



Santiago Principles Self-Assessment

Economic and Social Stabilization, and Pension Reserve Funds

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Pillar 1

Legal framework, objectives, and coordination with macroeconomic policies

Principle 1 Description:

1. The legal framework for the SWF should be sound and support its effective operation and the achievement of its stated objective(s).
 - 1.1. The legal framework for the SWF should ensure legal soundness of the SWF and its transactions.
 - 1.2. The key features of the SWF's legal basis and structure, as well as the legal relationship between the SWF and other state bodies, should be publicly disclosed.

Principle 1 Implementation:

The institutional framework for Chile's SWFs is established in a number of laws and decrees that define the rules for their operation. The most important piece of legislation is the Fiscal Responsibility Law (FRL) which sets out the norms and institutional framework for the saving and management of fiscal resources. The FRL created the Pension Reserve Fund (PRF) and permitted the creation of the Economic and Social Stabilization Fund (ESSF) which was officially established under Decree with Force of Law (DFL) N° 1 issued by the Finance Ministry in 2006. The FRL also specifies that the Finance Ministry will define the SWFs' investment policies with the advice of a Financial Committee and may entrust their management to the Central Bank of Chile (CBC).

The uses to which the two funds may be put are defined in the FRL, DFL N° 1 and the Law 20.255 of 2008 (Pension Law). Withdrawals must be authorised by decree by the Finance Minister, are implemented by the CBC and the General Treasury of the Republic (GTR)

and are subject to review by the Comptroller General's Office (CGR). Supreme Decree N° 1.383, issued by the Finance Ministry in 2006, delegated the administration of the two funds to the CBC, as Fiscal Agent, and established the general framework for their management. This Decree was modified in 2013 with a view to reducing the CBC's responsibility regarding the supervision and monitoring of the equity and corporate bonds portfolios managed by external managers. Since 2014 the relationship with the external managers is held by the Finance Ministry, who is also responsible for their oversight. Supreme Decree N° 621, issued by the Finance Ministry in 2007, created the Financial Committee to advise the Finance Minister on all aspects related to the funds' investment policy definition. As a result, the legal framework for Chile's SWFs rests on sound foundations and is publicly disclosed, favouring efficient funds operations and facilitating achievement of the objectives for which they were created. These laws and decrees were published in the Diario Oficial (Official Gazette) and are available on the SWF website at www.hacienda.cl/fondos-soberanos/legislacion.html. [4]

Principle 2 Description:

The policy purpose of the SWF should be clearly defined and publicly disclosed.

Principle 2 Implementation:

The purpose of the PRF is established in the FRL and the Pension Law and, in the case of the ESSF, in the FRL and DFL N° 1. All the corresponding legislation is posted at www.hacienda.cl/fondos-soberanos/legislacion.html [5]. Their policy objectives are also clearly set out in the annual report prepared by the Finance Ministry which is available for public consultation at www.hacienda.cl/english/sovereign-wealth-funds.html [5].

Principle 3 Description:

3. Where the SWF's activities have significant direct domestic macroeconomic implications, those activities should be closely coordinated with the domestic fiscal and monetary authorities, so as to ensure consistency with the overall macroeconomic policies.

Principle 3 Implementation:

The funds invest exclusively in foreign currencies and overseas assets. Therefore, their domestic macroeconomic implications are minimal. The ESSF has domestic macroeconomic implications arising from its objective of financing the fiscal deficits that may occur during periods of low growth and/or low copper prices. In the case of the PRF, as of 2016 part of its capital can be used to fund fiscal pension obligations. The Finance Ministry makes the decision to withdraw resources from the funds and their timing since they could affect the peso-dollar exchange rate. In a bid to minimise this impact, past withdrawals from the ESSF and their conversion into pesos have been coordinated with other fiscal and monetary authorities and made using a system of auctions with a pre-set calendar. This mechanism provides for enough public information to minimise its market impact.

Principle 4 Description:

4. There should be clear and publicly disclosed policies, rules, procedures, or

arrangements in relation to the SWF's general approach to funding, withdrawal, and spending operations.

4.1. The source of SWF funding should be publicly disclosed.

4.2. The general approach to withdrawals from the SWF and spending on behalf of the government should be publicly disclosed.

Principle 4 Implementation:

The rules for contributions to the SWFs are clearly established in the FRL while the uses to which they can be put are established in the FRL, DFL N° 1 and the Pension Law as part of their legal framework. The legislation authorises the Minister of Finance to define the timing and a number of withdrawals, and then publicly disclose this information. However, fiscal expenditures must be approved by Congress. As indicated above, this legislation is posted on the funds' website. Contributions and withdrawals, as well as the expenses involved in the funds' operation, are publicly disclosed in a clear manner, with contributions and withdrawals set out in the funds' monthly, quarterly and annual reports and expenses in their quarterly and annual reports.

Principle 5 Description:

5. The relevant statistical data pertaining to the SWF should be reported on a timely basis to the owner, or as otherwise required, for inclusion where appropriate in macroeconomic data sets.

Principle 5 Implementation:

The CBC and external managers prepare daily and monthly reports on the state of the funds and the performance of their investments. These reports are supplied to the staff of the Finance Ministry and to the GTR. The CBC also prepares quarterly and annual reports.

Based on the information supplied by the custodian bank, the Finance Ministry publishes monthly reports that include information about the return on the funds' investments, their size, contributions, withdrawals and their portfolio composition. Quarterly reports prepared by the Finance Ministry complement the information that is publicly available. In addition, the Ministry publishes an annual report on the SWFs while the Financial Committee prepares its own annual report on its activities and recommendations, which is presented to the Finance Minister, the Finance Commissions of both houses of Congress and the Joint Budget Commission of Congress.

Pillar 2

Institutional Framework and Governance Structure

Principle 6 Description:

6. The governance framework for the SWF should be sound and establish a clear and effective division of roles and responsibilities in order to facilitate accountability and operational independence in the management of the SWF to pursue its objectives.

Principle 6 Implementation:

The clear division of roles and responsibilities established by the funds' legal framework facilitates accountability and operational independence in their management. The FRL specifies that the funds are the property of the State of Chile and that the GTR is the bearer of the resources. Under this law, the Finance Minister is responsible for deciding how the funds are managed and their investment policies.

In defining their investment policies, the Finance Minister is supported by a Financial Committee which provides advice on the aspects related to this decision. The Finance Ministry draws up investment guidelines defining the eligible instruments and issuers as well as other matters such as investment limits and the use of derivatives.

The CBC is responsible for investing the sovereign fixed income portfolios (which also includes bank deposits in the case of the ESSF) of the funds. The external managers are responsible for investing the equities and corporate bonds portfolios (if applicable). The CBC and the external managers invest the funds' resources with complete independence in accordance with the instructions and restrictions established by the Finance Ministry in their investment guidelines.

The custodian bank, hired by the CBC on behalf of the government, is responsible for custody of securities and also provides a number of middle-office services such as monitoring compliance with investment limits, calculating each manager's performance and preparing financial and accounting reports on the funds.

Finance Ministry staff monitors the CBC's and external managers' performance and investment strategy using information provided by the custodian bank and by the managers themselves, and prepares monthly, quarterly and annual reports on the basis of information provided by the custodian bank. In addition, Finance Ministry's staff acts as the Financial Committee's Secretariat and provides support in all tasks related to the funds' investment policies.

The GTR is responsible for the funds' accounting, for preparing their audited financial statements, and for their incorporation into Chile's national accounts. As of April 2014, GTR is also responsible for monitoring compliance with the funds' investment guidelines, validating external managers' fees, and other back office tasks. The Finance Ministry's Budget Office is responsible for aspects of the SWFs related to the budget such as contributions and withdrawals.

Principle 7 Description:

7. The owner should set the objectives of the SWF, appoint the members of its governing body(ies) in accordance with clearly defined procedures, and exercise oversight over the SWF's operations.

Principle 7 Implementation:

The FRL establishes the funds' policy objectives, and also defines the Finance Ministry as the body principally responsible for their governance and the Finance Minister as responsible for decisions about their management and investment policies. The FRL also

named the GTR as the bearer of the resources. The Finance Minister is appointed by the President of the Republic while the members of the Financial Committee are appointed by the Finance Minister according to criteria established in Supreme Decree N° 621 issued in 2007 by the Finance Ministry.

In the case of oversight, the Finance Ministry is responsible for monitoring the CBC's and external managers' performance and investment strategy. As of April 2014, the GTR monitors compliance with the funds' investment guidelines, reviewing the reports on compliance with investment limits prepared by the custodian bank and also carrying out independent reviews of compliance with these limits.

The Comptroller General's Office, an autonomous body, is responsible for auditing public-sector finances and, therefore, the SWFs.

Principle 8 Description:

8. The governing body(ies) should act in the best interests of the SWF, and have a clear mandate and adequate authority and competency to carry out its functions.

Principle 8 Implementation:

The institutional framework for the SWFs is defined in the legislation discussed above. Under the FRL, the Finance Ministry is the body primarily responsible for their governance and the Finance Minister is responsible for decisions about their management and investment policies. To assist the Finance Minister in this task, the FRL also created the Financial Committee which advises him on the analysis and design of the funds' investment policies. Although the Finance Minister is not obliged to follow the Committee's independent recommendations, these are public and the government is publicly responsible for the Finance Minister's decisions. In addition, the Finance Minister has set up a unit within the Ministry for all activities relating to investment of the funds' assets and to provide support to the Financial Committee.

Principle 9 Description:

9. The operational management of the SWF should implement the SWF's strategies in an independent manner and in accordance with clearly defined responsibilities.

Principle 9 Implementation:

The Finance Minister has defined the funds' investment policy and delegated their operational management to the CBC, who manages the sovereign fixed income mandate for both funds (which includes bank deposits in the case of the ESSF), and to external managers, who manage the equity mandates for the ESSF and PRF, and the corporate bonds mandate for the latter. All of them invest their assets in accordance with the investment guidelines drawn up by the Finance Ministry. These guidelines are reviewed and accepted by the CBC which is an autonomous public body not related to the government. The CBC and external managers have total independence to buy and sell instruments and make other operational decisions within the parameters established by the Finance Ministry in the funds' investment guidelines. The CBC and the external managers provide the Finance Ministry with periodic reports (daily and monthly in the case of external

managers and daily, monthly, quarterly and annual in the case of the CBC) about its fulfilment of their role, including details of the funds' investments.

Principle 10 Description:

10. The accountability framework for the SWF's operations should be clearly defined in the relevant legislation, charter, other constitutive documents, or management agreement.

Principle 10 Implementation:

The accountability framework for the SWF's operations should be clearly defined in the relevant legislation, charter, other constitutive documents or management agreement. The accountability framework for the funds' operations is established in the laws and decrees discussed under Principle 1. They were published in the Diario Oficial (Official Gazette) and are available on the funds' website at www.hacienda.cl/fondos-soberanos/legislacion.html ^[5] and on the Library of Congress (www.bcn.cl) ^[6].

To ensure a proper and effective accountability framework, a range of reports are prepared by the different bodies involved in the funds' management.

Article 12 of the FRL and Article 7 of DFL N° 1, which regulate the PRF and the ESSF, respectively, establish that the Finance Ministry must present to the Finance Commissions of both houses of Congress and to the Joint Budget Commission of Congress monthly and quarterly reports about the funds. In addition, and although not so required by law, the Finance Ministry publishes an annual report about the funds. All these reports are publicly available on the website indicated above.

Under the modification of the Supreme Decree N° 1.383, the CBC is accountable to the Finance Minister for the operational management of the sovereign fixed income portfolios of both funds (which includes bank deposits in the case of the ESSF) and provides the Finance Ministry with daily, monthly, quarterly and annual reports about the portfolios under their management, and the services provided by the custodian. The external managers are accountable to the Finance Minister for the operational management of the portfolios that they manage and provide the Finance Ministry with daily and monthly reports about the portfolios under their management.

The Financial Committee is an advisory body and is accountable for its obligations as established in Supreme Decree N° 621. Under Article 7 of this Decree, it must present an annual report on its work to the Finance Minister and send a copy of this report to the Finance Commissions of both houses of Congress and to the Joint Budget Commission of Congress. This report is also available on the funds' website.

In addition, the Comptroller General's Office, an autonomous body, is responsible for auditing public-sector finances and, therefore, the SWFs.

Principle 11 Description:

11. An annual report and accompanying financial statements on the SWF's operations and performance should be prepared in a timely fashion and in accordance with recognized international or national accounting standards in a consistent manner.

Principle 11 Implementation:

An annual report and accompanying financial statements on the SWF's operations and performance should be prepared in a timely fashion and in accordance with recognised international or national accounting standards in a consistent manner. The Finance Ministry prepares an annual report on the funds using the information supplied by the CBC, the external managers, and the custodian bank. This report includes financial information and is publicly available.

As of 2011, the GTR prepares the financial statements according to IFRS, which are independently audited and included in the annual report prepared by the Finance Ministry.

Principle 12 Description:

12. The SWF's operations and financial statements should be audited annually in accordance with recognized international or national auditing standards in a consistent manner.

Principle 12 Implementation:

The SWF's operations and financial statements should be audited annually in accordance with recognised international or national auditing standards in a consistent manner. The funds' operations are audited by internal CBC auditors.

As of 2011, the GTR prepares the financial statements according to IFRS, which are independently audited in keeping with Chilean auditing standards.

Principle 13 Description:

13. Professional and ethical standards should be clearly defined and made known to the members of the SWF's governing body(ies), management, and staff.

Principle 13 Implementation:

Professional and ethical standards should be clearly defined and made known to the members of the SWF's governing body(ies), management and staff. The authorities and staff involved in work relating to Chile's SWFs are subject to legally-established professional and ethical norms, such as the principle of probity, which call for impeccable professional conduct and efficient and loyal exercise of their functions in accordance with the common good.

The CBC has also defined professional and ethical standards that are made known to its employees and are available on its website (www.bcentral.cl/transparencia/pdf/Manual_probidad/Manualdeprobidad.pdf [7]). External managers have also developed ethical standards that are applicable to staff involved in the management of the funds. Members of the Financial Committee are subject to the ethical norms established in the Decree which created the Committee as well as to other internally-defined norms. Finance Ministry staff and advisors involved in the funds' management have internally adopted a code of ethics along the same lines of communicating and complying in the best possible way with the legally applicable professional and ethical norms. This code of ethics is available at <http://www.hacienda.cl/fondos-soberanos/codigo-de-etica.html>

[8]. Staff and advisors may, in addition, be subject to other codes of professional ethics (such as that of the CFA Institute).

Principle 14 Description:

14. Dealing with third parties for the purpose of the SWF's operational management should be based on economic and financial grounds, and follow clear rules and procedures.

Principle 14 Implementation:

Dealing with third parties for the purpose of the SWFs' operational management should be based on economic and financial grounds, and follow clear rules and procedures. All transactions with third parties are based on economic and financial grounds. The Finance Ministry has rules and procedures that define the steps to be followed in acquiring or hiring services from third parties and the CBC and GTR also have a series of clearly defined rules and procedures for these situations.

Principle 15 Description:

15. SWF operations and activities in host countries should be conducted in compliance with all applicable regulatory and disclosure requirements of the countries in which they operate.

Principle 15 Implementation:

SWF operations and activities in host countries should be conducted in compliance with all applicable regulatory and disclosure requirements of the countries in which they operate. The procedures established by the CBC and external managers aim to ensure that the funds' operations and activities are implemented in accordance with the applicable regulatory and disclosure requirements of host countries.

Principle 16 Description:

16. The governance framework and objectives, as well as the manner in which the SWF's management is operationally independent from the owner, should be publicly disclosed.

Principle 16 Implementation:

The governance framework and objectives, as well as the manner in which the SWF's management is operationally independent of the owner, should be publicly disclosed. The funds' institutional framework and objectives are defined by the legal framework discussed under Principle 1 above. Operational management is carried out by the CBC and external managers, both independent bodies of the government. The operational framework for management by the CBC is defined in Supreme Decree N° 1.383. This Decree and its modification were published in the Diario Oficial (Official Gazette). All relevant legislation is published in the Official Gazette. This information is also available on the funds' website (www.hacienda.cl/fondos-soberanos/legislacion.html [5]) and on the Library of Congress (www.bcn.cl [6]).

Principle 17 Description:

17. Relevant financial information regarding the SWF should be publicly disclosed to demonstrate its economic and financial orientation, so as to contribute to stability in international financial markets and enhance trust in recipient countries.

Principle 17 Implementation:

Relevant financial information regarding the SWF should be publicly disclosed to demonstrate its economic and financial orientation, so as to contribute to stability in international financial markets and enhance trust in recipient countries. The size of the funds, their absolute returns and the countries where their assets are invested are reported on a monthly and quarterly basis. The funds' annual report contains additional financial information. All these reports are available on the funds' website.

Pillar 3

Investment and Risk Management Framework

Principle 18 Description:

18. The SWF's investment policy should be clear and consistent with its defined objectives, risk tolerance, and investment strategy, as set by the owner or the governing body(ies), and be based on sound portfolio management principles.

18.1. The investment policy should guide the SWF's financial risk exposures and the possible use of leverage.

18.2. The investment policy should address the extent to which internal and/or external investment managers are used, the range of their activities and authority, and the process by which they are selected and their performance monitored.

18.3. A description of the investment policy of the SWF should be publicly disclosed.

Principle 18 Implementation:

The investment policies in force for the ESSF and PRF are consistent with their objectives and risk tolerances. A description of the funds' objectives and investment policies are included in the annual report of the funds. Also, the investment guidelines are available on the funds' website in Spanish and English.

The financial risks to which each fund is exposed are determined by its investment policy. Given their essentially passive management, these risks depend principally on their strategic portfolios and benchmarks. As of today, the use of leverage is not permitted while the use of derivatives is permitted only for currency hedging purposes or for gaining exposure to some part of the benchmark. At present, the funds' operational management is in the hands of the CBC and the external managers, and it's supervised by the custodian bank, the Finance Ministry and the GTR. In general, external managers shall be hired through a selection process carried out by the CBC, according to its internal policies and procedures. Up to now, external managers have only been used for those asset classes where the CBC lacks the expertise. The scope of external managers' responsibilities and activities is set forth in the corresponding investment guidelines as well as their monitoring

by the custodian bank, the Finance Ministry and the GTR.

Principle 19 Description:

19. The SWF's investment decisions should aim to maximize risk-adjusted financial returns in a manner consistent with its investment policy, and based on economic and financial grounds.

19.1. If investment decisions are subject to other than economic and financial considerations, these should be clearly set out in the investment policy and be publicly disclosed.

19.2. The management of an SWF's assets should be consistent with what is generally accepted as sound asset management principles.

Principle 19 Implementation:

The funds' operational management has been delegated to the CBC and external managers who implement investment decisions autonomously based only on economic and financial grounds and according to a passive investment approach. The CBC applies the same operational standards as for the international reserves and it has been audited and reviewed by international consultants. Likewise, external managers investment processes controls are independently audited. The results of this audit are disclosed to the Finance Ministry annually. The funds' investment policies and guidelines are, moreover, established by the Finance Ministry, taking into account the opinion of the Financial Committee.

Principle 20 Description:

20. The SWF should not seek or take advantage of privileged information or inappropriate influence by the broader government in competing with private entities.

Principle 20 Implementation:

Investment decisions are implemented independently by the CBC and external managers who apply standards and operating procedures that meet high probity standards. In addition, when making recommendations, the members of the Financial Committee must do so using only public information.

Principle 21 Description:

21. SWFs view shareholder ownership rights as a fundamental element of their equity investments' value. If an SWF chooses to exercise its ownership rights, it should do so in a manner that is consistent with its investment policy and protects the financial value of its investments. The SWF should publicly disclose its general approach to voting securities of listed entities, including the key factors guiding its exercise of ownership rights.

Principle 21 Implementation:

The PRF invested in equities for the first time in 2012, whereas the ESSF did in 2013. Nonetheless, given that the funds are invested with a passive approach and that the size

of the investments is small relative to each instrument's size in the benchmark, the Finance Ministry decided to follow a neutral approach for exercising ownership rights.

Principle 22 Description:

22. The SWF should have a framework that identifies, assesses, and manages the risks of its operations.

22.1. The risk management framework should include reliable information and timely reporting systems, which should enable the adequate monitoring and management of relevant risks within acceptable parameters and levels, control and incentive mechanisms, codes of conduct, business continuity planning, and an independent audit function.

22.2. The general approach to the SWF's risk management framework should be publicly disclosed.

Principle 22 Implementation:

The different bodies that comprise the SWFs' organisational structure have procedures and controls in place that, together, constitute a proper framework for managing the risks to which they are exposed. The annual report prepared by the Finance Ministry includes a description of the main risks. The investment guidelines defined by the Finance Ministry determine the funds' maximum permitted exposure to the main risks arising from investment of their assets. In addition, the CBC and external managers, responsible for deciding and implementing financial transactions, monitor the funds' compliance with the limits established by these guidelines. Moreover, the CBC applies the same operating framework as for investment of the international reserves which includes a series of procedures and controls that mitigate not only operational but also reputational and market risk. External managers investment processes controls are independently audited. The results of this audit are disclosed to the Finance Ministry annually. The custodian bank also reports to Finance Ministry staff on the CBC and external managers' compliance with investment limits and the level of portfolio risk. As of April 2014, the GTR monitors the CBC and external managers' compliance with the funds' investment guidelines. The reports presented by the custodian bank, CBC and external managers contain relevant information about the resources invested, ensuring the funds' correct management. As stated hereinabove, the principal risks to which they are exposed are publicly disclosed in the annual report prepared by the Finance Ministry.

Principle 23 Description:

23. The assets and investment performance (absolute and relative to benchmarks, if any) of the SWF should be measured and reported to the owner according to clearly defined principles or standards.

Principle 23 Implementation:

The returns are reported in absolute terms and relative to the benchmark. The CBC, external managers and the custodian bank report the returns to the Finance Ministry. The latter informs them to the Financial Committee and the public. The methodology used to calculate the funds' returns and performance is based on Global Investment Performance

Standards (GIPS®).

Principle 24 Description:

24. A process of regular review of the implementation of the GAPP should be engaged in by or on behalf of the SWF.

Principle 24 Implementation:

A self-assessment of compliance with the Santiago Principles is carried every two years. The self-assessment is publicly disclosed at www.hacienda.cl/english/sovereign-wealth-funds/good-governance-practices-santiago.html.^[9]

Source URL (modified on 2017-02-21 11:12): <http://www.ifswf.org/assessment/chile>

Links

[1] <http://www.ifswf.org/node/444>

[2] <http://www.hacienda.cl/english/sovereign-wealth-funds.html>

[3] <http://www.ifswf.org/assessments>

[4] <http://www.hacienda.cl/fondos-soberanos/legislacion.html>.

[5] <http://www.hacienda.cl/fondos-soberanos/legislacion.html>

[6] <http://www.bcn.cl>

[7] http://www.bcentral.cl/transparencia/pdf/Manual_probidad/Manualdeprobidad.pdf

[8] <http://www.hacienda.cl/fondos-soberanos/codigo-de-etica.html>

[9] <http://www.hacienda.cl/english/sovereign-wealth-funds/good-governance-practices-santiago.html>