

Chilean Constitutional Process - Expert Commission passed the preliminary draft of the New Constitution

On May 30, 2023, the Expert Commission concluded the vote on the preliminary draft of the New Constitution, sending it to the Constitutional Council for discussion. After having reached cross-party agreements on most of the proposed amendments to the first draft, the Expert Commission approved in Plenary Session the text of the preliminary draft, which consists of 14 permanent Chapters, with their respective transitory provisions. The structure of the draft would be the following:

- 1 Chapter I.- Foundations of the Constitutional Order
- 2 Chapter II.- Fundamental rights and freedoms, constitutional guarantees and duties
- 3 Chapter III.- Political representation and participation
- 4 Chapter IV.- National Congress
- 5 Chapter V.- Government and Administration of the State
- 6 Chapter VI.- Regional and Local Government and Administration
- 7 Chapter VII.- Judicial Power
- 8 Chapter VIII.- Constitutional Court
- 9 Chapter IX.- Public Ministry
- 10 Chapter X.- Electoral Justice and Electoral Service
- 11 Chapter XI.- Comptroller General of the Republic
- 12 Chapter XII.- Central Bank
- 13 Chapter XIII.- Environmental Protection, Sustainability and Development
- 14 Chapter XIV.- Constitutional change procedures

In accordance with the rules of the constitutional process, this preliminary draft will serve as the basis for the discussion of the Council, upon its installation on June 7. This body - composed of the 51 representatives elected on May 7, 2023 - may approve, amend, or suppress the articles of the preliminary draft, or add new provisions, by the affirmative vote of 3/5 of its members and always upholding the 12 Institutional and Fundamental Bases of the process.

During this stage, the members of the Expert Commission may participate in the plenary sessions as well as in the commissions of the Constitutional Council, but only with the right to be heard (without the right to vote).

If during the discussion it is considered that any proposed rule coming from a commission or the plenary of the Council violates the Bases, the Technical Committee on Admissibility may be requested to rule on the validity of the proposal. The request may be presented by 1/5 of the members of the Council or by 2/5 of the members of the Commission and, if accepted, will prevent the proposal in question from becoming a constitutional norm.

Once the discussion process has been completed and if the project is approved in general by 3/5 of the Plenary of the Council, it will be submitted to a referendum (with mandatory voting) on December 17, 2023.

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