



Intergovernmental Relations in Chile

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Abstract

The central, regional, provincial and local territorial model in Chile was designed and implemented under the authoritarian Pinochet regime in 1980 and remained unchanged for fifty years. The direct election of regional governors in 2021 and the rejected constitutional proposal of 2022 are generating a new “road map” in the discussion of Intergovernmental Relations (IGR). Through a review of the press and available literature, two scenarios that will influence this discussion are analyzed: the tension between the regional governor and the presidential delegate, and the model of autonomous territorial entities -regions, municipalities and indigenous communities- proposed by the Constituent Assembly.

Keywords Intergovernmental relations (IGR) · Regional governor · Constitution, Chile

Introduction

In Chile, the study of Intergovernmental Relations (IGR) is almost non-existent for two reasons: first, because it is understood as a theory associated with federal states -even being used as synonyms (Wright, 1974; Graves, 1974)-, which is a mistake (Agranoff, 1993) that we will analyze in section I. The second, because Chile is still considered one of the countries with the highest degree of centralism in Latin America (Eaton, 2004; Mardones, 2005; Von Baer, 2009), with a strong presidentialist regime, in a permanently questioned relationship with the national (Martínez, 2022), regional (Montecinos, 2005; Mardones, 2008) and local (Navarrete, 2015) political system.

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Currently, this relationship is undergoing a period of change due to two different political processes that began at the same time: in July 2021, the sixteen elected regional governors took office and the 155 elected conventionals established and began the sessions of the Constitutional Convention, a committee that after a year of work proposed a new Constitution for the country, which was rejected by the citizens in the exit plebiscite held on September 4, 2022. However, the radical nature of the proposed change established the framework for any future process on decentralization and government level design or IGRs, assuming that the demands from “lower levels” are weak or nonexistent (Mardones, 2006) and that the negotiation will be at the level of the national congress, with regional governors seeking to increase the levels of regional democracy (Mardones, 2008), while articulating demands of different types.

To understand the above, the case to keep in mind is the French decentralization law of 1982 on “Rights and Freedoms of the Municipalities, Departments and Regions” which not only generated legal changes, but also modified people’s mentalities by establishing a “French model” - à la française - which was implemented in a Unitary State and was not based on autonomist, ethnic, cultural or linguistic claims (Meyson-Renoux, 2019:1).

Coming back to the proposed new constitution, it states that Chile is a regional state (Art. 1), which recognizes the autonomy of the regions, municipalities and “indigenous” territories, endowing them with “political, administrative and financial autonomy for the realization of their purposes and interests” (Art. 187-2), which is radically different from the unitary state (Art. 3) of the current constitution. The former is key to the study of intergovernmental relations, since the recognition and assurance of the autonomy of territorial entities and their governments is the first step for an effective study of IGRs. In other words, a fundamental basis for autonomy to function lies in intergovernmental relations (Agranoff, 2004), since autonomy leads to the recognition of interdependence between levels of government that gives place to IGRs (Agranoff, 1993), generating exchanges of information and opinions among officials who seek “to get things done”, based on “informal, practical and goal-oriented arrangements that can be carried out within the formal, legal and institutional framework of the officials” (Wright, 1997: 81).

It is presumed that, in this context, public officials, whether elected or holding office of all kinds and at all levels of government, converge on an agenda where financial, policy and political issues are at the forefront (Wright, 1997). Now, assuming that the challenge for a policy analyst is to identify the “objective” need for cooperation and coordination (Morata, 1990: 154), their task becomes difficult, since the model has been in place for the last fifty years and only the election of regional governors in 2021 introduced a change, whose novelty is that the one who governs the region is the result of a democratic election, but must coexist with a representative of the President of the Republic who has more competences than them. In other words, whoever has the legitimacy of origin by election dilutes the legitimacy by performance between two authorities that are in conflict.

In Chile we know little about this matter, less about the workings of cooperation and information exchange between levels of government, whether it is collaborative or confrontational, whether interactions are based on formal or informal agreements,

and even less about how is established the government-opposition relationship that expresses the electoral weights of parties and coalitions (Ugalde, 2011). An unaddressed challenge is to know the “thousand layers” of the multilevel building that recreates the idea of Intergovernmental Relations (IGR), where different hierarchies exist between ministries and agencies and between regional and local national authorities (Carter, 2013).

What we do know is that citizens do not feel particularly affected by conflicts of competence, but they do feel affected by the lack of coordination between different public administrations (Franco & Zafra, 2022). In this sense, IGRs are a response to a problem of coordination between levels of government.

We also know that the processes of social and political unrest and constitutional changes experienced in Chile in 2011 and especially in 2019 have generated - as in other countries - interest among researchers, who seek to understand these changes both empirically and theoretically, and in the latter, IGRs can contribute to this understanding (Stoker, 1995).

In accordance with the above, this article is divided into three parts. The first, which is conceptual in nature, discusses IGRs in order to understand their explanatory capacity in unitary systems, which in the Chilean case are moving towards one of the three most commonly used models: coordinated authority (autonomy), dominant or inclusive authority (hierarchical) and equal or superimposed authority (negotiation) (Wright, 1997). In addition, this section addresses the discussion on centralization-decentralization in the old democracy (1925–1973), prior to the authoritarian regime (1973–1990), to account for the continuity in the discussion that led to a radical constitutional proposal defining Chile as a regional state with autonomy for the regions, municipalities and “indigenous” territories.

The second explores how IGRs help to understand the process of installing regional governors; and the third seeks to explain the model of territorial organization that derives from the constitutional proposal plebiscized on September 4, 2022 and the model of interactions (formal and informal) that would be established between central, regional and local government, involving many large-scale organizations (Ostrom & Ostrom, 1965).

Intergovernmental Relations (IGR) in Presidential and Unitary Regimes, in Transition to an Uncertain System

Like many theories in the social sciences, IGRs present a conceptual polysemy that limits their understanding, given that they have been understood as: “inter-administrative relations, collaborative relations, cooperation, relations between powers, executive federalism, political imbrication [and] multilevel governance” (Colino, 2012: 19–20). Other labels are: multilevel governance, center-local relations, territorial management, regionalization and regional-local reform (Agranoff, 2001).

Autonomy is understood to be the basis of IGRs, therefore, democracy sustains it in the “thousand layers” of the multilevel building. Nevertheless, and hypothetically, there could be a democratic national regime and an authoritarian subnational regime, or vice versa (Behrend, 2011). In the Chilean case, regional democracy is still incipi-

ent (Mardones, 2008), as understood from the exercise of regional governors and, consequently, we do not know if prospectively non-democratic subnational regimes (Giraudy, 2011) or “subnational authoritarianism” (Gervasoni, 2011) will be generated, questioning certain illusion of territorial unity (Escolar, 2013), since practices in territorial institutions are unevenly distributed (Gibson, 2006).

At the communal level, the literature available at the international level recognizes that municipalities are local galaxies (Botella, 1999), since they respond to a diverse and multicultural reality (Touraine, 1997) and vary sensitively from one country to another (Hoffmann-Martinot, 1999). In the Chilean case, the concept of authoritarianism has been scarcely worked (Rehren, 1991; Valdivia 2018), as it has been displaced by the study of clientelism at the regional (Durstun, 2012) and local levels (Belmar & Morales, 2020).

What has been described in the previous paragraphs takes place in the context of a “crisis of legitimacy” (Milstein, 2020) of the political system and representative institutions. The “legitimacy in the eyes of the people” (Deutsch, 1980: 81) is being lost, who care about “legitimacy by performance”, the effectiveness of the policies implemented and, thus, the efficiency of the political system (Habermas, 1999; Bañón & Carrillo, 1997).

Governors and mayors face a “crisis of justification” about the duties of an order that is no longer considered adequate (Forst and Günther, 2017), where the State appears devoid of legitimacy and resources to direct the social, economic and political developments (Lodge, 2013) of their territories. The move towards the “thousand layers” of the multilevel IGR building can address legitimacy by results, without forgetting that effectiveness does not dissolve the political question about what society values as truly effective (Innerarity, 2017), especially in Latin American democracies that, while surviving, few are thriving (Levitsky, 2018).

Does cooperation between state and local governments serving the same people, generally sharing the same goals and facing the same demands (Elazar, 1965) contribute to “multi-level democracy”? The available evidence indicates that it does; in fact, the “grodzins model” shows that when decisions are generated in a cooperative exchange they have an impact (Adrian, 1965) and that between a federal and a unitary system there are similar tendencies in their political-administrative practices (Agranoff, 1993). This is because IGRs emerge in any “politically decentralized state, because the central power and the territorial entities must address multiple problems that they cannot solve separately” (Morales, 2008: 48).

It is not surprising, then, that IGRs in Latin America present a varied sample of both institutional determinants and real dynamics. Constitutional structures regulate whether countries have a federal or unitary system of territorial distribution of power and stipulate the territorial levels of government. Thus, constitutions structure the number of vertical and horizontal intergovernmental relations. However, the actual dynamics depend on the policy prerogatives that establish subnational authority vis-à-vis the national administration. These prerogatives, generally understood in terms of power, responsibilities and resources, shape the territorial balance of power within a country (Suarez-Cao, 2019).

In unitary states with three levels such as the Chilean one, vertical intergovernmental relations would be complex, since three different axes of relationship can

occur simultaneously: local-intermediate (Mayor-Governor), intermediate-national (Governor-President) and local-national (Mayor-President) (Jordana, 2002), where the incentives towards cooperation will be lower, since each authority will seek to obtain advantages in a direct negotiation with the superior authority. If the attributions between the levels of government in their political, fiscal and administrative dimensions do not express a certain balance with respect to their functions, then governors and mayors will have a low level of autonomy and thus their “legitimacy by performance” will be questioned, generating an IGR model based on “dominant authority” (Wright, 1997: 25), where mayors and governors are ultimately controlled by the central government, given that the latter has the resources and competencies to provide the solutions, thus justifying the inaction of the other levels of government. The above would not be strange, since centralism has prevailed regardless of ideologies, persisting and always reinforcing the vertical structure of political power (Arocena, 1991; Montalvo, 2008; Véliz, 1984), despite the fact that before public opinion political parties and social groups have “historically and permanently declared themselves for the inverse process” (Geisse, 1971: 253), especially in campaign times (Navia, 2009; Von Baer, 2009). This situation is probably due to the fact that the transfer of powers threatens many actors, because there is a risk that a decentralization process may benefit certain local or regional power groups, to the detriment of the majority of the population (Prats, 2009: 12). This is well illustrated by Boeninger (2008) when he argues that the gradual nature of Chilean decentralization has allowed regional demands to be relieved, without colliding with the national coherence of policies, thus preserving the institutions that restrict “populism and clientelism”.

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The proposed new constitution 2022 broke with 200 years of discussion on what level of autonomy the regions and communes should have by declaring Chile as a Regional State. Paradoxically, the proposal was rejected in the 16 regions and in 338 municipalities out of the 346 in the country.

The Discussion on Decentralization in the Old Democracy (1925–1973), the Authoritarian Regime (1973–1990) and the Return to Democracy (Since 1990)

As stated in the introduction, Chile is considered one of the countries with the greatest centralism in Latin America and this has been permanently questioned from two lines of argument. The first one argues that no substitute source of leadership has been found to the one that emerges from the figure of the President of the Republic, since he not only established the main guidelines but also resolved appointments, headed rites and ceremonies and in the exercise of this leadership, constituted and directed the teams, generated consensus, arbitrated and resolved conflicts and disciplined the governing coalition, limiting the transfer of responsibilities.

The second line of argument is in an old-new discussion: centralization versus decentralization, where it is observed that centralists are to authoritarianism as decentralists are to democracy (Arocena, 1991; Parejo, 1998), a debate that reality inclines

towards the former, since to a large extent centralism has been the “way in which Latin Americans have dealt with their economic, social and political orderings” Véliz 1984: 296) and that, in the case of Chile, the absence of strong regional divisions facilitated the action of civil and centralist bureaucratic governments (Véliz, 1984) and at the same time did not enhance the presence of regional parties.

Centralism predominated in the “old democracy” regardless of ideologies, persisting and always reinforcing the vertical structure of political power (Montalvo, 2008), despite the fact that, before public opinion, political parties and social groups declared themselves “historically and permanently for the reverse process” (Geisse, 1971: 253). This situation was probably due to the fact that the transfer of powers threatened many actors because there is a risk that a decentralization process would benefit certain local or regional power groups, to the detriment of the majority of the population (Prats, 2009). This is well illustrated by Boeninger (2008>: 219) when he argues that the gradual decentralization process has allowed regional demands to be relieved, without colliding with the national coherence of policies, thus preserving the institutions that restrict “populism and clientelism”.

Did the “old democracy” create the basis for decentralization in the country? Opinion polls available in the nineties and a few years after the return to democracy do not show such a demand, indeed, at the time the country was “more conservative and moderate than the rest of the region as far as decentralization is concerned” (Willis et al., 1999: 11).

The origin of the decentralization process lies in the authoritarian regime of General Pinochet, whose main legacy was to conceive the regionalization model within a framework of neoliberal policies, where the reasons for its development were linked to political-strategic reasons of national integrity and inclusion and the provision of goods and services in an efficient and effective manner to the citizenry (Boisier, 2000; Campbell, 2003: 34–35; Kubal, 2004: 6; Lira & Marinovic, 2001; Montecinos, 2005>: 457; Pressaco, 2009: 43), and the way of making political decisions on the matter took a “top down” trajectory -since an authoritarian regime assumes the absence of controversial political activity-, which marks the way in which the decision-making center relates to the rest of the actors and territories of the country (Montero & Samuels, 2004: 9). These characteristics marked the global conception that the decentralization process has had in democracy.

With the return to democracy after 1990, the decentralization process focused on municipal reforms through the signing of a Political Agreement on Regional and Municipal Reform (Palma, 2009), which took place on August 21, 1991 (Mardones, 2006), which allowed in a first stage the election of mayors by councilors and later their direct election.

Therefore, political decentralization in the last two decades has been rather discreet and although it has been a recurring theme in political campaigns, as I have pointed out above, no great progress has been made in this matter (Valdivieso, 2009; Von Baer, 2009). A sample of this is marked by the low evolution of the transfer of power to the regions and, above all, by the gravitation of how the regional intendant is appointed in the regionalist purposes (Navia, 2009).

This changed in 2021, when an agreement was reached to replace the regional governor with an elected governor.

II. Regional governors and the presidential delegate in the region.

The direct elections of regional governors in Chile in 2021 made it clear that in a unitary state, decentralization processes tend to be controlled once they have been initiated (Jordana, 2002). In fact, as shown by international experience, the “top down” mode of decision making was questioned, but the way in which the decision-making center relates to the rest of the actors and territories of the country did not change substantially (Montero & Samuels, 2004: 9). In effect, a system typical of federal structures was introduced, which tends to fragment authority and create overlapping jurisdictions to promote coordination relations (Smith, 2011), which in practice is generating conflict.

For a better understanding of this, it is necessary to consider that since 1975 and until 2021 the only regional authority in the country was the Regional Intendant, appointed by the President of the Republic in each of the regions. As of the latter date, two positions were created: one elected - Governor - and the other appointed by the President of the Republic - Regional Presidential Delegate. Given the above, a situation was reached where it was known *ex ante* that the “existence of two new regional authorities with similar attributions” would generate conflicts, due to the fact that nobody guaranteed the adequate political coordination for the implementation of the new design at this level of government (Montecinos, 2020: 1) and because the process of transferring competences is still in the hands of the central government, i.e. it goes from the President of the Republic to the governors, where the Regional Presidential Delegate is not part of the discussion.

In view of the attributions, both indicated in Table N°1, the competences of this “strange couple” generate conflicts that will end in a zero-sum game.

President Gabriel Boric (2022–2026), in his government program and in his public speeches, has stated that before the end of his term of office, the figure of the presidential delegate will disappear. In the meantime, there are transfers of competencies from the central government by presidential power (Vallespín, 2022). Such is the case of the Biobío Region, third in importance in the country, where a total of 113 competencies were identified in which there is consensus for them to be managed from the regions and approximately another 60 that are in a position to be administratively transferred (Henríquez & Scherping, 2022).

In this transfer process that is being agreed with the central government through ministries and services, there is no evidence of an increase in the governors’ power. In fact, the Association of Regional Governors of Chile, constituted by the sixteen governors of the country, does not have more power than the President of the Republic, since the relations between the central, regional and local governments continue to be dominated by the Executive -president, ministers and Undersecretary of Regional Development of the Ministry of the Interior- in a framework where the blame for the problems of agenda, implementation and evaluation are transferred. This shows a democratic deficit in the IGRs, which is reflected in the problems of accountability and in the rhetoric of the presidents focused on commonplaces: “Everything that the regional governments can do better than the central government, will be the responsibility of the regions. And whatever the municipalities can do better than the regional governments, will be the responsibility of the municipalities. But these

Table 1 Attributions of the Regional Governor and Regional Presidential Delegate

Regional Governor (Article 111)	Regional Presidential Delegate (Article 115 bis)
<p>The supreme administration of each region is vested in a regional government, which shall have as its objective the social, cultural and economic development of the region.</p> <p>The regional government shall consist of a regional governor and the regional council.</p> <p>The regional governor shall be elected by universal suffrage in direct voting. The regional council shall be composed of councilors elected by direct universal suffrage.</p>	<p>In each region there shall be a regional presidential delegation, headed by a regional presidential delegate, who shall exercise the functions and powers of the President of the Republic in the region, in accordance with the law.</p> <p>The regional presidential delegate shall be the natural and immediate representative, in the territory of his jurisdiction, of the President of the Republic and shall be freely appointed and removed by him. The regional presidential delegate shall exercise his functions in accordance with the law and the orders and instructions of the President of the Republic.</p>
<p>The regional governor shall be the executive body of the regional government, presiding over the council and exercising the functions and powers determined by the constitutional organic law, in coordination with the other public bodies and services created for the fulfillment of the administrative function. He shall also be responsible for the coordination, supervision or oversight of the public services that depend on or are related to the regional government.</p>	<p>The regional presidential delegate shall be responsible for the coordination, supervision or oversight of the public services created by law for the fulfillment of the administrative functions operating in the region that depend on or are related to the President of the Republic through a Ministry.</p>

Source: Law 20.990 of 2017.
<https://www.bcn.cl/leychile/navegar?idNorma=1098725>

greater functions, powers and resources also require better management and transparency” (Piñera, 2010).

The predominance of vertical versus horizontal collaboration is the hallmark of the first year of the Regional Governors. In the text of the Association known as “The Declaration of Concepción” elaborated in September 2021, 10 key axes were set out to advance in more autonomy and in consolidating the governor as the highest regional authority (chiledescentralizado.cl), namely:

1. Regional revenues and tax co-participation of the regions.
2. Greater financial and budgetary management autonomy.
3. Assume the commitment that the investment of regional decision should reach at least 40% of the national investment and its evaluation should be regional and pertinent to the reality of each territory.
4. A program for the transfer of competencies agreed upon by the region and the nation.

5. To make the regional management of the services installed in the territories viable.
6. New structure of competencies in the territory to have strong municipalities and strong regions, where the current regional presidential delegate is transformed into a regional ministerial secretary.
7. To lead and prioritize from the regional governments the sectorial investments in the territory. No more unilateral impositions from the ministries. The regions define their future.
8. Coordination of all productive and industrial development services, which should be aligned with the productive development policy of the region.
9. Designation of a representative of the Regional Government in each university or state-owned company with regional seat.
10. Implement a decentralized regional innovation system for sustainable economic, social and productive development.

Local Administrations in Search of Government

The existing municipality emerges from the authoritarian cycle (1973–1989) with a totally changed local institutionality, since during that period it was endowed with resources, functions, attributions, technical capacity and power to administer local services.

At the local level and with Decree Law 573 of 1974, the Mayor was appointed by the President of the Republic, eliminating the distinction between internal government and administration, since the latter was subordinated to the political objectives of the authoritarian regime, establishing four differences. The first of these was of a territorial nature, since the region was created as an instance of government - previously it was only a unit defined for technical and planning purposes -, the provincial instance of government was redefined and a change in its legal nature was instituted. The second in terms of decision-making powers, given that there was a substantial increase in the attributions of Intendants, Governors and Mayors, accompanied by an increase in resources and a scheme that had important decentralizing features. The third regarding professional and technical resources, since planning at the regional and local levels was institutionalized: the authorities at each level had professional technical support for the preparation and execution of plans, projects and programs for the benefit of their territory and its inhabitants, in charge of the Regional and Communal Secretariat of Planning and Coordination (the SERPLAC and SEC-PLAC). And the last one on community participation, for which a Regional Development Council (CODERE) and a Communal Development Council (CODECO) were defined in each territorial unit, linked to the conceptualization of participation used by the authoritarian regime (Raczynski & Serrano, 1988: 23–24). The municipality was to be transformed into a public service more dependent on the national government (Cumplido, 1983: 23), a “final organ of the administrative and territorial hierarchy of the State, constituting the most direct political-administrative level of contact of the organized community” (Final Report of the First Seminar of Mayors, 1978: 277) (Fig. 1).

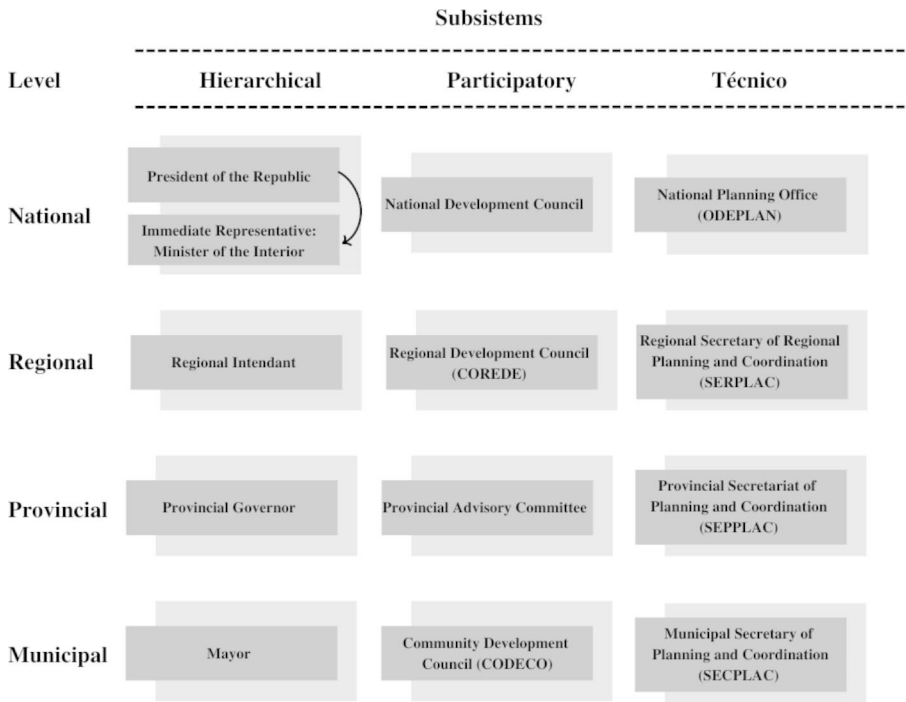


Fig. 1 Government and State Administration System
 Source: author’s elaboration based on the organization chart proposed by the National Commission for Administrative Reform CONARA, 1974. Page 14

The institutional structure shown in the table above was defined on the basis of three subsystems: participatory, hierarchical and technical; all at four levels: national, regional, provincial and communal (Boisier, 1996: 21). This responded to the design of a hierarchical system of territorial units with similar functions, equivalent decision-making capacity and close integration under a line of command emanating directly from the Executive Branch (Rehren, 1991: 224).

At the base is the municipality, understood as the instance closest to the demands of the citizenry, while responding to a “regionalization” as a need to maximize the efficiency of the system, but without constituting a form of political decentralization.

Within this system, the mayor’s leadership becomes relevant and omnipotent (Raczynski & Serrano, 1988) as the main executive of the municipality and the central axis of its functioning. So much so, that the current system of local administrations is tributary of the institutional framework created by the authoritarian regime (1973–1990), where the figure of the mayor and his leadership style have low counterweights in the municipal institutionality, prevailing the model of the “strong-mayor” (strong-mayor) who governs the administrative dimension of the municipality and the political dimension of the territory.

The Levels of Government in the 2022 Constitutional Proposal

For Hannah Arendt (2009), wherever citizens gather, something new can emerge. And the constitutional proposal of 2022 is a good example of this. However, the 62% rejection of the voters in the exit plebiscite, categorical and unappealable, cast a substantive doubt on the relevance of its content. Beyond the causes that explain its rejection -about which abundant literature is being generated (Peña, 2022)-, the proposal of a regional state model within a unitary and indivisible state is a break with respect to the current model, tributary of the one established under the authoritarian regime, as shown in Fig. 2.

Although paradoxical, every constitution requires a distinction between what is truly national and what is truly local (Ryan, 2011), since it establishes the territorial organization of the State and the provisions for the division of powers between levels, be they legislative, executive and judicial functions (Agranoff, 2001).

The 2022 constitutional proposal did so, establishing an intermediate model between unitary and federal. Two articles in the proposed forms of the State are relevant to understand the above. First, that “The State is territorially organized into autonomous regions, autonomous communes, indigenous territorial autonomies and special territories”; and second, that “they are endowed with political, administrative and financial autonomy for the realization of their purposes and interests

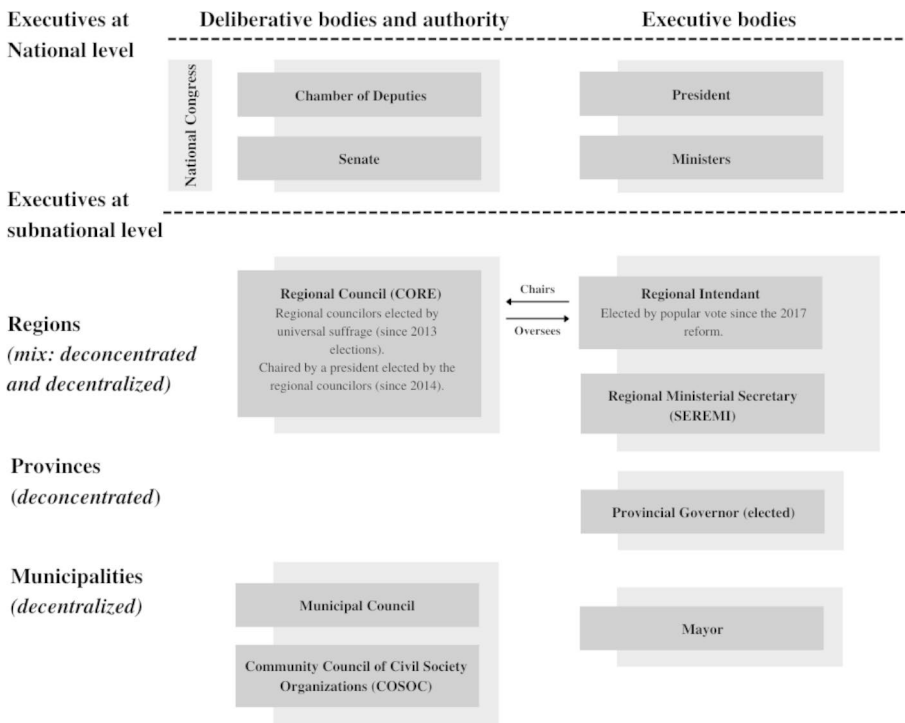


Fig. 2 Current organization of the Chilean multilevel governance system
 Source: author’s elaboration based on OCDE, 2017

under the terms established by this Constitution and the law”. These articles changed the rules of the game in the “thousand layers” of the multilevel building presented below (Fig. 3), notwithstanding the design problems and competencies that would be resolved by specific laws.

At the national level the scheme is different from the Constitution drafted in 1980. The legislative branch has two chambers; the Congress of Deputies and Deputies, and the Chamber of Regions. These chambers have the quality of being asymmetrical because they do not fulfill the same functions. On the one hand, the Congress of Deputies and Deputies is a parity and plurinational body - unlike the current Constitution. Additionally, it has 155 members, and has the functions conventionally assigned to the lower house in a presidential system: overseeing the acts of the Government, admitting or rejecting the resignation of the president, and drafting laws, among others.

On the other hand, the Chamber of the Regions is in charge of drafting laws of regional agreement. Regarding the number of members -who will be called Regional Representatives- Article 11 indicates that the Law will determine the number of representatives to be elected per region, which must be the same for each of the regions and not less than three. In relation to their functions, there is the obligation to render an account before the Regional Assembly represented by each Regional Representative. It may not supervise the acts of the Government or of the entities that depend on

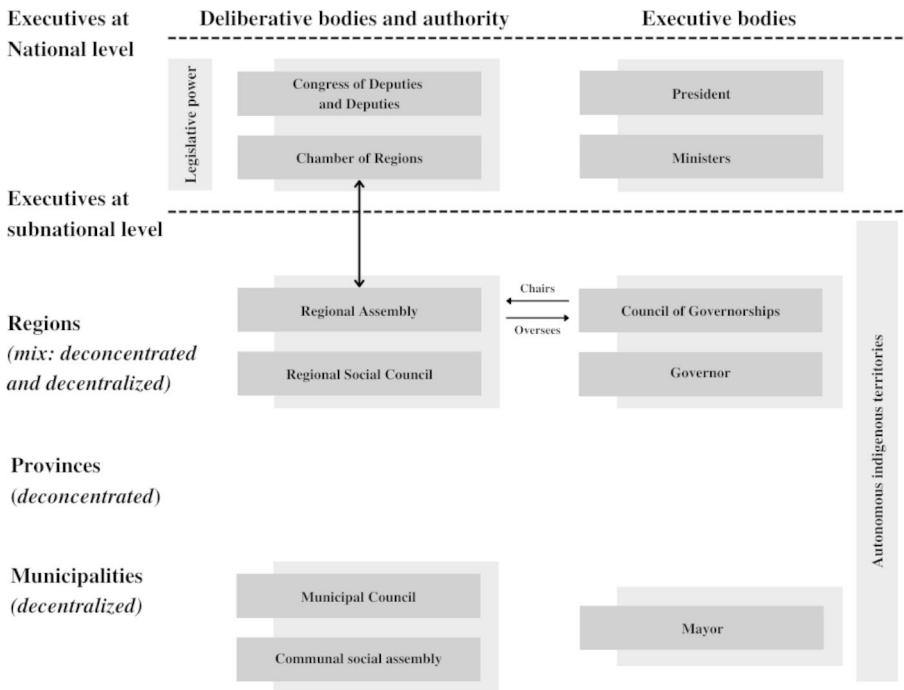


Fig. 3 Constitutional proposal for a Chilean multilevel governance system
 Source: author’s elaboration based on constitutional proposal 2022

it, nor may it declare whether or not accusations against the President of the Republic, for example, are admissible or inadmissible.

In this way, the differences that exist between both chambers in the institutional design of the draft of the New Constitution are evident in comparison with the Constitution currently in force where both chambers mirrored each other. Specifically, the 1980 Constitution, which is currently in force, contemplates two chambers of legislative power: the Chamber of Deputies and the Senate. Both chambers perform the same functions, so that the Senate also legislates at the national level, like the Chamber of Deputies. In the draft of the New Constitution, the Senate would cease to exist giving way to the existence of the Chamber of Regions, which does not contemplate the same functions as the new Chamber of Deputies and Deputies.

A problem to be highlighted is that of the competences (article 126), since the general principle would be that these “should be given from the bottom up, that is to say, if the region can do something, it should be left to it and not to the central government. And if the commune can do something, it should be left to the commune before the region. But article 221 contradicted this, saying that “The competences not expressly conferred to the autonomous region correspond to the central government (.).” That is to say, that the national was privileged over the regional, while the previous article privileged the other way around: the regional over the national (Sierra, 2022).

National Level

Observing the chart with the constitutional proposal for a Chilean multilevel governance system, it is possible to point out that, at the national level, the difference with the Constitution drafted in 1980 lies in the fact that the legislative branch was constituted with two chambers: the Congress of Deputies and Deputies and the Chamber of Regions, thus forming an asymmetrical bicameral Legislative Branch. On the one hand, the Congress of Deputies and Deputies, a parity and plurinational body, with 155 members and the functions conventionally assigned to the lower house in a presidential system: overseeing the acts of the Government, admitting or rejecting the resignation of the President and drafting laws, among others. On the other hand, the Chamber of the Regions, in charge of drafting laws of regional agreement, with members called Regional Representatives who would be determined by law (according to the provisions of Article 11), in equal number for each of the regions and no less than three. Among its functions was the obligation to render an account before the Regional Assembly and it could not supervise the acts of the Government or of the entities that depended on it, nor could it declare whether or not accusations against the President of the Republic, for example, were admissible.

The current 1980 Constitution, on the other hand, is constituted by two chambers of legislative power: the Chamber of Deputies and the Senate, mirror chambers that perform the same functions, in such a way that the Senate also legislates at the national level, the same body that in the 2022 proposal would cease to exist, giving way to the Chamber of the Regions.

Regarding the competences of the proposal (article 126), he emphasizes the general principle that these “should be given from the bottom up, that is to say, if the

region can do something, it should be left to it and not to the central government. And if the commune can do something, it should be left to the commune before the region. But article 221 contradicted this, saying: The competences not expressly conferred to the autonomous region correspond to the central government (.). That is to say, here the national was privileged over the regional, in circumstances that the previous article privileged the other way around: the regional over the national” (Sierra, 2022).

Regional Level

Following the analysis of the proposal, at the subnational level are the Autonomous Regions. The regional authorities would be composed of the Regional Assembly as the deliberative body and the Regional Government as the executive body headed by the Regional Governor, the former being a collegiate body of regional representation, with normative, resolute and supervisory functions of the Regional Government.

Thus, the figure of the Regional Council (CORE), of the Constitution currently in force, would be replaced by the Regional Assembly. The draft of the New Constitution indicated that a law would determine the general requirements to accede to the position of regional assemblyman.

On the other hand, there is also the Council of Governorates presided by the President of the Republic and formed by the Governors of each region, whose mission was to coordinate the relations between the Central State and the territorial entities, a figure that does not exist in the current Constitution. This allowed the Governors to have direct access to the head of the executive power, giving more relevance to the position of Regional Governor while addressing a requirement of the constituent: to generate “solidarity among regions”.

Additionally, the Autonomous Regions would have the competence to coordinate with the representatives of Ministries and Public Services with presence in their territory. In this sense, the Regional Government could request the State to transfer the competencies of Ministries and Public Services, as well as the Municipalities to the Regional Government, a procedure that would be regulated by law.

Finally, there is the Regional Social Council, in charge of promoting popular participation in regional public affairs of a participatory and consultative nature. The draft of the new Constitution indicated that the law would establish the mechanisms and procedures for popular participation within the Council. In addition, the Regional Governor, as well as the heads of the regional public services, should report to the Council - at least once a year - on budget execution and project development, as indicated in the Regional Statute, which defined the administrative organization and internal functioning proposed by the Governor to the Regional Assembly for its deliberation and agreement.

The Regional Statute marks a difference not only because of its existence for each region, but also because it demanded that the elaboration process should guarantee the popular participation of its inhabitants, either through direct or semi-direct democracy instruments.

Municipal Level

Moving to the municipal level, the municipal council and mayor remain very similar to the current Constitution. The draft of the new Constitution adds the figure of the Communal Social Assembly - what was previously known as the Civil Society Council (COSOC) - which would be related to the Regional Social Council. The purpose of this assembly was to promote popular and citizen participation in the public affairs of the autonomous municipality, with a consultative, consultative and representative character of the organizations of the municipality. Who could participate, how it would be organized, as well as its attributions, would be established by law and would be complemented by each Regional Statute.

The autonomous municipality could, prior authorization by general or special law, establish companies with other public or private entities. The public entities would have legal personality, their own patrimony and would be governed by the rules of common law. This power was relevant to the search for local development.

Finally, as at the regional level, each autonomous municipality would have a Municipal Statute elaborated and discussed by the Municipal Council. It would establish the administrative organization and functioning of the communal bodies, the mechanisms of neighborhood democracy and the rules for the elaboration of communal ordinances.

Indigenous Territorial Autonomies and Special Territories

This component of the territorial design was the least developed in the constitutional proposal and the most complex to reconcile (Sierra, 2022). The draft of the new Constitution established that the Indigenous Territorial Autonomies would be territorial entities with legal personality, public law and its own patrimony. The establishment of these would be by law in a process of participation and prior consultation. This would have to be initiated at the request of the indigenous peoples and nations interested. In this way, the Autonomies should have the necessary competencies and financing for the exercise of the right of self-determination of the indigenous peoples and nations.

However, there were design problems. There was Isla de Pascua and the Juan Fernández archipelago as special territories; the latter “would have been an autonomous municipality and a special territory, within an autonomous region. And Isla de Pascua could have been a special territory, an autonomous municipality and, probably, an indigenous territorial autonomy as well. Three territorial dimensions converging in the same territory. And all within an autonomous region” (Sierra, 2022:7).

Criticisms to the Constitutional Proposal

In addition to what has already been exposed in the previous section, it is necessary to deepen the criticisms to the constitutional proposal based on a question: what made this text in Chile so different as to be an exception to a rule: 93% of the 179 constitutional plebiscites held around the world during the last 230 years had a positive result

(Siavelis, 2022). Put differently, “to what extent did the proposed constitution reflect the agenda that, originally, drove its genesis” (Bezus, 2022: 1).

As far as this article is concerned, the gap or decoupling in the agenda of problems is a robust explanation in the search to know the reason for the results, specifically about the changes to the political system and the new way of organizing the territory that generated criticisms that would have influenced the rejection of the voters and that can be classified in two: the “asymmetric bicameralism” and the Indigenous Territorial Autonomies.

Regarding the “asymmetric bicameralism”, beyond what has already been said in the article, it was criticized because it would generate more problems than solutions, since its legislative competence would be rather marginal compared to the Congress of Deputies (Hernández, 2022). It maintained the presidential system, allowing reelection with the advantages of an incumbent and a national legislative chamber, with the requirement of a simple majority to vote on laws and authorization for legislators to present projects that would result in public spending, reminiscent of the fiscal irresponsibility existing in the “old democracy” (Morales, 2022).

In this scenario, the Chamber of Regions, the basis of the Regional State, was seen as an attack on the existing unitary state, despite the fact that the constitutional text explicitly established the principle of “Unitary and indivisible State”. The criticism, in short, argued that the country was moving towards a fragmented country, politically, administratively and financially.

The second criticism was towards “plurinationality”, which after “the negative judgment on the constituents” was the most repeated among those who supported the rejection (Titelman & Leighton, 2022: 8). This, unlike the previous diatribe, is of long standing and is part of the so-called “Mapuche cause”, an ethnic conflict located in the south of Chile.

This problem has been generating rejection in public opinion and when a system of protection of the rights of native peoples was proposed under the concept of “indigenous territorial autonomies” (ATI), it was questioned because it divided Chile, additionally the constitutional proposal recognized an “Indigenous Justice” for specific cases, which was criticized because it would make Chileans not equal before the law, generating a “system based on privileges... with a confusing territorial identification that, in fact, would open a new stage of conflict” (Hernández, 2022: 92).

Conclusions

The IGR as a model to explain the relations between levels of government should be considered in a new constitutional process.

Concepts such as autonomy and its political, fiscal and administrative implications will mark the future of any discussion under the generic concept of “decentralization”, since the model of interactions within the three-level state structuring is a topic that will continue to be discussed and the one proposed by the Constituent Assembly 2022 will be a basis that cannot be avoided by those who propose another constitution.

In the meantime, the relationship between governors through their weak association does not evidence horizontal cooperation capacities, but rather vertical cooperation looking for the president to delegate more and more competencies to the regions from ministries and services strengthening the style of “dominant or inclusive authority” (hierarchical) that has prevailed. The problem is that in the transition to a possible style of “equal or superimposed authority” (negotiation), the coexistence between governors and presidential delegates will weaken the former, since the latter depend on the trust of the president, not on votes. And legitimacy by performance is evaluated in the central government, not in the voters of the region.

At the local level, mayors, who were largely unaffected by the constitutional proposal given their “strong mayor” position, will most likely continue with their cooperative and dependent working style with the executive, either directly with ministers and undersecretaries or with the presidential delegate in their region. Their interests seem to be more aligned with the existing model than with the one proposed by the new constitution, regardless of whether they supported it or not.

Chronologically, the model of levels of government introduced by the military regime, which was maintained with few modifications until the election of governors in 2021, will be maintained and with it the unique opportunity to change it will have been lost. There will be no “Chilean model” to paraphrase the French.

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