



Delegation to the EU-Chile Joint Parliamentary Committee

4.10.2021

MISSION REPORT

following the visit to Santiago de Chile of 20-21 September 2021

Delegation to the EU-Chile Joint Parliamentary Committee

Members of the mission:

Inmaculada Rodríguez Piñero

(S&D) (Leader of the mission)

Leopoldo López

(PPE)

María Soraya Rodríguez Ramos

(Renew Europe, AFET standing
rapporteur)

Samira Rafaela

(Renew Europe, INTA standing
rapporteur)

Marc Angel

(S&D)

Introduction and background

The Delegation to the EU-Chile Joint Parliamentary Committee sent a five-member mission to Chile from 20 to 21 September 2021. This was one of the first missions sent by the European Parliament outside Europe since the start of the COVID-19 pandemic and thus signalled the beginning of a return to post-pandemic normality and the resumption of the important role of the European Parliament in the field of parliamentary diplomacy.

The mission to Chile was extremely fruitful, providing first-hand insight into the political landscape in Chile during this pivotal period, with parliamentary and presidential elections due to take place on 21 November 2021 (with a second round for the presidential elections scheduled for 19 December), and the preparation of a new constitution that will lay the foundations for its political, economic and social evolution. In addition, the negotiations for the modernisation of the EU-Chile Association Agreement, in force since 2002, had reached a crucial stage, there being a real chance of an early conclusion. Relations between Chile and the European Union are excellent and are strengthened by the shared values and principles, based on the defence of democracy, the rule of law and on development that must be fair, inclusive and sustainable.

The most recent bilateral meeting at parliamentary level had taken place in June 2018, with the 26th meeting of the EU-Chile Joint Parliamentary Committee, while subsequent events such as the European Parliament elections in May 2019, the social uprising in October 2019 and the COVID-19 outbreak since March 2020 had prevented further parliamentary meetings between Chile and the EU, despite the fact that the Rules of Procedure of the EU-Chile Joint Parliamentary Committee provided that such meetings should take place at least once a year.

The main topics of our exchanges with the Chilean interlocutors are set out below.

Negotiations on the modernisation of the EU-Chile Association Agreement

The EU-Chile Association Agreement was approved in 2002. Over the almost twenty years of its implementation, the agreement has brought significant benefits to both parties and has been a key element in strengthening bilateral relations. However, in recent years, it has become apparent that there is a need to modernise it and to extend its scope to reflect developments in politics, the economy and global trade, as well as new societal demands. Negotiations for the modernisation of the agreement began in 2017 and, at the time when the mission was being organised, they had almost been concluded as regards the political pillar and were well advanced as regards the trade and development pillars, there being a real chance of their conclusion in the near future.

At meetings with various interlocutors during the mission, we were able to ascertain the conflicting positions of the government and the parliamentary coalition supporting it, on the one hand, and of some members of the Constitutional Convention, including its President, and of some social movements on the other. While the former were calling for an early conclusion of the Association Agreement, which was seen as a driver for a more robust and ambitious bilateral relationship, which would also help to bring the European Union closer to Latin America, the latter considered that no trade agreement should be approved until the new text of the constitution had been adopted, setting out the principles, guidelines and limits for the

approval of such agreements. On the other hand, it should be noted that the main candidates in the presidential elections support the agreement.

At the meetings held, the members of the delegation underlined that the ongoing negotiation was not intended to bring about a new agreement, but rather to modernise an agreement already in force for almost twenty years and which had brought tangible benefits to both parties. They also stressed that the new agreement would be much more than a trade agreement, covering political issues and aspects of cooperation, including a specific chapter on gender issues, protection of social and labour rights, the fight against corruption and organised crime, environmental protection and the fight against climate change, sustainable development and the protection of SMEs, to name but a few. They stressed, in particular, the emphasis placed by the European Union on the human rights and sustainability provisions of its agreements with third countries or regions, as compared with the blatant absence of such aspects in agreements proposed by other major powers. Finally, they stressed the desirability of promoting objective and positive information on the new agreement among broad political and social circles.

At any event, it is important to note that the current debate in Chile on its policy on international agreements is not solely focused on the future EU-Chile Association Agreement, since Chile's ratification of the TPP-11 (the Comprehensive and Progressive Treaty on Trans-Pacific Partnership, which seeks to create a free trade area in the Pacific Basin) has been paralysed in the Chilean Congress for months. In light of the above, it appears that, in the near future, the issue of signing agreements with third countries will be an issue which will lead to divisions in Chilean politics and society.

The Constitutional Convention and the constituent process in Chile

The issue of the Constitutional Convention and the constituent process in Chile was discussed in virtually all meetings held during the mission, including a meeting with leading academics. The members of the delegation conveyed to their Chilean interlocutors their admiration for Chile having managed to channel the serious social conflict, which arose in October 2019 after years of gestation, into an institutional process, through a constitutional referendum in October 2020 and elections to the Constitutional Convention in May 2021. They also congratulated them on the fact that the Constitutional Convention was a gender-balanced body with appropriate representation of the indigenous peoples, as demonstrated by the fact that the President of the Convention was a woman of Mapuche origin.

The delegation noted that the constitutional debate is very broad, extending to central aspects of its political organisation, such as the State model, where the options of a presidential, semi-presidential or parliamentary model are under consideration, or the distribution of power between the central government and the regions. The President of the Convention stated that the origins of the Convention lay in the lack of trust in the traditional bodies representing the people and the exclusion of groups such as women, indigenous people, LGTBI or people living in poverty, which resulted in social unrest. Other experts also cited the crisis affecting the political elite and the need for its renewal. The Convention would thus be called upon to resolve a series of crises that arose simultaneously in Chile in the political, economic, social, environmental and human rights spheres, and it would do so by means of a new way of doing politics and with members from all regions and from all political and social movements.

The members of the delegation highlighted the huge expectations that the Chilean constituent process had raised at regional and global level, and mentioned possible parallels with the discussions at the Conference on the Future of Europe. However, they also expressed concern about the limited time (nine months with a possible extension of three months) available to the Convention for drafting the new constitution, also taking into account the degree of heterogeneity of its members, the apparent lack of consensus, the fact that decisions would require a two-thirds majority for their approval and that the first three months of their work under the Convention had been used to resolve preliminary and procedural issues. Nevertheless, the interlocutors, and in particular the President and the Vice-President of the Convention, were confident that the Convention would be able to complete its task within the given timeframe.

It became apparent from the discussions with experts that a failure to agree on a text for the new constitution was not expected, as there was an awareness that the process could not be allowed to fail since such a failure would lead to even greater social dissatisfaction. A shift towards more decentralisation of power from which the regions and indigenous peoples would benefit was also expected. The convention process was said to be fragile, with forces at either end of the political spectrum seeking to increase tensions, but this was considered to bolster the awareness that it must not fail. Finally, there was an apparent acceptance that the process would open up new possibilities, but would not provide immediate solutions on some key issues, such as access to resources or water, which could be dealt with by transitional provisions to be defined later through legislative developments.

Meetings with representatives of various civil society groups

A very important part of the mission to Chile was the meeting with representatives of organisations advocating for human rights, women's rights and indigenous peoples' rights. During the social uprising of October 2019, social movements had been of paramount importance, exposing a number of shortcomings in the Chilean political system and social model, and were now decisively influencing the current course of reforms. The members of the delegation spent a significant amount of time on the mission learning about the problems affecting such movements and their vision of the current political and social situation.

Human rights organisations were frustrated by the slow judicial proceedings against abuses by law enforcement agencies in the events that started on 18 October 2019 and by the lack of redress for victims of such abuses, which, in their view, created a public image of impunity. They considered it essential that the draft law on reforming law enforcement, currently stuck in Congress, be adopted promptly and that law enforcement officers receive appropriate training on operational protocols, which must respect the principles of human rights. These organisations were also calling for the state to cease to play a subsidiary role in the field of human rights, and should instead take a leading role and becoming a guarantor of human rights. The situation of migrants was also addressed, with the organisations taking the view that the new immigration law had shortcomings and would not prevent violations of rights – in particular as regards asylum and refugee applications – as well as repatriations.

Women's rights organisations raised the issue of abuses against women, including sexual abuse, by law enforcement agencies during the social uprising of October 2019, and denounced the fact that gender discrimination continued to persist in Chilean society and media. They similarly deplored the fact that draft laws amending the abortion law and against violence against women remained stuck in Congress. They also considered that there was a need for greater awareness

raising and training of police officers and judges on gender equality issues and for harsher penalties for gender-based violence, and expressed the wish that the new Constitution would allow greater room for manoeuvre for sex education in schools. Finally, they considered that the public authorities had failed to address the root causes of gender discrimination and merely addressed their visible manifestations, and that even here there was a lack of coordination between preventive, support and punitive services.

With regard to the indigenous peoples, their representatives stated that discrimination against them persisted in Chilean politics and society, and called for full and effective recognition of their political, social and cultural rights and for a change in attitude on the part of the public authorities. They acknowledged that the appointment of Elisa Loncón as President of the Constitutional Convention and the inclusion of a quota of indigenous representatives among the members of the Convention were important steps towards greater recognition and appreciation of the indigenous peoples, and hoped that this would be reflected in the constitutional text. They also called for effective powers over their territories and resources, resulting in a desire for greater shares of power, autonomous power, and even recognition of Chile's plurinational character.

A common element in the dialogues with these organisations was that they all placed a great deal of hope in the new Constitution as a transformative instrument of the state and society. They hoped that the recognition of human rights would form the foundation of the new Constitution, and thus of the new state, and that it would contribute to a more equal and socially just society.

Meetings at ministerial level

The delegation met with the Minister for the Environment, the Minister for Energy and Mines, and the Deputy Minister for Foreign Affairs. At these meetings, many of the topics set out above were discussed, as were other topics specific to the respective areas of competence.

With regard to the environment, the discussions highlighted the importance of COP26 in Glasgow following up on the conclusions adopted at COP25 organised by Chile, and also raised the issue of Chile's severe water crisis, which was partly linked to climate change, as well as the new water code currently under discussion. Reference was also made to a carbon offsetting system, based on real emissions, the benefits of which would be earmarked for public finances or the area where the industry in question was located, and to Chile's comparative advantage in terms of green farming and green mining.

With regard to energy and mining, members of the delegation appreciated Chile's commitment to sustainability and energy transition, as demonstrated by the carbon reduction plan to 2050 and its solar energy development programme, and expressed interest in the development of green hydrogen, which would help to change Chile's energy mix, and called for equal treatment for the European Union in terms of access to Chilean markets in raw materials. For its part, the Ministry of Energy and Mines highlighted the European Union's potential as an investor in sectors such as lithium and the advances that the new Association Agreement would allow as regards investment in infrastructure and sustainable mining and energy. Information was also provided on the new 2020-2050 mining strategy, based on the sustainable use of resources, relations with the local and indigenous population and the principle of just transition, based on

the protection of energy dependent groups and workers affected by reconversion processes as a result of the change in the energy mix.

Conclusion

Chile is at a crucial moment in its history, with the country electing a new Parliament and a new President on 21 November 2021, and is in the midst of a complex constitutive process, against the background of the challenges posed by the pandemic and climate change affecting the country uniquely.

Chile needs to regain confidence in its institutions, strengthen political dialogue and social cohesion, and build consensus to enable it to adopt a new constitution laying the foundations for the country's future. It is a process of transformation and change that, if well managed, can lead to a more prosperous and modern Chile, which could serve as a model for other countries in the region and in the world. The Delegation to the EU-Chile Joint Parliamentary Committee, in cooperation with other bodies of the European Parliament, will closely follow these developments and reiterates its readiness to engage with the Chilean authorities and people in their efforts to achieve these objectives.

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The Delegation to the EU-Chile Joint Parliamentary Committee would like to take this opportunity to commend and thank the outstanding work done by the staff of the EU Delegation to Chile in preparing this mission, providing a further example of the excellent work of EU Delegations around the world.

Annex 1: Final programme
Annex 2: List of Participants

Annex 1: Final programme

Final programme

(Version 20 September 2021)

Sunday 19 September 2021

Santiago de Chile

Individual arrivals to Santiago's international airport Arturo Benitez and transfer to Hotel Intercontinental, **Hotel Intercontinental**

Monday 20 September 2021

Santiago de Chile

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| 9:30 | Meeting with Mr. León de la Torre, Head of the EU Delegation |
| 11:00-11:45 | Meeting with Ms. Ximena Rincon, President of the Senate |
| 12:30-13:15 | Meeting with Mr. Juan Carlos Jobet Eluchans, Minister of Energy and Mining |
| 13:30-14:45 | Lunch with experts and professors on the constitutional reform process <ul style="list-style-type: none">- Claudia Heiss, Espacio Público, Rumbo Colectivo- Claudio Alvarado, Instituto de Estudios de la Sociedad |
| 15:00-15:45 | Meeting with Mr. Pablo Lorenzini, Co-Chair of the EU-Chile Joint Parliamentary Committee |
| 16:30-17:30 | Meeting with Ms. Carolina Valdivia, Undersecretary of Foreign Affairs and acting Minister |
| 19:30 | Dinner for Members of the EP hosted by the EU Head of Delegation |

Tuesday 21 September 2021

Santiago de Chile

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| 08:30-09:15 | Meeting with representatives of national human rights organisations <ul style="list-style-type: none">- Sofía Lanyon, Amnistía Internacional- Nicole Sánchez Retamal, LEASUR- Lidia Casas, Director Human Rights Centre, University Diego Portales |
| 09:30-10:15 | Meeting with representatives of women organisations <ul style="list-style-type: none">- Erika Montecinos, Fundadora Rompiendo el Silencio- Danitza Pérez, Directora Abofem Asociación avocadas feministas- Carolina Jiménez, Directora Observatorio contra el Acoso Callejero |

10:30-11:15	Meeting with representatives of indigenous communities - Verónica de Lourdes Figueroa Huencho, Professor at the Institute of Public Affairs, Universidad de Chile - Ximena Llamín, Council member for the Municipality of Peñalolén
12:00-12:30	Courtesy visit to H.E. the President of the Republic of Chile, Mr. Sebastián Piñera
13:00-14:30	Working lunch offered by the EP Delegation with the Head of the EU Delegation in Chile, Mr León de la Torre, and the Ambassadors of the EU Member States in Chile
15:30-16:15	Meeting with Ms. Carolina Schmidt, Minister of Environment
16:30-17:00	Meeting with Ms. Elisa Loncon and Mr. Jaime Bassa, President and Vice-President of the Constitutional Convention
17:15-17:30	Press conference
18:45-19:10	Interview with Diario El Mercurio to Ms. Inmaculada Rodríguez-Piñero
19:30-21:00	Reception offered by the EU Delegation in Chile

Wednesday 22 September 2021

Santiago de Chile

According to flight schedules

Transfer from hotel to Santiago's international airport Arturo Benitez

Individual returns to Europe
(arrival to final destinations on Thursday 23 September).

Annex 2: List of Participants

FINAL LIST OF PARTICIPANTS

MEPs	Group	Country/ Nationality
Inmaculada RODRÍGUEZ-PIÑERO (Chair)	S&D	Spain
Leopoldo LÓPEZ GIL	EPP	Spain
Marc ANGEL	S&D	Luxembourg
Samira RAFAELA (INTA Rapporteur)	Renew Europe	The Netherlands
María Soraya RODRÍGUEZ RAMOS (AFET Rapporteur)	Renew Europe	Spain
D-CL Secretariat		
Juan Carlos Pérez Navas	Administrator	Spain
Rebecca Alrutz	Assistant	Germany
Political group advisers		
Pilar Ruiz Huelamo	S&D	Spain
Itziar Munoa Salaverria	Renew Europe	Spain
Interpreters		
Jazmín Silva		Chile
Laura Erazo		Chile