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**Title of the paper**

***Indigenous Public policy implementation: changes and interaction  
between formal and informal institutions***

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**Abstract**

How are indigenous public policies implemented in Chile? What is the role of managers in their implementation? These and other questions are particularly important because of the limitations that still persist in public policy approaches when targeting culturally distinct peoples. Literature has relieved the influence of managers not only in implementing public policy but also in the process of formulating public policy, showing that from the same implementation, managers influence redesigning the initial definitions of public policy. This paper seeks to investigate these conceptions of management through case analysis of the formulation process of indigenous policy in Chile, in the period between 1990 and 2010, specifically for the so-called Indigenous Law No. 19.253.

**Key words:**

Representative bureaucracy - Public executives - Indigenous policy - Indigenous peoples - Implementation of public policy

## 1. Introducción:

*How are indigenous public policies implemented in Chile? What is the role of managers in their implementation?* These and other questions are particularly important because of the limitations that still persist in public policy approaches when targeting culturally distinct peoples (Figuerola, 2014), being of special interest to have dynamic approaches that allow analyzing the formulation of the indigenous policy and its implementation as two interconnected and critical phases of the political process, where variables related to decision making are relegated to the definition of the contents of policies and the actors involved, because what Moynihan et al. (2011) called as “*dispersed collaborative authoritative*” Appears to be strongly evidenced in indigenous public policies.

In general terms, different studies show the relevance of the formulation phase in public policies (Hicklin y Godwin, 2009). In the case of indigenous peoples, the formulation has been recognized as a critical phase where the reality of these peoples has been defined biased by actors who do not value their worldview, which has meant the loss of land, the breakdown of community economies, loss of rights, marginalization of political processes, among others (Kymlicka, 2007). On the other hand, they have been forced to integrate political projects that have not only denied their character of people but also undervalued their capacities, values, traditions and beliefs. This shows the limitations of the current analysis frameworks "to accommodate the interpretations that indigenous peoples have of their development" (Yanow, 1993; Assies, 2005).

However, little has been studied regarding the process of implementation of public policies and the incidence of design in the characteristics of the institutionalism created (in organizational terms, attributions, incentives, etc.), the role of political factors, or the role played by managers with their values, interests and beliefs (May, 2012). From an organizational approach, the latter are part of government organizations with specific

responsibilities to maintain and / or develop policies (Page and Jenkins, 2005), being actors that not only obey the political mandate, but are also constantly seeking solutions to public problems they face.

In this sense, the concept of manager in this paper is understood from the contribution of Moore, who points out that managers are responsible for implementing and translate into concrete actions the orientations of politicians, managing resources, and trying to add public value to these embodiments (Moore, 1995), where actors change the policy itself. Thus, the process of policy implementation is a dynamic and complex process that can transform public policy and their own aspirations.

## **2. Implementation of indigenous public policies in Latin America:**

### **2.1 Multiculturalism as Context of Indigenous Policies: Evidence of Sustained Failure**

In the case of Latin America during the last decades indigenous peoples have become more visible product of a series of claims involving cultural, territorial, economic and / or political aspects, among others, emerging a new social and political actor that challenges the ways to make and implement public policy (Bengoa, 2000, Pairicán, 2014). Beyond these findings, little is known about how these claims affect the implementation of indigenous public policy, being rather focus of researchers and practitioners, the results thereof. Different studies report this:

Alkire (2005), In a study on indigenous poverty and public policies, focuses on their results, where the main criticisms are: a) limited and biased coverage of policy-related programs by not understanding the cultural influence of a people assuming wrong positions on behavior or values; b) imposition of values, deliberately tried to change cultural norms or practices that are considered negative but they are not understood in different cultural contexts; c) existence of unbooted resources, especially by not taking into account its working methods, forms of

relationships, cultural wealth, etc. ; d) unintended impacts, where the results of the policy can create new problems.

A study of the 2007 Indigenous Fund shows that, at present, public policies require advancement in aspects of participation, relevance and resources to have a real effectiveness. In some sense, the nature, appearance and content of state institutionalities who have dealt with indigenous affairs, have followed a path that is only representative and expression of the place and the type of relationships that "indigenous" has maintained State and national societies (Indigenous Fund, 2007). Another study in public health policies with indigenous peoples indicates that implementation is an integral part of the public policy process (Matthews, Jackson and Ring, 2008). However, much of their problems arise as a result of the weaknesses of the design process that includes an inadequate definition of the problem as well as a poor forecast of the management problems that result from it. Thus, from literature and specific cases, it can be argued that implementation is critical to the success or failure of public policy. One interesting finding of this study is that there is broad participation of indigenous representatives in the formulation but not on the implementation of the policy, with its emphasis and guidance is lost.

A recent World Bank study (2014) indicates that indigenous public policies need to be rethought at all stages, especially in the formulation, implementation and evaluation. They add that the quantitative expansion of public services to include indigenous households has not always been accompanied by a qualitative change to help indigenous peoples to decide their own course of development and to overcome exclusion continue to suffer (Banco Mundial, 2014). Finally, recent research shows that, for Chile, indigenous public policies have been built from a single view, the "Western" or the parent company, obscuring ancestral knowledge, institutions and traditional authorities, among others, tending to a homogenization coexistence installing systems that do not respect the differences and the worldview of

indigenous peoples (Figueroa, 2014; 2016). On the other hand, it shows some limitations of the indigenous institutions created in Chile to implement policies that already contain biases since its inception, providing some evidence regarding the close relationship between the quality of the development of indigenous public policies and their consistent implementation but do not provide greater insight into the role played by public administration, actors or institutions in the results of the same (Figueroa, 2016).

As noted, it is necessary to advance in the search for evidence and explanatory variables beyond the formulation of public policy can provide further background to analyze the implementation of indigenous policies. Mazmanian y Sabatier (1989) point out that the success or failure of public policy depends on the policy and management structure is adopted in implementation, and to what extent they respond to the characteristics of the target group. This involves assessing the degree of consistency / inconsistency between policy design, implementation structure and needs of the recipients of the same. Vancoppenolle, Sætren y Hupe (2015), in a comparative study of public policy, they identified a number of dimensions that should be considered in the review of implementation: organizational and inter-organizational behavior, skill level and interests of street-level bureaucrats, expectations of stakeholders. It should also add contextual factors as explanatory dimensions that determine its results. For its part, May (2012) points out four aspects that can be considered: a) values, interests and contents of public policies; B) policy instruments; c) ways in which the implementation structure generates "alerts" about the courses should have the policy, and; d) the target group.

Therefore, the process of implementing public policies can not be considered disconnected from the design stage, because the implementation is influenced by the instruments of selected policy, organizations that administer, availability of resources, type of actors stakeholders, target inter alia (May, 2012).

## **2.2 Towards a relevant analysis framework: the contributions of "Theory of Representative Bureaucracy" to the implementation of indigenous policies.**

The bias evidenced in the processes of formulating public policies also seems to have a direct impact on their implementation. As some authors, implementation is a complex process in which failures can arise, given the number of interactions between different actors and institutions (Pressman y Wildavsky 1973; Hill y Hupe 2009). This leads to recognize its importance in the process following public policy, especially by the vacuum that persists in the investigations in the formulation and its relation to the implementation of public policies (Winter, 2012).

In diverse contexts, such as those that characterize modern societies, the possibility of having a representation of the diversity in the public organizational framework could become an opportunity to strengthen democracy (Smith and Monaghan, 2013), since it involves ensuring equal instances access to power, more experience and knowledge of management and public policy more credible stakeholders, greater willingness to cooperate as well as more efficient use of resources (Selden, 1997; Kennedy, 2012). For indigenous peoples, this is relevant valued as an element within their claims has been increasing its participation in bodies representing the state. This is understood as a matter of power but also to ensure the survival of their worldview (Figuerola, 2016).

An interesting theory to analyze the processes of implementation of indigenous public policies, where the composition and characteristics of the institutional framework, normative, and value, as well as the role acquired by managers is of great relevance, is the so-called "Theory of Representative Bureaucracy", which seeks to reflect the public organizational network needs, values and beliefs of a group of individuals or minority groups that make up society, and demonstrate the government's commitment to support concretely, the principle that all members of the society have equal access to public administration, increasing the

legitimacy of policies to reflect the social environment in which they operate (Sheppard, 2004).

This theory was originally proposed by Donald Kingsley (1944), who was the first to articulate this concept from a study of the composition of the British Civil Service, arguing that one way to ensure transparency in the actions of public administration was to place executives and government bureaucrats who represent the people who addressed their actions, reflecting their values, beliefs and preferences because of their identification and closeness with them. Later other authors took this concept, arguing that bureaucrats were more likely to fight for the rights of people and to be more effective and efficient in their actions when they shared their own backgrounds and interests (Krislov, 1974; Meier, Wrinkle, y Polinard, 1999). Norton Long (1952) argued that "Representative Bureaucracy" is desirable to promote the interests of those who do not feel represented by those in positions of political representation (such as those of the legislature or the executive branch). In this regard, he noted "given the inevitable growth in the power of the bureaucracy through administrative discretion and the right, it is vital that the bureaucracy also be representative and democratic in its composition and ethos" (Long, 1952, pp: 813). Paul Van Riper (1958) deepened in identifying these approaches, from a regulatory perspective, those features which should be reflected in the bureaucracy such as occupation, class territory, attitudes, among others. For this author, no group could feel confidence in someone with power if it did not reflect the characteristics of society, since they are more likely to act irresponsibly or to appear acts of corruption. These foundational studies led to different approaches to the phenomenon of bureaucracy in diverse contexts, deepening two substantive aspects arising from the "Representative Bureaucracy": the "Passive Bureaucracy Representative" and "Active Bureaucracy Representative". The Passive Representative Bureaucracy refers to that where the composition of the workforce of a public organization is a faithful reflection of the demographic characteristics of the



population to which it is directed (Kennedy, 2014). Mosher (1968) notes that a representative bureaucracy will be passive when it resembles a segment of the population, ie, whether the composition of the bureaucracy reflects the characteristics of its population in terms of race, social class, ethnicity, religion, gender, occupation or other characteristics. Empirically, research in this area has focused on measuring the composition of the workforce of public organizations, mainly racial and socioeconomic terms (Kennedy, 2012; Morabito and O'Connor, 2015). In that sense, demographic factors studied have relied on the interests of researchers in the context in which they develop (eg, language issues have been a priority in Canada, religion in Arab countries, etc.) (Meier y Hawes, 2009). Complementing the above, the Active Bureaucracy Representative is one where managers and bureaucrats make decisions on behalf of those who are representing (Kennedy, 2014). For Mosher (1968), a representative bureaucracy will be activated if seeks to achieve the interests of a certain segment of the population from concrete actions.

In this sense, the difference between active and passive representation is not just a bureaucratic issue, as the same may apply in the case of Congress, when quotas or spaces of representation for women or other minorities (Swers, 1998) are generated. Empirically, research in this area have been aimed at identifying how the composition of public organizations in terms of their workforce and organizational conditions (culture, structure, scope) impact on the results of public policies or performance and / or organizational behavior. In fact, an interesting element of the research is that passive representation can catalyze the active representation, encouraging bureaucrats to act on behalf of their constituents (Kennedy, 2012; Morabito and O'Connor, 2015). To this should be given two conditions: a) that the work involves the use of discretion in the implementation process of public policy and b) there is a real passive representation (Selden, 1997). Other authors add

that the scope of the policy should be seen as relevant by bureaucrats to feel motivated to act (Meier y O'Toole, 2006).

In this context, some studies such as Meier and Bohte (2001) or Sowa and Selden (2003) found that the perception of managerial and / or bureaucrat regarding their membership of the group to which the policy aims is positively related to The active representation. (Keier et al., 2002), sexual diversity (Thielemann and Stewart, 1996) and race (Meier and Stewart, 1992). The main contributions in this area are research focusing on ethnicity (Meier and Stewart 1992). Other research has shown the influence of the teachers of math scores of his students (Keizer et al, 2002) or how increasing the composition of female police force has a positive impact on increasing reports of sexual assault (Meier and Nicholson -Crotty, 2006). Also the incidence of race, as the case of the Commission on Equal Employment Opportunity Commission (EEOC), an agency of the United States responsible for receiving complaints of discriminatory behavior, where increased staff Black and Latino race had an impact on the rise the number of claims.

What is behind this evidence is that there is greater confidence when minorities feel identified with bureaucracy and its actors. However, some research evidence perverse impacts from the existence of active bureaucracy, which do not necessarily contribute to greater equality or recognition of rights in diversity, creating more spaces hostility to feel that different ethnic groups do not receive the same level of care, giving rise to new exclusions (Ghai, 2000; Jemiai, 2001; Dimitrijevic y Kovács, 2004).

Therefore, it is necessary to analyze each case and each situation, the scope that the "Representative Bureaucracy" can have. A bureaucratic representation agreement poorly designed and implemented without adequately representing its political, social, cultural and / or economic context could lead to further marginalization of some communities (Gera, 2015). In the case of indigenous peoples, there is no evidence of the impact that the actions of the

directors and / or bureaucrats have had on the results of public policy through implementation, or if you can speak effectively in a passive or active representative bureaucracy or, in the case of specific policies on indigenous matters, whether greater participation of indigenous bureaucrats generates a positive impact on its results, or the role played by institutional and organizational factors.

### **3. Methodological framework**

This paper analyzes the dynamics that occurs in the process of implementing the indigenous public policy evidenced in the N°19.253 law (known as "Indian Act") leading to characterize it as a case study explanatory. Since it is rather an exploratory study is not intended to confirm hypotheses but rather build knowledge from a proposed becomes the main guide for the inquiry model, we stick to what was argued by Yin (1994), who notes that this strategy is appropriate when the research question investigates "how" or "why" when the investigator has little control over events and when the focus of the investigation is a contemporary phenomenon of real life.

As a technique for data collection it was used primarily in-depth interview which was applied to 7 players identified as key, those who served in leadership roles in the National Development Corporation CONADI Indigenous, an institution created in Chile from that Act No. 19,253 in 1994, the institution responsible for promoting, coordinating and implementing action by the State in favor of the integral development of indigenous individuals and communities in economic, social and cultural as well as promote their participation in national life. The analysis will cover the period 1990-2010, which covers the four presidential terms of the coalition of center-left parties called "Concertación". According to Page and Jenkins (2005), these actors would be at an immediately lower level of politically appointed posts or by political criteria, such as ministers or under-secretaries (Araya, 2016). Specifically, respondents are governments of presidents Patricio Aylwin (1990-1994), Eduardo Frei Ruiz-

Tagle (1994-2000), Ricardo Lagos (2000-2006) and Michelle Bachelet (2006-2010). Six of them served as National Director of CONADI and one as National Coordinator of the Origins Program. Its characteristics are quite heterogeneous. The most distinctive feature is the Mapuche descent of all these managers. Regarding these career paths they are quite dissimilar. One respondent has an important political career, four of them could be described as professional bureaucrats, and the other two interviewees belong mainly to the world of Indian leadership. However the seven interviewed six belong to political parties of the Concertación (3 DC, 2 PPD, 1 PS). Another important feature is that the seven respondents have professional titles, and two of them have graduate degrees in public management related areas. The analysis of the contents of these interviews was carried out using the "founded theory", where an individual and transversal analysis of the categories emerged from the thematic poles allowed to establish explanations and interrelations of the different aspects of the studied phenomenon (Strauss y Corbin 1990).

#### **4. Findings and implications**

##### ***4.1 Active Bureaucratic Representation in Public Management***

Taking into consideration the issues raised in the idea of representative bureaucracy, in the Chilean case, all public managers interviewed related to indigenous issues had indigenous ancestry. In this regard, according to the points made by Mosher (1968), there would be a significant passive bureaucratic representation of the demands and needs of indigenous peoples. It is possible to note that respondents there is a common vision criticism regarding the definition of the public issue which raises indigenous issues according to Western economic and production criteria, viewing poverty as the main problem of indigenous peoples, not incorporating cultural variable and the indigenous world, for example in matters relating to land use. There is also a critical view on respondents to the role of the state in unidirectionally define the problem. While the interviews is demonstrated different levels

established by the executive to consult for the main demands of these people, eventually the executive unilaterally sets which areas of intervention will be. Finally this critical view is also common with respect to the definition of the State to address the Indian problem in many passages in the period 1990 - 2010 as a problem of internal security of the state.

However, although there is this shared vision among managers regarding the public issue and the way in which the state responds to this problem, one can see in general that it responds more to a more active passive bureaucratic representation in higher Case of the interviewees. A manager interviewed for the Frei Ruiz-Tagle government says about that "(...) CONADI has lost the leading role, becoming controlled by the Interior Ministry, Planning Ministry agency, SEGPRES (...) and therefore CONADI Ceased to be the body representative of the most fundamental demands. " Another public management is more categorical in stating that CONADI "does not respond to what the indigenous world wants, and it is because it represents the indigenous world".

This could be explained by the analysis of professional and political trajectory. It is possible to evidence a strong socialization of these managers according to organizational concepts typical of the public administration, and a preeminence of bureaucratic culture over the culture of indigenous people can be intuited. All respondents have professional titles, and two have graduate degrees in the area of governance.

Along with this most of them since the return to democracy worked in the state accumulating experience and being socialized by the patterns of bureaucratic behavior. Along with this, six of the seven respondents were associated with political parties that existed apart a vision of the problem from the point of view of power. While the organizational factor and the organizational structure of CONADI influences the way in which addresses the implementation of the policy, the vast majority of public managers interviewed managed according to own organizational criteria of efficiency and effectiveness of the modern state.

In short, it seems we are in the presence of public managers with stronger than the same ethnic culture professional culture, so although these managers share a common background with indigenous peoples, this context is not transformed into an active bureaucratic representation. Following the points made by Meier (1993) apparently in the case of indigenous public policy in Chile, this "activation" of the passive bureaucratic representation of public managers is not caused by the lack of a critical mass of indigenous public managers organized. According to one of the directors of the term of President Lagos "at least people we work did not allow for generating policies, joints (....) Did not have that capacity (...) the contributions delivered were not significant for people to better with a higher degree of intellect may be of interest.”.

#### ***4.2 Public Police expertise***

As evidenced in the literature review, managers can influence the implementation of policy through the specific expertise of these, based on knowledge of processes and knowledge of the political world in which policies are developed. According to the statement by Araya (2015), the Modernization of Public Management in Chile can be partly explained by the influence of these managers through the kind of expertise they exercised.

When analyzing the presence of Expertise Public Policy managers analyzed, although some of them show a long career in the public sector, this type of expertise is less. Although the vast majority of respondents indicated the importance of being in tune with the political element, only one respondent can demonstrate the use of that knowledge and translate it into action to influence both design and implementation of policy.

A public director of CONADI making a diagnosis of periods other directors of CONADI noted "managers had a hard time arrival with the authorities." This public management evidence this expertise stating, "I understood that MIDEPLAN was somewhere else, so I said better convince us note the president, that here there is no change of rotation will continue

with a paternalistic policy”. In this regard it is important that the vast majority of managers analyzed did not have a network of political actors that could influence for better policy implementation, nor the sense of opportunity is evident to seize windows of opportunity to influence the implementation of policy. Only a manager can observe this expertise when he says "I made a strategic change in direction that could put indigenous issues firmly into the public discussion, saying" I'll take the issue Ralco and I will fight like crazy everywhere”

Public Policy expertise is evident in the type of work performed by managers. These types of work may be making public policy monitoring service or public policy. However, in the case of CONADI the work of public managers was purely administrative, in part because the legislation only gives these powers, and partly because the same managers only girded these functions. As one interviewee mentioned other public executive director of President Lagos "(CONADI) became an entity of management of financial resources, period." In this sense, much of the executives lost the understanding that the indigenous issue is more a political issue than a technical issue. In short, except for one case, not a type of public policy work is seen as set forth above in the literature review, which also dampened the influence of these managers in implementing policy.

#### ***4.3 Degree of discretion of Managers***

As already noted, there is evidence that when politicians are not interested in a topic of public policy in particular, they delivered explicitly or tacitly spaces discretion to managers and thus they can influence both the design and implementation Of policy. The interviews show a lack of power players in indigenous issues, not forming an important part of the agenda, or at best, it is a misunderstood issue for power players.

A manager interviewed the first period of President Bachelet said that "The indigenous world has always had clarity of what their historical claims are against the state, but the political forces and the government have not understood this issue very clear." Another manager Frei

Ruiz period Tagle said that "Frei had other concerns, to Frei mobilizations were the subject of the country, and therefore the indigenous issue was a secondary issue". One respondent pointed Bachelet period regarding political parties' interest and concern (in indigenous affairs) throughout that period was minimal (...) political support was weak. " Another senior officer of the term of President Lagos stated in relation to meetings of the National Indigenous Council "I do not remember having any meetings in all those years that have gone all the mayors and all undersecretaries".

However, unlike the case of the Political Modernization of Public Management, where this lack of power players, became a greater degree of discretion that managers could influence the design of policy (Araya, 2015 ) in the case of indigenous policy, managers interviewed evidence were devoted almost exclusively to the management status quo, altered only by conflicts with varying degrees of violence. In this sense some respondents indicated that the lack of management capacity and human capital, prompting managers to focus exclusively slated administrative matters.

A public official of the government of Michelle Bachelet said that "it was a mess, there was no clear procedure (...) I remember seeing returns on paper, not on computer (...) CONADI has no administrative solvency that allows sufficient management capacity" . According to the same perception of respondents this can be explained to the institutional design of CONADI and place within the state bureaucracy where it is located. A steering period Frei said "Conadi should not be there (in MIDEPLAN), I say that there were errors of birth of the institutionality of CONADI". Another executive says "there are major problems, CONADI does not have sufficient powers to be an entity that makes decisions". In summary, because of the minimum management capacities installed in CONADI, the managers in charge could only dedicate themselves to minor administrative issues, and could not influence the definitions of the indigenous policy during this period.



## 5. CONCLUSIONS

The first findings of this research give us clues as to who have had little influence public managers of CONADI in the formulation and implementation of indigenous public policy in Chile. Although it is given a context in which the enabling managers to influence policymaking in the Chilean case this has not occurred space would be generated in the case of this politician. This at first glance could be explained both by organizational factors in relation to how it was designed the institutional architecture for implementing indigenous policy, such as political factors.

First, it is noteworthy that although in the case of managers exist a similar cultural background between public managers and the beneficiary of the policy public, this would fail to translate into an active bureaucratic representation, but rather a passive representation. In this regard according to the statement by Meier (1993) would lack a stronger critical mass to cause this passive bureaucratic representation is transformed into an active, and thus influence public managers mostly in the formulation of public policy.

Secondly, the influence of managers is quite bounded analyzed due to a scarcity of expertise Public Policy, type of expertise that according to the literature allows managers have a greater influence. This is explained by a heterogeneous both political career as a management of managers analyzed. Although some of them were employed in positions of public administration, apparently their roles were bounded to administrative functions.

Finally, regarding the degree of discretion, although Indian policy did not have a prominent place on the agenda of decisions or political parties, the weak institutions of CONADI and low professionalism of the service, it led to public managers slated to be more focused in purely administrative tasks court that target indigenous policy.

While the formulation of public policies confrontation of interests is an important risk factor analysis that is not less in the case of implementation. According to some studies, the lack of

real political participation or the existence of effective influence on decisions that affect them, along with real access to the process of formulating public policy alternatives are elements that remain unresolved in the for indigenous peoples (Hall and Patrinos, 2004). The vision provided by respondents can account for these complexities because even though the lack of appreciation of the culture of indigenous peoples is recognized, the lack of adequate to accommodate indigenous peoples in the implementation of decisions spaces shows that much remains to advance.

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