments and Congress, need to be developed. According to the data available and interviews with experts, there is still a lack of training and capacity building on subnational governments and Congress on the implementation of the law. In other words, the lack of enforcement is not only a matter of willingness of authorities, but also a matter of skills and training of public officials. It is important to close the gaps between central and local governments.

The efforts made by the Ministry of Presidency to fund the platform for local governments are a remarkable example. This Ministry made available the platform not only for the central government, but also for subnational governments to ensure an equal access to the same platform. Otherwise, it would have been quite difficult for some local government to fund and implement their own platforms to allow citizens to request audiences.

4.3 Strengthening the role of the Transparency Council and improvements to the infolobby platform

There is an opportunity to strengthen the role of the Transparency Council as the agency in charge of the *infolobby* platform. OGP's IRM report identified two kinds of oversights. First, the implementation oversight, related to the creation of auxiliary tools to enhance the use of the platform and the website modules. Second, the performance oversight, to evaluate the accessibility to the lobbying platform, forms, and the creation of a registry of active subjects.

Infolobby.cl could also be further improved. For example, Transparency International developed a user-friendly database that gives citizens a sense of the lobbying meetings of the European Commission.³⁰ Despite the fact that Chile has the infolobby platform, it can be further improved, for example, by making the information more accessible, open and searchable.

³⁰ See <http://www.integritywatch.eu/>

4.4 More commitment and engagement by civil society and the media

Increasing commitment of NGOs, unions, and civil society organizations in adopting and subjecting themselves to the law will improve its standing. To the extent that organizations that advocate for either collective or private interests will be willing to act under the law, the Lobbying Act will gain legitimacy.

At the same, civil society organizations can play a crucial role as data intermediaries in helping citizens understand the significance of the information being released (or not) and using it in their advocacy activities. Similarly, the media can play a crucial role in influencing public opinion on the decision-making process and the factors that influence authorities by showing how the regulation of lobbying activities is working out. Reports on enforcement, ranking with best authorities, the number of audiences, among others, will contribute to creating more awareness among citizens.

4.5 Strengthening the law

There are some elements of the law that need further strengthening. The quality of information reported, the report of audiences rejected, the threshold amount of donation necessary to declare, and some communications with constituents during field work should be addressed in future amendments to the regulation.

V. Conclusion

There is no doubt that the Lobbying Act has provided more transparency, accountability and oversight in the decision-making process, by requiring authorities to inform meetings, travels and donatives. This transition from the opacity to more accountable authorities has made a paradigm shift in the public relationships with interest groups, thus changing the rules of the game about the way interest groups approach to authorities. However, according to the available data and key stakeholders interviews, there is still a resistance to registrate activities under the law, since public opinion tends to associate lobbying with influence peddling and other behaviors against the regulation. In addition, the lack of understanding and capacity to implement the law has undermined the fully adoption of the Lobbying Act. Looking ahead, the challenge is to improve the enforcement of the law, provide more training and capacity, strengthen the role of the Transparency Council, and a more engagement by the civil society and media.

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Annex A. Interviews

For the purposes of this project, several interviews were performed in Santiago (Chile's capital), and Valparaíso (home of the National Congress), in order to assess the impact of the Lobby Act as part of the OGP initiative.

The interviews were performed in person by the researchers Jorge Sahd and Cristian Valenzuela. All the arrangements were made by the researchers.

Civil Society		
Name	Position	Institution
Alberto Precht	Executive Director	Chilean chapter of Transparency International
María Jaraquemada	Incidence Director	Espacio Público (NGO)
Sebastián Soto	Senior Advisor	Libertad y Desarrollo Institute

Government/ Local Government		
Name	Position	Institution
Rodrigo Mora	Chief of Division	Citizen's Defense Unit and Transparency, Ministry of the Presidency
Raúl Ferrada	Executive Director	Council for Transparency
Juan Pablo Barros	Mayor	Curacaví (Region of Valparaíso)

Congress		
Name	Position	Institution
Arturo Squella	Representative	12 th District, Valparaíso Region
Felipe Harboe	Senator	13 th Circumscription, Bio Bio Region

Media		
Name	Position	Institution
José Miguel Wilson	Journalist	La Segunda Newspaper

Lobby Agencies		
Name	Position	Institution
Gonzalo Cordero	Lobbyist	Azerta Consultores
Ian Mackinnon	Lobbyist	Azerta Consultores

Annex B.

Questionnaire

The objective of the interviews was to register the most important perspectives presented by the different actors and how they contribute to the overall assessment made by the researchers.

1. Has the relationship between the State and the corporations, interest groups, and civil society changed after the enactment of the law? If the answer is affirmative, how has it changed?
2. Has the law contributed to provide more transparency to the relationship between the public and the private sector? In what way?
3. The mission of the Open Government Partnership establishes as an objective that *“More transparent Governments, accountable, and improving the capacity of response towards their citizens – with the final objective to improve the quality of Government, as well as the quality of services that citizens receive”* Do you consider that the law has contributed to that objective?
4. Has the Lobbying Act contributed to level the field in the access to the State by the different actors or do the asymmetries persist?
5. Do you consider that the different actors have complied with the regulations of the Lobbying Act? What positive aspects do you highlight? What shortcoming do you find?
6. Do you consider that the Lobbying Act has an adequate oversight? Are there sufficient mechanisms?
7. In the implementation period: Do you consider that there has been a cultural change in the way different actors face lobbying issues? What are the most relevant factors?
8. Do you consider there has been resistance in the implementation of the law?
9. Does the Lobbying Act have the potential to generate a transformative impact in the relationships between the State and the Stakeholders?
10. How does the law contribute to generate greater degrees of trust in the Chilean society?
11. How does this law relates to the recent anticorruption agenda of the Chilean Government? Does it play a role?

For the data analysis:

1. What are the main findings of the available information?
2. What are the specifics results achieved since the implementation of the law?

3. Have there been any sanctions with the available information?
4. Have there been any Ministers or other authorities questioned about the meetings with actors and interest groups?