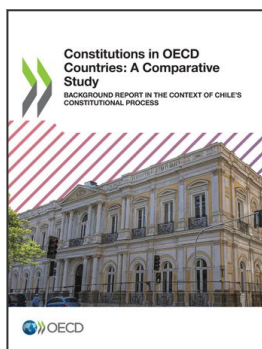


Foreword

Shaping a constitution presents a country with an exceptional opportunity to create a shared vision of the future. It represents a chance to lay the foundations for a strong democracy, government stability, and the protection of fundamental rights. Initiation of the current constitutional reform process in Chile was met with remarkable citizen support following the outcome of a referendum that took place in October 2020. That process has set democratic Chile on a new, promising path.

For all countries embracing such an endeavour, drafting a new constitution or amending an existing one is a stimulating challenge, but also a demanding process from both a political and technical standpoint. With a view to providing background contribution for the members of the constitutional convention in their drafting endeavour, the OECD was invited to conduct a benchmarking exercise covering a range of possibilities for constitutional provisions, reflecting the experiences of selected OECD member countries. Acknowledging that constitution making is a sovereign national process that must be fully owned and led by the Chilean people, consideration of the lessons offered by comparative experience can help Chile reap the full benefits of the ambitious constitution-building process and support its successful outcome. This report therefore presents an overview of several components of contemporary OECD member country constitutions, highlighting key options in areas of special interest for the Chilean political-institutional context – such as the system of government, constitutional review, territorial organisation, economic and social rights, and fiscal institutions. While many crucial topics necessarily remain outside the remit of this review, they should not be considered any less important or worthy of inclusion in constitutional text. The focus here is on particular areas where the OECD can offer the most significant expertise and experience.

Chile is widely recognised as an exemplary pillar for the OECD in Latin America and a global leader in supporting the dissemination of OECD best practices and standards. Over the past ten years, Chile has undertaken ambitious reforms with support from OECD experts to continue improving its policies, regulations and institutional frameworks in key areas such as governance, competition, education, tax policy, and anticorruption. This report builds on that close relationship, while emphasising the sovereign nature of the constitutional process in Chile. The OECD congratulates Chile for managing to successfully launch this constitutional rewrite process under the extraordinary and pressing circumstances prompted by the COVID-19 pandemic, thereby demonstrating that diverging views can be addressed through dialogue and democratic process.



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