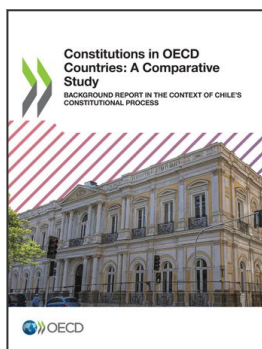


Executive summary

Constitutions provide the essential framework that governs (and delineates) a nation's political life, protecting crucial elements of a stable and thriving democracy, such as the separation of powers and the protection of fundamental rights. They also bring together the core values, national identity and collective vision for the future of a particular society, and ground citizens' trust in government. In the context of the Chilean journey towards its new constitution, this report brings together lessons derived from constitutional frameworks across the OECD Membership, offering a range of design options to serve as background for the Constitutional Convention deliberations throughout 2021-22.

It identifies the key options to consider when designing particular areas of governance, and discusses some of their advantages and associated challenges to provide constituents with additional elements to consider when drafting the text. It focuses on a few selected OECD countries for benchmarking that have been identified as relevant examples and cover a representative spectrum of political design options that exist across the OECD membership, with occasional references to partner countries. The specific countries selected vary depending on the topic that is being discussed.

This report begins by outlining the role of a constitution and the fundamental elements it usually regulates, while underscoring the importance of an inclusive drafting process for a successful and representative outcome that is fully owned by a majority of citizens and provides a strong foundation for harmonious democratic governance. Each chapter explores specific building blocks of constitutions that hold special relevance. It first discusses key elements of the frame of government, including the three powers (the executive, legislative and judiciary branches) and the most common mechanisms included in OECD Members' constitutions for constitutional amendment and stability. In the next chapters, it assesses the constitutional entrenchment of economic, social, and new types of emerging rights. It examines the main systems of government that countries may opt for to promote stability, inclusiveness, and co-operation among branches of power to produce better policy outcomes. The report also provides a comparative description of constitutional provisions for multi-level governance, and the existing mechanisms for constitutional review. Finally, it provides an overview of constitutional provisions in the areas of fiscal governance and central banks in selected OECD countries.



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