

Corrupción, Auge Económico y El Sector Privado: *Chile en Un Marco Empírico Global y del OCDE*

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**Presentación en el Seminario sobre la Convención
para Combatir el Cohecho a Funcionarios
Públicos Extranjeros en Transacciones
Comerciales Internacionales de la OCDE y su
aplicación en el sector privado**

Santiago, 24 de Noviembre de 2009

Sobre Incentivos, Transparencia, Monitoreo

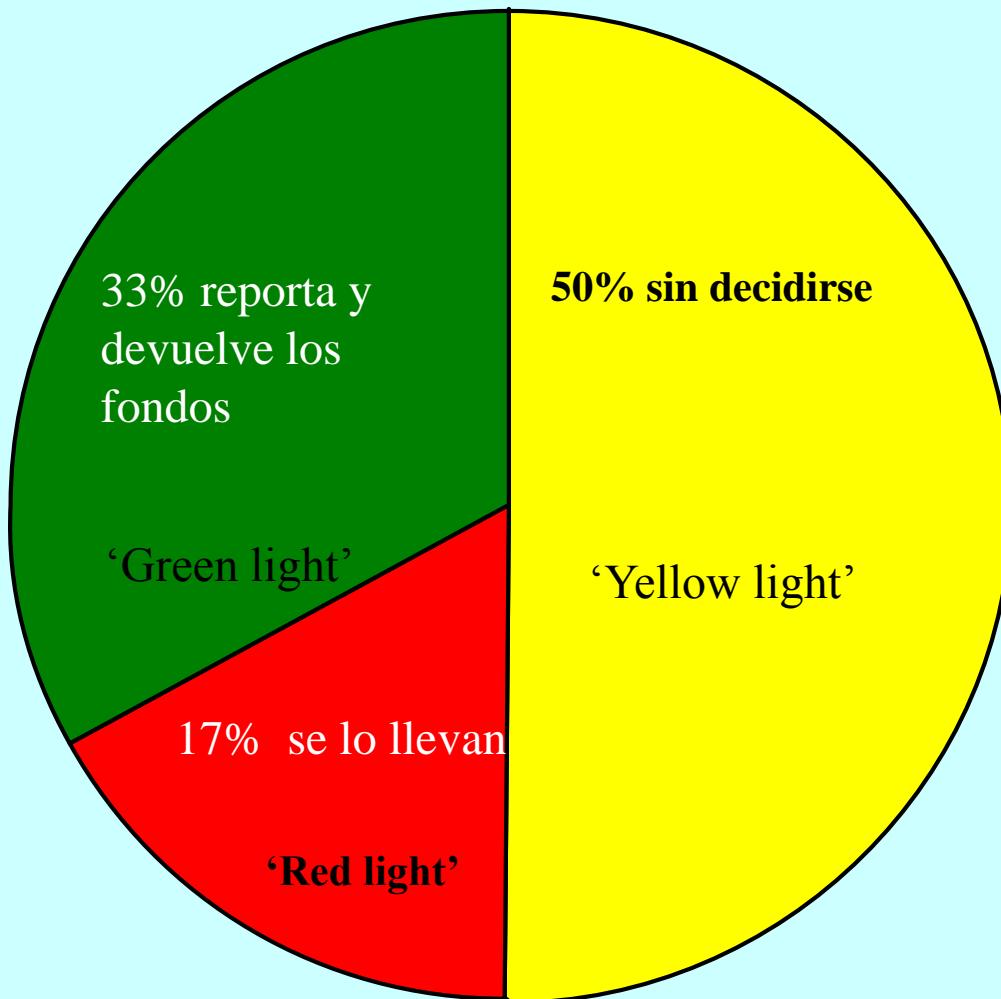
Una Encuesta Instantanea:
***El Sobre con dinero en el
estacionamiento...***

**En el estacionamiento, esta solo/a,
encuentras un sobre con 2,000 euros**

Que haces con el sobre?

Test, parte 1: Sin Transparencia, Monitoreo, Supervision

- A. If no possibility that anyone could know
[No hay supervisión]



Test 2 -- Tal como el Test 1,

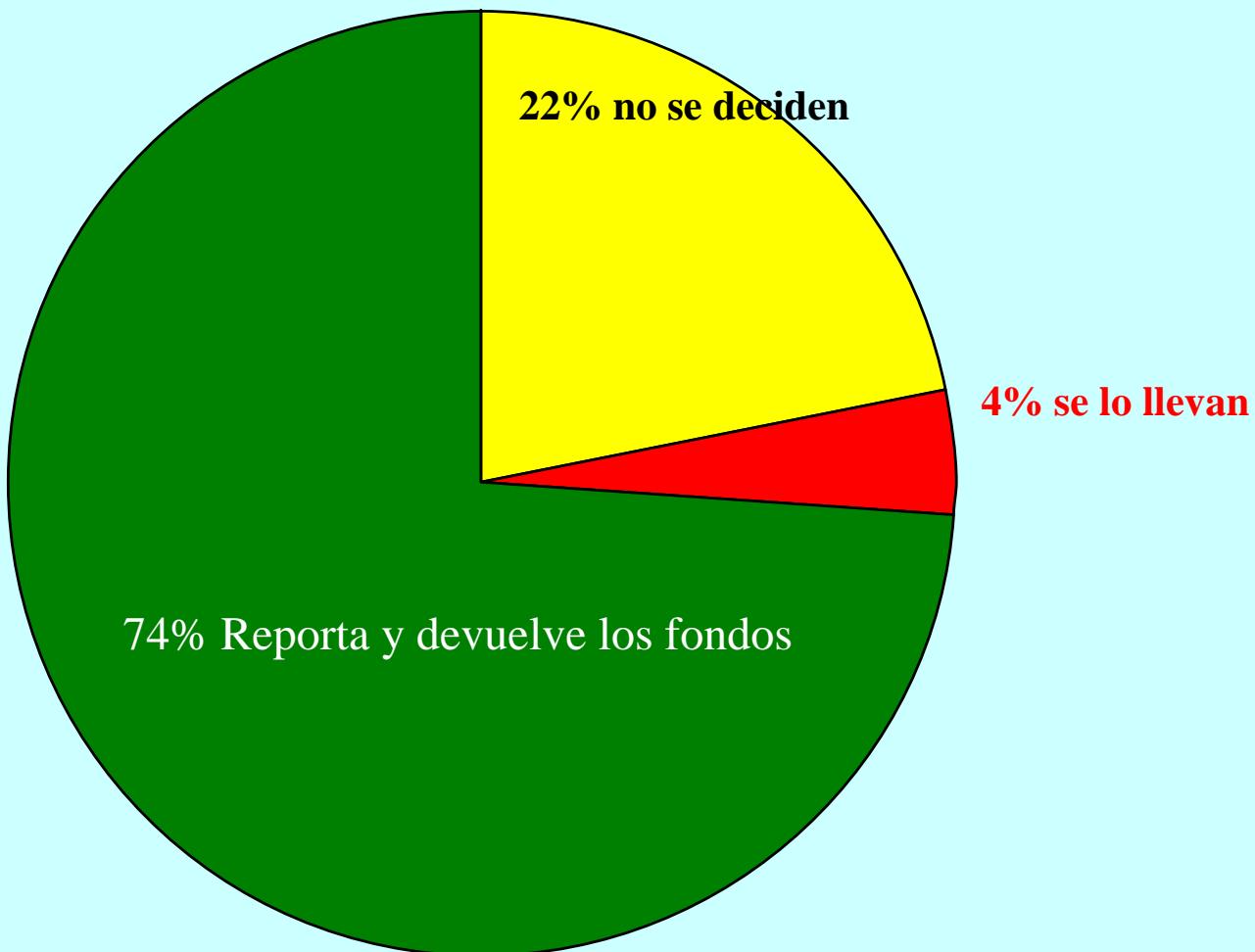
con una diferencia:

***hay un 30% probabilidad de
Transparencia, Monitoreo***

- **Como responden en este caso?**

Test, parte 2:

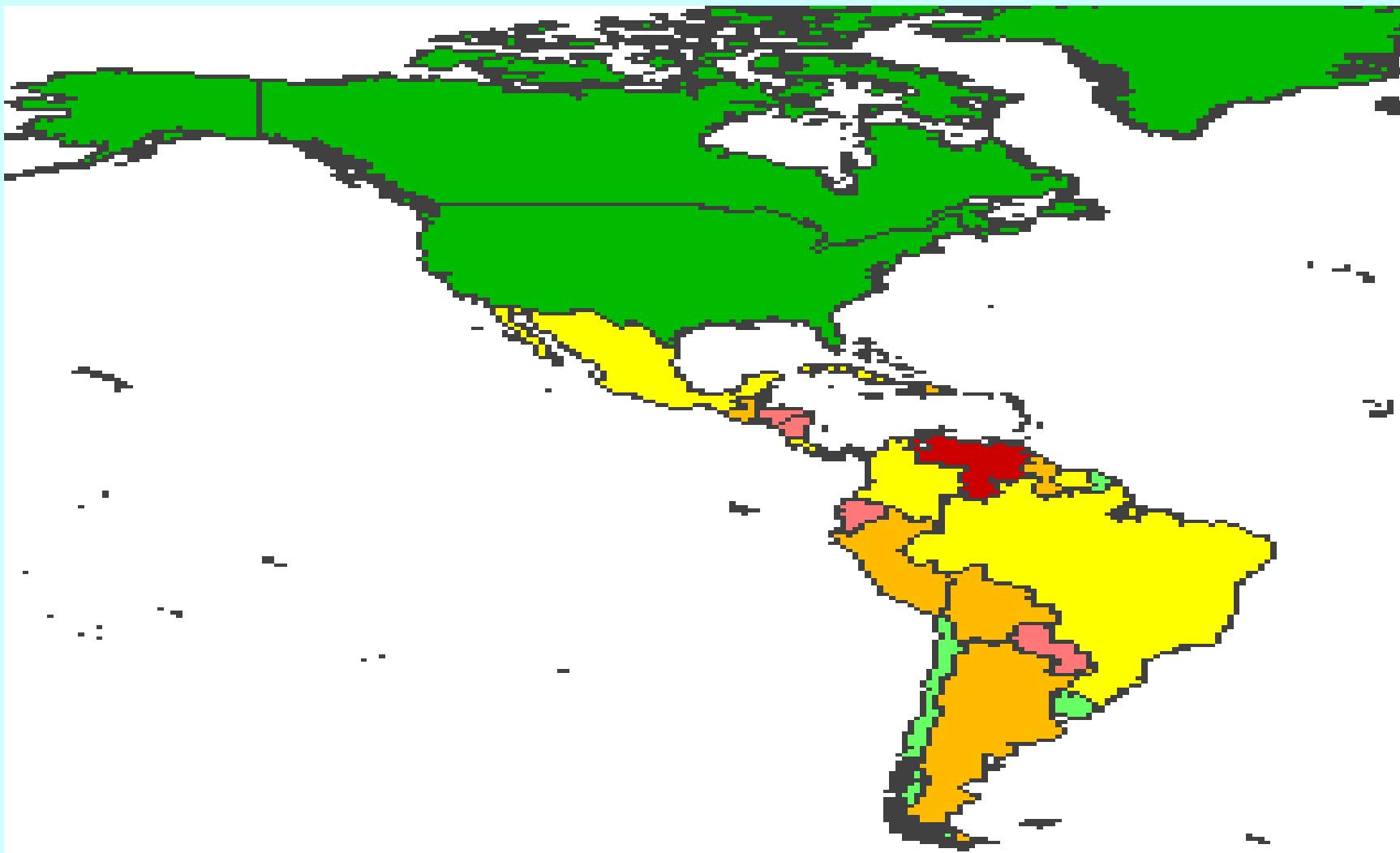
La misma pregunta anterior, parte B: si hay ahora un 30% de probabilidad de ser detectado por una camara oculta en el estacionamiento



8 Puntos

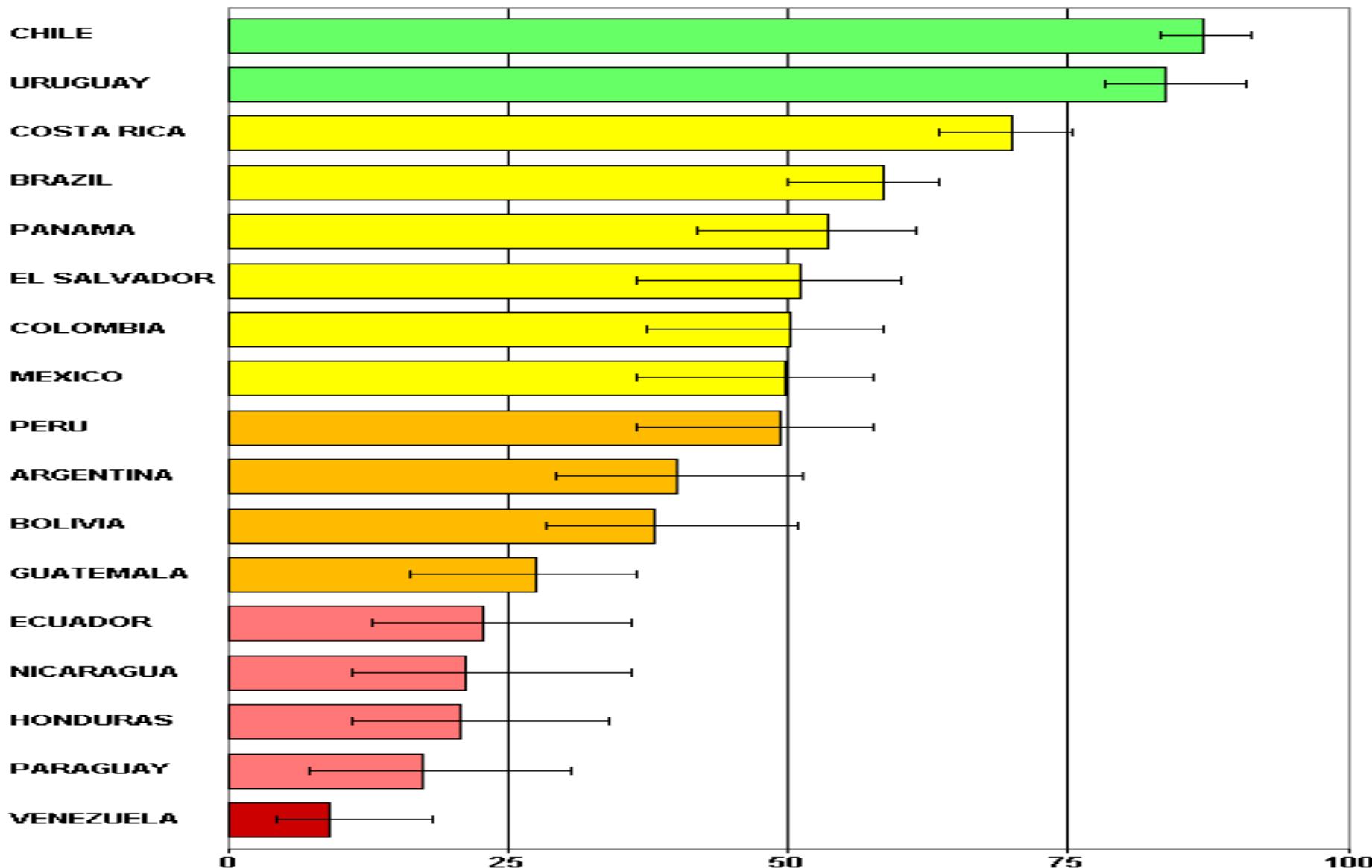
1. Corrupción: medible, monitorear, analizar; perspectiva de costos/beneficios, incentivos
2. En el pasado, enfoque en el servidor publico
3. Reconociendo: el sobornador + el sobornado
4. El gran ‘Dividendo’ de no sobornar: *resultados*
5. Corrupcion: Anti-Competitividad, - Inversion
6. Chile: datos en marco comparativo mundial: muy bien en el 2o. Mundo... *Falta para el 1ero.*
7. Convencion OCDE en perspectiva empirica
8. Incentivos, Implicaciones, y Desafios adelante

Control de la Corrupción, 2008: 'Americas'



Source for map: 'Governance Matters VIII: Governance Indicators for 1996-2008', by D. Kautmann, A.Kraay and M. Mastruzzi, June 2009 - www.govindicators.org. Colors are assigned according to the following criteria: Dark Red: country is in the bottom 10th percentile rank ('governance crisis'); Light Red: between 10th and 25th percentile rank; Orange: between 25th and 50th percentile rank; Yellow, between 50th and 75th; Light Green between 75th and 90th percentile rank; and Dark Green: between 90th and 100th percentile (exemplary governance). Estimates subject to margins of error.

Control de la Corrupción: Latin America 2008



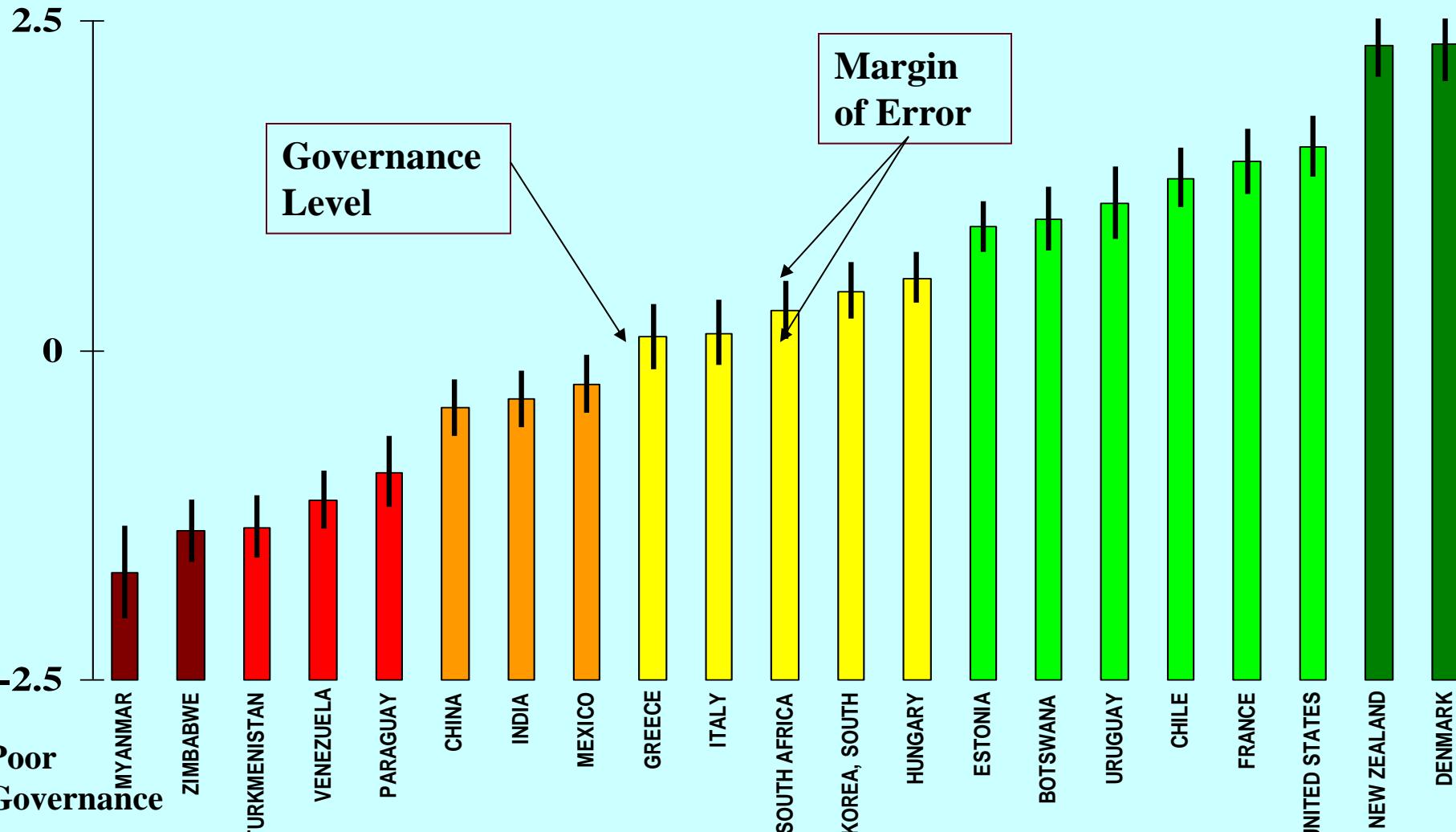
Source for data: 'Governance Matters VIII: Governance Indicators for 1996-2008', D. Kaufmann, A. Kraay and M. Mastruzzi, June 2009

(<http://www.govindicators.org>); Colors are assigned according to the following criteria: Dark Red, bottom 10th percentile rank; Light

Red between 10th and 25th; Orange, between 25th and 50th; Yellow, between 50th and 75th; Light Green between 75th and 90th; Dark Green above 90th.

Control de la Corrupcion, algunos paises, fin 2008

Good Governance



Margin
of Error

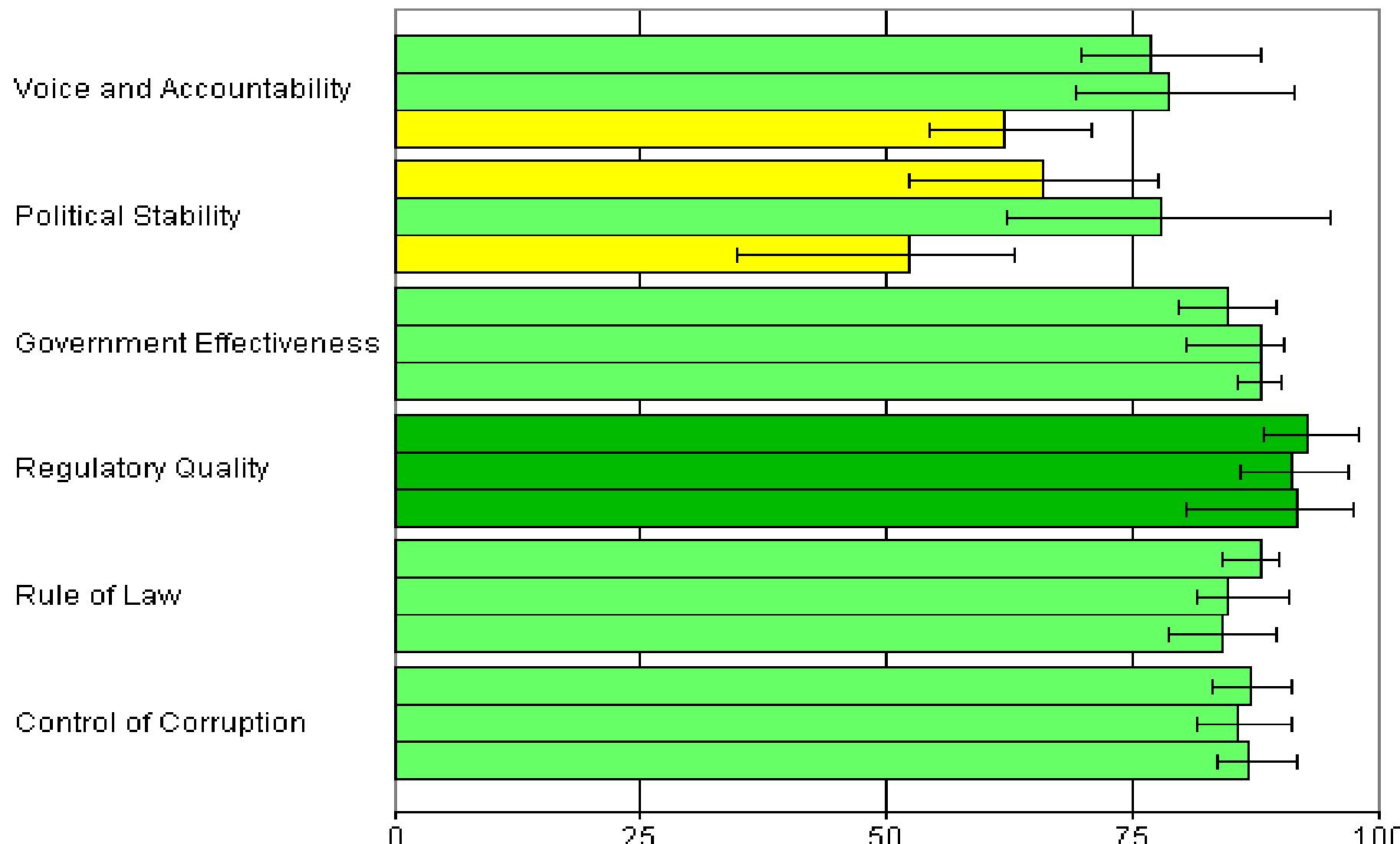
Governance
Level

DISCLAIMER: The data and research reported here do not reflect the official views of the World Bank, its Executive Directors, or the countries they represent. The WGI are not used by the World Bank Group to allocate resources or for any other official purpose.

Source for data: 'Governance Matters VIII: Governance Indicators for 1996-2008', by D. Kaufmann, A. Kraay and M. Mastruzzi, June 2009, www.govindicators.org. Colors are assigned according to the following criteria: Dark Red: country is in the bottom 10th percentile rank ('governance crisis'); Light Red: between 10th and 25th percentile rank; Orange: between 25th and 50th percentile rank; Yellow, between 50th and 75th; Light Green between 75th and 90th percentile rank; and Dark Green: between 90th and 100th percentile (exemplary governance). Estimates subject to margins of error.

Indicadores de Gobernabilidad: Chile, 1998, 2003 & 2008

Comparison between 2008,2003,1998 (top-bottom order)

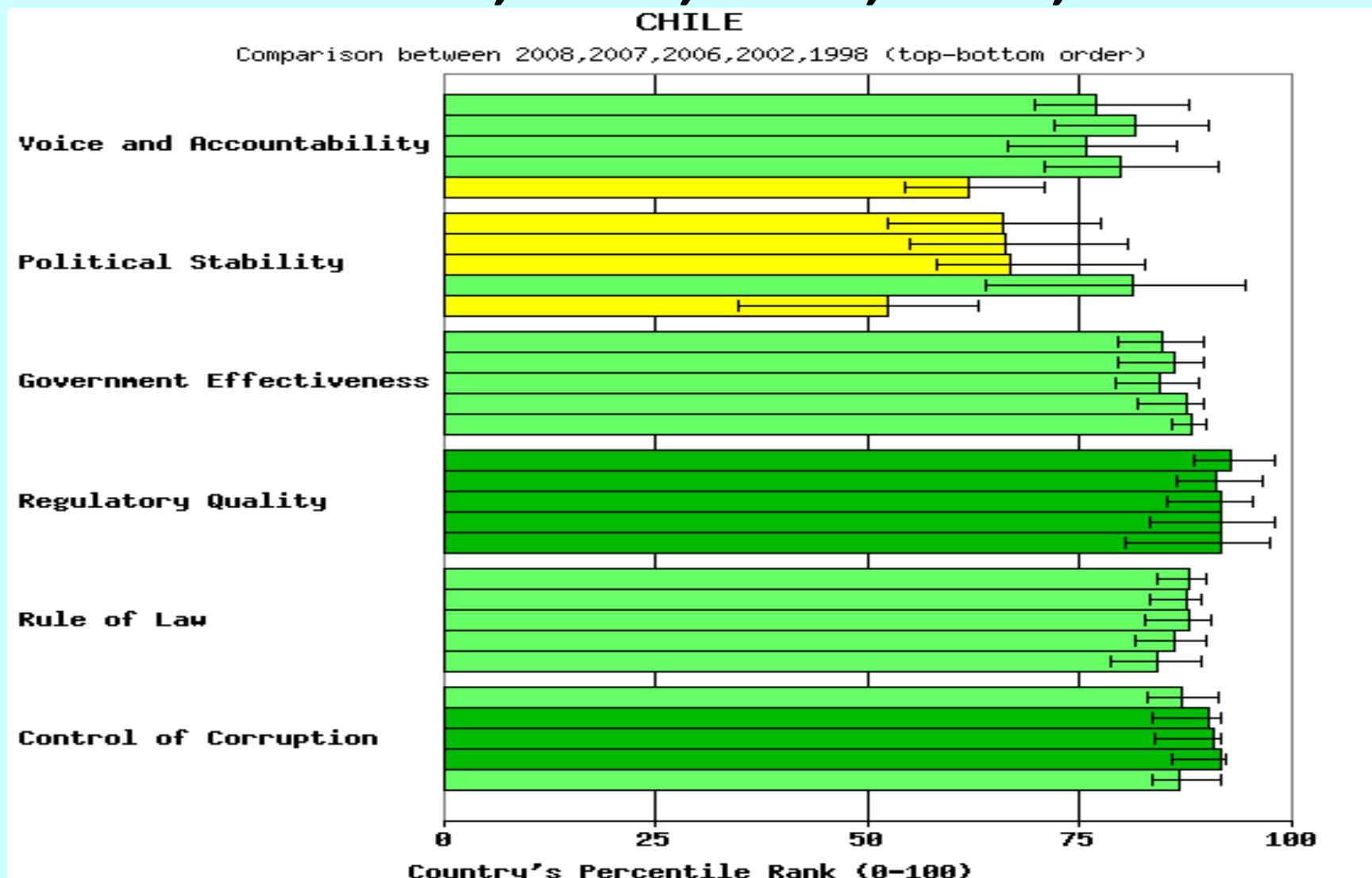


Source for data: 'Governance Matters VIII: Governance Indicators for 1996-2008', D. Kaufmann, A. Kraay and M. Mastruzzi, June 2009

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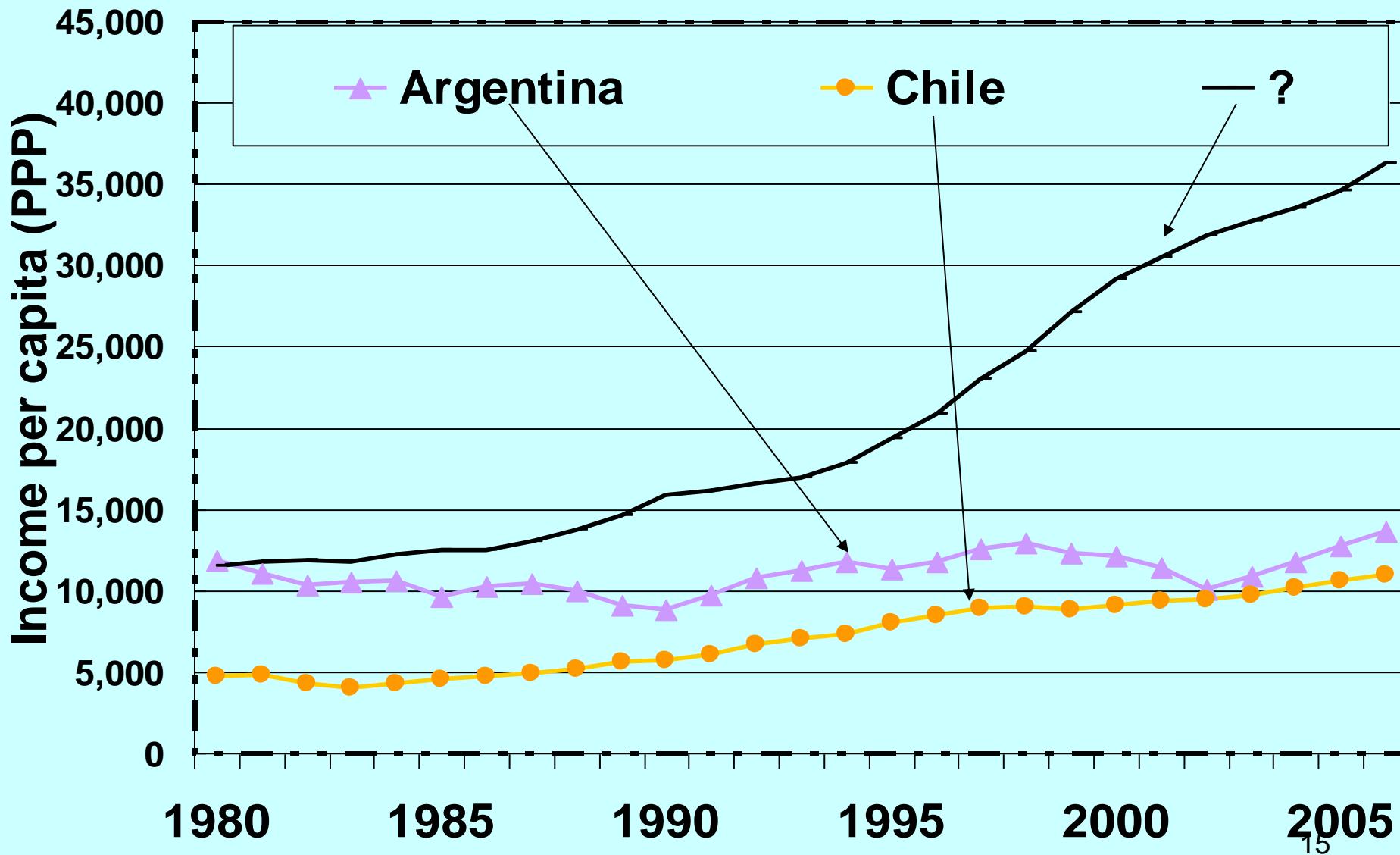
Indicadores de Gobernabilidad Mundial (WGI): Chile 1998, 2002, 2006, 2007, 2008



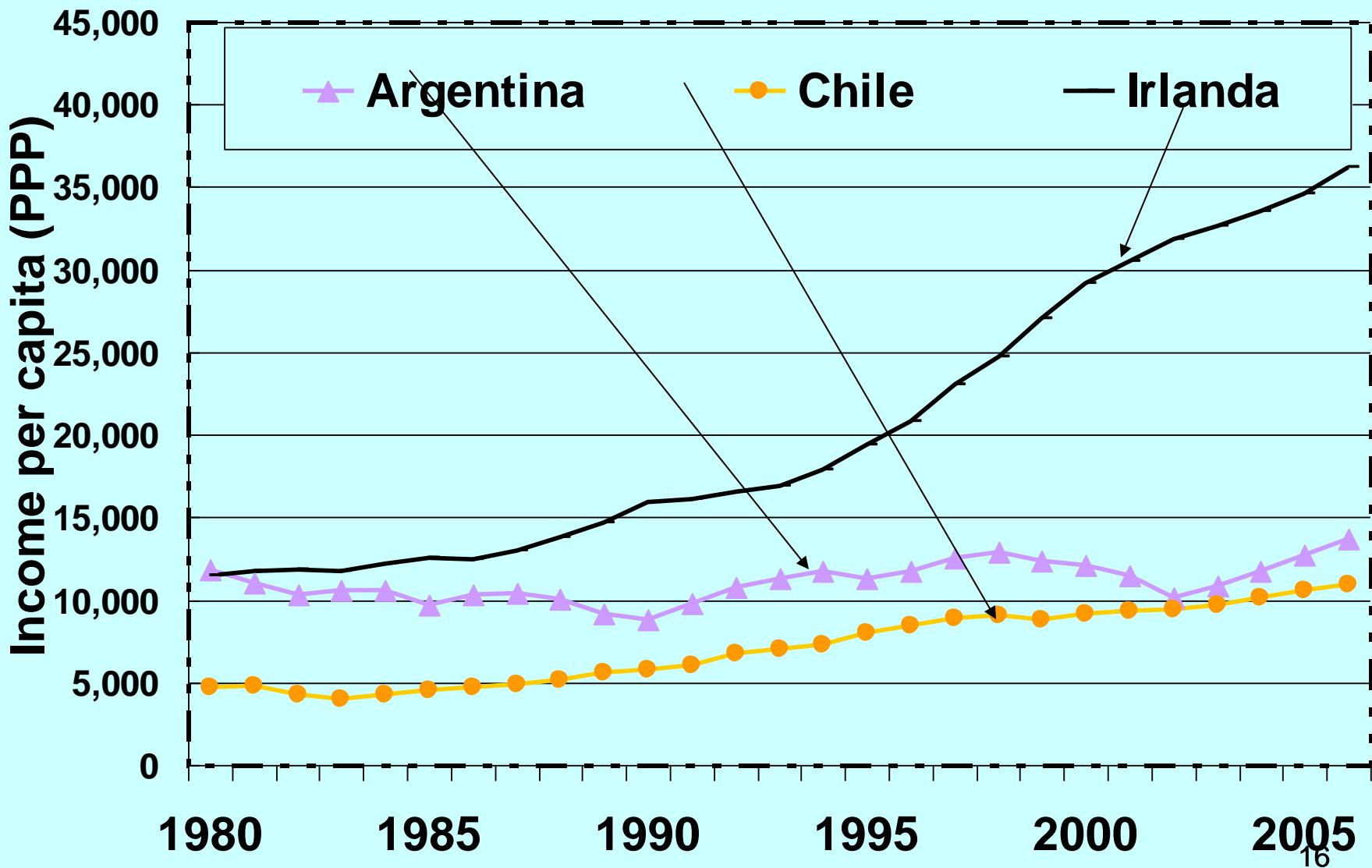
Source: Kaufmann D., A. Kraay, and M. Mastruzzi 2009: Governance Matters VIII: Governance Indicators for 1996-2008

Note: The governance indicators presented here aggregate the views on the quality of governance provided by a large number of enterprise, citizen and expert survey respondents.

Argentina comparativo en Ingreso por capita 1980-2006 (*in PPP Constant 2000 dollars*)



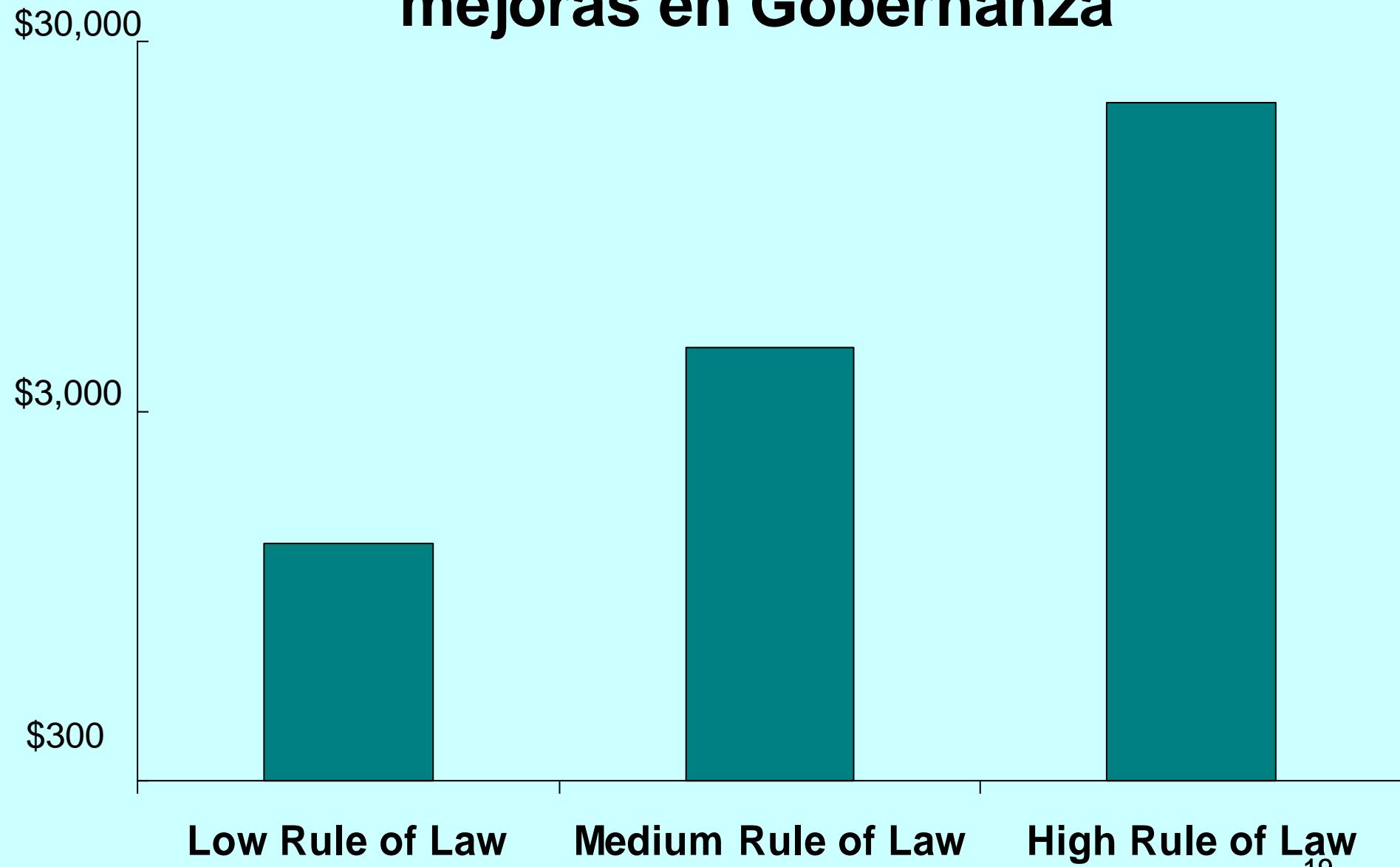
‘Think Again’: Chile en Perspectiva Global-- Ingreso per capita 1980-2006



Impacto de Reducir Corrupcion

- **Crecimiento Pais: el dividendo del 300%**
- **Competitividad Pais y empresarial**
- **Inversiones extranjeras e internas**
- **Auge socio-economico**
- **La gran mayoria de las empresas ‘ganan’**

El 300% Dividendo de Desarrollo de mejoras en Gobernanza

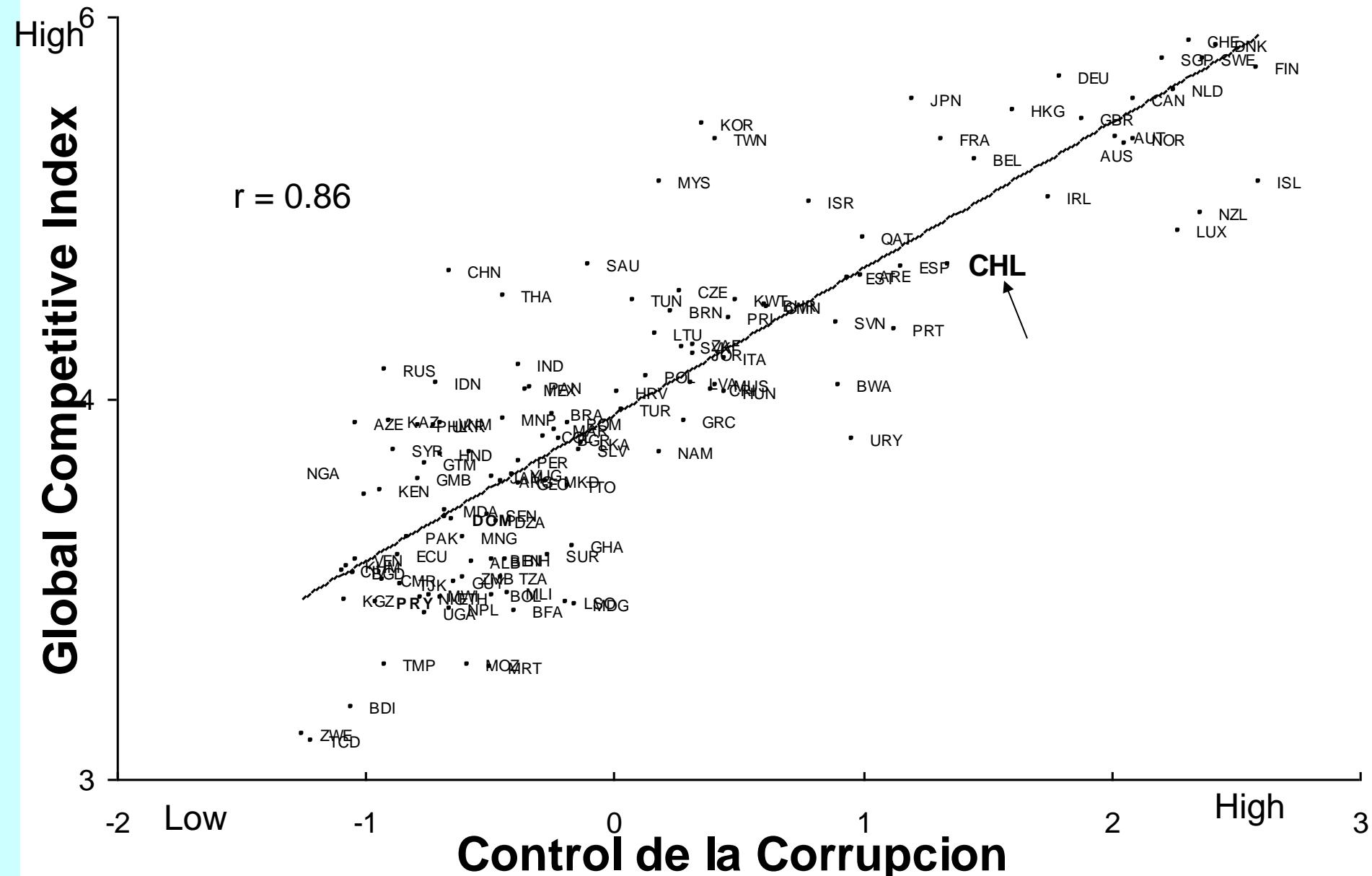


Low Rule of Law Medium Rule of Law High Rule of Law

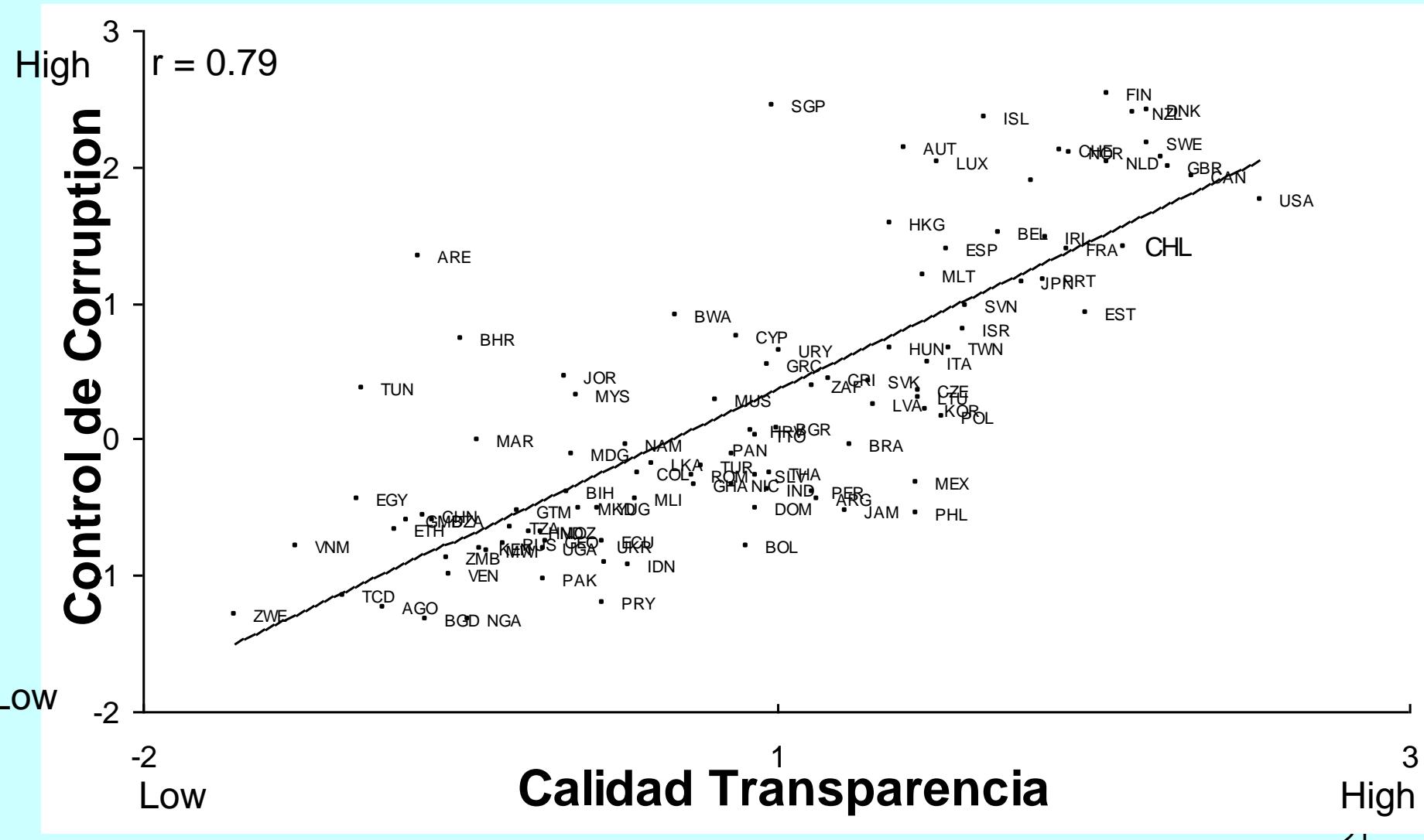
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Data Source for calculations: KK 2004. Y-axis measures predicted GDP per capita on the basis of Instrumental Variable (IV) results for each of the 3 categories. Estimations based on various authors' studies, including Kaufmann and Kraay.

Control de la Corrupción y Competitividad, 2008



Transparencia relacionada con Control de la Corrupción, 2004



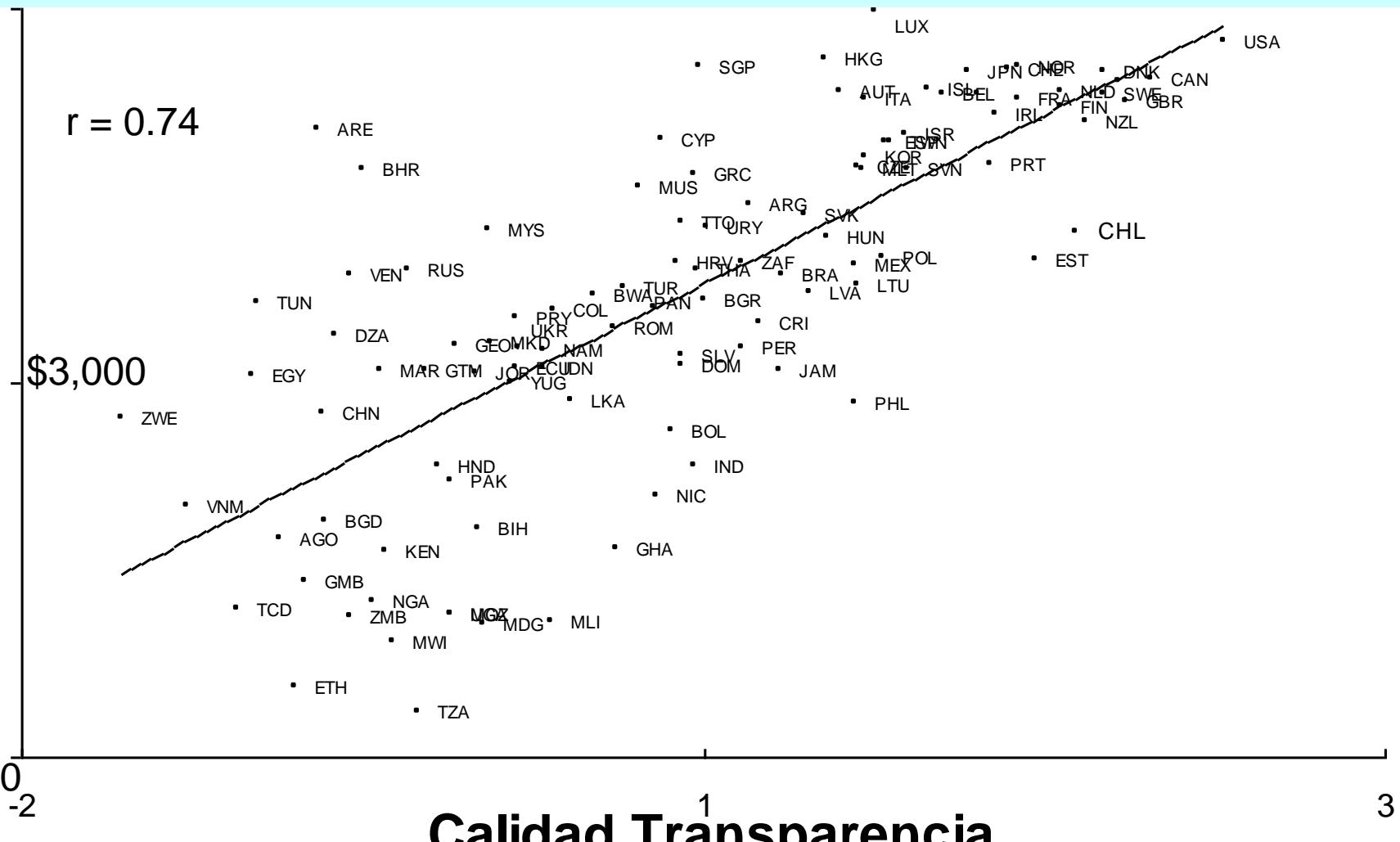
Source: World Bank Institute, 2004.

Transparencia relacionada con Ingresos per capita

\$30,000

Income per capita (PPP, log)

$r = 0.74$



Source: World Bank Institute, 2004.

High

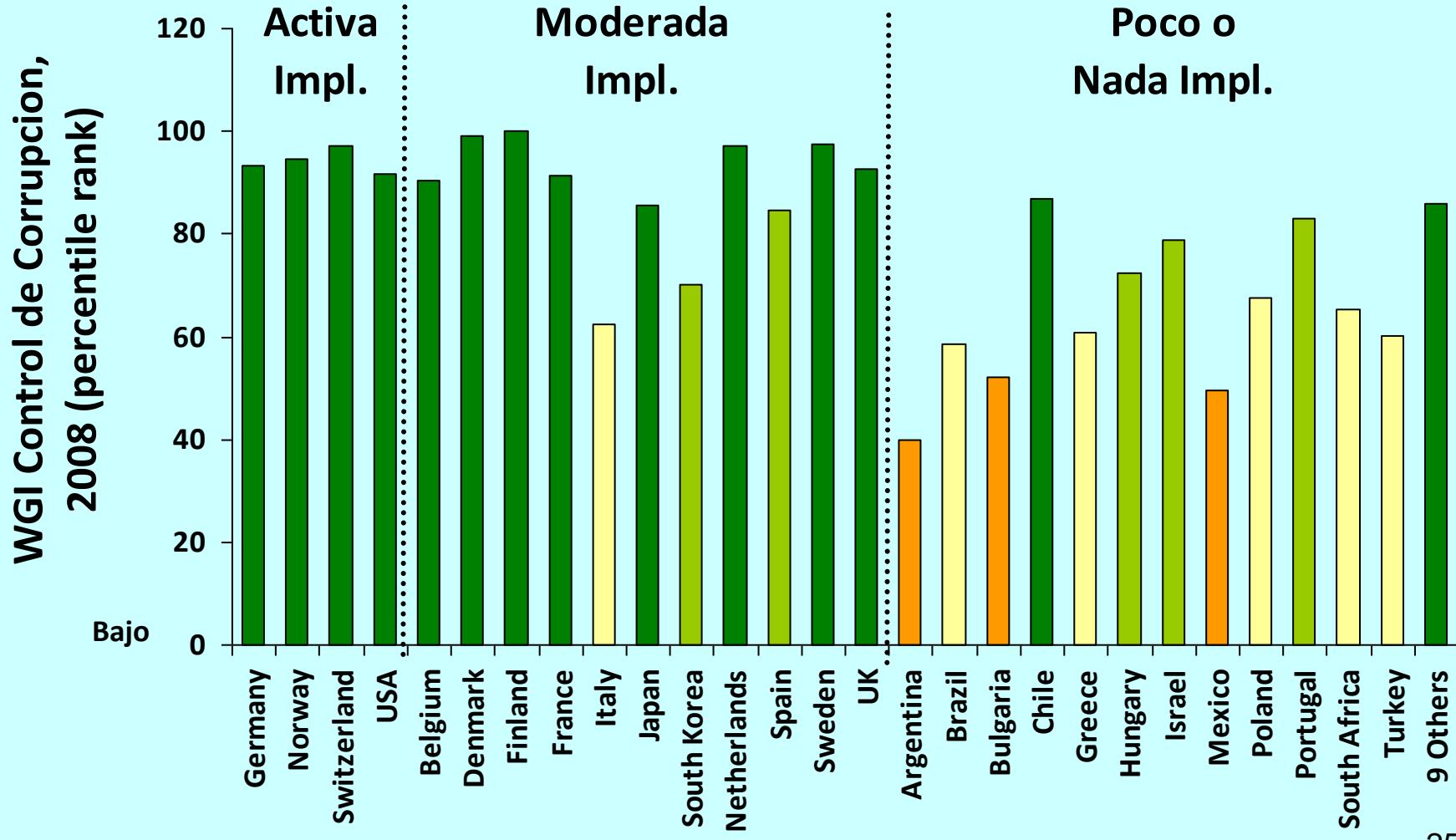
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Convencion OCDE y la Evidencia Empirica inicial

- **Adoptar vs. Implementar la Convencion**
- **Gran Variabilidad en Implementacion**
- **Desafio y Oportunidad para Chile**

Calidad de la Implementacion de la Convencion OCDE vs. Control Corrupcion interno en el Pais

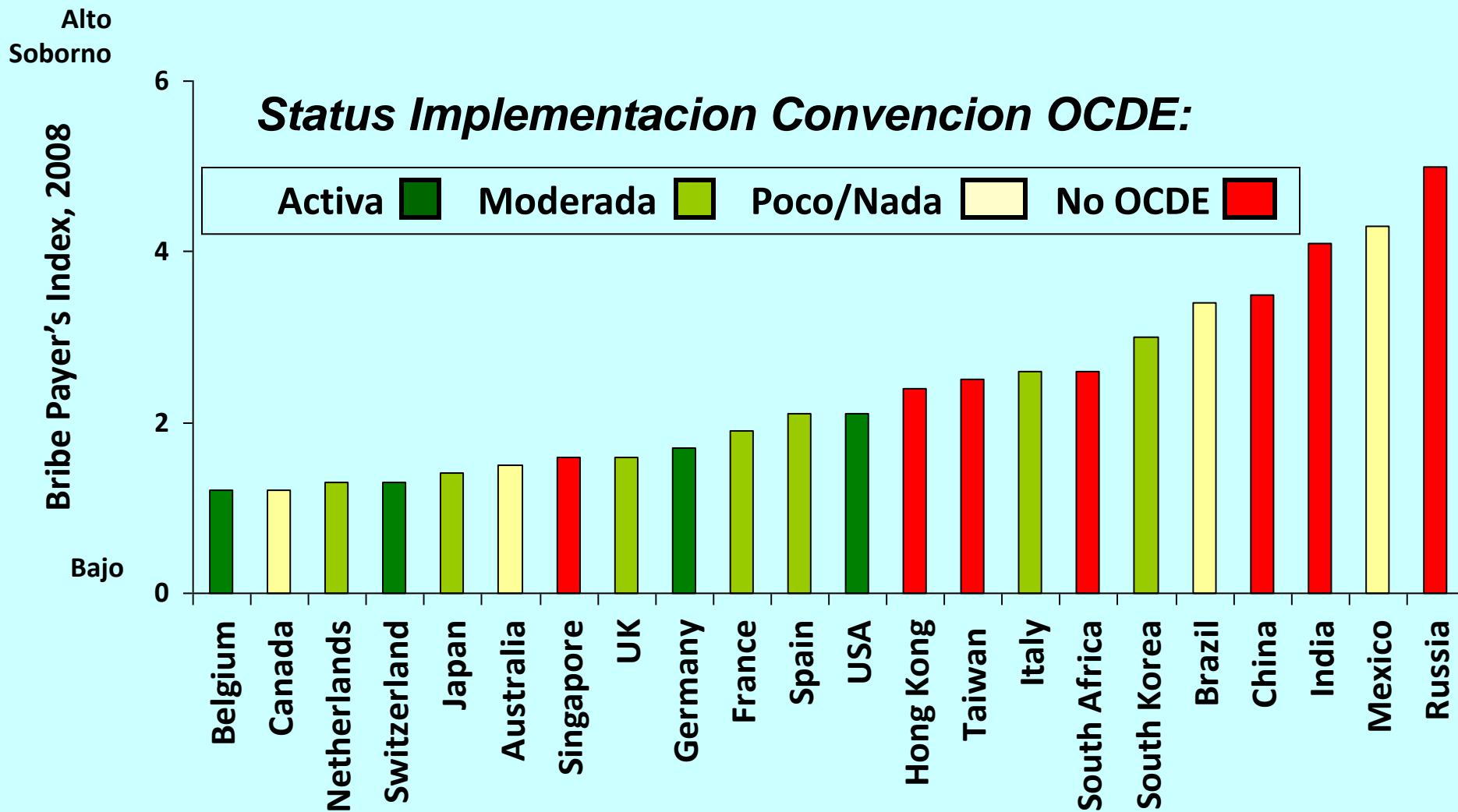
Alto
Control



Source: [Worldwide Governance Indicators](#), 2008 & “[Transparency International Progress Report on the OECD Convention 2009](#)”, Transparency International

* 36 countries ranked; Color indicates WGI- CC % rank, 2008 -- dark green 85-100 ; light green: 70-85 ; yellow: 55-70; orange: < 55

Indice: Propensidad al Soborno Internacional (TI 2008), vs. Status Convencion OCDE



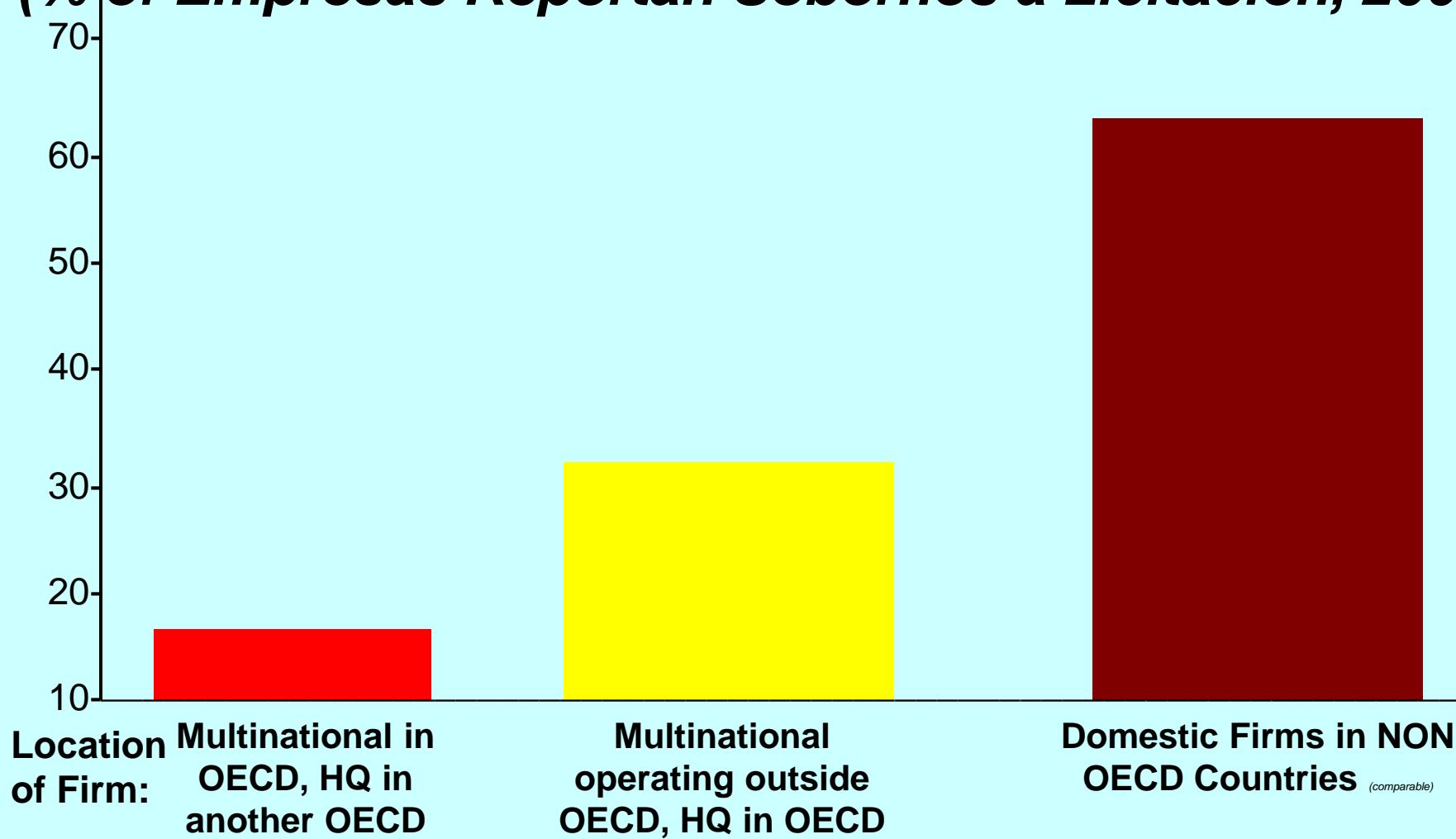
Source: "[Bribe Payers Index, 2008](#)." Transparency International (2008).

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* Scale: 0-10 (10 being more likely). The values were inverted in the graph by subtracting 10 from each country's original BPI.

Responsabilidad del Sector Privado y Multinacionales en Control de Corrupcion

(% of Empresas Reportan Sobornos a Licitacion, 2006)



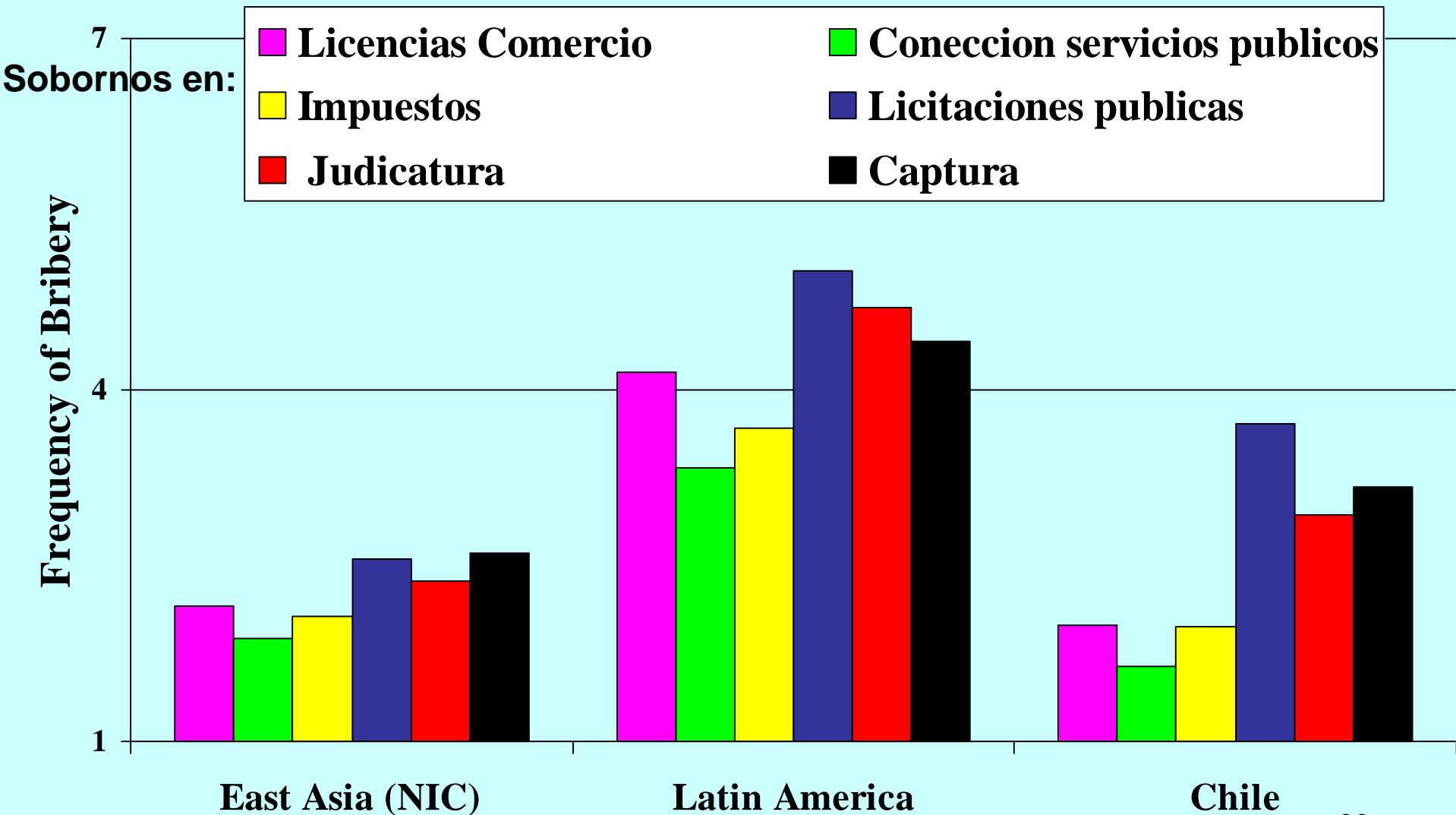
Source: EOS2006. Questions: When firms **like yours** do business with the government, how much of the contract value must they offer in additional payments to secure the contract?". Y-axis shows percentage of firms who admitted paying bribes. Last bar excludes small with less than 50 employees.

Cohecho y Captura: Datos Especificos

- **Cohecho (o Sobornos): Varias manifestaciones**
- **Cuales son las que prevalecen mas?**
- **Cohecho vs. Captura mas util: la evidencia**
- **Captura: Desafio de las Americas?**

Chile en perspectiva comparativa internacional, Frecuencia de sobornos, EOS 2008

Alta frecuencia



Source: EOS firm survey, WEF2008 – 134 countries. Question: In your industry, how commonly firms make undocumented extra payments or bribes connected with permits / utilities / taxation / awarding of public contracts / judiciary? (common...never occurs).

Ley de Responsabilidad Penal de Personas Juridicas (RPPJ)

- El RPPJ es cambio clave: de RPPN a RPPJ
- De la N a la J; de la Multa a lo Penal
- Cambio en incentivos fundamental: gran aumento al costo de cohecho para una empresa: i) sancion (prohibicion contratos, Art. 11); ii) multa (Art. 12); iv) publicacion de sancion (Art. 13); iv) Comiso. Costo Reputacional puede ser clave
- Comparando con costo de cohecho, costo de sistema prevencion (Art. 4) seria menor

El Todo > Suma de Sus Partes

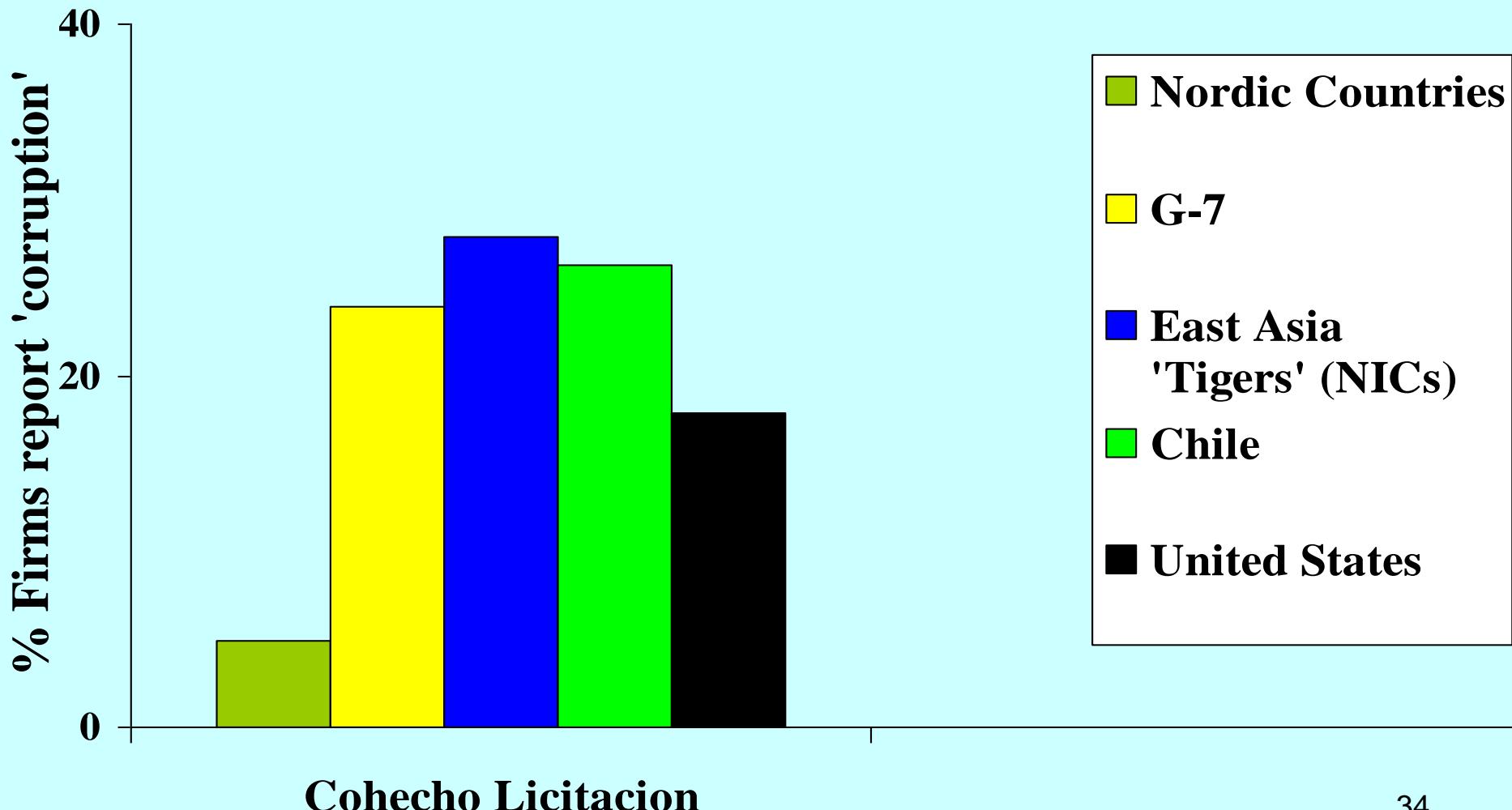
- La Ley RPPJ: evitar enfoque aislado (*aunque el marco de RPPJ es importante, marco prevencion, etc*)
- *Mas:* Delito de Cohecho (DC); transparencia bancaria (TB); y la Ley de Gobierno Corporativo (GC): informacion privilegiada; accionistas perjuiciados litigarian (accionistas, Directorio, Ejecutivos): ‘checks & balances’ y *rendicion de cuentas – cambio en incentivos multiplica Costos de Cohecho*
- RPPJ x DC x GC x TB > RPPJ+DC+GC+TB Separado

Ciertos Desafios hacia adelante...

- 1. Implementar las leyes aprobadas: OCDE y otros monitorearan progreso, con datos...**
- 2. El ‘poder de la transparencia’: en lo bancario; en listas de los ‘prohibidos’ en Chilecompras?**
- 3. Gobierno Corporativo para el Resto de las Empresas Publicas (incl. ENAP)**
- 4. Proteccion de ‘Whistleblower’**
- 5. Ley de Lobby eficaz**
- 6. Mejorar ley (y transparencia) de financiamiento electoral**
- 7. Programa contra captura (burda y sutil)...**

Cohecho en Licitaciones vs. ‘Corrupcion Legal’ y Captura, 2004

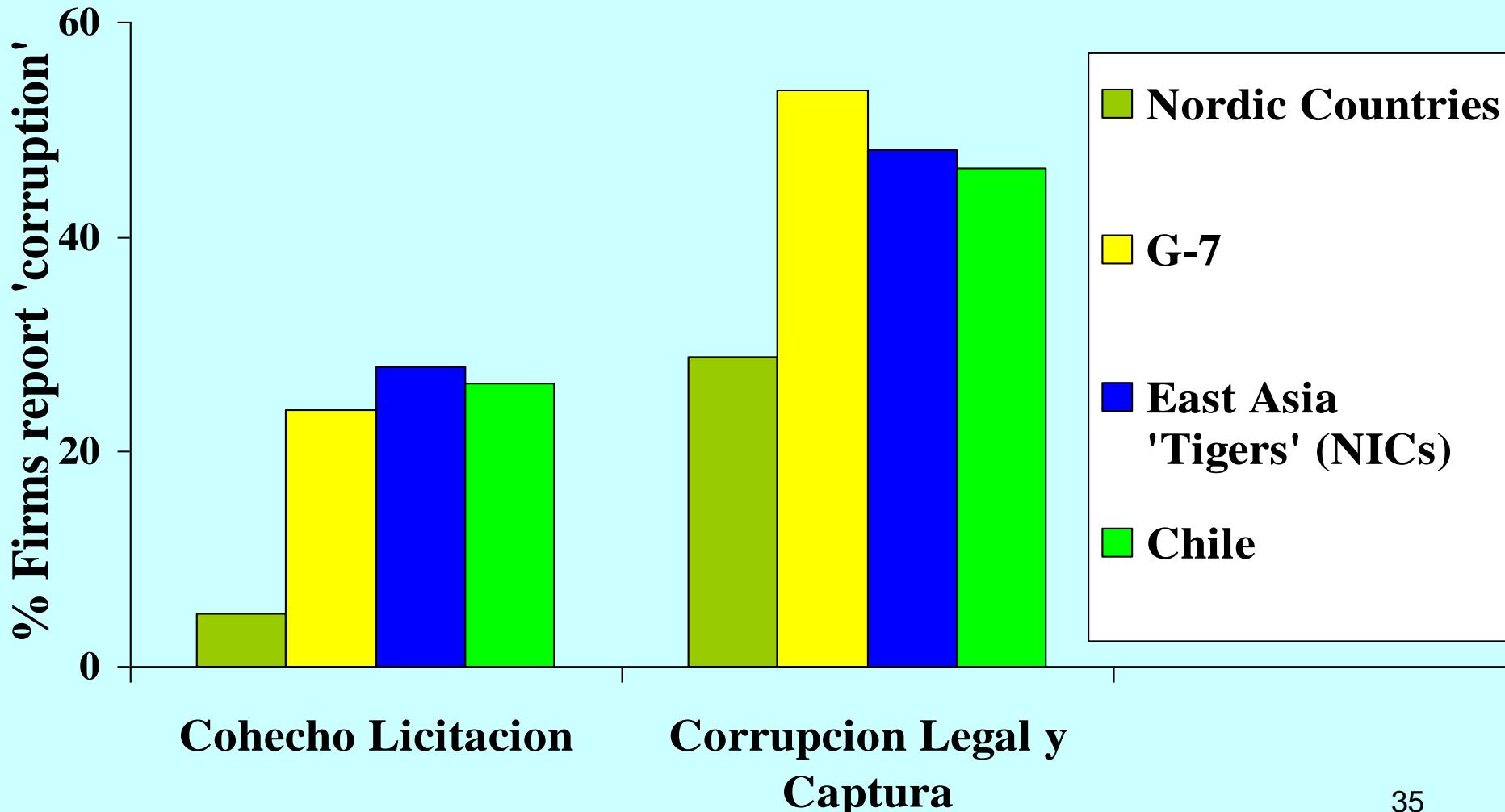
% Firms report ‘corrupcion’



Source: Author's calculations based on EOS 2004.

Cohecho en Licitaciones vs. ‘Corrupcion Legal’ y Captura, 2004

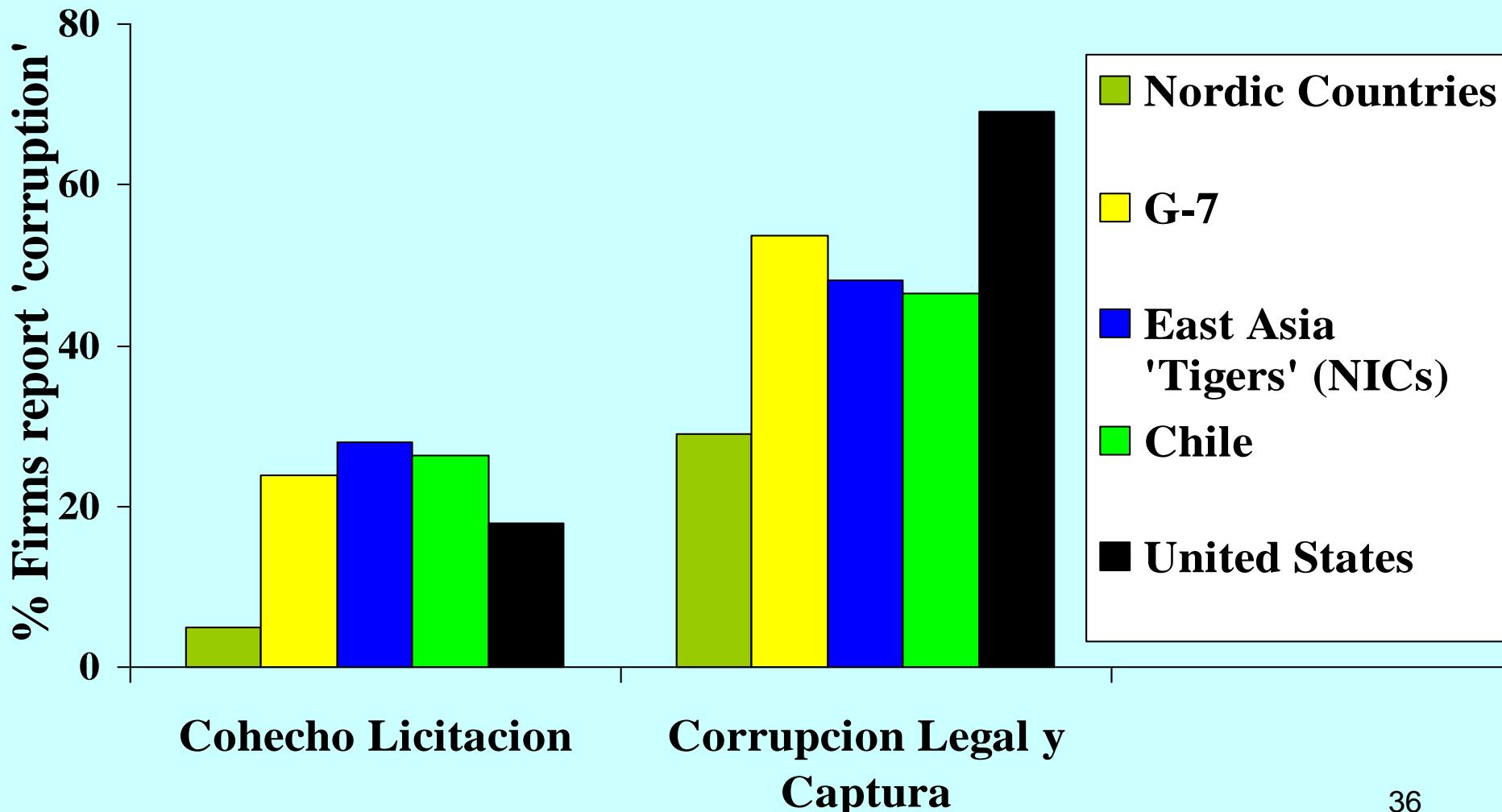
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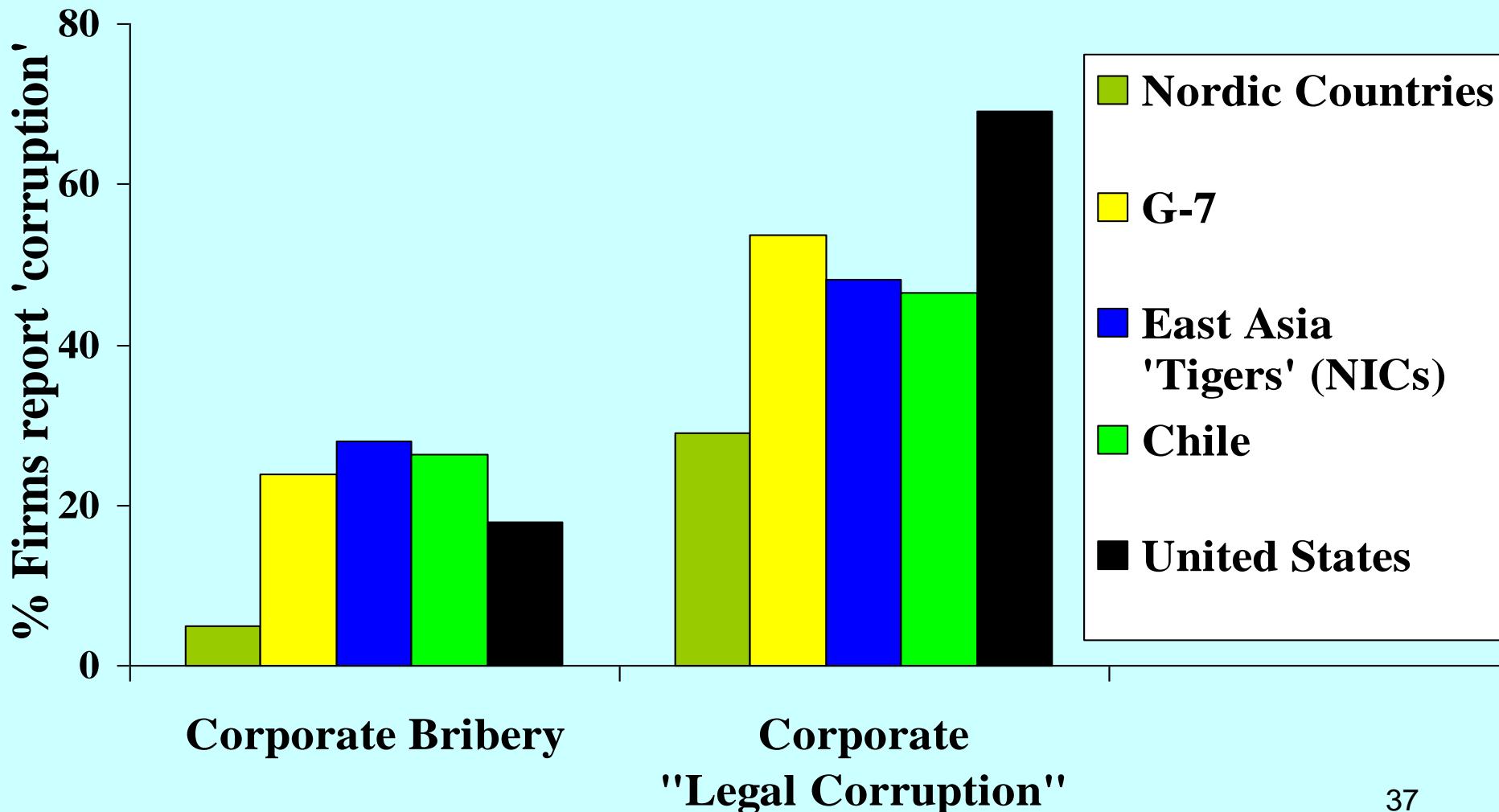
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Source: Author's calculations based on EOS 2004.

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