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Freedom's Advocate the World Over

November 28, 1988

Dear Colleague:

On October 5, seven million Chileans exercised their right to vote for the first time in 18 years. By voting against continued military rule, the Chileans took a first step on the road back to establishing a full democracy.

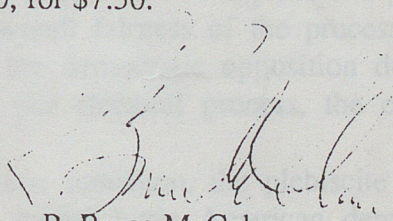
During the past decade, Freedom House has welcomed the return to civilian and democratic rule in ten Latin American countries. Whether it is supporting an educational conference on democracy or observing elections, Freedom House has been present at the major points during these political transitions.

Enclosed is the special report on Freedom House's mission to Chile, the culmination of a year-long assessment of that country's prospects for a democratic transition. For one week, the Freedom House delegation investigated and observed the electoral processes the length of Chile, visiting six of that country's 13 regions. Throughout the year we interviewed key Chilean leaders in every sector and closely monitored events as they unfolded.

The Chilean people took the first step toward the creation of a democratic system of government. Yet, as our report warns, the fulfillment of their democratic aspirations still faces a perilous journey.

Freedom House's Mission to Chile examines not only the electoral process but the background events and political developments that make the event so important. It is the continuation of Freedom House's policy of observing electoral processes around the world and conducting on-site investigations in crisis areas.

Additional copies of the report are available from Freedom House, 48 East 21st Street, New York, New York 10010, for \$7.50.


R. Bruce McColm
Executive Director

Freedom House Mission to Chile

Executive Summary

In the 5 October plebiscite, 55 percent of 7 million Chilean voters said "no" to eight more years of military rule. While a major defeat for the 15-year-old military government of Gen. Augusto Pinochet Ugarte, the plebiscite was only a promising first step on a potentially perilous road to full democracy.

An eight-member Freedom House delegation monitored the process in six of Chile's thirteen regions from 1 October to 8 October. The mission was the culmination of a year-long assessment of the prospects for democratic transition that began with a visit to Chile in November 1987 by three Freedom House staff members.

Freedom House determined that the actual balloting and vote-counting on 5 October took place in an orderly, efficient and honest manner. Scattered irregularities were deemed statistically insignificant.

The chief obstacle to a genuine democratic transition, however, remains the profoundly undemocratic 1980 constitution that establishes a permanent tutelary role for the military in a transition to a "protected" democracy. The installation of a semi-autonomous military body in the political system clearly undermines any concept of representative, civilian rule.

The successful campaign of the sixteen-party Command for the No was based on the democratic opposition's determination to reform the constitution through negotiations with the government. If the government ignores the popular mandate to do so, the democratic opposition will be able to continue its project in a second electoral round, the competitive presidential and congressional elections the government is constitutionally bound to hold by 14 December 1989.

The prospect of a second electoral campaign brings into sharp relief the enormous advantage exercised by the government during the plebiscite campaign. Despite the lifting of the states of exception prior to the official campaign period, the democratic opposition remained subject to a web of laws imposed over the years to restrict political rights and civil liberties. Further, both official and semi-official intimidation infected the campaign environment and to a significant degree hindered public discourse, particularly in the area of the freedom of the media.

Although the democratic opposition was able to overcome these disadvantages, and although its margin of victory appeared to make them irrelevant in the plebiscite process, they would have loomed large in determining the overall fairness of the process if the "yes" vote had won. If the dialogue requested by the democratic opposition does not lead to reforms necessary to guarantee a free and fair electoral process, the outcome of the 1989 election may be sharply questioned.

While only a first step toward a genuine democratic transition, the plebiscite proved that the democratic traditions of what was once a model Latin American democracy, have not been extinguished. The unity of the democratic opposition and the international support it received, particularly from the U.S., were key factors in the popular rejection of military rule. Whether the democratic aspirations of the Chilean people will be fulfilled in the next stage of the transition depends in great measure on whether the opposition is able to maintain that unity and support.

AMERICAN STORY



Freedom House Special Report

A Mission to Chile

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Introduction

Freedom House is a nongovernmental, nonprofit, bipartisan organization that monitors and promotes political liberties worldwide. Founded in 1941, Freedom House places human freedom in the broad context of individual rights and global politics.

The Freedom House observer mission to the 5 October plebiscite in Chile continues a long tradition of election monitoring around the world. In the last decade Freedom House has observed and assessed electoral processes in Zimbabwe, El Salvador, Panama, Nicaragua, Haiti and Suriname.

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Chart of the Political Parties of Chile courtesy of United States Embassy, Santiago.

Preface

This report is based on the work of an eight-member Freedom House observer mission to the 5 October 1988 plebiscite in Chile. The observer mission was led by Freedom House Executive Director R. Bruce McColm. The principal author of this report is Douglas W. Payne, Freedom House hemispheric studies director.

The other members of the mission were Norman Hill, executive committee member of the Freedom House board of trustees and president of the A. Philip Randolph Institute; Leonard R. Sussman, Freedom House senior scholar in international communications; Barbara Futterman, Freedom House Exchange coordinator; Penn Kemble, Freedom House senior associate, and Marie Louise Kemble; and Michael Chapman, aide to Congressman Dave McCurdy (D-Oklahoma).

Introduction

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The Freedom House observer mission to the 5 October plebiscite in Chile continues a long tradition of election monitoring around the world. In the last decade Freedom House has observed and assessed electoral processes in Zimbabwe, El Salvador, Panama, Nicaragua, Grenada, the Philippines, Guatemala, Haiti and Suriname.

Preparations for the mission to Chile began in November 1987 with a five-day visit to Santiago by Mr. Payne, Mr. Sussman and Ms. Futterman. At that time, Freedom House cosponsored with the Santiago-based Center for the Study of Contemporary Reality (CERC) a conference on the transition to democracy in Chile and other Latin American countries. Freedom House followed up in 1988 by receiving Chilean analysts and political figures who visited the New York office.

The observer mission spent eight days in Chile, from 1 October to 8 October. Members traveled to six of Chile's thirteen regions, covering the main urban centers of Santiago and Concepcion; the provincial areas to the south; and the mining districts in the north. During that time the mission members met with national and local political figures from both the government and the Command for the No, the democratic opposition coalition. Members also met with human rights advocates, trade union representatives, journalists, political analysts, university and student leaders, national and regional directors of the National Electoral Service, and officials of the U.S. Embassy including Ambassador Harry Barnes.

On the day of the vote, Freedom House coordinated its monitoring effort with the national poll-monitoring program implemented by the Chilean *Colegio de Profesores* and a team from the American Federation of Teachers. As part of this program, Freedom House observers monitored the vote at dozens of polling places in five different regions in north, south and central Chile.

NOTE: A complete list of all meetings held prior to and during the plebiscite, as well as the regions and polling places monitored on the day of the vote, appears herein as Appendices I and II.

The following report consists of five major sections:

Section I presents an overview of the plebiscite and the prospects for political transition and democracy in Chile.

Section II provides background analysis in the areas of politics, the economy, the human rights environment, and the role of the Catholic church.

Section III addresses the plebiscite itself, including the electoral system and the campaign period, and an assessment of the actual vote.

Section IV assesses the political trends in the aftermath of the plebiscite.

Finally, Section V addresses U.S. policy in Chile.

I. OVERVIEW

In the 5 October plebiscite, 55 percent of 7 million Chilean voters said "no" to eight more years of military rule; the "yes" option received 43 percent of the vote. The twelve-point victory was a major achievement for the sixteen-party Command for the No. However, while the results were recognized by the government, the plebiscite was only a promising first step on a long and perilous road to full democracy.

Until the military coup of 11 September 1973 Chile had Latin America's longest and strongest democratic tradition. In today's Latin America, only Paraguay's Alfredo Stroessner and Cuba's Fidel Castro have ruled their nations longer than Gen. Augusto Pinochet Ugarte has ruled Chile.

The results of the plebiscite, however, and the overwhelming turnout, approximately 90 percent, of the Chilean electorate, clearly revealed that the democratic aspirations and traditions of the Chilean people have not been extinguished. They have survived three years of confrontational socialism that brought Chile to the brink of civil war under the government of Salvador Allende (1970-73), and fifteen years of oppressive, right-wing military rule under Gen. Pinochet. Reinforcing the results of many recent Chilean studies, the plebiscite demonstrated that a majority of citizens continues to reject extreme political systems and longs for a return to the representative democracy once regarded as a model in Latin America.

Major obstacles to such a transition remain, however. In general there is the hyperactive, contentious nature of Chilean politics and, in particular, the near symbiotic relationship between the far right and the far left, in which both the Pinochet regime and the formidable Communist Party of Chile (PCCh) draw strength from mutual antagonism and violence. Finally, and most importantly, there are

the constraints of the profoundly undemocratic 1980 constitution that went into effect in March 1981 following a controversial, government-controlled plebiscite.

The constraints of the constitution

The 1980 constitution established the present structure of the state in Chile. It expressly designated Gen. Pinochet as president of the Republic for an eight-year term beginning in March 1981. The constitution required the government to conduct a plebiscite, before the end of that term, in which the Chilean people would be asked to accept or reject the government's presidential candidate. On 30 August, the ruling junta, comprised of the chiefs of the navy, air force, *Carabineros* (national police), and a representative of the army designated by Pinochet, formally nominated the 72-year-old general as the candidate. An affirmative vote on 5 October would have resulted in his serving a second eight-year term, to be followed in 1997 by multi-candidate elections.

However, because the majority voted "no" on 5 October, Gen. Pinochet now remains president until March 1990, and the government is required to hold multi-candidate elections by 14 December 1989. A majority of Chilean legal experts believes the constitutional ban against successive presidential terms prohibits Pinochet from being a candidate at that time. Some Pinochet loyalists have nonetheless suggested that he is able to run provided he first resigns the presidency. However, even if someone else is elected president, Gen. Pinochet, according to the constitution, would remain army commander for at least four, and possibly eight, more years; would remain a senator for life; would remain on the Council of State; and would remain a member of the National Security Council.

Perhaps the most significant feature of the constitution is the provision for a permanent tutelary role for the armed forces in the military-

dominated National Security Council. This body may oppose any law, party or policy which "compromises national security" or "gravely threatens the foundations of the institutional order." The installation of a semi-autonomous military power in the political system clearly undermines any concept of representative, civilian rule; it allows Gen. Pinochet and the armed forces to control the political landscape even if he were not president. The permanence of that control is further guaranteed by a constitutional court, named by the military, that can expel any legislator in a future government for drafting or voting for a motion or bill deemed "unconstitutional."

In an address to military officers on 23 August, a week before his formal nomination, Gen. Pinochet reiterated the rationale for a permanent military role in the national political system:

It is therefore impossible to conceive that the armed forces should intervene only in case of foreign aggression. We have become increasingly convinced that the enemies of Western civilization operate inside each country...Politics is a function that can and must be fulfilled by those who meet at least the following qualifications: untarnished ethical and moral principles, devotion to the values and principles of the national being, appropriate training...It should be taken into account that military devotion is essentially based on the maintenance of social order and that the principles of loyalty, patriotism, and respect for authority are an impregnable stronghold in times of crisis...It is this idea, and not any other, that our Constitution sets forth when it establishes that the armed forces and the forces of order are guarantors of the nation's institutional order. The new institutional order calls for armed forces that are aware of their political responsibilities. *Therefore, in the future, the political functions which the Constitution has assigned to the armed forces and to the forces of order will be paramount.* (Emphasis

added.) (*Foreign Broadcast Information Service/Latin America*, 25 August 1988, pp. 23-24.)

This "Pinochet doctrine" is at the core of the constitution's projected transition to a "protected democracy." Democratic political analysts in Chile refer to the constitution as "a blueprint for legalized dictatorship."

The strategy of the Command for the No

For its part, the democratic opposition since 1985 has pressed for constitutional reform leading to a genuine democratic transition through free elections. The main democratic parties have consistently rejected the radical left's strategy of confrontation through "all forms of struggle" including violence. But continuous wrangling over the tactics of peaceful pressure and questions of leadership, coupled with the intransigence of the regime and an atmosphere of violence, undermined the effort.

By 1987, with the government preparing the machinery for the constitutionally mandated plebiscite, the democratic opposition was forced to reassess its strategy. However, it was not until February 1988, after months of protracted debate, that thirteen political parties agreed to drop the demand for immediate constitutional reform and band together as the Command for the No in a campaign to defeat Pinochet in the plebiscite. The Command eventually united sixteen political parties, a diverse coalition ranging from the centrist Christian Democratic party to various factions of the Socialist party on the left.

From the outset the Command's strategy, as stated in its platform, was to secure a "no" victory large enough to lever the government into negotiating reform of the constitution. Relying on moderate campaign rhetoric, and accepting many of the government's success-

ful free-market policies in its platform, the Command sought the widest possible support. The strategy was backed by the Catholic church, the most esteemed institution in Chile. It was a strategy that aimed to take full advantage of the limited political space made available by the government in its effort to garner legitimacy for a plebiscite it fully expected to win. On 1 September, Genaro Arriagada, a Christian Democratic leader and executive secretary of the Command for the No, stated,

We have agreed to a struggle in a situation of great adversity, but we think the opposition is so strong that it can agree to a battle in conditions that are not democratic but where we do have a space to do our activity. This is not a totalitarian society. (*New York Times*, 2 September 1988.)

But it remained a divided society. With only two alternatives for voters, the plebiscite tended to reinforce the polarization that has marked Chilean society since the first outbreak of mass opposition in 1983. While most Chileans are known to prefer a multi-candidate competition in a representative, democratic system, the profusion of political polls taken in the first eight months of 1988 pointed to a close race in the plebiscite and a potentially undecisive outcome.

On 11 August, the Catholic church called upon the junta to nominate someone other than Gen. Pinochet, a "consensus" candidate acceptable to both the government and the opposition. The statement read in part:

We see with great concern that Chile is polarizing and radicalizing against the majority will of its people who want peace...A considerable number of Chileans feel uneasy about the plebiscite, fearing that whether the "yes" or the "no" vote wins, there exists the danger that the country is moving

toward a confrontation that we want to, and must, avoid...The candidate should be the result of an accord between the government and the opposition, and should be someone that inspires the respect and confidence of the great majority. (*Washington Post*, 12 August 1988.)

While it was clear that air force Commander Fernando Matthei and *Carabinero* Director Rodolfo Stange had serious doubts about the wisdom of designating Gen. Pinochet for another term, neither was powerful enough in his own right to suggest an alternative.

Gen. Pinochet rejected the church's proposal out of hand and continued to portray the Command for the No as a conspiracy that would return Chile to the chaos of the Allende years. In turn, the Command sought to reassure voters by signing a commitment to cooperate with the armed forces in guaranteeing order during the period between the plebiscite and the competitive elections that would follow a "no" victory. Further, the Command urged supporters to avoid confrontation in the streets with Pinochet supporters.

Violence surrounding protest activities in Chile has long presented a problem for democratic opposition leaders. Peaceful protest has often given way to violent activities by the extreme left and armed civilian supporters of Pinochet linked with the state security forces. The violence in turn provokes tough police repression in a polarizing cycle that 1) feeds into Pinochet's campaign by rekindling fears of the trauma that marked the last year of the Allende government and the period after the 1973 coup, and 2) provides greater opportunity for the violent left, led by the PCCh, which would be marginalized by a peaceful transition to full democracy.

To avoid being torn apart by this left-right whipsaw, the main democratic opposition groups abandoned large street protests in 1986. But the lifting of the state of emergency—in effect since 1973—

at the end of August opened the way for legal public campaigning by the opposition. And despite careful planning by Command leaders, the cycle of clashes and repression reemerged, again instigated only by the extreme elements who stand to benefit from it.

The winning "No" campaign

Instances of violence, however, despite saturation coverage by the government media, failed to overshadow the professional, responsible and upbeat campaign waged by the Command for the No during the officially designated twenty-seven-day period that began on 5 September. The campaign was so successful, in fact, that the first clear shift of the year in favor of the "no" became apparent before the end of the period. The dramatic shift was evident in 1) the results of polls carried out by the more responsible national firms, 2) the increasing size of mass rallies held by the Command, 3) the shunning of rallies by the "yes" campaign after an initial flop in the first week, and 4) "yes" supporters privately acknowledging that the "no" vote was running ahead.

Factors involved in the sudden shift included 1) voter embrace of the Command's campaign theme of "Alegría," or joy, 2) the Command's skillful projection of this theme during the daily fifteen minutes of free national television time allotted by the electoral law, 3) the Command's decision to take its campaign to middle- and upper middle-class voters in the provincial areas of the country, and 4) the lack of all-out support for the "yes" campaign from the private business sector.

During the campaign, the PCCh and its allied guerrilla organization, the Manuel Rodriguez Patriotic Front (FPMR), called, at least formally, for a temporary halt to violent tactics. However, their support for the "no" vote was framed in a way that was problematic for the democratic opposition. The PCCh's position was that if the

"no" vote won, the government would have to immediately step down or face a PCCh-led offensive using "all forms of struggle." On 9 September, the Rodriguez Front announced that it would "launch a devastating guerrilla offensive after 5 October...The only thing we will agree to is the immediate end of the regime." (EFE, 10 September 1988.) A week later, prominent PCCh leader Volodia Teitelboim returned from his exile in East Berlin and announced that the PCCh was demanding the immediate installation of a "provisional government" in the event of a "no" victory.

Although Command for the No leaders publicly condemned the PCCh position, polls revealed that Teitelboim's pronouncement caused a slight rise in "yes" vote support, attributable to the prominent play it was given in the government media. Nonetheless, by the end of the campaign, after the Command for the No had assembled the largest mass rally (approximately 800,000) ever held in Santiago, the "no" was generally perceived to have a clear edge.

During the three-day interim before the day of the vote, Command for the No leaders, the Catholic church and the U.S. government warned of an alleged plan by Pinochet loyalists in the government and state security forces to instigate violent clashes as a pretext for calling off the plebiscite. However, when *Carabinero* Director Stange publicly stated that he had no reason to expect imminent left-wing violence, and Gen. Matthei stated he fully expected the plebiscite to be carried out in accordance with the constitution, the alleged plan, if it existed, was effectively neutralized.

On 5 October the voting took place in a generally peaceful, efficient and orderly manner, as attested to by a huge foreign press corps and nearly a thousand international observers. Scattered irregularities in the process were deemed to be statistically insignificant. By evening, the results of the sophisticated parallel count undertaken by the Command for the No showed that the "no" vote was clearly

winning. But when early returns from the official count showed the "yes" ahead, it appeared that there might be yet another move within the government to annul the plebiscite, this time by falsely charging the Command with fraud. However, when the junta arrived for a meeting that night at the presidential palace, Gen. Matthei said to the media that he believed the "no" vote had won. His statement, virtually an official concession, derailed any plot that may have been brewing within the regime.

After a formal concession by interior minister Sergio Fernandez the following day, the Command for the No reiterated its call for negotiations. It was backed by the Catholic church which issued a plea for dialogue and compromise, and national consensus on the issue of constitutional reform. With channels of communication open to both the Command and the government, the church would be the most likely mediator in the event of negotiations. Gen. Pinochet, however, was acting neither defeated nor conciliatory. While grudgingly accepting the result of the vote on national television, he stated that there would be no negotiations, that the constitution "is not the issue."

Gen. Matthei and *Carabinero* Director Stange subsequently made positive comments regarding the prospects for negotiating constitutional reform. They carefully qualified their statements, however, by saying that the decision to engage in such discussions with the opposition would have to be made by "the executive," meaning Gen. Pinochet. It must be emphasized that none of the junta members, no matter how at odds with Pinochet they may appear to be, has the force of personality, the vast resources of a complex state, or the access to intelligence and security forces that he has. And while the position of navy chief Adm. Jose Merino is often ambiguous, he has always backed Pinochet in crucial showdowns within the junta.

Therefore, despite a twelve-point victory and promising noises from

two junta members, Genaro Arriagada was accurate in stating that for the Command for the No, "the task after the plebiscite is far more difficult than the task before." (*Washington Post*, 8 October 1988.)

The more difficult task

The play within the regime in the year to come will be determined in large part by the ability of the Command to transform the democratic momentum generated by the "no" victory into effective leverage against Gen. Pinochet, but without provoking a coup or forcing junta members back into a bunker mentality. Command leaders acknowledged that this means maintaining Command unity around a responsible and flexible negotiating position on constitutional reform. Changes considered essential to establishing full democracy include reducing the National Security Council's control over any future civilian government, and reforming the nearly impossible mechanism for amending the constitution itself. Other issues include eliminating Article 8 which bans Marxist parties, and advancing the date for the 1989 elections.

After the plebiscite, Pinochet's renewed intransigence had already led to simmering divisions within the Command. Some leaders advocated restraint, some threatened using "other measures," and at least six of the leftist parties called for Pinochet's immediate resignation. Nonetheless, by the end of October, the Command appeared to have overcome, or at least papered over, these divisions. It issued a "Proposal for a National Consensus" that committed the sixteen parties to choosing a single presidential candidate for the 1989 election, and changed the name of the Command for the No to the Coalition for Democracy. Ideological diversity and personal ambition will hinder the selection of a single candidate. One positive sign, however, was Ricardo Lagos, the most prominent left-wing leader in the coal-

tion, publicly stating that he would not be adverse to a centrist, Christian Democratic candidate if that's what it took to win.

It may be that the coalition will have to reckon with Gen. Pinochet being able to ignore the differing views held by Matthei and Stange, and possibly others within the government. The democratic opposition, having believed he was on the ropes at least twice before in this decade, can attest to his resilience.

One immediate option he holds is to offer to negotiate, but only on issues of little or no substance. The objective, as in 1983, could be to stall opposition momentum without giving any ground.

Another option is the preparation of a puppet presidential candidate to run in 1989. He could then wait for, or attempt to provoke, an unraveling of the Command. Such a strategy, however, could prove difficult. The main right-wing parties that supported the "yes" vote distanced themselves from the regime after the plebiscite. Without their support, and in a competitive election that might include other right-wing candidates, a Pinochet-controlled candidate would probably get less than half of the 43 percent "yes" vote in the plebiscite.

Even the unraveling of the Command would not necessarily work to Pinochet's advantage. If the Christian Democrats were to form an electoral alliance with the democratic right following a Command split, the ticket would have a very good chance of winning. Moreover, the idea of a center-right transitional government would strengthen the position of the moderate members of the junta, and therefore the chance for constitutional reform. In fact, it might provide the only scenario in which Gen. Pinochet would play a graceful-exit card. That would assume he's holding one; there's scant evidence thus far that he is.

If the Coalition for Democracy actually does unite around one candidate and a platform capable of satisfying the aspirations of Chileans across the political spectrum, while providing guarantees to the

local and international business communities, it would be likely to win a majority of votes on the first round of the open presidential race. If the Command were to win the presidency *and* a three-fifths majority in each branch of the new Congress, it would technically have the power to initiate amendments to the constitution. Such a resounding victory might then leave Pinochet so isolated on the National Security Council that he would be unable, at least legally, to halt the movement toward a full democratic transition.

To violate his own constitution would be a drastic step for Gen. Pinochet, but he has already betrayed, in 1973, one set of institutions—those to which he took an oath of loyalty when commissioned in 1936. In this regard, his assertion in a speech on 28 October that the political situation after the plebiscite was similar to the days before the coup is ominous.

The responsible and expeditious selection of a single candidate, moreover, would benefit the Coalition for Democracy in the short run. It would preserve and possibly enhance the democratic momentum of the “no” victory 1) by giving opinion polls a simple proposition through which to reflect Pinochet’s political isolation, 2) by providing “no” supporters frustrated by Pinochet’s intransigence with another concrete choice to rally around, and 3) by strengthening the position of the more moderate members of the junta.

Regarding the positions of Matthei and Stange, it has to be remembered that on the two occasions during the plebiscite that they were apparently able to overrule Pinochet, they stood on their adherence to the constitution in order to do so. It may turn out that they will hesitate to press him fully on negotiating reform of the very same document. If that is the case, the Coalition might combine the presentation of a consensus candidate with a request to reform laws that pertain specifically to the campaign environment, but are separate from the constitution. A program for reforming restrictive

regulations governing political parties, electoral activity, and the media would allow the junta to circumvent Pinochet's rejection of constitutional reform and possibly break the ice.

The Year Ahead

In the coming year the Coalition for Democracy faces the difficult and complex task of maintaining unity around a common platform, a flexible negotiating position, and a single presidential candidate. It is a task more difficult than winning the plebiscite, although the experience acquired in that campaign will prove valuable.

Chile has one of the strongest legal traditions in the hemisphere; it is often described as a nation of lawyers. Even under military rule, the government has created a legal basis for almost every decision, no matter how arbitrary. In 1988, a center-left majority of the democratic opposition, having at least as many lawyers as the government, adopted a strategy of utilizing all legal means available to press for constitutional reform. The effort succeeded in the first round, but completion of the project could take years.

The Coalition for Democracy will also remain subject to centrifugal forces. Success in overcoming fragmentation, however, will further isolate the extreme yet formidable elements in the political arena—Pinochet loyalists on the right and the Communists on the left. Their recourse has consistently been violent provocation, each providing the other with the pretext to undermine any concerted effort toward a transition to full democracy. After the plebiscite, both groups appeared to be awaiting more turns in the game before deciding on their respective strategies.

For their part, the Communists appeared to be wrestling with the proposition that violent tactics have only reinforced their isolation. By the end of October, however, the Rodriguez Front had launched a new offensive with a series of guerrilla attacks and a public dec-

laration of a "National Patriotic War." The Front's demand for the immediate removal of the regime echoed the position of the left-wing parties in the Command; the potential for disruption and renewed polarization remains.

For Gen. Pinochet, the plebiscite was a mechanism to institutionalize military dominance over politics for at least another eight years. Although he lost, he and his supporters perceive the loss as only a temporary setback; the constitution remains intact. Within the armed forces, some commanders seem to have come alive at least to their own narrow self-interest, exhibiting a willingness to negotiate with the opposition if only to spare themselves the fate of the officer classes of Cuba and Nicaragua. But the army remains the most powerful branch of the military, and its loyalty to Gen. Pinochet is engrained in a Prussianized, vertical command structure.

The plebiscite therefore remains only the first, and least difficult, step toward full democracy in Chile. The process proved that the democratic traditions of what was once a model Latin American democracy, have not been extinguished. But it will be the play of the political actors and the armed forces in a complex and shifting society that will determine whether and when democratic aspirations will be fulfilled.

At the other end of the scale is Brazil, where moderates in the military government, who had intended to restore democracy after defusing a leftist threat, eventually overcame hardliners and effected a calculated withdrawal. The electoral college selection of President Jose Sarney in 1985, the first civilian leader in Brazil in two decades, was the result of a controlled transition carefully transacted by the regime with opposition political elites. Parallels to that process can be found in Spain's gradual return to democracy in the 1970s. Gen. Pinochet, on the other hand, while deceptively employing the discourse of democracy and transition, has sought to

II. BACKGROUND

1. Politics

Political background

Chile's democratic traditions have remained suppressed despite the general delegitimization of authoritarian rule in the contemporary Western world and the current trend in Latin America toward acceptance of democratic institutions and practices. Chileans are aware that since 1980 military governments in nine Latin American countries—Argentina, Bolivia, Brazil, Ecuador, El Salvador, Guatemala, Honduras, Peru and Uruguay—have given way to some form of civilian rule. But they have also learned that the circumstances of transition varied in each country, and that political conditions in Chile remain anomalous, knotted and potentially explosive.

The transition to democracy in Argentina in 1982-83 was rooted in the military regime's collapse following defeat in the Falklands/Malvinas war. Similar regime collapse also led to a transition in Greece and Portugal in 1974. However, neither military defeat at the hands of an external force nor a profound internal crisis has threatened the Pinochet regime.

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institutionalize authoritarian rule and bridle political activity indefinitely.

Ranging in between are cases such as Peru (1980), Uruguay (1982-85), and Guatemala (1984-86). In these countries, the military leadership was under pressure to withdraw from power before erosion of legitimacy and internal cohesion led to regime breakdown or collapse. These transitions were negotiated with opposition political leaders, as in Brazil, but on terms less favorable to the regimes, particularly in the popular election of civilian presidents.

Between 1983 and 1985, Chilean democratic opposition leaders believed that erosion of the Pinochet regime had reached the point where a similar kind of transition could be effected. Their efforts failed because 1) they underestimated Gen. Pinochet's political strength and intransigence, 2) they were prone to inter-party squabbling, and 3) the adherence to a peaceful path was undermined by an intensified cycle of left-wing violence and regime repression that began when the PCCh-controlled Rodriguez Front initiated urban guerrilla warfare at the end of 1983.

The first mass demonstrations against the Pinochet government erupted in May and June 1983—a direct result of a sharp decline in the Chilean economy. The protests were organized by a loose grouping of labor unions, but their significance lay in the spontaneous and widespread support they drew from the middle class. This was the same middle class that had prospered during Chile's economic boom in the late 1970s and had generally accepted the government, but now was progressively alienated by the economic deterioration and exclusion from the regime's policy process.

The rising dissatisfaction of the middle classes became the energy pool from which the democratic political parties, decreed by the government to be "in recess" after the military takeover, could hope to regain their strength. In August 1983, five rejuvenated parties,

including the Christian Democrats and representing close to 50 percent of the electorate, formed the Democratic Alliance and called for Gen. Pinochet's resignation from the presidency. When he sent his interior minister for discussions, however, the Alliance parties misread this as a sign of weakness, rejected the constitution, and began contending for position among themselves. Gen. Pinochet remarked that such behavior should remain in recess and halted the talks.

Following a wave of left-wing violence and the imposition of a brutal state of siege in 1984, the democratic opposition united around a new platform for a negotiated transition. The 1985 "National Accord on Transition to Full Democracy" was signed by eleven political parties from democratic right to center-left, representing roughly 70 percent of the electorate. The initiative was supported by the Catholic church and the U.S. government. The key element was the call for reestablishing democratic procedure through reform of the 1980 constitution. This was important because the document was not rejected outright as it had been in 1983, and as it has always been by the PCCh and its allies on the radical left. Moreover, the Accord provided that in reforming the constitution, any party or organization whose objectives, acts or behavior failed to respect democratic principles and repudiate violence would remain unconstitutional, a clear message that the signatories rejected the policies of the radical left.

There were suggestions that two of the armed forces chiefs in the junta viewed the Accord as a possible alternative to crudely confronting opposition with more repression, as well as an opportunity to return to their traditional, professional role in Chilean society. For its part, the PCCh sensed the danger of being marginalized and charged the signers with being anti-democratic. The Communists most feared a negotiated transition to full democracy that excluded them,

leaving them ultimately at the mercy of the ballot box. The PCCh was therefore relieved as the junta, jolted by a carefully timed series of bombings in the capital by the Rodriguez Front, did not dissent when Gen. Pinochet rejected the Accord.

A year later Gen. Pinochet appeared to be more entrenched than at any time since the outbreak of popular protest in 1983. He had weathered calls for a national strike, ignored further offers to negotiate, survived an attempted assassination by the Rodriguez Front, and seized a huge arms cache delivered to the Front from East bloc sources. Buttressed by a significant economic upswing, and needing to deflect mounting international censure for gross human rights violations, he returned at the beginning of 1987 to the project of consolidating the "protected democracy" set forth in the constitution.

In a nationwide address on New Year's Eve, Gen. Pinochet lifted the state of siege. It had been imposed, for the second time this decade, after the assassination attempt in September 1986. A somewhat less restrictive state of emergency was left in place; some state of exception had been in force continuously since 1973. He further announced a new policy for the return of many of the officially listed 3,503 exiles, promoted the Electoral Registration Law passed three months earlier and, most significantly, approved a move to legalize the country's non-Marxist political parties. Marxist parties were banned outright by the 1980 constitution.

The Political Parties Law, approved by the junta and enacted in March 1987, was designed more to limit than promote political activity. For a party to become legally constituted throughout the country it must satisfy a long list of restrictive and time-limited requirements, the most onerous being the registration, within 210 days, of 33,500 citizens who must first be registered to vote.

The unity of the democratic opposition, once manifest in the 1985

National Accord, unraveled in the attempt to respond to the government initiatives. After failing for months to agree on a common response, a majority of the democratic parties hesitantly chose to advocate voter registration, decide individually on party registration, and coalesce around a Committee for Free Elections. However, by mid-1987, it was apparent that there was little leverage with which to continue seeking negotiations with the government. Further, Gen. Pinochet had clearly, if unofficially, embarked on a plebiscite campaign, traveling around the country and utilizing state instruments to register supporters to vote.

The democratic opposition, again with strong encouragement and assistance from the Catholic church, finally responded with a national effort of its own to register voters. Then, in February 1988, a majority of the democratic opposition, representing roughly 60 percent of the electorate, formed the Command for the No to seek Gen. Pinochet's defeat in the plebiscite. Squabbling political parties were moved to shelve their differences, at least in part by the embarrassing results of a national poll released a month earlier that found only "the government" lower in prestige than "the opposition" in a ranking of eight national institutions. The *Vicaria de la Solidaridad*, the Catholic church's principle human rights organization, and the church itself were ranked first and second.

Member parties also accelerated efforts to register under the Political Parties Law, as the law requires that parties must complete registration procedures four months prior to an election to be able to monitor the voting and counting process. As of August 1988, four of the sixteen Command parties had registered at the national level—the Christian Democratic party, the Party for Democracy, the Radical party, and the Humanist party.

Notably absent from the Command for the No was the right-wing National Party, a signer of the 1985 National Accord. Put off by

the inclusion of the more radical factions of the Socialist party, it opted instead to join other conservative organizations in seeking a right-wing, civilian alternative to a Pinochet candidacy. However, after Gen. Pinochet's nomination, the National party, once the strongest conservative party in the country, split over the issue of whether to back the "yes" or the "no" option.

The Chilean political spectrum

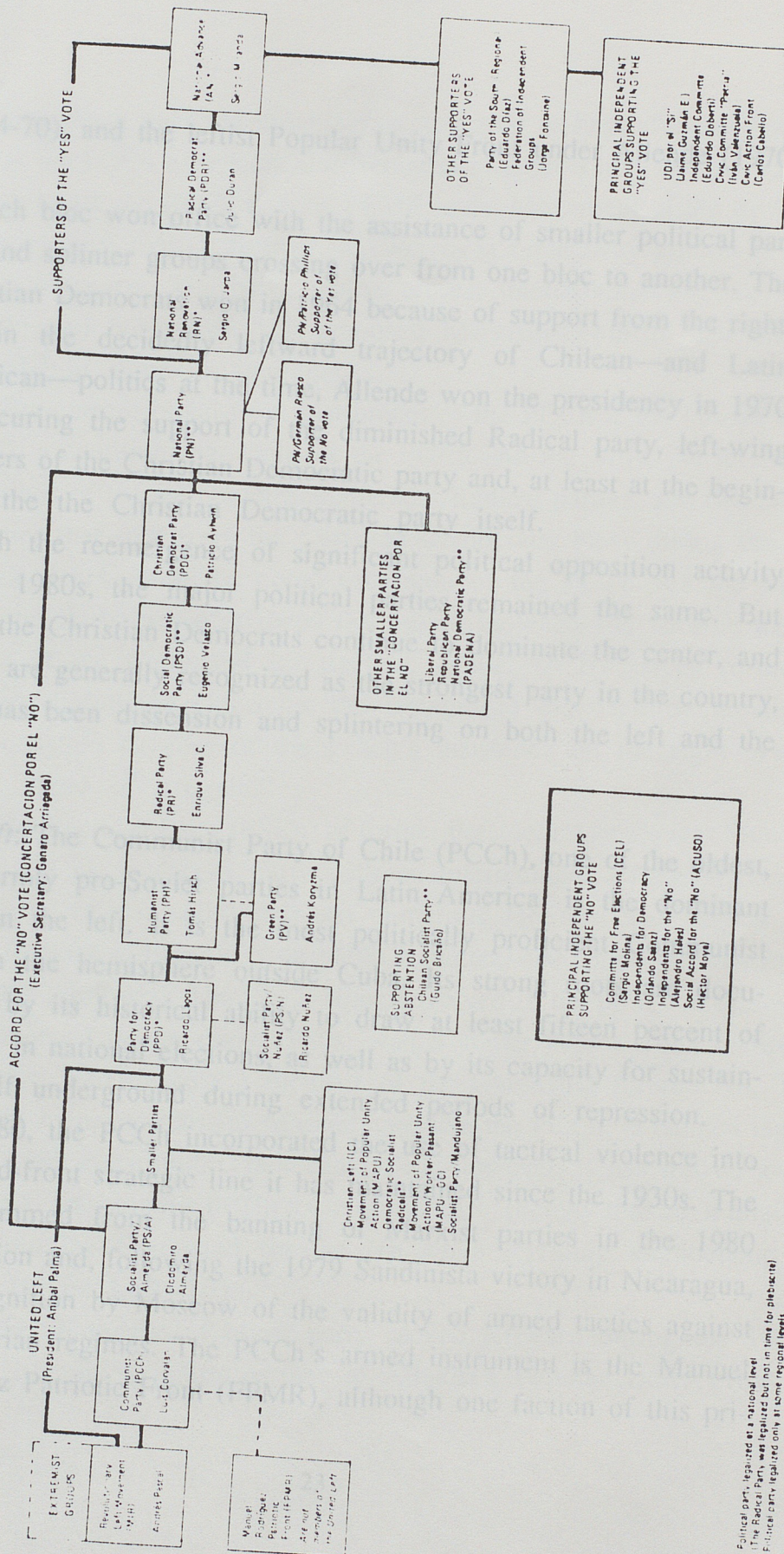
In recent history, the Chilean political landscape has been divided into roughly equal thirds—a left, a center, and a right. That has not changed under military rule. The political parties are practically the same as in 1973, with the exception of the far-right organizations spawned by the Pinochet regime.

From 1929 to 1958, the Chilean political system was based on well-structured parties that pivoted upon the Radical party, a moderate centrist party and the voice of a middle class that carried the most political weight in the country. The Radical party's dominance of a broad political center ended with the entrance on the scene in 1958 of the Christian Democratic party.

From 1958 onward, political competition was waged between three exclusive blocs, each of which secured the relatively steadfast support of approximately one-third of the electorate. The Christian Democrats held down the center. The left crystalized in 1958 in an alliance, later to become the Popular Unity Front, between the pro-Soviet Communist party and Salvador Allende's Socialist party. The right, having split apart following the conservative administration of President Jorge Alessandri (1958-64), reunited in 1965 to form the National party.

The division of the landscape into three exclusive blocs resulted in three successive minority governments—first the right under Alessandri, followed by the Christian Democrats under Eduardo Frei

CHART OF THE POLITICAL PARTIES OF CHILE



* Political party, legalized at a national level
 ** The Radical Party was legalized but not in time for plebiscite
 *** Political party, legalized only at some regional levels

(1964-70), and the leftist Popular Unity Front under Allende (1970-73).

Each bloc won office with the assistance of smaller political parties and splinter groups crossing over from one bloc to another. The Christian Democrats won in 1964 because of support from the right. But in the decidedly leftward trajectory of Chilean—and Latin American—politics at the time, Allende won the presidency in 1970 by securing the support of the diminished Radical party, left-wing splinters of the Christian Democratic party and, at least at the beginning, the the Christian Democratic party itself.

With the reemergence of significant political opposition activity in the 1980s, the major political parties remained the same. But while the Christian Democrats continue to dominate the center, and in fact are generally recognized as the strongest party in the country, there has been dissension and splintering on both the left and the right.

The Left: The Communist Party of Chile (PCCh), one of the oldest, most firmly pro-Soviet parties in Latin America, is the dominant party on the left. It is the most politically proficient Communist party in the hemisphere outside Cuba. Its strong roots are documented by its historical ability to draw at least fifteen percent of the vote in national elections, as well as by its capacity for sustaining itself underground during extended periods of repression.

In 1980, the PCCh incorporated the use of tactical violence into the broad-front strategic line it has maintained since the 1930s. The shift stemmed from the banning of Marxist parties in the 1980 constitution and, following the 1979 Sandinista victory in Nicaragua, the recognition by Moscow of the validity of armed tactics against authoritarian regimes. The PCCh's armed instrument is the Manuel Rodriguez Patriotic Front (FPMR), although one faction of this pri-

marily urban guerrilla organization appeared to have distanced itself from the PCCh over tactical differences in approaching the plebiscite. Allied with the PCCh and the FPMR is the Movement of the Revolutionary Left (MIR), formed in 1965 by a breakaway faction of the Socialist party. The MIR, whose closest international ties are with Cuba and Nicaragua, has espoused Marxism-Leninism and armed revolution since its founding.

The current broad-front instrument of the PCCh is the United Left (IU), a coalition that includes the PCCh and the MIR, the left-wing factions of the splintered Socialist and Radical parties, and two small parties that split from the Christian Democratic Party during the Allende years. With the noted exception of the PCCh and the MIR, all the IU parties disavowed the use of violence and became members of the Command for the No. While the IU stayed formally intact during the plebiscite, the strength of the coalition remained in question because of the PCCh's insistence on the right to use "all forms of struggle."

The Socialist Party (PSCh) of former President Allende was founded in 1933 as a Marxist party with no international affiliation. Under military rule it splintered into numerous factions. The largest are the factions of Ricardo Nunez (PSCh-Nunez) and Clodomiro Almeyda (PSCh-Almeyda). The PSCh-Nunez evolved in the direction of social democracy in the early 1980s, was a signer of the 1985 National Accord, and became a member of the Command for the No. The PSCh-Almeyda remains Marxist and, like the PCCh, is banned under the 1980 constitution. In recent years, however, it has moved away from supporting the PCCh's use of violence, thereby making it eligible to join the Command for the No while retaining membership in the United Left (IU).

The diminished Radical party moved leftward during the 1960s and became a junior partner of Allende's Popular Unity Front. It

split in 1986, the left-wing faction becoming the Democratic Socialist Radical party and joining the United Left (IU). The moderate wing remained the Radical party and retained the party's membership in the Socialist International. Both parties joined the Command for the No.

In 1987, Ricardo Lagos, for years a major political figure on the left, formed the Party for Democracy (PPD) in conjunction with the PSCh-Nunez and a number of smaller parties. The PPD was formed for the purpose of securing the required number of signatures to register nationally and therefore be eligible to monitor the plebiscite.

The Right: Under military rule, the once dominant National Party (PN) lost a significant portion of its constituency to organizations and parties formed by or strongly supportive of the Pinochet government. The PN signed the "National Accord for Full Democracy" in 1985, but opted to stay out of the Command for the No because of the presence of left-wing parties, in particular the Marxist PSCh-Almeyda.

The PN, along with conservative parties that had shunned the National Accord, including the recently formed National Renovation Party (RN), currently the strongest party on the right, sought to convince the junta to nominate a conservative civilian candidate for the plebiscite. When the proposal was rejected, the rightist parties decided, with various degrees of enthusiasm, to join organizations linked with Gen. Pinochet in supporting the "yes" vote. The PN, however, split in the process, with a new party directorate supporting the "yes," and "no" advocates charging interference by Pinochet-linked agents of the "yes" campaign.

Prior to the plebiscite, National Renovation (RN) was able to register nationally. The smaller National party (PN) was able to register only in some regions.

The two most prominent political organizations linked with the Pinochet regime are the National Advance (AN), and the Independent Democratic Union (UDI). The ultra-right AN is the political party most dedicated to Gen. Pinochet personally as a national leader. It was registered nationally prior to the plebiscite.

UDI leader Jaime Guzman was a major architect of the 1980 Constitution. A founding member of National Renovation, UDI split in 1988 because of RN's refusal to back Pinochet unconditionally.

The Center: The Christian Democratic party (PDC) is the largest, most influential party in the country. It played the dominant role in the five-party Democratic Alliance of 1983, the eleven-party National Accord of 1985, and the sixteen-party Command for the No. It was registered nationally in early 1988.

The PDC has identifiable left and right wings, but has maintained its unity throughout the 1980s. This despite being subjected to centrifugal forces characteristic of Chilean politics, and the tendency toward polarization in the political landscape under military rule. Since the election of Patricio Aylwin as party president in 1987, the right wing of the party has held the party leadership. Aylwin became the chief spokesman of the Command for the No. The internal party elections, while notably democratic, were nonetheless very contentious. Some observers were led to consider the likelihood of left-wing breakaway factions as occurred in 1969 with the Movement for United Popular Action (MAPU), and in 1971 with the Christian Left (IC).

Members of the Command for No:

Christian Democratic Party (PDC).

Party for Democracy (PPD).

Radical Party (PR).

Social Democratic Party (PSD).

Humanist Party (PH).
Democratic Socialist Radical Party (PRSD).*
Socialist Party/Nunez (PSCh-Nunez).
Socialist Party/Almeyda (PSCh-Almeyda).*
Socialist Party/Mandujano (PSCh-Mandujano).*
Liberal Party (PL).
Green Party (PV).
Christian Left (IC).*
Movement for United Popular Action (MAPU).*
MAPU/Workers and Peasants (MAPU-OC).*
Popular Socialist Union (USOPO).
Democratic National Party (PADENA).
(* Denotes that the party is also a member of the United Left coalition.)

Background of the 1980 constitution

Following the 1973 coup, the military government dismantled or suspended democratic activity at all levels. Mayors and governors, formerly elected, were replaced by central government appointees. The two houses of the Chilean Congress were dissolved. Since then, legislative power has theoretically been exercised by the junta composed of the heads of the navy, air force, the *Carabineros* (national police), and an army representative designated and controlled by Gen. Pinochet. But in practice, Gen. Pinochet's views invariably have prevailed. Junta members who have diverged from his policies have been adroitly transferred or retired.

The military government also destroyed the electoral rolls and banned all political activity. All political parties were eventually declared illegal. Elections of new leaders in labor unions, professional and civic groups and universities were banned. Labor unions were declared illegal, except those created by the government.

After the coup, the military government stated that it would rule only for the limited period necessary to restore social order. But

as Gen. Pinochet began to emerge as the dominant figure on the junta, his adherence to a Chilean version of the national security doctrine espoused by hardline Brazilian generals became evident. In 1975, in a major policy address on the second anniversary of the coup, he stated:

...The world beholds today a generalized crisis of the traditional forms of democracy, whose failure and exhaustion, at least as far as Chile is concerned, should be considered definitive...Reality has laid bare the inadequacy of the concept of liberty as understood by classic liberalism...We are therefore obliged to maintain the necessary restrictions to ensure social peace and prevent the return of chaos...to advance toward the creation of a new democracy by means of a new political and institutional regime. (Speech reprinted in Brian Loveman and Thomas M. Davies, Jr., *The Politics of Antipolitics: The Military in Latin America*, University of Nebraska Press, 1978.)

The address heralded the beginning of a long-term project to formalize Gen. Pinochet's dual leadership of the government and the military, and to institutionalize the military's dominance over politics in what Chilean analysts have described as "a legal dictatorship." This project was then fused with a modernization plan based on an unrestricted market economy and implemented by Chilean economists trained at the University of Chicago. The resulting boom years of the late 1970s, in fact, provided the leeway for Pinochet to complete his political project through a highly irregular plebiscite that ratified the radically undemocratic 1980 constitution. Barring extensive reform, this document, promulgated in March 1981, endows Pinochet with the power to control the Chilean political landscape until 1997, whether he remains president or not.

2. The economy

In the context of the plebiscite, the economy played a role in two ways: first, as a campaign issue; second, in the utilization of state resources for political purposes by the regime.

In recent years, the government's economic team has managed to transform a sluggish, copper-dependent economy into one of Latin America's few economic success stories, based on private investment, open trade and product diversification. However, while similar policies sparked a boom in the late 1970s, Chile was severely hit by the worldwide recession in the early 1980s. And while the country has averaged 5 percent growth in the last three years, it has averaged only 0.9 percent annual growth since 1980, moving Chile, by World Bank reckoning, from the ranks of the upper-middle-income countries into the lower-middle-income bracket.

The "yes" campaign promoted the positive side. The government predicted in September that GDP would actually reach 6 percent for 1988. Unemployment at that time was officially down to 8 percent (from 20 percent in 1982, and from 30 percent in 1973) with another 3-4 percent in government make-work programs. Inflation continued to drop, down to 16 percent annually in August. Also, the overall government administration of the economy is generally considered by the international business community to be the least corrupt in Latin America.

Investment through the debt-equity swap program (the most successful in Latin America) added up to \$1.1 billion in the past three-and-a-half years, reducing the foreign debt to \$18.4 billion, roughly the 1984 level, and down from \$21 billion in 1985. In 1988, the country's central bank expected a trade surplus of \$1.8 billion and a balance-of-payments surplus of \$550 million. The country had about \$3.5 billion in reserves. While U.S. investment in Chile has been

flat in recent years, overall foreign investment has risen dramatically. And while the latest boom has been export-led, in 1988 the domestic economy showed signs of significant revitalization. Finally, the budget deficit was expected to be no more than 1 percent of GDP for 1988, down from 25 percent in 1973.

The Command for the No campaign, while acknowledging the relative success of government economic policies, accented the downside which it promised to address and rectify after a return to full democracy, but without a drastic overhaul. Real wages were still 16 percent below 1981 levels and the minimum wage—\$48 per month, among the lowest in Latin America—was 35-40 percent lower. According to the Command, this was the other side of the export success story—workers had been growing poorer. Even after three years of sustained growth, income per head was still 6 percent below the 1970 level, and 12 percent below 1981.

Command for the No economists charged that poverty encompassed approximately 5 million Chileans out of a population of about 12.5 million, with 80 percent of the fringe populations of Santiago in the poor and indigent category.

The Command also pointed out that the government would have been unable to impose drastic austerity measures without having destroyed the power of organized labor through brute force and restrictive laws implemented by decree.

Nonetheless, Command criticisms of the government's economic development policies were modulated, placing emphasis on wages and social spending, as well as closer monitoring of foreign investment and privatization. Criticism was harsher on the issue of the utilization of state resources on behalf of Pinochet and the "yes" campaign.

Gen. Pinochet actually began campaigning in early 1987, buttressing promises of economic prosperity with significantly increased public

spending—what one sympathetic Chilean banker described as “intelligent populism.” The Command, in turn, denounced it as the “money-is-no-object campaign.” In particular, the opposition pointed to the 48,000 housing units made available in 1987, with Gen. Pinochet appearing at ground-breaking and ribbon-cutting ceremonies throughout the country.

In June 1988, a visiting International Monetary Fund (IMF) team had difficulty accepting the rapid expansion of the money supply since the beginning of the year—the largest increase in four years—and concurrent increases in public spending. U.S. and European banking centers also expressed concern over possible monetary and financial consequences of heavy public spending associated with the “yes” campaign.

The Command for the No also criticized the mid-June cut in the value-added tax. While raising consumer purchasing power and winning favor for the government, the move was expected to reduce government revenues by an estimated \$530 million through the first half of 1989.

Finally, on September 15, the Command issued a report accusing the government of spending nearly \$10 million in the previous eight months on television, radio and print propaganda. The Command compared that with its own claimed expenditures of \$592,000 over the same period.

3. The human rights environment

Human rights and the campaign

The Command for the No made a tactical decision after its formation not to overstress human rights as a campaign issue, but to focus instead on democratic governance, stability and economic issues like poverty and unemployment. The decision was made in large part

because numerous reliable opinion polls had consistently showed that a majority of Chileans don't consider human rights a major national issue. In one poll asking Chileans to list the country's main problems, only twelve percent cited human rights; the issue ranked far behind unemployment, the economy, delinquency and terrorism. Regarding the Command campaign's careful approach to the issue, Command executive secretary Genaro Arriagada said, "We don't want to rekindle the hatred. We want to raise the issue in ethical terms, not in terms of hate."

In late August, however, all the Command political parties, with the exception of the Christian Democrats (Genaro Arriagada is a Christian Democrat), formally committed themselves against any "impunity" for the regime for its human rights violations in the event of future negotiations with the government. The commitment was praised by Chilean human rights organizations. But some opposition observers expressed concern that it could fuel the fears of the armed forces and reinforce a bunker mentality within the junta in the event of a "no" victory.

The two main human rights organizations in Chile are the Catholic church's *Vicaria de la Solidaridad* and the independent Chilean Commission on Human Rights. Both are greatly respected, domestically and internationally. Both expressed dismay during the campaign about the lack of popular concern over human rights. They cited as reasons: the regime's care in crafting legal mechanisms to justify its actions; a change in government tactics in recent years from widespread to selective repression, thereby maintaining a "climate of fear" that discourages open discussion; and the opposition's decision not to attack the issue frontally.

Both the *Vicaria* and the Chilean Commission agree that since 1985, while the number of mass arrests has decreased, there was a steady rise in kidnappings, death threats, and other forms of in-

intimidation. The Chilean Commission reported that death threats averaged 35 per month in 1985, 79 per month in 1986, and 95 per month in 1987. In August, Amnesty International reported that death threats during the first six months of 1988 had increased over 1987.

Amnesty also reported that 128 people had been assaulted or kidnapped in the first six months of 1988, along with hundreds more who had received death threats. The investigation concluded that attacks on opponents of the government—political, labor and community group leaders; human rights activists; bishops and clergy; lawyers and court officials—by clandestine groups linked to state security forces had become a significant form of political repression and had increased with the approach of the plebiscite.

The government attributes both threats and attacks to common criminals or “independent” extremists. Amnesty International concluded that “...evidence which has emerged through the courts, the groups’ methods, the impunity with which they operate and their vast resources, all clearly point to a link with government forces and official condonement of their actions.”

The release of the Amnesty International report aided the efforts of the two Chilean human rights organizations to bring the issue to the fore. Its release coincided with a Chilean Commission report marking a general deterioration in the situation in the first half of 1988—1,786 violations of basic human rights including twenty cases of torture and 180 cases of cruel and inhuman treatment. The two reports caused the Command for the No to pay greater attention to the issue, in particular because the exposed violations appeared to be directly linked to government-sponsored supporters of the “yes” campaign.

Political rights, civil liberties, and press freedom

On 27 August, a week before the start of the official campaign period,

all states of exception were lifted. Since the coup of 11 September 1973, either a state of "siege," "emergency" or "disturbance to the internal peace" had always been in effect. In August, the states of "emergency" and "disturbance" had been in effect. Therefore, for the first time in fifteen years, Chileans were not legally subject to arbitrary arrest or exile, and regained the right to gather freely in the streets. However, they were still subject to a web of laws that remained on the books, imposed over the years by the regime to intimidate those that would oppose it, and to inhibit political and civil activity generally. "Legalized intimidation" is how Chilean human rights lawyers describe the wide-reaching power retained by the executive.

A state of siege was declared on the day of the coup in 1973. In the late 1970s it was exchanged for the somewhat milder state of emergency. A state of siege was reimposed again in 1984 during the largest outbreak of mass protest since the coup, and in 1986 after the attempted assassination of Gen. Pinochet by the Manuel Rodriguez Patriotic Front.

The removal of the state of disturbance to the internal peace meant that public meetings would be allowed during the campaign, although organizers were required to notify and receive sanction from the regional government, or *intendencia*. All regional governments are headed by army generals appointed by Gen. Pinochet.

The end of the state of emergency removed the president's special powers under Article 24 of the constitution to detain any citizen without charge for up to twenty days in places other than prisons, and to send into internal or external exile. The government would now have to bring charges against detainees in less than twenty-four hours. Also, with the lifting of the state of emergency the *Carabineros* (national police) were no longer under the command of the army.

But the lifting of the states of exception did not effect a battery of other government legislation limiting political rights and civil liberties. For example, an extensive series of provisions limiting dissent were written into the 1980 constitution and still applied. Also, a key law used to imprison journalists—a measure that makes illegal certain forms of criticism of the armed forces—remained in effect.

These laws are part of an entire network of constitutional provisions and decreed legislation broadly restricting rights and liberties. A complete examination of all such laws is provided in the 1985 report by the Inter-American Commission on Human Rights of the Organization of American States (IACHR/OAS). However, because of the passage of Law No. 18.662 in October 1987, and because of the key role of the press and media in any electoral process, it is necessary to address in some detail the situation of journalists prior to the plebiscite.

There are currently about three dozen legal strictures regulating the press, radio, television and other communications outlets. The major body of these is contained in the constitution. However, numerous separate laws have been passed during military rule, while others that existed before the coup have been made more rigid.

The penalties under the preexisting Abuse of Publicity Law, for example, were made more severe. The Military Code of Justice, wherein the former crime of “offenses against the Armed Forces as an institution” has been expanded to include “offenses against members of the Armed Forces as individuals.” The penalty of a commutable 60-day prison term with fine was increased to a noncommutable ten-year term. Journalists are also subject to lengthy prison terms under the State Security Law and the Anti-protest Law.

The overall pattern in this decade has been for the government to allow more independent print media and radio outlets, while simultaneously strengthening the laws that target individuals engaged

in the profession. At the time of the plebiscite there were at least thirty Chilean journalists serving sentences and charged with various offenses. In addition, the Chilean Press Association, journalist unions, and individual newspapers and radio stations were reporting an increase in death threats, harassment by clandestine groups linked to state security forces, and other forms of intimidation including physical attacks against journalists and media offices.

The implementation of Law No. 18.662, in turn, provides an instructive example of how "legalized intimidation" functions. This law was enacted for the purpose of regulating the application of Article 8 of the constitution. Article 8 prohibits any action by persons or groups that is intended to propagate doctrines that endanger the family, incite to violence or promote a concept of society, the state or the legal system that is totalitarian in nature or based on the notion of class struggle. It declares unconstitutional all organizations, movements and political parties that work toward such objectives, and imposes political and civil sanctions on those who engage, or who have engaged, in the above activities. These sanctions include a temporary absolute prohibition—for a ten-year period—against exercising the profession of journalism or acting as a director or administrator for any communications outlet.

In general, and with respect to the applications to journalists, Law No. 18.662 revokes the right to hold political opinions if a person has been sanctioned for "unconstitutional" behavior. Moreover, it penalizes those who, using any communications outlet, act as apologists, disseminate propaganda, public slogans, express opinions or impart information concerning organizations that have been declared unconstitutional or concerning the representatives of such organizations.

Law No. 18.662 was used in July 1988 for the first time to charge opposition journalists for reporting the Communist party's June 15

announcement that it would support the "no" vote, and utilize "all forms of struggle" if the government either won the plebiscite, or refused to give up power immediately after a "no" victory. It should be noted that progovernment publications that reported the same announcement were not charged. In the progovernment media, in fact, the story was given prominent play.

While television journalism is subject to the same network of regulations, charges are rarely made because all four channels in Chile are either owned or controlled by the government. The Command for the No, the Catholic church, and international observers emphasized throughout the first half of 1988 that equal access to television was essential for a fair plebiscite. Television is regarded as the most influential form of mass communication in Chile because it reaches a far greater audience than radio or the print media.

In August the government amended the Electoral Law to guarantee both the "yes" and "no" campaigns access to television during the official campaign period for fifteen minutes daily without charge. During the week the half-hour period was between 10:45 and 11:15 P.M., and on weekends between 11:30 P.M. and midnight. The law provided that no other "electoral propaganda" would be allowed on television, although political parties could advertise in newspapers, periodicals and on radio.

The amendment, however, did not redress the imbalance resulting from the overwhelming progovernment television news coverage and programming. A March 1988 assessment of the criteria for an honest and open plebiscite by the Catholic bishops conference found that the ratio of news coverage of government to opposition activities was more than 40 to 1. Further, during the official campaign period, the government appeared to be in breach of the Electoral Law regarding electoral propaganda as those stations operated by the state aired

Gen. Pinochet's speeches in their entirety in prime time and apart from regular news coverage.

The amended article also provided that political parties or groups applying for use of the free television time had to register their ads with the National Television Council by means of a certificate expressly issued by the National Electoral Service. The Council comprises two Supreme Court justices, and representatives of the government, state television, and state-operated universities.

On 13 September the Council refused to permit the airing of a tape submitted by the Command for the No that included a criminal courts judge speaking of torture he knew to be committed by members of the National Intelligence Center (CNI). The Command chose to cancel the entire segment and take the case to court. It charged that the Council had the legal right to review material in advance, but only to ensure that technical standards were met.

As related above, public assemblies or demonstrations became legal following the lifting of the states of exception, pending sanction by the appropriate regional government. During the official 27-day campaign period, the Command for the No held numerous mass rallies in the capital and throughout the country. The events were orderly and generally peaceful. Violent incidents, clashes with police, and detentions occurred, but only when militant subgroups of demonstrators left sanctioned demonstration sites to march on downtown areas and government buildings.

On 21 September, the Santiago regional government denied permission to the Command for the No to hold a campaign-closing rally in O'Higgins Park near the center of the city. The park, because of its vastness and location, is the traditional demonstration site in the city. The official reason was to avoid damage to the park. Throughout the campaign period, however, the government granted permission to hold demonstrations only at nontraditional sites on the periphery

of the city. Only the "yes" campaign was allowed access to the principle plazas, parks and avenues of urban areas.

Regarding the issue of forced exile: On 1 September the government announced the names of 339 people who would be able to return to Chile. The action applied only to those exiled by executive decision under the states of exception. The government further stated that 169 people were still excluded from returning as they had been convicted by courts of national security crimes and sentenced to "banishment" for a set period.

Thousands of people were initially exiled under the regime's emergency powers, but beginning in 1983 most were allowed to return after they applied. Although the number of people officially exiled was thought to have reached a maximum of six to seven thousand, thousands more left the country for political reasons. The two categories of people, including their families, are estimated to have totaled around 200,000.

The names of the 339 allowed to return after 1 September included the socialist and Communist party figures and family members closest to former President Salvador Allende. Prominent returnees during the campaign period were Allende's widow, Hortensia Bussi, and Communist party politburo member Volodia Teitelboim. Despite receiving permission to return, Communist party secretary general Luis Corvalan chose to remain in Moscow.

One final but significant note that comes under the heading of "legalized intimidation." In 1988, the government brought suit against the *Vicaria de la Solidaridad*, demanding that it open its archives. The government is using the criminal code to make its claim, charging that the *Vicaria* has taken testimony from individuals accused of criminal activity, and that the testimony taken must be handed over to the criminal court system. The *Vicaria* charges that the case has been brought against it in order to destroy its credibility; without

guarantees of secrecy, no victim of human rights abuses would testify. While the government does not completely control the judiciary, its ability to exert powerful influence is proven. The outcome of this case, ongoing for months, will decidedly effect the human rights environment in the coming year.

Trade union rights

The *Central Unitaria de Trabajadores* (CUT) (United Workers Central) was dissolved in 1973 in the wake of the military coup. In 1973, 27 percent of the labor force was organized. Today only 9.6 percent is organized, and of that, somewhere over half are represented in the CUT that was reorganized in August 1988. The more moderate and smaller *Central Democratica de Trabajadores* (CDT) chose to remain independent of the CUT. The CUT's status, however, like the CDT's, remains illegal because of standing government dispositions against forming "multi-gremiales," or federated entities. Of the 9.6 percent of workers who are organized, only a little more than 10 percent have collective contracts.

At the CUT convention held 22 August, 1000 delegates determined the composition of the new national directorate: 16 members affiliated with the Christian Democratic party with 37 percent of the delegates; 12 Communist-affiliated members with 27 percent of the delegates; 8 members affiliated with the Almeyda Socialist party faction with 19 percent; and 7 members affiliated with the Nunez Socialist party faction with 17 percent. Manuel Bustos, affiliated with the Christian Democratic party, was elected CUT president.

The current labor code allows the right to strike, but it also allows employers to fire strikers after sixty days. Strikes are prohibited in industries designated "strategic state enterprises." The law allows for authorized labor demonstrations; the armed forces retain final determination on authorizing requests.

Under the Political Parties Law of 1987, trade union officers may not also be members of a political party.

The AFL-CIO has repeatedly called for the withholding of all aid to Chile, and for U.S. government opposition to loans by international organizations. In addition, the AFL-CIO lobbied for the suspension, in 1987, of GSP trade privileges for Chile.

At the end of August, CUT president Bustos and another ranking CUT leader, Antonio Martinez, had sentences of 541 days of internal exile confirmed by the Supreme Court. The convictions stemmed from charges, lodged by the interior ministry, of calling an illegal strike in 1987. In mid-September, on the day Bustos and Martinez presented themselves to begin serving the sentence, supporters marching outside the Supreme Court, including representatives of the AFL-CIO, were attacked by police with tear gas, water cannons and riot sticks.

4. The role of the Catholic church

The Chilean Catholic church is the most esteemed social institution in this predominantly Catholic country. Its authority and influence may be unmatched, and were clearly reinforced by the 1987 visit of Pope John Paul II. It has been a staunch advocate for human rights since the first days after the coup, a strong supporter of a return to full democracy, and a unifying influence on the fractious democratic opposition. It is therefore not surprising that the church has been the target of criticism by both Gen. Pinochet and the Communist party.

Following the banning of political parties after the 1973 coup, the bishops promoted various social organizations and educational projects that became in effect surrogate forums for political expression. The church also sponsored the creation of the revered human rights organization, *Vicaria de la Solidaridad*. In 1983, the aging

Cardinal Raul Silva stepped aside in favor of Archbishop Francisco Fresno as head of the conference of bishops. Fresno had been less critical of the 1973 coup than Silva, but Gen. Pinochet's hope that under Fresno's leadership the church would be less critical of his regime, and more critical of the Christian base communities set up by followers of liberation theology, was short-lived; Fresno condemned the 1984 state of siege and led the bishops in formally calling for a return to democracy. Fresno's position was endorsed by the Vatican in 1985 when he was made cardinal. That year the bishops were instrumental in forging the "National Accord on Transition to Full Democracy" signed by eleven democratic opposition parties.

In 1987-88 the church played a key role in the formation of the Command for the No. It also put its institutional weight and national structure behind the successful voter registration drive. And in March, the conference of bishops issued a statement on the "Criteria for an Open and Honest Plebiscite," a detailed document that in effect supported the demands of the Command for the No regarding the political rights and civil liberties necessary for a free and fair campaign.

In August, prior to the nomination of Gen. Pinochet as the government candidate, the church expressed concern that because of the nature of the plebiscite "Chile is polarizing and radicalizing against the majority will of its people who want peace." It called for an accord between the government and the opposition, and the selection of a "consensus" candidate "that inspires the respect and confidence of the great majority." Gen. Pinochet rejected the proposal.

During the campaign in September, at a mass commemorating the Day of Independence and attended by Gen. Pinochet, Cardinal Fresno criticized the government's continued intolerance of dissent, stating: "When we Chileans have felt ourselves to be the absolute

owners of the truth, the result has been sectarianism, exclusion and vengeance." He called on the supporters of both campaigns to avoid violence and respect honestly the outcome of the plebiscite.

A week before the vote, the conference of bishops joined Chilean human rights groups in denouncing a wave of robberies of the citizen identity cards required to vote, and the confiscation of cards by police from individuals detained during opposition demonstrations.

Finally, but most significantly in the long run, the church will continue to provide the only unofficial channel for communication between the democratic opposition and the armed forces. If negotiations or prenegotiation talks are initiated following the "no" victory, the church is the only institution in the country that could play the role of mediator.

approximately U.S. \$85.00) if their failure to vote is not justifiable. In the past, penalties were rarely imposed. Registration is free. The new national identity cards, or *carnets*, cost approximately 500 pesos or U.S. \$2.00 (In 1988 the minimum wage was approximately U.S. \$48.00 per month).

The law allowed for registration to continue up until the publication of the date of the plebiscite; registration therefore closed at the end of August. The process was supervised by the National Electoral Service (SEN) whose director, Juan Ignacio Garcia, was appointed by Gen. Pinochet. Garcia, in turn, was empowered to appoint the members of the three-member local electoral boards (70 nationwide) responsible for running the actual voting process.

By the end of the registration process, more than 90 percent of the eligible electorate was registered—over 7.4 million people out of the approximately 8 million Chileans eighteen and over. (Chile has a total population of approximately 12.5 million.)

The Command for the No had calculated that at least 6 million would have to be registered in order for the "no" vote to be able to win. The government seemed to be aiming at a similar figure.

III. THE PLEBISCITE

1. Electoral process laws

Electoral registration law

The Electoral Registration Law was enacted in October 1986. To be eligible, a person must be over eighteen; must be a Chilean citizen or an alien who has resided in the country for at least five years; must possess a valid new national identity card; and must not have committed a felony or transgressed Article 8 of the constitution that bans Marxist activity. Under the 1980 constitution, all citizens are required to vote; those who do not are subject to a fine of up to 21,500 pesos (approximately U.S. \$85.00) if their failure to vote is not justifiable. In the past, penalties were rarely imposed. Registration is free. The new national identity cards, or *carnets*, cost approximately 500 pesos or U.S. \$2.00 (In 1988 the minimum wage was approximately U.S. \$48.00 per month).

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It also declares unconstitutional "organizations and political movements or parties which, due to their purposes or the nature of the activities of their members, tend toward such objectives."

As of September 1988, two political parties had been declared unconstitutional—the Communist party (PCCh) and the Almeyda faction of the Socialist party (PSCh-Almeyda)—and were therefore barred from applying for legalization. The PSCh-Almeyda in 1987 distanced itself from the PCCh's use of violent tactics, and therefore became eligible for membership in the Command for the No. It nonetheless remained banned.

Political parties not banned by Article 8 must nevertheless satisfy a lengthy series of restrictive and time-limited requirements to become legally constituted throughout the country. Parties must, within 210 days of application, register 33,500 citizens who, in turn, must first be registered to vote. Parties must also formally commit themselves to defending national security; provide its internal party statutes to the National Electoral Service which can accept or reject them; and agree that if any party member is elected to national office, he or she will be exempt from following party orders.

By September 1988, six parties had succeeded in attaining national registration—the Christian Democratic party, the Party for Democracy, the Humanist party, the Radical party, the National Renovation party, and the National Advance party. The first four were members of the Command for the No.

For those parties unable to sign up 33,500 registered voters, the law allows for legal constitution in one or more of Chile's thirteen political regions, pending the required number of signatures per region and compliance with all other aspects of the law. This allowed smaller parties to become legalized in regions where their primary support existed. By September, three parties had become legalized on a regional level—the National party, the Democratic Radical party, and

the Social Democratic party. The last was a member of the Command for the No.

The Electoral Law states that only those parties that have completed the registration process four months prior to an election are entitled to have observers monitoring the vote and the vote count. Those parties included the Christian Democratic party, the Party for Democracy, the Humanist party, the National Advance party and the National Renovation party. The law also allows the government candidate in the plebiscite the right to have observers monitoring the process.

On 12 September, the Humanist party's registration was revoked by the National Electoral Service for failure to report an internal party reorganization.

Electoral law

The Electoral Law was enacted in May 1988. It regulates the acts preparatory to an election or plebiscite, including the dissemination of electoral propaganda; the conduct of the voting; the scrutiny of the votes at the local, regional and national levels; and the sanctions and judicial procedures applicable to violations of the regulations therein. The specific procedures prescribed for the conduct of the voting, and the scrutiny and counting of ballots, are related later in this report under "The Voting Process."

In August, amendments to the law were approved following a review by the Constitutional Tribunal. One of the key amendments guaranteed supporters of both campaigns access to television during the official campaign period for fifteen minutes daily without charge. Both campaigns were required to register with the National Television Council by means of a certificate expressly issued by the Electoral Service. The Council, made up of two Supreme Court justices and representatives from the government and state-run universities,

was mandated to reject material deemed "libelous propaganda" under the Publicity Abuse Law, the State Security Law, and the permanent norms of the Council. For further explication of this amendment to the electoral law, see the earlier section in this report, "Political Rights, Civil Liberties, and Press Freedom."

2. The campaign and the "war of the polls"

On 5 September, following the 25 August lifting of the states of exception, and the 30 August nomination of Gen. Pinochet, the official campaign period began. Unofficial campaigning had nonetheless been intense since before the beginning of the year, and a review of the dozens of opinion polls being taken every month showed the "no" vote with a very slight edge at the beginning of September. By the end of the official campaign period on 1 October, however, a significant shift in favor of the "no" had taken place. The shift was most evident in the results of the most reputable polls, and the difference in size of mass rallies sponsored by each side, traditionally a key indicator in Chilean politics. The shift was attributable to the skillful use by the Command for the No of the limited but unprecedented political space allotted for its campaign.

In August, the Christian Democratic party averaged the results of a large number of polls, only one of which was conducted by an enterprise considered progovernment. The review showed public opinion roughly divided into thirds—34.2 percent "no," 31.1 percent "yes," and 34.7 undecided. While the individual polls reviewed showed widely divergent results, all agreed on a high percentage of undecideds.

In the longer range, 1988 saw the leveling off of an increase in support for the government that began in 1985. At the close of four years of severe economic decline (1981-85), opinion polls carried

out in Santiago showed that not more than 15 percent supported the government. Approximately 80 percent expressed a desire for a return to democracy before 1989, the end of Gen. Pinochet's constitutional term. In January 1988, however, three of the most carefully conducted polls taken in Chile since the coup were released, including a national poll by the Center for the Study of Contemporary Reality (CERC), one of the most reputable polling outfits in the country. The most significant result was the sharp reduction in anti-government feeling. The CERC poll showed 40 percent expressing a "no" opinion, 31 percent expressing a "yes" opinion, with the rest undecided or unwilling to say.

Analysis of the January poll results showed that the main reason for the increase in government support was the upswing in the economy in the previous two years. Other factors included the government's expensive public relations campaign and more populist spending, both begun in 1987; fear of escalating left-wing violence; and the black-and-white nature of the approaching plebiscite.

A chart of the national polls conducted monthly by the CERC in 1988 revealed ups and downs for both sides in the eight months following the January polls. Nonetheless, the August CERC results turned out to be nearly identical to those of January. The August poll showed 40.6 percent "no," and 30.8 percent "yes," and the rest, nearly a third, undecided or unwilling to answer.

Both the government and the Command for the No claimed they would win over the "undecideds" and therefore win the plebiscite. The Command claimed that most "undecideds" were actually "no" supporters who refused to express their preference out of fear of government intimidation or recrimination. There appeared to be a concrete basis for the claim as the monthly CERC polls had been consistently showing that nearly a third of those polled believed that "in some way" the vote would not be secret.

A review of all polling results issued prior to the official campaign period revealed other clear trends beyond the large number of "undecideds." The "no" was running consistently higher in urban areas, particularly in metropolitan Santiago where approximately 40 percent of all registered voters reside, with the "yes" support stronger in the provinces, among the upper social classes, and among women. The other two major urban centers are Valparaiso-Vina del Mar representing about 10 percent of the electorate, and Concepcion-Talcahuano representing about 13 percent.

At the beginning of September the Command for the No was publicly claiming that its urban support was so strong, it would take a "yes" vote of 75 percent in the smaller cities and the countryside to overcome it. For its part, the government was leaning on polls conducted by Gallup-Chile and the government-run University of Chile which showed the "yes" winning by 8-10 percentage points. Gallup-Chile had been consistently showing a winning "yes" percentage since January and was a mainstay of the government's public relations campaign. But a closer examination shows that Gallup-Chile results were based on misleading samples of opinion. For example, women over thirty, one of the most strongly pro-Pinochet social subgroups in the country, were consistently over-represented, while urban populations were under-represented.

At the outset of the official campaign, both the Command for the No and the government were triumphantly predicting victories of at least 10 percentage points. (Most analysts and observers considered a 10-point margin necessary for a decisive victory.) But the key to the dramatic shift in favor of the "no" in September was the differing perception, or misperception, of political reality by each side. The sophisticated Command campaign was designed to address the reality of what it actually knew to be a tight race. The government, however, appeared to believe the misleading results of the polls it

had expressly commissioned, and ran a lackluster, stand-pat campaign by comparison.

The government campaign was based until the end on 1) promoting the fear that a "no" victory would spell the return of the upheaval of the Allende years, 2) the promise of economic prosperity, and 3) old-fashioned populism buttressed by a surge in public spending. The nightly television spots produced by the "yes" campaign, for example, tended toward crudely produced collages mixing old footage from 1970-73 with shots of Gen. Pinochet ribbon-cutting at new public housing projects.

The "yes" campaign also used government control of television to saturate news and prime time programming with Gen. Pinochet's daily promises. CERC calculated that he made in 1988 5,249 campaign promises, over 90 percent of them regarding the provision of housing. Typical of the government's fear campaign was the poster depicting the Command's rainbow symbol as an "emblem of homosexuals" who would bring AIDS to Chile, and junta member Adm. Merino stating, "The nation must choose between good and evil, between God and Satan."

But while order and economic prosperity are key concerns of a majority of Chileans, the government failed to recognize that after eighteen months of intense campaigning on these issues, and with the opposition at a severe disadvantage, going into September the race was at best even. Apparently believing only the polls that it wanted to believe, the government campaign made no adjustments in September.

The Command for the No, however, devised a fresh campaign that 1) counteracted the fear element by wrapping the promise of democracy in an upbeat theme of "Alegría," or joy, and 2) specifically targeted the "undecideds" and the soft areas of "yes" support revealed through a careful reading of reputable polls. The "Alegría"

theme was particularly effective in the smoothly produced television spots which stressed national reconciliation, and were in stark contrast to the hate-infested government spots. More than one study had shown that revenge and exclusion were not part of the majority's political vocabulary.

Polls had shown that nearly a third of the electorate believed that somehow the vote would not be secret—the same percentage of those claiming to be undecided. The Command for the No therefore launched a nationwide people-to-people effort to explain that the electoral system *did* provide for a secret ballot, and that any attempts at fraud or intimidation would be exposed by the Command's national poll-monitoring system.

Realizing that its support in urban areas was strong, the Command felt secure in spending significant resources in provincial regions of the country. The "yes" was known to be strong there, but polls showed that people knew little about the Command for the No except for what the government was telling them, all of it bad. The Command therefore took its "Alegria" campaign on the road, sending top leaders and columns of supporters into regions where democratic political activity hadn't been seen since the coup.

Near the end of September, the dramatic shift in favor of the "no" was evident in the polls, the size of the Command for the No mass rallies, the flop of the "yes" campaign's only attempt at a mass gathering, and the private admission among clear-sighted "yes" supporters that the "no" was suddenly winning.

The polls also showed that the government received a small boost after Communist party leader Volodia Teitelboim returned from exile in mid-September and promptly called for the installation of "a provisional government" after a "no" victory. The Command for the No condemned the Communist position, but from that point on Teitelboim became the focus of the government's fear campaign and

virtually shared top billing with Gen. Pinochet in the "yes" campaign propaganda. But while there was a slight rise in "yes" support in the last week of the campaign, polls showed in the days before the vote that the substantial shift in favor of the "no" had been unaffected.

3. The vote

International observers

In a diplomatic note sent in May 1988 by the Chilean foreign ministry to all foreign diplomats based in Chile, the government indicated that it would "not recognize for any foreign citizen the attributes of 'inspector,' 'comptroller,' or 'examining observer.'" The note did state that "foreign citizens may witness the development of the election acts in which voters recognized by the political constitution and legislation are participating."

Government officials later made clear that foreign citizens would be able to enter Chile on tourist visas, and would be able to go wherever and talk with whomever they wanted. The Chilean interior ministry, in its "Instructions for the Maintenance of Public Order" published 7 September, provided the following guidelines relevant to foreign observers and journalists: "Foreign journalists...have the same rights as Chilean journalists. Foreigners passing through the country may visit the polling places, except when the electoral authorities find that their presence interferes with the normal carrying out of the voting..."

The Chilean foreign ministry, in a diplomatic note dated August 31, noted that "citizens of foreign countries who are present in the country...must not intervene in internal Chilean politics." Embassies in Santiago were subsequently informed by the government that observers would be free to witness the voting, as would any member of the general public, from a distance of not less than twenty meters

from the voting tables inside the polling places. Twenty meters was the same distance to be maintained by police and armed forces members assigned to polling place security.

By the day of the vote, approximately 1000 international observers from nearly every continent, including government delegations and representatives of public and private organizations, were in the country. With very few exceptions, and despite a hostile statement a few days before the vote by the Chilean foreign minister who criticized "foreign interference" in the electoral process, international observers were able to travel around the country freely, conduct meetings with whomever they wanted, and freely monitor both the voting and the counting process inside the polling places.

Political subdivisions of the Chilean state

Chile is divided into thirteen regions—twelve numbered, and the Santiago Metropolitan Region. Each region is subdivided into provinces. Provinces are subdivided into *comunas*.

Each *comuna* has an *alcalde* (or mayor) and a municipal government, so that *comuna* is often translated as city or municipality; but because of their size, an equally accurate translation would be counties.

The *comunas*, 338 total, are grouped into 52 provinces within the 13 regions. The provinces are administered by governors. Each category of official—intendant, governor and mayor—is appointed by the president or the interior minister. There are no city or provincial councils, although some mayors and intendants have recently appointed advisory councils.

The city of Santiago, strictly speaking, is the *comuna* of Santiago which occupies only a small part of the Santiago Metropolitan Region. The mayor of Santiago has no authority over the other *comunas* in the region, each of which has its own mayor.

The voting process

Following the enacting of the Registration Law in late 1986, at least one voter registration site was opened in each *comuna*. Those *comunas* with denser population had more than one site. For the 338 *comunas* nationwide there were over 500 registration sites.

Men and women were carried on separate electoral registers. The first 350 male voters to be registered constituted the first men's *mesa* (or table); the first 350 women registered constituted the first women's *mesa*; the next 350 constituted the second table, and so on. With a little over 7.4 million registered voters by the end of the registration process, it was announced that there would be 22,248 *mesas* nationwide.

One record of the inscriptions was kept permanently at the local election board and the other at the headquarters of the National Election Service (SEN). The SEN transferred the manual inscriptions on the computer rolls to printouts which were available to the public.

On the day of the vote, men's and women's *mesas* were located in separate men's and women's polling places. Approximately 1,200 polling places nationwide were selected by seventy electoral boards appointed by the SEN. The three-member electoral boards ran the actual voting. Each electoral board was composed of the district attorney or public defender, notary public and registrar of deeds. The independent Electoral Tribunal, the supreme electoral authority, would rule on any challenges and objections made on voting procedures and vote counting. The five-member tribunal was composed of Supreme Court justices and an independent attorney, all elected by the Supreme Court.

As in the U.S., the most common polling places were schools and municipal buildings. In densely populated *comunas*, polling places housed as many as thirty-five *mesas*. Each *mesa* was run by five *vocales* (or polling officials) selected by the electoral boards from

the list of registered voters at each *mesa*. In accordance with the Electoral Law, the electoral boards notified the general public in newspaper and radio advertisements of the names of the *vocales*, the polling places, and numbered voting *mesas* nineteen days before the vote. The *mesa* numbers corresponded to those numbers assigned to voters registration cards, so citizens would know where to vote.

Each *mesa* was equipped with two secret voting chambers and registry books. The voting took place for nine hours after the *vocales* declared the voting ready to begin. But if voters were still standing in line at the end of nine hours, polls were allowed to stay open as late as 12 midnight.

Each polling place had an election *delegado*, generally a notary public, designated by the local election board. The *delegado* assisted voters in finding their assigned *mesa*, dispensed the electoral materials, and delivered the minutes with the vote tabulation to the electoral boards and the regional scrutiny boards upon completion of the count.

After a preparatory meeting days in advance of the vote, the *vocales* were scheduled to meet at 7:30 A.M. at the polling place on the day of the plebiscite to elect from among themselves a president, a secretary and a deputy. After receiving the necessary materials from the *delegado* and recording the relevant information, the president prepared the ballots, placed the urn on the table, checked the secret ballot chambers, removed any political propaganda from the chamber or in the vicinity of the *mesa*, and declared the *mesa* open.

During the balloting each voter presented his/her identity card to the *vocales* at the *mesa* and was required to either place a signature or a fingerprint on the line corresponding to his/her name in the registry book. The president of the *mesa* noted the number attached to the ballot next to the voter's name. The secretary handed the

SAMPLE BALLOT

BLANK BALLOT:

INGOMADO	
CUARTO DÍGITO	000 000 000
AUGUSTO PINOCHET UGARTE	
TERCER DÍGITO	SI NO
PRIMER DÍGITO	000 000 000

BALLOT MARKED "SI:"

INGOMADO	
CUARTO DÍGITO	000 000 000
AUGUSTO PINOCHET UGARTE	
TERCER DÍGITO	SI NO
PRIMER DÍGITO	000 000 000

BALLOT MARKED "NO:"

INGOMADO	
CUARTO DÍGITO	000 000 000
AUGUSTO PINOCHET UGARTE	
TERCER DÍGITO	SI NO
PRIMER DÍGITO	000 000 000

Improper marking of the ballot is any deviation from a single centered vertical line.

folded ballot to the voter who proceeded unaccompanied to the secret voting booth. After marking the ballot, the voter folded it, sealed it like an envelope, and returned it to the president who detached the number. The voter then deposited the ballot in the urn. Once the ballot was deposited, the voter marked his/her thumb with indelible ink and the identity card was returned.

Anticipating voter inexperience and doubts about the secrecy of the vote, the Catholic church, nonpartisan civic education groups, and the Command for the No mounted campaigns to educate voters about the process. Facsimiles of the actual ballot were made readily available in these campaigns, and reproduced in the print media. Older voters found that the construction of the ballot, and the manner in which it was to be folded, was virtually identical to the ballots used in the national elections held between 1958 and 1970. Part of the education process was to show voters that after they had marked, folded and sealed the ballot, and after the *mesa* president had detached the registration number, there was no way the voter could be identified with his/her ballot.

In order to mark his/her ballot, the voter had to draw a vertical line that intersected with the horizontal line printed beneath either the word "Si" or the word "No." Any divergence did not void the ballot, as long as the voter's intention was clear; it was counted but kept separate from other ballots. If objections were made by any representative of a political party monitoring the count, such ballots were subject to review by the Electoral Tribunal for final determination. Void and blank ballots which were not challenged were set aside in separate envelopes, and recorded as either "Nulo" (void) or "Blanco" (blank) with no effect on the election.

After nine hours, and if no voters were still waiting, the *vocales* at each *mesa* began counting the votes. They drew up the results in triplicate, sending a copy to the SEN, to the regional scrutiny

boards, and to the local election boards along with registration books and ballots.

The day after the vote, the regional scrutinizing boards convened to record the regional vote and examine the minutes for each *mesa* for any irregularities. The SEN was then to tabulate the "official" national results beginning six days after plebiscite day. Finally, the Electoral Tribunal was to receive the final results, process disputes and adjudicate any objections. Its decisions, which are unappealable, were to be made within a 45-day review period.

On the day of the vote, the interior ministry monitored the vote count through the offices of the provincial governors and the regional intendants, and maintained two election press centers in Santiago through which to periodically publicize unofficial results.

Vote monitoring & the parallel count of the Command for the No

By virtue of the Electoral Law, each nationally registered political party, if registered four months prior to the vote, was allowed to have one *apoderado* (or observer) at each *mesa*. The government candidate (Gen. Pinochet) was also able to have an *apoderado* at each *mesa*. *Apoderados* did not have to be actual members of a party as long as they were properly accredited by a party to perform the function. They had to register their credentials at the *mesas* by 10:00 A.M. on the morning of the vote, although they were allowed to be present from the arrival of the *vocales* at 7:30 A.M. until the completion of the counting process. They were allowed to sit or stand right alongside the *vocales*; inspect the voting booths when voters were not in them; and enter objections over perceived irregularities in either the voting or the counting process.

The Command for the No had three political parties—the Party for Democracy, the Christian Democratic party, and Humanist party

—eligible to have *apoderados* at every *mesa* in the country. By all accounts, the Command for the No had at least two *apoderados* at each of the over 22,000 *mesas*. Nationally registered parties supporting the “yes” campaign, the National Renovation and National Advance parties, were also well represented. Most *mesas* were also observed by *apoderados* representing the government candidate.

Utilizing its *apoderados* at every *mesa*, the Command for the No organized a parallel vote counting system. It used two separate methods to relay the results from each *mesa* to a central computer in Santiago. One copy of the results of all the *mesas* at each polling place was transmitted by computer network, and another by fax or messenger, and then entered into the central computer by hand. This was in order to sidestep potential transmission interference by the government or transmission glitch. Fax was felt to represent the least possibility for interference. Fax sites were set up around the country, mostly in homes, and fax reception centers in Santiago. Faxed tabulations were delivered from the reception centers to the Command’s central computer by messenger.

Also, a so-called “quick count” was conducted by the Committee for Free Elections (CEL) on the basis of returns from 10 percent of the polling places. The CEL had volunteers obtaining final vote counts at selected polling places, then telephoning results to Santiago, using pre-arranged codes to prevent infiltration. Like the Command for the No, the CEL tried to keep the location of its computer secret.

Both the Command for the No and the CEL gave good marks to the SEN for cooperating in providing registration information and voter lists.

The Command for the No determined that the only way its parallel count could be impeded was by disallowing access to the media for disseminating results, and/or by cutting telephone and telegraph

lines. As it turned out, the process functioned without interference. And while the progovernment media tended to ignore the partial results being announced by the Command and the CEL, the increasing trend toward a "no" victory was being reported up-to-the-minute by the independent Radio Cooperativa. The station broadcasts nationally, and on the day of the vote had dozens of correspondents relaying results live from around the country.

Assessment of the process and the final result

On 5 October, the voting process got underway on time, or shortly thereafter, throughout the country. After some crowding problems during the morning, the voting and counting process was completed in a generally efficient and orderly manner.

The cause of the crowding and long lines during the first hours was the consolidation of up to three dozen *mesas* inside polling places in densely populated areas. The problem was enhanced by the fact that most Chileans followed instructions by both the Command for the No and the government to vote early.

For the most part, however, despite long waits in lines outside the polling places, voters conducted themselves in an orderly fashion. SEN officials and *delegados* in charge of polling places performed their functions well under the initially congested circumstances. The police and armed forces members assigned to security at the polling places manned their stations in a generally unobtrusive manner, and often constructively assisted officials in coping with the crowding. While the armed forces carried automatic weapons, there were only scattered reports of voter intimidation. By early or mid-afternoon, long lines had significantly diminished without any significant disruption to the overall voting process.

There was also no significant disruption at individual *mesas*. Election materials were for the most part delivered on time and in or-

der by the *delegados*. *Mesas*, as well as the general vicinity of the polling places, were clear of electoral propaganda. *Vocales* generally operated the *mesas* in a diligent and responsible manner. *Apoderados* at the *mesas* had few problems in being able to observe the process at close hand. And in the isolated cases where irregularities occurred, they were able to object effectively. For example, in one *mesa* at a polling place in Santiago, *apoderados* objected that one of the *vocales* was a known agent of the National Intelligence Center (CNI) and therefore ineligible by law to perform the function; upon objection, the individual was removed.

There were also isolated cases of individuals voting with the identity cards of dead people. In other isolated instances, voters requiring assistance because of age or infirmity were aided by public officials; the Electoral Law allows assistance only by family members. Very few cases of such irregularities were reported by either *apoderados*, the media or international observers, and were generally judged to be statistically insignificant.

Throughout the country, the voting process was generally completed within the designated nine hours. There were no reports of people still in line after that time being denied the opportunity to vote.

The counting process began at each *mesa* immediately upon the completion of voting and proceeded in an efficient and orderly manner. The counting was undertaken in a serious and diligent manner by the *vocales*. The task, including the recording of results in triplicate, took two hours on average. There were almost no reports by *apoderados* or other observers of any irregularities in the counting process. In all cases, Command for the No *apoderados* were able to plug the final results at the *mesas* into the the Command's parallel vote counting system.

By evening, the only question was whether the results reported by the interior ministry would agree with the results reported by

the Command for the No. Results reported by the Command, based on a significant percentage of the total vote, showed the "no" heading for a victory by at least ten percentage points. The Command became concerned when the interior ministry reported only scant returns, with the "yes" running marginally ahead.

A few hours after midnight, the junta and selected cabinet members began arriving at the presidential palace for a meeting with Gen. Pinochet. Up to that point, the interior ministry had yet to report any significant returns. However, in a virtual government concession, junta member Gen. Matthei stated to the media outside the palace that he believed the "no" had won.

On the following day, 6 October, interior minister Sergio Fernandez officially conceded, and the ministry issued official results. The results were based on a count of 7,216,391 votes from 22,165 mesas, or 99.62 percent of the total vote.

There were 3,945,865 "no" votes, or 54.68 percent, and 3,106,099 "yes" votes, or 43.04 percent. There were also 93,093 "voided" ballots, and 71,334 "blank" ballots.

The "no" vote margin of victory was therefore 11.64 percentage points. The "no" vote was victorious in eleven of the thirteen regions including the Metropolitan Santiago region. The "yes" vote won only in Regions IX and X in the southern part of the country. These two regions have been traditionally the most conservative in Chile.

A complete official tabulation, subject to review by the Electoral Tribunal, was expected from the SEN within the 45-day period provided by the Electoral Law.

However, while judging the actual voting process to be free and fair, and giving high marks to the government-appointed SEN in this regard, it is necessary to make certain observations about the electoral process in general. Even though the Electoral Law allowed a certain amount of space for the Command for the No during the

official campaign period in September, the government maintained a clear advantage over the opposition, both before and during the official campaign period, through its utilization of state resources, particularly government-controlled television. Further, both official and semi-official intimidation infected the campaign environment and in significant degree hindered public discourse, particularly in the area of the freedom of the independent media.

These and other elements were assessed earlier in this report in the sections on "Human Rights" and the "Economy." Also to be noted are the denunciations, made by the Catholic church and the Command for the No, of incidents of identity cards either being stolen by plain-clothed thugs, or taken illegally from detainees by police and security forces.

Although the Command for the No was able to overcome significant disadvantages, and although its margin of victory appeared to make them irrelevant in this particular plebiscite, they would have loomed large in determining the overall fairness of the process if the "yes" vote had won.

Further, if these problems are not addressed by the government, and if reforms of the process are not made to guarantee a completely free and fair campaign environment, the issue will certainly be relevant, maybe decisive, in determining the fairness of the multi-candidate presidential (and congressional) elections that must be held by 14 December 1989.

Pinocchio's renewed intransigence would provoke its supporters into confrontation, undermine its strategy for a measured approach to the junta, and ultimately threaten to divide the coalition itself. Command spokesman Patricio Aylwin said "[Pinocchio] is abusing the people's patience. He wants to push people into taking to the streets, to create a pretext for unleashing violence and repression." (Associated Press, 25 October 1988.)

IV. POLITICAL TRENDS IN THE AFTERMATH

Following his grudging acceptance of the plebiscite result on national television, Gen. Pinochet took ten days of rest in the countryside. He returned invigorated and defiant. In an address to his top army officers, he scoffed at the idea of constitutional reform and stated that the country's future depended on the unity of the armed forces. Then, in an address to the woman's organization headed by his wife, he stated

We were defeated in a plebiscite, defeated but not vanquished. Don't forget that in world history there was a plebiscite in which the people chose between Christ and Barrabas. The people make mistakes. (Associated Press, 25 October 1988.)

That statement was made three weeks after the plebiscite, and the junta had yet to respond formally to the Command for the No's proposal to negotiate. Stange and Matthei, the two more moderate members, had unofficially said that they would not be adverse to negotiations with the democratic opposition, but that the decision was for the executive branch to make. Adm. Merino, while agreeing with the others that the constitution barred Gen. Pinochet from being a candidate in 1989, disagreed on the issue of negotiations.

The Command, in turn, was increasingly concerned that Gen. Pinochet's renewed intransigence would provoke its supporters into confrontation, undermine its strategy for a measured approach to the junta, and ultimately threaten to divide the coalition itself. Command spokesman Patricio Aylwin said "[Pinochet] is abusing the people's patience...He wants to push people into taking to the streets, to create a pretext for unleashing violence and repression." (Associated Press, 25 October 1988.)

Another Command leader said, "We have held up the promised land and we aren't delivering. We said we'd get rid of Pinochet and that hasn't happened. If we don't deliver facts soon, our constituency will become more extremist. That could be explosive." (*Wall Street Journal*, 14 October 1988.)

Differences within the Command over the approach to the junta had been initially overcome on 14 October when the sixteen parties signed a "Proposal for a National Consensus." They reaffirmed their commitment to joint action under the new banner of the Coalition of Parties for Democracy (*Partidos Concertados por la Democracia*), and agreed to nominate a single presidential candidate for the 1989 elections. The Coalition called for national reconciliation and social tranquility, and amendments to the constitution including 1) reform of the provisions for amending the document, 2) the free election of all members of congress (currently 9 out of 35 senators will be appointed by the government), 3) the removal of Article 8 banning Marxist parties, and 4) the removal of the broad veto powers of the National Security Council and an increase in the number of civilians that sit on it.

But following Gen. Pinochet's defiant return to the arena, rumbles within the coalition grew louder, particularly on the left. At a public meeting in the last week in October, the United Left coalition called for the immediate resignation of Pinochet. The United Left is the eight-party coalition welded together by the Communist party (PCCh) in 1987. Six of the parties, not including the PCCh and the Movement of the Revolutionary Left (MIR), are members of the Coalition for Democracy. At the meeting, the United Workers Central (CUT), headed by Christian Democrat Manuel Bustos and the largest trade union federation in the country, urged the United Left to convoke a general strike if Pinochet did not resign.

The United Left is the latest, and broadest, front organization

established by the PCCh in this decade as part of a two-track policy combining front techniques with guerrilla warfare tactics. The strategy since 1983 has been to reinforce regime intransigence through violence, while incrementally luring frustrated, and theoretically more radicalized, centrist parties into a left-center alliance.

The attempt by the United Left to win backing for its demand from the leadership of the Party for Democracy (PPD), the largest leftist party in the Coalition for Democracy, made evident that the strategy is still in place. The PPD leadership declined, but the situation is complicated by the fact that four of the United Left parties are members of the Coalition for Democracy by virtue of their earlier incorporation into the PPD. The PPD was originally founded as an "electoral instrument" for acquiring the 33,500 signatures needed by a party to be legalized on a national level.

It was difficult to determine, however, how heavily the PCCh would rely on violent tactics after the plebiscite. In the previous twelve months, its insistence on the use of "all forms of struggle," combined with the democratic opposition's formation of a broad coalition around a moderate plebiscite campaign, had politically isolated the PCCh. In fact, the issue of violent tactics had nearly split the party. Older leaders, who believed insurrectionary policies were counter-productive in the circumstances of the plebiscite, appeared to prevail. The PCCh's allied guerrilla organization, the Manuel Rodriguez Patriotic Front (FPMR), did actually split, although both factions eventually agreed to a temporary halt in activities pending the outcome of the plebiscite.

In the past, violent tactics were effective in reinforcing the intransigence of the regime. But after the plebiscite, Gen. Pinochet appeared plenty defiant on his own, and his behavior was already paying off for the PCCh by disrupting the democratic opposition. The PCCh has to decide whether to renew violent provocation, to

risk political isolation in order to give pause to moderate junta members that might otherwise consider deserting the general, or overruling him on the issue of constitutional reform. Constitutional reform leading to a peaceful transition to full democracy is what the PCCh fears the most.

In late October, at least one faction of the FPMR renewed guerrilla attacks and called for Pinochet's immediate resignation in a declaration of "National Patriotic War." The attacks, and the statement echoing the United Left, took place at the time of the United Left's public meeting. However, it could not be determined at the time whether the PCCh had authorized or was supporting the new FPMR initiative.

Meanwhile, there was also significant movement among the political parties of the right. The National Renovation Party (RN), the largest party backing the "yes" campaign, immediately distanced itself from the government after the plebiscite results were known. It stated that it was amenable to negotiations on constitutional reform, and that a new candidate reflecting a broad consensus must be chosen for the the 1989 election. The National Party had split over the question of which side to back in the plebiscite, but both factions were adopting stands similar to the RN.

The surprise came from the Independent Democratic Union (UDI), previously an unconditional supporter of, and participant in, the regime. UDI not only stated there should be a new candidate of the right in 1989, but that it was also open to constitutional reform. Party stalwart Jaime Guzman had been a principle architect of the document in 1980.

Only the National Advance Party (AN), the closest thing to an official Pinochet party, and a smattering of smaller organizations linked to the government, remained unconditionally loyal to the general. These supporters accounted for significantly less than half of the 43 percent backing the "yes" vote won on 5 October.

There was speculation that RN was considering an approach to the Christian Democratic Party about forming a center-right electoral alliance in 1989. One of its leaders had signed the 1985 National Accord initiated by the Christian Democrats (as did the leadership of the National Party). RN had shunned the Command for the No because it included six of the eight United Left parties. But if the Command were to unravel following its reincarnation as the Coalition for Democracy, and the RN and the Christian Democrats were able to agree on a single candidate, the slate would be the favorite to win the presidency in the first round of voting in 1989.

A center-right electoral alliance would also appeal to the moderate members of the junta. Its platform would guarantee significant continuity of current economic policies. And if it won, there would be no government positions filled by leftists, a distinct possibility if a single Coalition for Democracy candidate were to win the presidency. Also, a center-right coalition were to seek negotiations on constitutional reform, the moderate members of the junta would have more political leverage to press Gen. Pinochet on the issue. Finally, such a scenario might be the only one in which Pinochet would consider a graceful exit, if he were ever to consider one.

The Christian Democratic Party, the strongest party in the country, thus sits at the center, currently the leader of a winning center-left coalition that may or may not fall apart, yet not unaware of a possible center-right realignment if it does. The Christian Democrats know they are probably not strong enough to win on the first round in 1989; the question is who they will end up running with.

The problem is that within the party there are two clearly identifiable wings, a right and a left. In a hotly contested internal election in mid-1987, the right wing prevailed. With Patricio Aylwin as the new president, the party went on to be chiefly responsible for the moderate platform and campaign that won the plebiscite. With the

plebiscite over, the two wings of the party must now compete in the determination of a party presidential candidate.

The left wing can be expected to argue for a candidate and platform that will appeal to democratic socialists in order to keep the Coalition for Democracy from splitting. The right wing, however, can be expected to argue for a more moderate position to keep open the possibility of negotiations with the government. Reaching a consensus, both within the party and within the Coalition, will not be easy; consider that it took months for the Command for the No to join forces around a common platform when the only real issue was voting "yes" or "no."

The expected contest within the center will therefore be closely watched by both the parties of the right and the Communist party. In fact, following the plebiscite, Chilean politics seemed to be reverting to the traditional game played by three roughly equal contenders. It is a configuration that Gen. Pinochet understands well. His skills in manipulating the game, playing one contender off another, are proven. His manipulations failed only when the game was reduced to a simple "yes or no" proposition. But the game had become more complex again, and in late October, in the restructuring of his cabinet, he seemed to be trying to take advantage of it.

The key change in the cabinet was the replacement of Sergio Fernandez as interior minister by economist Carlos Caceres. Fernandez, the architect of the losing "yes" campaign, was perceived by the democratic opposition as the major obstacle to negotiations. But while they were pleased to see him go, his leaving was overshadowed by Pinochet's speech at the swearing-in of the new cabinet. For the fourth time in two weeks he stated, "The Constitution will not be changed. This matter is not at issue, nor will it be the subject of transactions."

Pinochet mixed his signals further by also reducing the number

of military officers in the cabinet, replacing them with civilian technocrats, mostly economists. These additions, and especially the appointment of Caceres, a free-market advocate and former finance minister with links to the RN, were well received among the right-wing political parties that had recently distanced themselves from the government. The categorical rejection of constitutional reform mattered less to them than it did to the Christian Democrats and the Coalition for Democracy.

If Pinochet was aiming to increase the centrifugal pressure within the Coalition, and simultaneously create second thoughts on the right about a center-right alliance, he couldn't have done much better all in one stroke. The drawback for Pinochet would be if the Coalition split and the Christian Democrats moved far enough to the right to forge an alliance with the right. The long shot in this Machiavellian handicapping of the general's motives is that he was actually angling to promote a center-right alliance in order to be able to play a thus far mythical, graceful-exit card next year. That scenario may be the preference of the two moderate members of the junta, but the key question is whether there is any pressure on Pinochet from within the army itself. Observers were waiting for clues in the annual army promotions, postings and retirements scheduled for the end of November.

In the coming year, all manner of perceived scenarios will emerge and evaporate as unexpected events take place and the game is played out; Chilean politics remains hyperactive and overheated. What will not change, however, is the desire of the overwhelming Chilean majority for a return to representative democracy and the opportunity to elect some kind of moderate, centrist government. That has been shown by every reputable opinion poll taken in this decade, and was born out further by the plebiscite process. Getting to that point means changes must be made in the present regime and its institu-

tions. If the government continues to believe that its duty is to preserve the regime and push toward the future without any change, the level of tension will rise in 1989, and with it the specter of polarization and violent confrontation. In the end, it will be the play of the political actors, those in uniform and those not, that will determine whether the aspirations of the Chilean majority will be fulfilled.

Frei to the presidency in 1964. When Marxist Salvador Allende won the presidency in 1970, the Nixon administration funneled \$8 million through the Central Intelligence Agency (CIA) to opposition media, labor organizations and political parties.

Washington responded favorably at first to the ruling military junta following the 1973 coup. But the killing of exiled diplomat Orlando Letelier in Washington in 1976 by agents of the Chilean secret police led eventually, under the Carter administration, to a sharp reduction in relations, a breaking of military ties, and a ban on key U.S. investment and loan programs.

Relations improved after the arrival of the Reagan administration. Many of Carter's policies were reversed, though arms sales, cut off in 1979, were not restored. The Reagan administration explored lifting the ban against military sales, but Congress rejected the idea because of continued human rights violations by the Pinochet regime.

Initially, Reagan administration strategy was to influence the regime toward a transition to democracy by gentle persuasion, or so-called quiet diplomacy. However, after four years of diplomacy, Gen. Pinochet had actually become more intransigent, and the country ever more polarized. Secondly, the brutality and gross human rights violations displayed by the the armed forces during the 1984 state of siege had underscored the regime's status as an international pariah. Finally, within the Reagan administration there was an emerging sense that authoritarian governments provide more an opportunity than a barrier to radical left designs.

V. U.S. POLICY

Washington first took a clear interest in Chile in the early 1960s when the Kennedy administration saw in the country a potential model for its Alliance for Progress program. Through the Alliance, Washington helped fund the rise of Christian Democratic leader Eduardo Frei to the presidency in 1964. When Marxist Salvador Allende won the presidency in 1970, the Nixon administration funneled \$8 million through the Central Intelligence Agency (CIA) to opposition media, labor organizations and political parties.

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The emergence of a unified democratic opposition in 1985 provided Washington with a concrete alternative to support. Shortly after the signing of the "National Accord on Full Transition to Democracy," the Reagan administration named Harry Barnes as the new ambassador to Chile. From the beginning, Barnes met frequently with Accord leaders and publicly supported their initiative. He was the target of criticism from both Gen. Pinochet and the Communist party.

In early 1986, the U.S. sponsored a resolution in the United Nations Commission on Human Rights denouncing human rights violations in Chile, an unprecedented step. When Pinochet reimposed a state of siege after the August assassination attempt against him, the U.S. tried to delay a vote on a World Bank structural adjustment loan for Chile. After the effort failed, the U.S. abstained from the vote in November 1986. It would also abstain on the next World Bank loan vote in the fall of 1987.

At the beginning of 1987, Pinochet launched his plebiscite campaign. The following December, the State Department, with the explicit approval of the White House, issued a strong statement calling for an end to all states of exception and the establishment of broad democratic freedoms. Implicit in the statement was the acceptance of a plebiscite in lieu of an open election, but also the warning that the U.S. would reject the results if the exercise were fraudulent.

The U.S. reinforced its December statement with a series of concrete measures that same month. Congress, with strong backing from the White House, approved a \$1 million special appropriation for the National Endowment for Democracy, much of which was to be used in Chile to support the activities of the democratic opposition. The funds began to reach Chile in spring 1988 and were to be used for advertising, polling and civic education.

Also in December 1987, the U.S. Agency for International Development awarded a \$1.2 million grant to the Center for Free Elections in Latin America, a nonpartisan organization based in Costa Rica that is dedicated to registering eligible voters for elections. The Center then made a grant to Civitas, an independent Chilean organization with close ties to the Catholic church, which sponsored the enormously successful Crusade for Citizen Participation.

Finally, the Reagan administration for the first time imposed limited economic sanctions. For failing to meet international standards of behavior in the area of labor rights, the U.S. removed General System of Preferences (GSP) benefits from approximately \$40 million of Chilean exports and suspended Chile's eligibility for Overseas Private Investment Corporation (OPIC) guarantees.

While largely symbolic, these sanctions nonetheless resonated in Chile. While Gen. Pinochet fulminated over "foreign interference," the private sector that has supported him received a clear signal of Washington's intentions. The U.S. did not wish to truly damage the economy and endanger the free market policies advocated by the Baker plan; it would wait on stiffer sanctions pending the government's performance in the plebiscite. It would therefore be in the private sector's interest not to back any regime fraud in the plebiscite process.

Throughout the months leading up to the plebiscite, Ambassador Barnes kept up the pressure for free and open campaigning, fraud-free balloting, and maturity and competence among the members of the Command for the No. While the U.S. embassy officially maintained a position of neutrality regarding the plebiscite, Barnes made it clear in a statement published the day before the vote that the U.S. was eager for the Chilean people to reject Gen. Pinochet's bid for a second eight-year term. Quoted in the *New York Times* (4 October), he said,

At this point I think the "no" will win, if the process does not get interrupted. That opens the way to free elections. Our whole approach has been to promote a rapid return to democracy.

Earlier in the week the U.S. embassy, the Catholic church, and the Command for the No all claimed to have reason to believe that the government was indeed preparing to interrupt the process because it appeared the "no" vote was going to win. The State Department summoned the Chilean ambassador in Washington, and a similar expression of concern was made to Chile's foreign ministry by Ambassador Barnes. Said a U.S. diplomat: "Our message was that if they went ahead with the operation to postpone the election, we would publicly reveal in detail what we knew." (*Time*, 17 October 1988.)

Following the plebiscite, the U.S. congratulated Chile for carrying out a peaceful, orderly and impartial vote. The Reagan administration was keenly aware, however, that Chile's transition to democracy was by no means guaranteed. Administration officials stated that the U.S. had no intention at the moment of reinstating Chile's GSP or OPIC privileges, or reconsidering its policy of abstention in the World Bank on approving loans to Chile.

The real question, however, was whether the U.S. would maintain the level of concrete, on-ground support for Chile's democratic forces in the next and more difficult stage of the transition. In a speech on 25 October, Gen. Pinochet expressed confidence that the government would do better in 1989, considering that in the plebiscite it "had to fight against the Soviet Union, the United States, and the countries of Europe." (UPI, 25 October 1988.) In one way, the speech was designed to recharge his supporters. But it can also be interpreted as a direct challenge to the U.S., which faces the distractions of a presidential transition year.

After the plebiscite, both the Bush and Dukakis campaigns expressed support for a full transition to democracy in Chile. But it will take another coordinated effort between the White House and the Congress if the U.S. is to maintain the level of constructive influence in the second stage. The Reagan administration could facilitate the process by acting before it departs. Gen. Pinochet hoped it wouldn't.

The other key to continued successful support for a full democratic transition will be the ability of the U.S. to tailor its strategy to the shifting political developments that are already taking place in the aftermath of the plebiscite. Under Ambassador Barnes, the U.S. embassy in Santiago accurately interpreted the local political landscape so that U.S. policy would follow the lead of the Chilean people and not jump out in front of them, a critical factor in its success thus far. Then, as the point man for the policy, Barnes was also able to successfully balance official neutrality with the promotion of democracy in a test of wills with Gen. Pinochet.

In November, Ambassador Barnes ended both his assignment in Santiago and his 38-year diplomatic career. He was replaced by Charles Gillispie, who is also a career diplomat with many years experience in Latin America.

AMBASSADOR HARRY BARNES - U.S. ambassador to Chile.

GEORGE JONES - deputy chief of mission, U.S. embassy in Santiago.

RONALD GODARD - political counselor, U.S. embassy in Santiago.

SERGIO MOLINA - coordinator of the Committee for Free Elections.

ENRIQUE D'ETIGNY - vice president of Independents for the No.

RICARDO LAGOS - president of the Party for Democracy.

ANDRES ALLAMAND - secretary general of the National Renovation Party.

APPENDIX I

INTERVIEWS CONDUCTED AND MEETINGS ATTENDED BY MEMBERS OF THE FREEDOM HOUSE DELEGATION TO CHILE

NEW YORK

PATRICIO AYLWIN - president of the Christian Democratic Party and chief spokesman for the Command for the No.

ANIBAL PALMA - president of the United Left coalition.

JAIME CASTILLO - president of the Chilean Commission of Human Rights.

MAXIMO PACHECO - vice president of the Chilean Commission of Human Rights.

GEORGE JONES - deputy chief of mission, U.S. Embassy in Santiago.

SANTIAGO METROPOLITAN REGION/CITY OF SANTIAGO

ENRIQUE PALET - executive secretary of the *Vicaria de la Solidaridad*, the human rights office of the Catholic church.

GENARO ARRIAGADA - executive secretary of the Command for the No.

PATRICIO AYLWIN - president of the Christian Democratic party and chief spokesman for the Command for the No.

AMBASSADOR HARRY BARNES - U.S. ambassador to Chile.

GEORGE JONES - deputy chief of mission, U.S. embassy in Santiago.

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SERGIO MOLINA - coordinator of the Committee for Free Elections.

ENRIQUE D'ETIGNY - vice president of Independents for the No.

RICARDO LAGOS - president of the Party for Democracy.

ANDRES ALLAMAND - secretary general of the National Renovation Party.

PATRICIO PHILLIPS - president of the National party.

EUGENIO VELASCO - president of the Social Democratic party.

ENRIQUE SILVA CIMMA - president of the Radical party.

CARLOS HUNEEUS - political scientist, Center for the Study of Contemporary Reality.

MARTA LAGOS - political scientist, Center for the Study of Contemporary Reality.

MONICA JIMENEZ - director of the Crusade for Citizen Participation.

JOSE MIGUEL BARRIOS - former Chilean ambassador to the Netherlands, the U.S. and Peru.

JUAN IGNACIO GARCIA - director of the National Electoral Service.

MIGUEL SWEITZER - former Chilean foreign minister.

HERNAN CHADWICK - spokesman for the Independent Democratic Union.

OSCAR GODOY - political scientist, Catholic University of Chile.

ALEJANDRO FOXLEY - president of the Center of Economic Investigations for Latin America.

JUAN SOMAVIA - director of the Latin American Institute of Transnational Studies.

ABRAHAM SANTIBANEZ - director of *Hoy* magazine.

MARCELO ROSAS - director of *Editorial Andante*.

ISABEL LETELIER - widow of former Chilean foreign minister Orlando Letelier.

BERNARDO LEIGHTON - Christian Democratic party cofounder and former interior minister.

LUIS ANDERSON - secretary general of the Inter-American Regional Organization of Workers (ORIT).

Representatives of the Chilean Teachers Association of Chile (*Colegio de Profesores de Chile*).

Representatives of the Chilean Journalists Association of Chile (*Colegio de Periodistas de Chile*).

REGION VIII-BIOBIO/CITIES OF CONCEPCION AND TALCAHUANO

The national president of the *Colegio de Profesores*.

The regional president of the *Colegio de Profesores*.

The president of the University of Concepcion faculty association.

The president of the University of Concepcion student association.

The president of the *Colegio de Periodistas de Chile*.

Representatives of the Christian Democratic party.

Representatives of the Command for the No.

The editor of daily newspaper *El Sur*.

REGION X-LOS LAGOS/CITY OF PUERTO MONTT

The Archbishop of Puerto Montt, Mgr. Bernardo Cazzaro Bertollo.

Regional director of the National Electoral Service.

Representatives of the Command for the No.

Representatives of the "yes" campaign.

Representative of the Crusade for Citizen Participation.

Representatives of the *Colegio de Profesores de Puerto Montt*.

REGION IX-ARAUCANIA/CITY OF TEMUCO

Representatives of the Command for the No.

Regional director of the *Colegio de Profesores*.

Director of the *Colegio de Profesores de Temuco*.

Representatives of the Party for Democracy.

Representatives of the Christian Democratic party.
Staff journalists of daily newspaper *El Austral*.
Representatives of the National Electoral Service.
Representatives of the "yes" campaign including the former mayor of Temuco.
Representatives of the university students association.

REGION II-ANTOFAGASTA/CITIES OF CALAMA AND CHUQUICAMATA

Representatives of the Command for the No.
President of the *Colegio de Profesores de Calama*.
Representatives of the Party for Democracy.
Representatives of the Christian Democratic party.
Representatives of the Committee for Free Elections.
Representatives of the National Electoral Service.
Representatives of the copper miners union and the United Workers Central (CUT).

APPENDIX II

POLLING PLACES MONITORED BY THE FREEDOM HOUSE DELEGATION DURING THE 5 OCTOBER PLEBISCITE

SANTIAGO METROPOLITAN REGION

Junta Electoral de Quinta Normal:

Pudahuel - Escuela No. 382, San Pablo N.O. 9176 (Men).
Escuela No. 388, San Pablo N.O. 9184 (Women).
Escuela No. 392, Teniente Cruz N.O. 900 (Men).

Primera Junta Electoral P.A.C.:

Lo Valledor - Escuelas 571 and 572, Lo Ovalle con Pasaje 38
(Women).

Pedro Aguirre Cerda Sur - Escuela 577, Callejon Lo Ovalle No. 3915 (Men).

Escuela 594, Maya No. 5961 (Men).

San Miguel - Complejo Educacional Japon, Ricardo Morales No. 3369 (Men).

Segunda Junta Electoral:

Alameda - Escuela D-20, L.B. O'Higgins (Women).

Junta Electoral de Providencia:

Liceo D-160 "Juan P. Duarte," Santa Isabel No. 0735 (Men).

Primera Junta Electoral:

Parque O'Higgins - Escuela D-45, Rondizzoni No. 2738 (Men).

Macul - Escuela D-167, Joaquin Rodriguez 2501 (Men).

Tercera Junta Electoral P.A.C.:

Escuela D-527, Donahue No. 1887 (Men).

Region IX - Aruacania

Temuco:

Cerro Nielol - Escuela D-478, Avenida Caupolican No. 105 (Women).

Liceo A-28, Balmaceda No. 650 (Men).

Anexo Liceo A-28, Balmaceda No. 598 (Men).

Colegio Bautista, Avenida Caupolican No. 071 (Women).

Centro - Instituto Claret, Zenteno No. 453 (Women).

Escuela D-470, General Mackenna No. 685 (Men).

Colegio de la Salle, Claro Solar No. 1088 (Men).

Liceo A-23, Antonio Varas No. 630 (Women).

Padres Las Casas - Escuela No. 1, MacIver No. 838 (Women).

Liceo B-29, Barroso Esq. Corvalan (Men).

Region VIII - Biobio

Concepcion:

Centro - Liceo A-30 (Men).

Liceo A-33 (Women).

Talcahuano:

Centro - Escuela D-505 (Men).

Region II - Antofagasta

Calama:

San Raphael - Liceo A-48 (Women).

Prat - Liceo A-23 (Men).

Escuela D-32 (Men).

21 de Mayo - Escuela D-41 (Women).

Liceo A-25 (men).

Chuquicamata:

Colegio Chuquicamata (Men and Women).

Escuela D-54 (Women).

Region X - Los Lagos

Puerto Montt: Six of seven polling places observed.

Puerto Vares: Two of three polling places observed.

Frutillar: Observed single polling place.

Llanquihue: Observed single polling place.

Ensenada: Observed single polling place.

THIS REPORT IS based on the work of an eight-member Freedom House observer mission to the 5 October 1988 plebiscite in Chile. The observer mission was led by Freedom House Executive Director R. Bruce McColm. The principal author of this report is Douglas W. Payne, Freedom House hemispheric studies director.

The other members of the mission were Norman Hill, executive committee member of the Freedom House board of trustees and president of the A. Philip Randolph Institute; Leonard R. Sussman, Freedom House senior scholar in international communications; Barbara Futterman, Freedom House Exchange coordinator; Penn Kemble, Freedom House senior associate, and Marie Louise Kemble; and Michael Chapman, aide to Congressman Dave McCurdy (D-Oklahoma).

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In international affairs, these values concentrate our attention on violations of human rights by tyrants on the right as well as the left of the political spectrum. At home, our values stress the need to provide all citizens equality of opportunity, not only in law but in daily civic and private performance.

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