



Citizen Participation in Chile's Constitution-Making Processes

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Introduction

Chilean social movements were instrumental in the country's transition to democracy. However, they became largely demobilised after democratic consolidation.¹ Chile has developed a stable, party-centric political system where professional politicians and a technocratic consensus around the neoliberal model have left little room for social movements.²

State-promoted citizen participation in Chile has neither embraced civil society nor resulted in strong participatory institutions.³ Since the 1990s, the state has used participation as a "governing tool," a tactic to regulate the actions of civil society, which has been met with opposition and resistance from various social organisations.⁴ As a consequence, initiatives aimed at institutionalising channels for citizen participation have only succeeded in sidelining civil society even further and reinforcing the exclusion of citizens from decision-making.⁵

On the other hand, beginning in 2011, with the onset of the first wave of student protests in Chile, civil society organisations (CSOs) started to leverage digital tools to introduce democratic innovations. A variety of internet platforms and mobile applications were developed to enable citizens to monitor political processes, including elections, political parties, campaign financing, legislative activities, and lobbying. From 2011 to 2020, democratic innovations initiated by CSOs expanded to comprise nearly one-third of all institutions, mechanisms, and processes of citizen participation in Chile, as indicated by the LATINNO dataset.⁶

Since 2011, Chile has faced a paradox characterised by a drastic decline in institutional political participation and a strong rise in social mobilisation.⁷ While digital technology has catalysed democratic innovations across Latin America over the past decade, Chile serves as a compelling example of how digital technology

can empower civil society and invigorate its role in establishing new forms of citizen participation.⁸

In late 2019, Chile witnessed a wave of massive protests that swept through its major cities. Sparked initially by a metro fare hike, the demonstrations quickly evolved into a broader movement calling for social justice, economic equality, and political reform. This civil unrest, known in Spanish as **Estallido Social** (social outburst), set the stage for a historic plebiscite held in October 2020, in which 78.3% of Chilean citizens voted to draft a new constitution and to establish a constitutional convention to pursue this task. This plebiscite is regarded as the beginning of a still ongoing constitution-making process. It is intended to replace Chile's current constitution, which was enacted in 1980 during Augusto Pinochet's military dictatorship.

This paper illuminates these processes, highlighting how citizen participation in Chile's constitution-making unfolded before, during, and after the 2021-2022 constitutional convention. The paper focuses on three key periods: the 2015-2016 constitutional process initiated by then-President Michelle Bachelet, the 2021-2022 constitutional process carried out by the elected constitutional convention, and the 2023 constitutional process aimed at crafting a new constitution following the 2022 plebiscite's defeat. The paper illuminates various designs for citizen participation implemented by both the government and civil society within each of these periods.

1 Marisa von Bülow and Sofía Donoso, "Introduction: Social Movements in Contemporary Chile," in *Social Movements in Chile: Organization, Trajectories, and Political Consequences*, eds. Sofía Donoso and Marisa von Bülow (New York: Palgrave Macmillan, 2017), 15.

2 Kenneth M. Roberts, "(Re)Politicizing inequalities: Movements, parties, and social citizenship in Chile," *Journal of Politics in Latin America* 8, no. 3 (2016): 125–54.

3 Thamy Pogrebinski, *Innovating Democracy? The Means and Ends of Citizen Participation in Latin America* (Cambridge: Cambridge University Press, 2023), 32.

4 Julia Paley, "The paradox of participation: Civil society and democracy in Chile," *Political and Legal Anthropology Review* 24, no. 1 (2001): 1–12.

5 Alena Collado, "Las políticas públicas de participación ciudadana en Chile," *Revista Estudios de Políticas Públicas* 4, no. 1 (2018): 79–98; and Gonzalo Delamaza, *Enhancing Democracy: Public Policies and Citizen Participation in Chile* (Berghahn Books, 2014).

6 "Homepage," LATINNO: Innovations for Democracy in Latin America, WZB Berlin Social Science Center, accessed November 29, 2023, <https://www.latinno.net>.

7 Claudia Heiss, "Participación política y elaboración constitucional: el caso de Chile," *Derecho y crítica social* 4, no. 1 (2018): 126.

8 Thamy Pogrebinski, *Innovating Democracy?*

The 2015-2016 Constitutional Process

The Citizen Dialogues

Michelle Bachelet was elected president of Chile in December 2013 as part of a political coalition committed to creating a new constitution through a “democratic, institutional, and participatory process”.⁹ In October 2015, Chile embarked on a constitutional reform process that, from its inception, prioritised the advancement of citizen participation. The main goal was to incorporate suggestions and feedback from citizens, collected through both in-person and online channels, into a final constitutional proposal to be drafted by the Executive branch and sent to Congress for approval.

Bachelet’s multilevel participatory constitutional process comprised a civic and constitutional education stage, followed by an individual online consultation, and deliberation at the local, regional, and national levels. The latter stage, the so-called Citizens’ Dialogues (**Diálogos ciudadanos**), took place between 23 April and 6 August 2016. They started at the local level with Self-Organised Local Meetings (**Encuentros Locales Auto-convocados**), then progressed the deliberation to the provincial level with Provincial Cabildos (**Cabildos Provinciales**), and finally scaled up to the regional level with Regional Cabildos (**Cabildos Regionales**). These three levels of deliberation were interconnected. The results from the local meetings were expected to inform deliberation at the provincial level, which would then serve as the basis of the discussions at the regional stage. A Citizen Observers Council (**Consejo Ciudadano de Observadores**) with 15 members was appointed to oversee the deliberative process and ensure its transparency.¹⁰

A total of 218,689 people took part in the different stages of the participatory constitutional process. The Self-Organised Local Meetings attracted 106,412 participants, the Provincial Cabildos saw the involvement of 12,852 individuals, the Regional Cabildos engaged 8,621 citizens, and an additional 90,804 people participated in an online individual consultation. According to the Organisation for Economic Co-operation and Development (OECD), the process was unparalleled due to its remarkable rate of citizen participation, which stood at 1.13% of the total population and spanned 98% of the country’s territory. In contrast, constitutional processes in other countries that aimed at including citizens have typically garnered much lower levels of public engagement.¹¹

Deliberation in the Citizens’ Dialogues followed a specific methodology designed by the government, a “deliberative convergence” in which the so-called constitutional conversations should collaboratively shape agreements, partial agreements, and disagreements on constitutional issues.¹² In the Self-Organised Local Meetings (ELAs), citizens were prompted to deliberate on four constitutional dimensions: principles and values, rights, duties, and institutions. For each of these dimensions, participants prioritised seven constitutional concepts from a list supplied by the government or introduced new constitutional concepts after group deliberation. The prioritised concepts within each dimension, the rationale behind their selection, and the official minutes of the meeting were subsequently uploaded to a platform designed for this purpose.¹³

The inputs gathered from the participatory stage of the constitutional process put forward by Bachelet’s government were compiled and processed by a commission in a document titled Citizens Basis for the

9 Leonardo Soto Ferrada and Alfonso de Urresti Longton, “Itinerario constituyente para la participación efectiva de la ciudadanía,” *elquintopoder*, July 22, 2015, accessed November 29, 2023, <https://www.elquintopoder.cl/politica/itinerario-constituyente-para-la-participacion-efectiva-de-la-ciudadania/>.

10 “Resultados Proceso Constituyente: Su Convocatoria y Participación,” Chilean Senate, accessed November 29, 2023, <https://www.senado.cl/appsenedo/index.php?mo=transparencia&ac=doctoInformeAsesorio&id=4564>.

11 OECD, OECD Public Governance Reviews – Chile: Scan Report on the Citizen Participation in the Constitutional Process (2017), 24.

12 Pamela Figueroa Rubio and Tomás Jordán Díaz, “Convergencia Deliberativa: La participación ciudadana en el cambio constitucional, Chile 2016,” *Polis (Santiago)* 20, no. 58 (2016): 6.

13 “Guía para Organizar Encuentros Locales,” accessed January 2023, https://www.unaconstitucionparachile.cl/wp-content/uploads/2023/01/guia_encuentros_locales.pdf.

Constitution (**Bases Ciudadanas para la Constitución**), which was supposed to “express the set of agreements reached between citizens, as well as partial agreements and disagreements at the national level as a result of the participatory stage”.¹⁴ This document was expected to work as a crucial input for the Executive branch in the formulation of a new constitutional proposal.

The separation between an open, participatory stage and a closed, institutional one made clear the challenges of converting citizen participation into actionable public policy. This split at the core of the government's institutional design may have contributed to the failure of the process. Moreover, scholars point out that political parties, social movements, and CSOs, in general, were not adequately involved in the process, having only participated in the *Cabildos* to promote specific demands.¹⁵

Despite the emphasis on citizen participation, the ultimate authority on the approval of the Constitution's draft remained vested in Congress. In March 2018, just days before leaving office, President Bachelet submitted the draft of the new constitution to Congress for consideration. The draft remained, however, largely ignored. Nonetheless, Heiss argues that while describing the Citizens' Dialogues as a constituent process may seem inaccurate, the process reflected a “constituent moment” in Chilean society.¹⁶

#TuConstitución

During the 2015-2016 participatory process initiated by the Bachelet administration for crafting a new Constitution, citizens were actively encouraged to autonomously organise and contribute additional insights for the constitutional draft. In response, certain CSOs developed initiatives to augment citizens' input into the constitutional process.

#TuConstitucion was a digital platform developed by the CSO Fundación Democracia y Desarrollo between March 2015 and January 2016 as part of the government's constitutional process. The platform aimed to provide a space for citizens to actively

participate in shaping the content of a new constitution. During its operation, #TuConstitucion garnered 100,000 visits, 500,000 page views, and 35,000 interactions from citizens.¹⁷

#TuConstitucion was committed to leveraging digital technology to facilitate and enhance citizen participation. It offered various avenues for citizens to engage, including workshops in schools, events in detention centres, and online spaces for exchanging information and ideas. The platform was designed to be a bridge between citizens, fostering a public and open discussion on the fundamental topics that a new constitution should address.¹⁸

The primary objective of #TuConstitucion was to contribute to a broader dialogue by actively soliciting the diverse perspectives of individuals who accessed the platform. Citizens were encouraged to share their opinions and reflections as part of a collaborative exercise aimed at collectively envisioning and designing the future of the country. This initiative not only revealed the power of digital technology in facilitating citizen participation but also had a tangible impact, as it successfully channelled 8,500 proposals and suggestions, which were synthesised into 590 ideas that significantly enriched the constitutional discourse in Chile.¹⁹

¹⁴ Presidencia de la Republica de Chile, “Bases Ciudadanas para la Constitución,” 2016, p.16.

¹⁵ Claudia Heiss, “Soberanía popular y ‘momento constituyente’ en el debate sobre cambio constitucional en Chile,” *Anales de la Universidad de Chile*, no. 10, series 7 (2016): 134.

¹⁶ Heiss, “Soberanía popular,” 117.

¹⁷ “NuestraConstitución,” LATINNO, accessed November 29, 2023, <https://latinno.net/en/case/4069/>

¹⁸ “TuConstitución,” Fundación Democracia y Desarrollo, accessed November 29, 2023, <https://www.tuconstitucion.cl/>.

¹⁹ “#TuConstitución: Informe Ciudadano,” accessed November 29, 2023, <https://www.tuconstitucion.cl/informe-ciudadano/>.

The 2021-2022 Constitutional Process

Citizens' Assemblies

Citizens' assemblies, known as **Cabildos ciudadanos** or **Asambleas ciudadanas**, are a longstanding feature of Chilean political culture, with roots extending back to at least the 16th century, where they were already associated with citizen participation and the deliberation of communal issues.²⁰ While numerous citizens' assemblies have been convened across Chile's municipalities over the years, they garnered significant attention during President Bachelet's constitutional process in 2015-2016, which called upon citizens to convene cabildos (termed then Self-Organised Local Meetings, ELAs). However, in the wake of the nationwide protests in 2019, cabildos surged to prominence, mirroring the intensity of the demonstrations that spread throughout Chile in October of that year.

As massive protests erupted, spontaneously organised cabildos by local citizens began emerging across numerous municipalities. In a remarkable response, local political officials and social leaders encouraged citizens to self-organise cabildos, ensuring that deliberations and decisions were documented to potentially inform the shaping of a future constitutional process.²¹ Over a thousand citizens' assemblies are estimated to have been self-organised throughout Chile, gathering many thousands of citizens deliberating on public concerns and ultimately on the contents for the new constitution. Cabildos were held in all sorts of places, in squares, parks, community centres, workplaces, schools, universities, churches, associations

headquarters, etc. Although deliberation was usually very informal and, in most cases, followed no rules, some cabildos had specific rules and guidelines for the discussions.²²

According to a survey conducted by Ureta et al., three types of cabildos were organised in Chile following the 2019 protests.²³ **Territorial Cabildos** were convened by territorially-based organisations, such as neighbourhood associations and local worker groups; these attracted a diverse array of participants linked by their residence or work in the same area, focusing mainly on local concerns. **Thematic Cabildos** were initiated by groups sharing common interests (like architects, cannabis users, etc.) with a background in political activism. These cabildos aimed to shape the constitutional dialogue to reflect their specific agendas. Lastly, **Institutional Cabildos**, initiated by established entities (e.g., universities and sports clubs), provided a forum for their constituents to discuss particular matters and consider the broader role their institutions should play amidst the ongoing societal and political mobilisation.

20 Cristián Guerrero Lira, "Orígenes históricos de los cabildos representativos," in *Chile Despertó* (Santiago: Universidad de Chile, 2019).

21 "Cabildos abiertos buscan crear una nueva constitución," *La Cuarta*, October 26, 2019, <https://www.lacuarta.com/cronica/noticia/cabildos-abiertos-buscan-crear-una-nueva-constitucion/424395/>.

22 Sebastián Ureta et al., "Constituting Chileans: the Cabildos of October 2019 and the trouble of instrumental participation," *Social Identities* 27, no. 5 (2021): 521-537.

23 Ureta et al., "Constituting Chileans," 521.

We Have to Talk about Chile

The University of Chile and the Catholic University of Chile, in collaboration with 27 additional universities and over 60 CSOs, implemented a series of participatory and deliberative democratic innovations as part of the initiative “We Have to Talk about Chile” (**Tenemos que Hablar de Chile**). Employing diverse methodologies and influencing various phases of the constitutional process, three initiatives were particularly noteworthy: the **Cabildos on the Political System**, the **Constitutional Cabildos**, and the “We Have to Talk about the New Constitution” (**Tenemos que Hablar de la Nueva Constitución**).

The **Cabildos on the Political System** were dialogues aimed at identifying citizen viewpoints, justifications, and shared ideas about the constitutional discussion on the political system. They were held via video calls from 23 October to 28 November, 2021, and involved 578 citizens from all regions of the country, selected with socio-demographic criteria. A total of 137 groups, each consisting of four to six people, were formed to deliberate with the support of a facilitator. The groups were tasked with addressing four key questions: (1) What should politics in Chile look like? (2) Which actors in the system should have more or less power? (3) What alternative form of government would be most suitable for the country? (4) Would they maintain their decision when faced with counter arguments?²⁴

The **Constitutional Cabildos** were dialogues conducted on a specially designed digital platform to address a wide range of topics relevant to constitutional debate. These took place between 8 December, 2021, and 25 March, 2022, while the first constitutional norms were being discussed and voted on by the Constitutional Convention. A total of 610 participants gathered in 135 groups, each consisting of four to six people. These groups were formed in two ways: some were self-organised groups of friends, family, or neighbours, while others were diverse groups arranged by the platform based on the sociodemographic characteristics of individuals who signed up. In total, 13.9% participated through self-organised groups, and 86.1% through public groups. The methodology required each group to select a moderator from among its members. They were then

tasked with choosing a relevant topic for constitutional discussion from a list. However, they also had the option to address an unlisted topic agreed upon by the group.²⁵

“We have to Talk about the New Constitution” was a process carried out between 20 May and 2 September, 2022, after the Constitutional Convention had finalised the draft of the new constitution. It aimed to gather citizen expectations regarding the proposal for the new constitution before the plebiscite that would decide on its approval. It comprised two participation mechanisms: an individual one called “Individual Consultation” and a group-based one called “Citizen Dialogues”. People could voluntarily sign up to participate in this mechanism. At the same time, multiple partnerships were formed with various civil society organisations to encourage citizen participation in the process. A total of 13,606 people participated, of which 81% did so through group dialogues and 19% through individual consultation.²⁶

A partnership between the Constitutional Convention and “We Have to Talk about Chile” allowed citizens from all over the country to participate in digital citizens’ assemblies and submit their proposals for the new Constitution. The proposals resulting from the online deliberations were systematised and sent to the constituents as inputs.²⁷

The Constitutional Convention

As the constitutional convention started to work, the Commission for Popular Participation and Territorial Equity was installed to determine the modalities of citizen participation throughout the process and to operationalise the necessary mechanisms. The Commission’s initial action was to develop a comprehensive regulation delineating the methods and mechanisms for citizen participation in the constitutional process. This extensive and detailed document aspired to facilitate intense and inclusive participation, which was achieved only to some extent and with limited success.²⁸

Two primary means of citizen participation stood out during Chile’s constitutional convention process, the Public Hearings and the Popular Initiatives for

24 “Tenemos que Hablar de Chile,” *Claves desde una ciudadanía constituyente. Informe final*, 1st ed. (Santiago de Chile, 2022), 16.

25 “Tenemos que Hablar de Chile,” 22.

26 “Tenemos que Hablar de Chile,” 29.

27 “Convención Constitucional: Participación Popular,” accessed November 29, 2023, https://www.chileconvencion.cl/news_cconstitucional/quieres-participar-del-primer-cabildo-digital-de-la-convencion-aqui-te-contamos-como/

28 Gonzalo Delamaza, *La Participación Ciudadana en el Proceso Constituyente* (Santiago: Contexto +, 2022).

Norms. The Public Hearings were conducted by the convention's committees, where hundreds of speakers, predominantly from civil society, contributed their testimonies. Initially, from July to August 2021, the Convention's provisional committees organised 648 public hearings, establishing the central themes for the permanent commissions' deliberation and subsequent creation of the draft constitution. In a subsequent phase, from November 2021 to January 2022, there were requests for 3,383 public hearings, of which 1,036 were conducted. However, several hearings were not systematically recorded, resulting in the loss of valuable information due to time constraints.²⁹

The Popular Initiatives for Norms (**iniciativas populares de norma, IPN**) were the primary mechanism for citizen participation in Chile's constitutional convention. They allowed any person above the age of 16, whether a Chilean national or a foreign resident, to submit a formally structured proposal for constitutional norms. If a proposal garnered at least 15,000 supporters, it was eligible for discussion, voting, and potential inclusion in the new constitution by the convention members. This participatory window was, however, only open for a short time, from 22 November, 2021, to 1 February, 2022. During this period, individuals or groups were able to propose up to seven initiatives and endorse seven others. Remarkably, around 80,000 initiatives were submitted, of which 2,496 cleared the technical requirements set by the commission to be considered for inclusion in the popular participation platform set up for this goal. Ultimately, only 77 of these proposals reached the necessary 15,000 supporters for consideration.³⁰

The Popular Norm Initiatives attracted massive public engagement, drawing in close to a million participants from a diverse array of social groups. Of these, 47.8% were women, 39.9% were men, 2.12% identified as non-binary, and 10.9% chose not to disclose their gender. Geographically, most participants lived in Chile, with the Metropolitan Region being the most represented. Young adults between the ages of 25 and 35 constituted a significant segment. Indigenous peoples made up 4.5% of the total. Additionally, over 229,000 participants

identified as belonging to historically excluded groups, including the elderly, caregivers, rural inhabitants, and LGBTQ+ individuals, among others.³¹

The detailed regulations for citizen participation in the constitutional convention also envisioned the inclusion of *cabildos* and self-organised meetings. However, these were not implemented as initially planned. The platform for submitting *cabildo* results was launched in early January 2022, providing *cabildos* with less than a month to submit their submissions. To address this, the Commission for Popular Participation decided to collect and organise data from the numerous *cabildos* held since the onset of the social uprising in 2019. Ultimately, information from 16,424 *cabildos* or local assemblies involving 154,541 participants was compiled.³² Nonetheless, it remains unclear how this extensive body of data was used by the constitutional convention members or reflected in the constitution draft.

The constitution draft prepared by the convention was rejected by 62% of the over 13 million participating Chilean voters in the plebiscite of 4 September, 2022. This outcome illustrates the constitutional process's dual nature: bottom-up, driven by groups and masses advocating for a new constitution, and simultaneously top-down, emerging from an elite-negotiated compromise that was shaped by political party-formulated rules that largely excluded civil society.³³

The reasons for the draft's rejection are multifaceted. Some analysts contend that the proposed constitution was overly progressive, while others argue that the constitutional convention did not achieve sufficient political consensus. Additionally, some point to the impact of disinformation campaigns or the innate conservatism of Chilean society. Nevertheless, it is evident that there was a significant disconnect between the citizens and the content they were voting on, likely exacerbated by the absence of effective channels for substantive participation and deliberation in the constitution-making process, leaving them underprepared to make an informed decision in the plebiscite.³⁴

29 Delamaza, *La Participación Ciudadana*.

30 "¿Qué es lo que quiere el pueblo? La carrera de las iniciativas populares de norma," C22, February 3, 2022, accessed November 29, 2023, <https://c22cepchile.cl/analisis/que-es-lo-que-quiere-el-pueblo-la-carrera-de-las-iniciativas-populares-de-norma/>

31 "¿Quiénes son el casi millón de chilenas y chilenos que participaron en las Iniciativas Populares de Norma," Convención Constitucional, February 3, 2022, accessed November 29, 2023, <https://participacionpopular.chileconvencion.cl/index.php/noticia/quienes-son-el-casi-millon-de-chilenas-y-chilenos-que-participaron-en-las-iniciativas-populares-de-norma/>

32 Delamaza, *La Participación Ciudadana*.

33 Sergio Verdugo and Marcela Prieto, "The Dual Aversion of Chile's Constitution-Making Process," *International Journal of Constitutional Law* 19, no. 1 (2021): 151.

34 Roberto Gargarella, "Para continuar con el diálogo sobre el 'plebiscito de salida' chileno," in IACL-AIDC Blog, October 11, 2022, <https://blog-iacl-aidc.org/new-blog-3/2022/10/11/para-continuar-con-el-dialogo-sobre-el-plebiscito-de-salida-chileno>, accessed November 29, 2023.

The 2023 Constitutional Process

Following the rejection of the constitutional proposal in the 2022 plebiscite, a multiparty agreement was reached to draft a new constitution through the newly elected Constitutional Council, assisted by the Commission of Experts. The Congressional-appointed commission of 24 experts prepared a preliminary draft between March and June 2023. The Constitutional Council was officially installed on 7 June, 2023, a month after the election of its 50 members. It dedicated nearly five months to revising and amending the draft prepared by the Commission of Experts.

Five key mechanisms have been employed to enable citizen participation in Chile's 2023 constitutional process: Citizen Training (**Formación ciudadana**), the Popular Initiative (**Iniciativa Popular**), Public Hearings (**Audiencias Públicas**), Citizen Dialogues (**Diálogos Ciudadanos**), and Citizen Consultations (**Consultas Ciudadanas**). These platforms were orchestrated by the General Secretariat for Citizen Participation (**Secretaría General de Participación Ciudadana**), which collaborated with Chile's major academic institutions (the University of Chile and the Pontifical Catholic University of Chile) to design, coordinate, and implement these various channels for citizen participation.

The initial phase, known as the "Preliminary and Preparation Stage" had two critical components. First, there was the "Compilation of Previous Citizen Participation Inputs," which involved gathering reports and documents related to citizen participation in constitutional processes since 2016.³⁵ The second component is known as "Citizen Training, Civic Education,

and Process Dissemination". These activities focused on disseminating information, offering civic education, and explaining the constitutional process and avenues for citizen involvement.

The main stage for citizen participation, which was termed the "Participation Stage" (or "participation month"), ran from 7 June to 7 July, 2023, and comprised the four core mechanisms for participation.³⁶ First, the Popular Initiative provided a platform for citizens to propose changes or amendments to the draft constitution. Second, the Public Hearings were organised to let civil society groups or individuals directly present their viewpoints to the Constitutional Council. Third, Citizen Dialogues were group discussions that enabled thousands of citizens to debate the draft and provide feedback collectively. Lastly, Citizen Consultations were individual public consultations conducted through a digital platform, allowing people to express their opinions on the draft constitution.³⁷

Altogether, 269,864 citizens from 346 communes and 1,640 Chileans living abroad participated through these mechanisms.³⁸ Specifically, 236,476 people supported a Popular Initiative for Norms (**Iniciativa Popular de Norma, IPN**), over 28,000 answered the Citizen Consultation, around 12,000 participated in Citizen Dialogues, and about 1,800 people requested a Public Hearing. On 21 July, 2023, a report detailing the results of this participatory process was released, aiming to inform the work of the Constitutional Council.³⁹

35 Secretaría de Participación Ciudadana, *Recopilación de Procesos Participativos Previos: II Edición* (June 2023), <https://secretaria.s3.amazonaws.com/wp-content/uploads/2023/07/20224220/Recopilacion-de-Procesos-Previos-II-Edicion.pdf>, accessed November 29, 2023

36 "Nueva Constitución en Chile: extienden plazo para solicitar audiencias públicas por participación ciudadana," *El País Chile*, June 14, 2023, accessed November 29, 2023, <https://elpais.com/chile/2023-06-14/nueva-constitucion-en-chile-extienden-plazo-para-solicitar-audiencias-publicas-por-participacion-ciudadana.html>

37 "Secretaría de Participación Ciudadana," *Proceso Constitucional*, accessed November 29, 2023, <https://www.procesoconstitucional.cl/secretaria-de-participacion-ciudadana/>

38 "Resultados de participación," Secretaría de Participación Ciudadana, accessed November 29, 2023, <https://www.secretariadeparticipacion.cl/resultados-de-participacion/>

39 Secretaría Ejecutiva de Participación Ciudadana, "Participación Ciudadana en el proceso constitucional 2023: Informe final," (September 2023), accessed November 29, 2023, <https://secretaria.s3.amazonaws.com/wp-content/uploads/2023/08/16102611/Informe-SPC-Digital.pdf>

Conclusion and Lessons for Further Reflection

Chileans are currently faced with the third attempt to approve a new constitution in less than six years. The draft for the new constitutional text was finalised by the Constitutional Council on 30 October and is set to be voted on by citizens in a referendum scheduled for 17 December, 2023. At the time of writing this case study, opinion polls indicated Chile's proposed new constitution would likely be rejected.

Throughout this time, however, Chileans have exhibited an impressive “democratic empowerment, participatory anxiety, and constitutional commitment”.⁴⁰ This is likely the result of the shared recognition of the need for constitutional change and the numerous – though often constrained and frustrated – attempts by the citizenry to actively engage in this process over time.

Despite the various failures, these different attempts to establish a more participatory constitutional process have provided lessons for further reflection and the design of citizen participation mechanisms in constitution-making.

First, the **direct involvement of civil society in government-promoted democratic innovations is essential**. CSOs should not merely participate in state-promoted processes; they should co-design and implement them. The absence of civil society in the conception, design, and implementation of democratic innovations can contribute to their failure, leading to weak institutionalisation, hollow participation, and diminished legitimacy of outcomes. This was evident in Chile's 2015-2016 Citizen Dialogues initiated by then-President Bachelet.

Second, **governments should recognise and support citizen-led and CSO-promoted democratic innovations**. The experience of the *cabildos* during the 2021-2022 constitutional process suggests there was genuine bottom-up participation and inclusive, open deliberation. The formal participatory mechanisms employed by the government in both the 2021-2022 and 2023 processes had to rely on input from the citizen-led *cabildos*. The Chilean *cabildos* demonstrate that citizens' assemblies can represent a different model than the randomly selected, facilitated deliberation of the mini-publics currently popular in Europe.

Third, **collaboration among governments, CSOs, and private stakeholders is critical for democratic innovation**. Although the 2023 constitutional process has not yet been fully analysed, as it is too recent, the collaboration that the Constitutional Council established with Chile's major universities has, at least, appeared successful in engaging civil society and promoting substantial citizen participation.

Fourth, **combining diverse means of participation within a single democratic innovation and mixing various democratic innovations within a constitutional process may be a promising path to political reform**. Chile has showcased innovative ways of integrating digital participation and deliberation, as reflected in the initiatives of #TuConstitución in 2015-2016 and “We Have to Talk About Chile” in 2021-2022. The latter, in particular, seems to have played a significant role in supplementing the Constitutional Convention's inputs from citizens. Strengthening deliberative mechanisms and digital participation can help build the social consensus necessary for the acceptance of constitutional drafts in referendums.

Fifth, **participation and deliberation must be truly inclusive**. Deliberative mechanisms that involve a limited number of participants and exclude CSOs (as seen in the 2015-2016 process) are as problematic as institutional channels for massive participation that lack deliberative depth (as observed in the 2022-2023 process). Democratic innovations must promote both large-scale participation and inclusive, open deliberation.

40 Roberto Gargarella, “Diez puntos sobre el cambio constitucional en Chile,” *Revista Nueva Sociedad* 285 (2020): 21.

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About the project:

'Exploring Worldwide Democratic Innovations' is a research project supported by Robert Bosch Stiftung, which explores emerging innovations in democratic participation around the world and offering an overview of the lessons learned throughout the application of these innovations. The project highlights policy implications and gives a set of recommendations for European policymakers and practitioners working on the EU's internal democratic renewal. The project brings together researchers, practitioners and policymakers to exchange best practices in democratic political innovations.