

The Long-Awaited Advancement of the Most Delayed
Decentralization Process in South America
The Causes and Sequence of Law No. 20990,
Elections for Regional Governors in Chile

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Introduction

Chile is currently one of the most centralized countries in Latin America. Discussions regarding decentralization include the three aspects of politics, government administration, and finances. In terms of politics, out of all countries in South America, Chile the most recently had wide-area government political representatives be appointed by the president. However, this is a result of proceeding with the revision of institutions incrementally and at a very slow pace; it does not mean that there has been no decentralizing reorganization of political institutions in the country. This is shown by the introduction of the “Regional Governor” (*gobernador regional*) post in 2016 due to legal changes. There are plans to hold the first election for them in 2020 (Table 1).

Why political decentralization became possible in Chile, a country that has maintained a very centralized system? To investigate the explanation, I will focus particularly on the political process by which the regional governor election system was introduced in 2016.

From a historical perspective, Chile was a country that began transferring government administrative functions to subnational areas at a comparatively early stage. In 1974 under the Pinochet military regime, administrative divisions were put in place (regions / *región*, provinces / *provincia* and communes / *comuna*), and basic educational and health government services were transferred to communes [Llancar 2012:32, Saitō 2007]. For other public services, regional ministerial secretariats (*secretarías regionales ministeriales* / SEREMIS) were placed in each reach as outposts of central government ministries [Llancar 2012:46]. Leading the way in the regional decentralization that would accelerate across Latin America latter half of the 1980s, the Pinochet military administration’s decentralization and streamlining of government administrative functions received attention around the world as an example of neoliberal institutional reform [Campbell 2003]. However, politically speaking, under this dictatorial regime even the heads of municipalities were appointed by the president and political decision-making authority was entirely held by the central government.

From 1990's democratization onwards, regional decentralization, including that in the realm of politics and financial administration, progressed bit by bit. However, this was done very slowly. After democratization, due to the 1991 constitutional reforms (law no. 19097), "regional governments" were established, and the Regional Development Council (Consejo Regional de Desarrollo / CODERE), which during the military administration period was an advisory body to region intendants and comprised of representatives from a region's interest groups, was abolished [Bland 2004:101]. However, region intendants continued to be appointed by the president. In 1992, public elections for city council members and mayors were introduced, and a system was adopted in which region council members were selected from the respective region's mayors and city assemblies.ⁱ Subsequently, in 2009 the selection method for region council members was changed to public election, which were actually carried out in 2013. Similarly, a basic law for regional governor public elections came into existence in 2016 (law no. 20.990), and there are plans to hold the first regional governor elections in 2020.

Next let us turn to the decentralization of financial administration. Substantive institutional changes in order to alleviate the chronic public debt that had existed since the time of military rule, when educational, health and medical government administration was moved to subnational areas, were made in 1995, with law no. 19.388. While this bill had already been presented to the National Congress in 1991, subsequently for some years deliberations did not proceed. They only went into full swing in 1995 under pressure from the Association of Chilean Municipalities (Asociación Chilena de Municipalidades / ACHM), which led it to become a law. Due to this law, the right to collect some taxes on new commercial patents and the sale of used cars was given to municipalities, and it was expected that communes' income would increase by 13% [Mardones 2006, 8]. Table 2 shows basic data regarding South American countries, including Chile, as well as the ratio of central and subnational governments in fiscal expenditures. We can see that the decentralization of fiscal administration in Chile is very limited.

Table 1

Political Decentralization in South America, Unitary countries

	<u>First election after democratization</u>		Democratic Transition
	Intermediate	Local	
Ecuador	1978	1978	1978
Peru	2002	1981	1980
Uruguay	1984	2000	1984
Bolivia	2005	1987	1982
Colombia	1992	1988	
Paraguay	1991	1991	1991
Regional Board			
Chile	2013	1992*	1990
	Regional Governor		
	2020		

Sources : Garman et al. 1999, 11. and national electoral institution of Peru, Bolivia, Chile and Uruguay.

*Mayors and municipal councilors had been chosen in the same election until the 2004. In the 1992 elections council candidate who gained 35 percent or more of the votes and was on the most voted party list would directly become mayor. If this did not occur, the newly-formed council chose the mayor from amongst its members.

Table 2

Percentage of Total Governmental Expenditures by Subnational Governments 1980 to 2009 in South American Countries

year			year		
			Brazil	2008	55.0
Brazil	1980	32.4	Argentina	2006	50.8
Colombia	1982	26.3	Colombia	2006	33.0
Argentina	1980	22.2	Peru	2007	34.0
Ecuador	1980	18.3	Bolivia	2008	27.0
Bolivia	1986	14.8	Ecuador	2004	22.1
Peru	1990	9.1	Chile	2007	14.0
Uruguay	1980	8.6	Uruguay	2005	13.2
Paraguay	1980	5.5	Paraguay	2007	6.5
Chile	1980	3.7			

Sources: Adapted from Rosales, Mario.[2012, 25] *Descentralización del estado y finanzas municipales en América Latina*. Venezuela: Editorial Universidad Bolivariana, 2012.

*More than 13% of the total governmental expenditures of Chile is by Local governments.

1. Literature Review

First, let us review over major hypotheses regarding decentralization that have been derived from comparative case analyses of Latin American countries. Willis, Garman, and Haggard hold that bargaining between central and regional governments is an important factor in political decentralization, and explained this in terms of political party structures [Willis et al. 1999]. It is certainly the case that this hypothesis gives good insights to understand why compared to other South American countries Chile maintained a centralized structure for a long time. However, when one thinks about how to explain the kinds of factors that brought about the decentralization that did happen, albeit incrementally, in light of the fact that no major changes occurred in Chile's election system and centralized political structure, we have to consider other factors.

Next let us turn to two hypotheses that explain decentralization in terms of election strategy. O'Neill, based on an analysis using Andean countries, explains political decentralization in terms of the logic of governing parties' elections strategies. In other words, when governing parties expect that they will receive less support in national elections and more support in regional elections, political incentives emerge for these parties to engage in regional decentralization [O'Neill 2005]. Escobar-Lemmon also points out that as an election strategy support for decentralization can serve as a factor encouraging the promotion of decentralization policy by not only governing parties but also opposition parties that have a degree of size and are stronger in regional elections than national ones [Escobar-Lemmon 2003].

Falleti chose four countries that in total make up seventy percent of Latin America's population (Brazil, Argentina, Colombia, and Mexico), and carried out a comparative case analysis of them. Having done so, Falleti places actors that led decentralization in these countries on the two axes of center / regions and governing party / opposition party, ranks them in terms of their preference for decentralization, and explains differences between the extent of change in the power relationships between the center and regions brought about by decentralization [Falleti 2010].

Following this order hypothesis we could say that in the case of Chile, where central actors played a leading role, decentralization progressed in the following order: first government administration, then politics, and, finally, financial administration. Following Falleti, this is a pattern in which we would expect the extent of change in the power relationships between the center and regions to be moderate.ⁱⁱ This is entirely based on the relative standard of Falleti's comparative cases. However, these standards are presented for generalization and in this sense they need to be modified.ⁱⁱⁱ While Falleti did particularly focus on state of decentralization of education-related government administration, which Chile particularly put effort into, viewed from a comprehensive perspective that includes financial administration and politics, we can only see the case as change at a low, not moderate, level. One particularly notes the low extent of decentralization to wide-area level governments.

Next let us turn to researches that have focused solely on Chile's decentralization. Angell et al. [2001], Bland [2004], and Eaton [2004] have carried out case study on decentralization in the beginning of the 1990s in Chile. These scholars basically share the same understanding regarding the factors for political decentralization in Chile, which can be summarized into the two following points. First, immediately after civilian rule began, the left-wing camp that had until then led a democratization movement formed a ruling coalition called Concertación. It eliminated the government-selected mayors left over from the period of military rule and took democratization on the local level as major goal. Second, Concertación and Alianza, a right-wing camp that was friendly with the Pinochet military administration, engaged in talks to maximize their own short-term political interests during the democratic institutional reorganizing that followed the beginning of civilian rule, and, as a result, agreed upon decentralizing political power to municipalities.

Mardones, whose research covers a longer time period, analyzes the voting behavior of National Congress members regarding decentralization-related bills in Chile from 1990 to 2006, and arrived at the following conclusion. In the case that a

congressperson has a regional background (in other words, is from regional areas, was educated in them, or had lived outside of the Santiago metropolitan area for part of their career), they have a strong tendency to support decentralization compared to congresspeople without such experience. Also, Mardones makes clear that members of the right-wing UDI adopt a more negative attitude towards decentralization than the left-wing [Mardones 2007]. In another paper, Mardones argues that the influence of not only members of the National Congress but also mayors and the Association of Chilean Municipalities has increased as actors promoting decentralization in Chile [Mardones 2006, Eaton 2004].

In this presentation, while drawing from the discussions found in previous researches, I will use qualitative data, primarily proceedings, to trace the decentralization process and analyze the political process that led to the introduction in 2016 of a public election system for regional governors.

2. Why Did the Regional Governors Election Law (No. 20990) Pass in 2016?

1) Background

Chile's region system was formed, along with the municipality system, amidst post-democratization discussions between the left-wing and right-wing camps. Discussions regarding the design of a decentralized system immediately after democratization also included a proposal to make regional intendants be elected by the public. However, it was done away from concerns that it could lead the country to shift to federalism. Public elections for members of regional councils were also proposed by the top of the left-wing camp, including the president at the time, Patricio Aylwin. However, it was shelved out of concerns that it would lead to competition with members of the National Congress [Bland 2004:107,114]. In an interview by Bland, a minister in the Aylwin administration who played a major coordinating role in discussions at the time between the governing and opposition parties explained as follows: the reaction of congress members by saying that both lower and upper house congresspeople could not agree with the introduction of elections for members of regional councils due to concerns about the danger of these

councils encroaching on their authority [Bland 2014:114, December 23rd, 1994 interview by Bland]. Bland also asked upper house opposition party members in 1994 about the possibility of introducing elections for regional council members in the future and received all negative responses, confirming that the negative attitude of congresspeople towards the proposal for regional council member public elections was shared both by governing and opposition parties [Bland 2014:113].

Table 3 summarizes by administration, the development of primary institutional changes regarding political decentralization from the Aylwin administration onwards. During the Aylwin, Frei, and Lagos administrations, which covered the sixteen years following the transition, only institutional reforms on a municipal level were carried out. There were almost no changes on a region level. The institutionalization factors of the municipal level political decentralization engaged in at this time can be explained as opposition and governing parties' election defense tactics by tracing this process using proceedings and news reports of the time [Funaki 2016]. However, how can we explain the political factors that led to the introduction of direct elections for regional council members during the subsequent first Bachelet administration and of regional governor public elections during the second Bachelet administration?

Table 3**Political Decentralization Laws estipulated by the governments after the transition in Chile**

Periods	President (Party)	year	Institutional Changes
1990-1994	Aylwin (PDC)	1991.11.	Municipal Law setting municipal elections rules in 1992
		1992.3.	Organic Regional Law creating Regional Governments
		1992.11	Municipal election rule: Mayors and municipal councilors are chosen in the same election. Only council candidate who gained 35 percent or more of the votes and is on the most voted party list could directly become mayor. If this is not the case, the newly-formed council chose the mayor from amongst its members.
1994-2000	Frei (PDC)	1996.4	Reform of Municipal election rule: Mayors and municipal councilors are chosen in the same election. A council candidate can become mayor following the new rules: if he or she is 1) the most voted and is on the party list gained 30 percent or more of the votes, 2) the most voted and also is on the party list gained the most votes or 3) on the most voted party list in which he or she is the most voted candidate.
2000-2006	Lagos (PPD)	2001.7	Reform of Municipal election rule: Mayors and municipal councilors are chosen in the different elections.
2006-2010	Bachelet (PS)	2009.1	Law to introduce Elections for Regional Councilors
2010-2014	Piñera (RN)	2013.6	Regional Law setting regional elections rules in 2013
2014-2018	Bachelet (PS)	2016.12	Law to introduce Elections for Regional Governors
		2018.2	Regional Law setting the rules of regional elections for governors in 2013

Sources : Based on Mardones 2008, 58-59 and *Historia de Leyes* of respective laws

After the launch of the second Bachelet administration in March 2014, the Presidential Advisory Commission for Decentralization and Regional Development was formed. It was comprised of a policy proposal team of thirty-three people, including experts, politicians, business people and leaders, and ordinary citizens, as well as its representative Esteban Valenzuela and vice representative Heinrich Von Baer [Comisión asesora presidencial en descentralización y desarrollo regional:2014]. Commission head Valenzuela is a former mayor (1992–1996), lower house congressperson (2002-2010, at first belonging to PPD), as well as a member of the “Federalists Movement,” an interparty citizen-congressperson federation promoting decentralization. Commission vice-head Van Baer is the former president of Universidad de La Frontera, located in Chile’s southern city of Temuco, and also the head of the National Council for Regionalization and Decentralization (Consejo Nacional para la Regionalización y Descentralización / CONAREDE; name changed to the “Foundation for Regionalization and Decentralization” in 2014). With the representatives of these two major organizations that had since the 1990s engaged in a movement promoting decentralization serving as leaders, in the second Bachelet

administration the commission worked for a policy shift towards regional decentralization, including public elections for regional governors. In November 2014, after a half-year of discussions, a draft of a bill for decentralization on the regional level created by the president's advisory commission was submitted to the president, and she then submitted the bill to the National Congress on January 6, 2015. Approximately two years later on December 29, 2016, the law was enacted [Biblioteca del Congreso Nacional de Chile 2018:3, 670]. Before looking at how deliberations unfolded after the bill was submitted to the National Congress, let us go through the circumstances that led up to its submission, focusing on the actions of the two representatives of the advisory commission.

Pro-decentralization movement had existed in Chile since in 1980s, when the country was under military rule. The “Corporation for the Regionalization of Chile” (Corporación para la Regionalización de Chile / CorChile,) established in 1984, was comprised of regional universities and business groups. With its offices in Chile’s second largest city of Concepción, it held workshops on decentralization (*jornada de regionalización*) at least once a year [Benavente 2015:261]. After democratization, in 1993 “World Group Regional Action” (Grupo Mundo Acción Regional / MAR) was formed out of citizens who had participated in such activities. In order to introduce its activities and highlight itself as an organization, MAR participated in the aforementioned workshop and gave a presentation. The first politician to support the organization’s aims and officially become a member after a presentation was Víctor Baruelo (lower house member from 1990 to 2006, PPD). Subsequently, MAR tried to form its own local political party but failed. From this experience the group came to be more interested in sending candidates who shared their localism to the National Congress before creating their own local political party. As part of this, an interparty decentralization-promoting federation of congresspeople was formed, led by lower house member Baruelo, who had already become a member of MAR, and Antonio Horvath (lower house 1990-1994, upper house 1994-2018, belonged to RN from 2003 to 2012), who had subsequently agreed with the organization’s aims and come to work with them [Benavente 2015:262].

In May 1998, the aforementioned Corporation for the Regionalization of Chile and the Corporation for the Regionalization of Bío Bío (CorBioBio) formed the National Council for Regionalization and Decentralization. This organization and the Corporation for the Regionalization of Chile held a national conference regarding decentralization with the cooperation of the government [CORBIOBIO website]. However, as a condition for President Frei's participation and cooperation, the government requested that the holding of public elections for regional governors be eliminated from the conference's action objectives, and this was accepted. MAR protested against this, and held its own "Summit of the People of Regions" (Cumbre de la Gente de Regiones) separate from the government-recognized event. Also, MAR participated in the latter event and tried to speak out in protest. However, their microphone was cut. It is said that Valenzuela, who was participating, build a good relationship with the group after speaking out in its defense [Benavente 2015:262]. Subsequently Valenzuela would become a member of the National Congress and joint the interparty decentralization-promoting federation of congresspeople. He would come to play an important role in the deliberation process of related bills.

In September 1999, MAR's founding members, Baruelo (PPD), Horvath (RN), and a multiparty group of National Congress members began the "Federalists Movement," which aimed to appeal more to the media and strengthen pressure on the government. Strictly speaking, the "Federalists Movement" did not promote "federalism." It was a movement that sought regional decentralization within the unitary state. Their name used the impact of the word "federalism" to draw the attention of society [Benavente 2015:264]. The Federalists Movement organized a total of thirty-seven demonstrations in the fifteen years from 1999 to 2014 in Santiago and regional areas, delivered demands for decentralization to the president and central ministries, and engage in protests calling out broken policy promises. With the media in mind, they put on a performance inspired by the Hollywood movie *The Matrix*, arriving at the president's residence in black suits and sunglasses. This was picked up by major local media outlets such as *El Mercurio* [*El Mercurio* 05/13/2000, Benavente 2015:264].

In May 2000, the Federalists Movement descended on the residence of the president Ricardo Lagos (PPD) and called for him to submit a bill establishing public elections for the members of regional councils. However, in response it was promised that the first working group, comprised of major upper and lower house members for the purpose of acquiring the minimum consensus needed for such a bill to pass National Congress deliberations, would be convened in the following week [*El Mercurio* 05/13/2000]. During the presidential election Lagos made eleven campaign promises, one of which was the introduction of elections for the members of regional councils. The action of the Federalists Movement was seeking to have this promise turn into concrete policy. We can see that there was gap between the president's campaign promise and his National Congress agenda [Von Baer 2013:19, *El Mercurio* 05/13/2000].

It does appear that Lagos *intended* to carry out the regional decentralization that he had promised during his campaign. He chose to have the site of his March 11, 2000 presidential inauguration address not in the capital of Santiago but in Chile's second largest city of Concepción, a symbolic gesture towards regional decentralization. In this speech he stated that he intended to change the selection method for regions' representatives [*El Sur* 2000/03/12]. We can find this objective also in *The Decentralized Chile We Seek* by the Secretariat of Regional and Administrative Development (El Chile Descentralizado que Queremos) [SUBDERE 2001]. With the cooperation of the National Council for Regionalization and Decentralization, for which Van Baer serves as representative, and a university presidents' organization comprised of twenty regional universities, discussions were held by the Secretariat of Regional and Administrative Development throughout the country in fifteen regions in order to provide information regarding the aforementioned decentralization proposal to areas outside of the country's and exchange opinions. The president certainly intended to give the government's regional decentralization reform tack into reality. However, the government-run national gathering (Congreso de Descentralización) that was rounding off this string of decentralization events was canceled suddenly with less than two weeks to go.

According to Van Baer, a representative of one of the groups jointly holding this event, this happened because a PDC upper house group that was part of the camp of the Concertación, the ruling party, expressed their opposition to decentralization out of the concern that such reforms could deprive the government of its own “political floor” (*piso político*), and the president accepted this [Van Baer 2013:30].

While in the end on December 11th, 2003 Lagos did submit a bill for public elections for the members of regional councils (law no. 20,390) to the National Congress, deliberations proceeded very slowly. The first deliberation did happen at a lower house plenary session on May 3rd, 2005—approximately a year and a half after the bill was submitted. The bill was approved for deliberations, and in the progress of deliberations in July 2005 (at a lower house decentralization exploratory council meeting), despite the president having less than a year remaining in his term, he did not exercise his presidential authority to control the speed of the deliberations process (article 74 of the Chilean constitution). Concretely speaking, in a report from the lower house’s decentralization bill’s exploratory committee, the urgency of the bill’s deliberations, which dictates the speed at which the next deliberations process is carried out, was listed “normal” (*simple*), the least urgent ranking out of three^{iv} [Biblioteca del Congreso Nacional de Chile 2009:84]. With this bill’s deliberations having been put on hold at this point, it did not progress any further under the Lagos administration.

Subsequently deliberations would be re-opened for the regional council member public election bill in July 2007 under the first Bachelet administration, which took power in March 2006. Two years and three months later on October 16th, 2009, with less than a half year remaining in her term, it finally was became a law. While taking time, during the latter part of the deliberation process the “urgency” level, which is decided by the president, was changed from “normal” to “urgent” (*suma*). Then in 2009 it was changed to “immediate discussion” (*de inmediata discusión*). We can see that for the Bachelet administration this bill was more important than it was during the time of the Lagos administration.

A detailed analysis of the deliberative process leading to the introduction of the

election for members of regional councils can be found in Fernández [2012] and Gaete [2014]. While in this study I am only touching upon it very simply, I will mention that the following two points were important factors for the creation of this public election system under the Bachelet administration. First, the Lagos administration and Bachelet administrations were different not only with regard to the resolve of their respective presidents but also in terms of the support regarding this bill from National Congress members in both the ruling and oppositional parties' camps. In order for this bill to pass, the agreement of over three-fifths (in some cases, two-thirds) of National Congress members was necessary both in the upper and lower house. This is the percentage needed to revise the constitution. In Chile's distinct electoral system (majority binomial system), which was greatly shaped amidst the democratization process by the wishes of the military, it is difficult for either the ruling or opposition parties' camps to occupy more than three-fifths (60%) of seats. There was a need for not only the formation of a consensus within the governing coalition but also cooperation from at least part of the opposition party camp or from congresspeople not belonging to either camp (with no political affiliation or members of small parties). Unlike the Lagos administration, which was unable even to reach a consensus within the ruling camp, the Bachelet administration had both the support of all political parties in the ruling camp as well as some opposition party congresspeople. All parties in the ruling Concertación coalition and part of the opposition Alianza coalition supported the bill. There was a particularly strong tendency amongst opposition party congresspeople for those elected from districts outside of the country's center to support the bill. In a lower house vote on the merits on the election for members of regional councils, 63% of such individuals from the Alianza camp supported it, while 20% from capital region election districts did [Gaete 2014:629].

As part of the lobbying of the National Council for Regionalization and Decentralization, for which Van Baer serves as representative, during presidential and congressperson elections, there was a push to have candidates pledge support for the regional decentralization bill. This was called "I Vote for the Regions (Yo Voto

por las Regiones)” Since almost all candidates signed the pledge as part of their election campaign, it is unclear the extent to which this is able to exert an influence on their subsequent actions. However, it appears that it did have an impact to an extent [Van Baer 2013:30]. In a speech given in Concepción, Bachelet herself also said with regard to the law’s formulation that she was the first candidate to promise to the National Council for Regionalization and Decentralization to take measures to heighten the importance and value of areas outside of Chile’s center [Biblioteca del Congreso Nacional de Chile 2009:759]. In the background to these words was the holding of a large-scale gathering under her baton at the National Congress with the Secretariat of Regional and Administrative Development and National Council for Regionalization and Decentralization taking the lead. In addition, of course, to Bachelet herself, lower and upper house members, as well as experts, entrepreneurs, and businesspeople discussed the form that decentralization should take in Chile at this event. Also, in the policy arena, she established a joint working group with the joint participation of the secretariat and council, and its findings were published in October 2009 as *Thinking About Chile from its Regions* [Von Baer 2009].

After the introduction of public elections for members of regional councils, no concrete election rules or timetable were decided upon during Bachelet’s time as president. During Piñera administration that followed details regarding this were deliberated at the National Congress and decided upon in June 2013 (law no. 20,678). In the same month the National Council for Regionalization and Decentralization published its own decentralization policy proposal *Chile Descentralizado y Desarrollado: Más región, mejor país*. Therein the policies relating to decentralization of the administrations from presidents Lagos onwards are evaluated. The council saw the Piñera administration as disappointing [Van Baer 2013:32]. Van Baer complains about the contrast between the very forward-looking statements in Piñera’s inaugural address (that Chile’s decentralization must be made a reality and not an eternal promise, that democracy in regions and communes must be made stronger by making representative selection more direct and participatory, that the government is one for areas outside of the center and that the

decentralization revolution will be deepened and promoted for them), and him not settling concrete implementation methods for the elections for regional councils until the end of his term [Van Baer 2013:31-32]. With that said, subsequently on November 17th, 2013 the first elections for members of regional councils would be held. In the presidential election that was held the same time, Bachelet finished the first round of voting with 46.7% of the vote, and in the final round on December 15th acquired 62.2%, emerging victorious over the Alianza camp's Evelyn Matthei (UDI).

2) The Bill for Public Elections of Regional Governors: Deliberation Process

As mentioned previously, after the beginning of the second Bachelet administration in March 2014, a presidential advisory commission for decentralization was established, and Valenzuela, of the Federalists Movement, and Van Baer, who had been leading the National Council for Regionalization and Decentralization, were invited as representatives. During the first Bachelet administration as well, Valenzuela had, from New Majority camp formed out of Concertación, pushed for decentralization with the establishment of public elections for regional councils. Subsequently when Bachelet entered the presidential race at the end of 2013, he worked for her re-election as the coordinator of the decentralization division of her administration's strategy team [CNN Chile Interview with Valenzuela, aired on 11/27/2013]. Van Baer, on the other hand, is the representative of the National Council for Regionalization and Decentralization, a group with a strong track record that had, while engaging in lobbying activities on politicians as a citizens' organization, also engaged in policy collaboration with the Secretariat of Regional and Administrative Development during the first Bachelet administration due to their think tank-like expertise. A policy proposal organization was established directly under the president and led by these two individuals. According to Van Baer, in a meeting with Bachelet, she said that their existence was needed in order to soften the attitude of congresspeople who are going to resist decentralization [Interview by Díaz of Van Baer, 01/16/2015].

Also, according to Valenzuela, the following three factors were relevant as causing

decentralization reforms to go into full-swing during the second Bachelet administration. First, due to the intensification of the land reclamation movement by Mapuche people, who are primarily based in Araucania, the country's agenda changed. Second, Bachelet herself had a firmer resolution than her first term regarding to the strengthening of self-governance in areas outside of the center. Third, new actors entered the National Congress. With regard to this third point, Valenzuela referred to five congresspeople (the upper house's RN-Francisco Chahuán, PRSD-Alejandro Guillier, PS-Alfonso Urresti, and PS-Rabindranath Quinteros, and the lower house's Partido Liberal de Chile-Vlado Mirosevic, who does not belong to either of the two major party coalitions), and said that particularly thanks to PS's Quinteros convincing New Majority camp congresspeople, he basically did not have to do so himself at all [CNN Chile Interview with Valenzuela, aired on 11/27/2013].

Quinteros was a regional based congress person who served as president-appointed intendant of the Los Lagos region for ten years between 1990 and 2000, and the mayor of the same region's city of Puerto Montt for the twelve years between 2000 and 2012. In this way, he became an upper house congressperson after building a career in governments outside the center of Chile^v [Website of the Chilean National Library]. He says that when serving as an intendant he participated frequently in events held by the National Council for Regionalization and Decentralization [TV Senado Chile interview of Quinteros, aired on 11/23/2016].

In November 2014 a report that would serve as a draft for the decentralization bill was submitted by the president's advisory council. On January 6th of the following year Bachelet submitted the bill for the public election of regional governors to the upper house (law no. 20,990).^{vi} The "Government Commission on Decentralization and Regionalization" (Comisión de Gobierno, Descentralización y Regionalización) was established for subsequent bill deliberations. Led by a group of five committee members (two from each of the opposition and ruling party camps and one unaffiliated with a coalition), the details of the proposal's content was discussed with the participation of a wide range of experts, bureaucrats, as well as representatives of regional public employee and regional council member

organizations. Based on these discussions, at the upper house decentralization committee votes would be held on holding bill deliberations and the details of each of its items. When judged necessary by the committee, proposed corrections regarding details were added, and the bill would be submitted to an upper house plenary session. In 2015, in addition to this committee, government and National Council for Regionalization and Decentralization-led public discussions were held from May to August. These open events had a wider range of participations from National Congress members, as well as the president's decentralization advisory commission members, central bureaucrats involved in regional government administration, experts, representatives of organizations of regional public employees, and others. Before the National Diet's plenary sessions the opinions of related actors were shared in public settings, serving as an opportunity to find a starting point for consensus formation in subsequent public deliberations.

In January 2016 a vote was held at the upper house's decentralization committee regarding whether to hold deliberations and the first report was submitted to the upper house. Table 4 provides an overview of the subsequent deliberative process.

Table 4: Overview of the Deliberations Process on the Bill for Public Elections for Regional Governors (Law No. 20,990).

	Date	Subject	Votes	result	approval	disapproval	abstention	quorum for approval
Plenary assembly at Senate	2016/3/1	Whether to hold deliberations for the bill	Approval (PS 5, PPD 6, PDC 7, PRSD 1, RN 6, UDI 7, IND 6) Abstention (PS 1)	○	37	0	1	23
	2016/10/5	Art.111, Paragraph 1	Abstention (RN 3, UDI 6)	○	26	0	9	22
		Art.111, Paragraph 2 and 7	Abstention (RN 3, UDI 6)	○	26	0	9	22
		Art.111, Paragraph 3-6 on elections for regional governors	Approval (PS 4, PPD 5, PDC 7, PRSD 1, RN 3, IND 5) Disapproval (PS 1, PPD 1) Abstention (RN 3, UDI 6)	○	25	2	9	22
		Art.115, Section2, Paragraph1	Disapproval (PS 1, PPD 1, RN 3, UDI 1) Abstention (RN 2, UDI 5)	○	23	6	7	22
		Art.115, Section2, Paragraph2	Disapproval (PS 1, PPD 1, RN 3, UDI 1) Abstention (RN 2, UDI 5)	○	23	6	7	22
		Temporary Art. No. 28 (Proposed by the Senate Committee)	Disapproval (PPD 5, RN 4, UDI 2) Abstention (PS 4, PDC 6, PPD 1, RN 2, UDI 4, IND 6)	×	0	11	23	22
		Temporary Art. No. 28 on the rest of paragraph 1, sentence 2	Disapproval (IND 1) Abstention (PPD 1, RN 1, UDI 2, IND 4)	○	26	1	8	26
		Temporary Art. No. 28 on paragraph 1, sentence 2	Approval (RN 4, UDI 5, IND 1) Abstention (PPD 3)	×	10	18	3	22
		Art. 114 on Delegation of administrative authority, Proposed Amendment No. 8-a	Disapproval (RN 4, UDI 4, IND 5) Abstention (UDI 1)	×	16	13	1	22
		Art. 114 on Delegation of administrative authority, Proposed Amendment No. 8-b-1	Disapproval (PS 2, PDC 4) Abstention (PDC 2, IND 1)	×	19	6	3	22
		Art. 114 on Delegation of administrative authority, Proposed Amendment No. 8-b-2	Disapproval (PPD 1, RN 4, UDI 4, IND 1) Abstention (PPD 1)	×	18	10	1	22
		Art. 118, Proposed Amendment No.12	Abstention (PS 2, PDC 8, IND 1)	×	15	0	11	22
		Proposed Amendment No. 7-b	Approval (PS 3, PDC 6, PPD 3, RN 4, UDI 4, IND 6)	○	26	0	0	22
		Proposed Amendment No. 4 on the new title for regional representatives	Approval (PS 3, PDC 6, PPD 5, RN 4, UDI 2, IND 6) Abstention (UDI 2)	○	26	0	2	22
Plenary assembly at the Chamber of Deputies	2016/11/2	Whether to hold deliberations for the bill	Approval (PS 16, PPD 14, PDC 20, PRSD 5, PCCh 6, RN 13, IND 9) Disapproval (RN 1, UDI 5, IND 1) Abstention (UDI 22)	○	83	7	22	71
	2016/11/8	Proposed Amendment No.4	Disapproval (UDI 1)	○	111	1	0	79
		Proposed Amendment No.6-12-13		○	83	4	26	71
		Amendment Proposed by Senate No.4	Disapproval (PS 8, PDC 16, PPD 2, PRSD 1, PCCH 3, IND 2) Abstention (PS 1, PRSD 1, RN 1, AMP 2)	×	72	32	6	79
		Amendment Proposed by Senate No.5-a, on elections for regional governors		○	112	0	0	71
		Amendment Proposed by Senate No.5 of its rest, on elections for regional governors		○	113	0	0	71
		Amendment Proposed by Senate No.8 on Art. 114	Disapproval (PS 1, PDC 1) Abstention (RN 1, IND 1)	○	109	2	2	71
		Proposed Amendment No.14 on Temporary Art. No. 28	Disapproval (PDC 2)	○	111	2	0	72
Art. 116, Previous title of "Intendent" modified to "Presidential Regional Delegate"	Disapproval (PS 1) Abstention (UDI 1)	○	111	1	1	71		
2016/12/21	Final draft by the Mixed Commission	Abstention (UDI 13)	○	96	0	13	79	
2016/12/29	Promulgation							

Souces: Biblioteca del Congreso Nacional de Chile (2018)

The October 5th, 2016 upper house plenary session was the most important in this process in that provisions related to the core of the bill for public elections for

regional governors (proposed changes to paragraphs no. 3 to 6 of the constitution's Article 111) passed. Table 5 (see below) summarizes the results of this and other votes at the National Congress' plenary sessions. During the March 1st, 2016 upper house plenary session a vote was held on whether to hold deliberations for the bill. As can be seen, excluding one PS congressperson, all congresspeople (including those in the opposition and ruling party camps and independent ones) voted in favor. In the subsequent vote on the details of the bill in the upper house on October 5th, UDI indicated that it was opposed as a party. Of the RN's six upper house members, three expressed opposition and the remaining three support. RN had not formed a consensus as a party. However, even in the new ruling party majority coalition in which Quinteros was said to have successfully built a consensus, from the results of the votes regarding revising the third to sixth paragraphs of the constitution's article 111 (related to public elections for regional governors), we can see that one PS congressperson and one PPD congressperson expressed clear opposition to their own coalition's direction.

There was the question of whether to engage in the decentralization of financial administration and government administration functions separately after having first institutionalized political decentralization via the introduction of the elections for regional governors, or to decentralize these three spheres all at once. This emerged as a point of debate in deliberations [Biblioteca del Congreso Nacional de Chile 2018:249-411]. In the October 2016 upper house plenary session, the statements of seven UDI congresspeople, three opposing RN members, and two insurgent New Majority legislatores were strongly critical with regard to this point (excluding one PS congressperson). RN's Alberto Espino spoke the most (nine times), and explained his reason for opposition as follows. First, he noted that they agreed to deliberate this bill. However, this was because they believe that it would be good for the country if the following three decentralization conditions were in place: (1) government representatives (in this case, regional governors) being democratically elected by the people, (2) authority and functions being relinquished to these representatives and making it so that regional areas can develop having decided the

order of preference for public policies that affect them (this, he said, was because representatives elected not having any authority makes them unable to do anything, as if their hands are behind their back), and (3) the transferring of financial resources to the representatives of regional areas [Biblioteca del Congreso Nacional de Chile 2018:260].

Oposing opinions were based on the idea that decentralization would be meaningless if it is not carried out simultaneously in the three aspects of government: administrative, financial, and political. There were no congresspeople who spoke out against decentralization itself. In response, the explanation offered repeatedly of the Minister Secretary-General of the Presidency, as well as supporting legislators (from the ruling party camp, from small political parties not part of the left or right coalitions, and that do not belong to any party), was that the aim of this bill was not to simultaneously decentralize government administrative functions and financial administrative functions but introduce public elections for regional governors. The Minister of the Subnational governments and Public Security said that the reason for this was not, as suggested by the opposition's criticism, that the government did not want to decentralize but that they thought a simpler proposal would make consensus-building easier [Biblioteca del Congreso Nacional de Chile 2018:251]. Also, Chahuán, one of the three RN members who supported the bill, said that it was necessary to gradually reorganize institutions so that government administrative services are not duplicated and the fiscal restraint of regional governments is not disrupted [Biblioteca del Congreso Nacional de Chile 2018:268].

When deliberations regarding the details of the bill finished in an upper house plenary session on October 12th 2016, the lower house government committee approved the bill in general as well as its details, and submitted their first report. At this stage the president changed the bill's "urgent" ranking to "immediate discussion." On November 2nd of the same year at a lower house plenary session, deliberations were held regarding whether to engage in deliberations on the bill. All UDI members refrained from voting or voted in opposition. While some RN and deputies not belonging to any coalition voted in opposition, it was approved with

eighty-three votes, over the seventy-one necessary. Six days later on November 8th the details of the bill were also deliberated in the lower house. The two items dealing with the public election system for regional governors passed with the approval of all members in attendance (112 and 113, respectively; see Table 5). Subsequently from the end of November into December a committee of congresspeople from both houses met three times. After views regarding the details of the bill were ironed out, this committee's final proposal was deliberated in the upper and lower house, and on December 21st, it passed in the lower house. On December 29th, 2016, law no. 20,990 was enacted, establishing that public elections for regions' governors would be introduced.

Table 5 Summary of Voting Results in Upper and Lower House Plenary Sessions Regarding the Bill for Public Election of Regional Governors (Law No. 20,990)

Date	Procedures	Urgency	related congresspersons	note
2015/1/6	Message from the President			
2015/10/7	Motion of the congress members		Antonio Horvath(IND)	
2015/11/25	Motion of the congress members		UDI	
2015/12/15	Motion of the congress members		Chahuán(RN), García Huidobro(UDI)	
2016/1/20	The 1st Report by Senate Committee on Decentralization Submitted	simple	Quinteros (PS), Zaldívar (PDC), Horvath (IND), Von Baer (UDI), Espina (RN),	The bill submitted by the President and legislators' motions are to be treated as a single deliberation topic, approved to start deliberations, they discussed the bill in details.
2016/3/1	Plenary Session of Senate			Approved to start deliberations on the bill.
2016/10/4	The 2nd Report by Senate Committee on Decentralization submitted		Quinteros (PS), Zaldívar (PDC), Bianchi (IND), Von Baer (UDI), Espina (RN),	The Committee held 10 meetings from July to Sempember 2016 in which they discussed the bill in details and voted on each item.
2016/10/5	Plenary Session of Senate			Discussed the bill in details and voted on each item.
2016/10/12	The 1st Report by Chamber of Deputies Committee submitted	immediate	12 members	Approved to start deliberations on the bill, discussed the bill in details and voted on each item.
2016/11/2	Plenary Session of Chamber of Deputies			Approved to start deliberations on the bill, discussed the bill in details and voted on each item.
2016/11/9	Senate Committee on Decentralization	immediate	Quinteros (PS), Pizarro (PDC), Bianchi (IND), Von Baer (UDI)	Discussed in details and proposed amendments on each item of the bill.
2016/11/22	Plenary Session of Senate			Chamber of Deputies Comission on Subnational Governments discussed on the proposed amendments and voted on them, which resulted in disapproval..
2016/12/14	Mixed Commission		5 Deputies and 5 Senators	Mixed Commission were organized on November 30th, December 12th to 13th, 2016.
2016/12/20	Plenary Session of Senate			Discussed and voted on the proposal by the Mixed commission, which resulted in approval.
2016/12/21	Plenary Session of Chamber of Deputies			Discussed and voted on the proposal by the Mixed commission, which resulted in approval.
2016/12/29	Promulgation			

Souces: Biblioteca del Congreso Nacional de Chile (2018)

3) Conditions that Enabled the Regional Governor Election Bill to a Become Law

Here, with the process that led to the introduction of public elections for regional governors, as well as the bill's deliberations process, in mind, let us go through the conditions that made it possible for such elections to be introduced in Chile. There were at least three indispensable ones.

First was the president's policy preference for decentralization. This did not only appear on a discursive level. She engaged in the necessary work of creating bills, submitted them to the diet, and in the subsequent deliberative process saw to it that the decentralization bill progressed amidst the existence of various policy matters.

Second, there was a need for at least sixty percent of National Congress members in both houses to support decentralization. For this reason in the context of Chile's two-party coalition system, the support of only the ruling coalition was insufficient. There was a need for some of the opposition party coalition, or members not belonging to a coalition, to offer their support. While in the upper house the president had a new majority of nineteen members within her coalition, for the passage of the bill twenty-two votes were necessary. While the ruling coalition members who had careers in regional governments succeeded in building a consensus in their parties, with the appearance of two insurgent members, the support of some RN members in the opposition party coalition and of five independent/small party members outside of coalitions^{vii} made it certain that the bill would pass. Scholarship that has analyzed the behavior of Chile's congresspeople has found that those elected from regional areas or having a background in such areas tend to have a policy preference for decentralization, as well as that UDI's members consistently have a negative attitude towards decentralization [Mardones 2007, Gaete 2014]. In this study I found the same tendency as well. While we can see that while UDI's opposition as a party appears in its members' voting behavior, we also find from statements in the National Congress that other opposition party members' being elected from regional districts or having a career in regional governments led to a supportive attitude towards decentralization. However, this is only a tendency. To the very end six RN congresspeople did not change their opposition, and the two of them who spoke out

the most (Espina, Van Boer) were from non-central election districts.

Third is the presence of social actors that promote decentralization. In terms of lobbying the president and policy collaboration, as well as influence on lawmakers, the activities of the National Council for Regionalization and Decentralization are essential for explaining the introductions of public elections for regional governors. Also, the activities of the Federalists Movement developed out of a movement of regional citizens' organizations while bringing in congresspeople. In the subsequent policy formation process, they pressured Lagos to work for the introduction of elections for members of regional council, and produced actors that engaged in important work for the introduction of public elections for regional governors, such as Valenzuela, who became a representative of the president's decentralization advisory commission, and Horvath, who was a member of the upper house's decentralization committee.

Conclusion

The political decentralization of Chile was advanced in a top-down fashion. It became possible due to the president's intention to make such policies a reality, support in the National Congress, as well as the existence of societal actors promoting decentralization. We can see that in this case decentralization reforms were carried out in a situation that was very different from the one discussed at the beginning of this paper that is assumed by Falleti. In the experience of the cases that existing scholarship has covered, when some ruling and opposition party actors cooperated at the central government level, the preferred policy was the decentralization of government administration. However, in the case of Chile, cooperation for the policy goal of political decentralization by actors in the ruling and opposition parties at the central government level was important [Falleti 2010].

From the decentralization factors made clear in previous studies (such as political party structure and election strategy), we could say that it is the most difficult for these institutional changes to happen in Chile. The mechanism by which institutional reform was realized in this case was the accumulated continuous

activities of actors who were not bound by political party interests and gave priority to regional interests. In 2020 the first elections for regional mayors will be held, which will lead to an increase in regional political actors. This could probably further accelerate the momentum towards decentralization in Chile.

ⁱ The city council and mayor public elections system introduced at this time was an open-list system in which ballots are cast for city councils and mayors from a list of members of the same political party coalition. Tallying to decide winning candidates was done on a list-by-list basis. Mayoral selection was basically done after elections by city councils. Direct election was possible only in the case that the candidate who acquired over thirty-five percent of the vote in the first election belonged to the top vote-getting political alliance's list. This was a mechanism that took into account the power balance of Chile's political party alliances. This mechanism brought had various problems, such as difficulties understanding it amongst voters and deal-making within alliances for mayor posts. In 2001, the basic municipality law was revised (law no. 19737) so that city council and mayor elections would be held completely separately and simultaneously. Elections were held using this method in 2004 (Bunker 2008:4). Due to this institutional change, after over ten years since democratization, in Chile mayor elections finally clearly changed to be direct elections.

ⁱⁱ Falleti carries out his comparisons using the following as standards for determining the degree of change in authority: (1) (2) changes to the ratio of the fiscal incomes and expenditures of central and regional governments, (3) changes to the concrete location of education-related government services, (4) changes to the representative election methods for regional governments (from central government-appointment systems to public elections), (5) the extent of the overrepresentation of regional interests (the difference between one vote's power in national assembly member selection), and (6) the number of regional associations (the number of organizations assumed to pursue regional interests, such as mayor federations, city council member federations, and

governor federations) [Falleti 2005:61-74].

iii Falleti attached, for convenience, particular importance to the first political, government administration, and financial administration decentralization policies. Mardones, who in contrast carried out research on decentralization factors with the voting behavior of members of the National Congress of Chile as their object of analysis, is critical of this, stating that the first institutional reforms are only starting points and that Falleti does not adequately consider the fact that many related legal reforms have been carried out in a gradual fashion [Mardones 2007].

iv The three levels are *immediata*, *suma*, and *simple*. They indicate that deliberations and votes should be carried out at the congress within, respectively, six, fifteen, and thirty days [law no. 18,918, article 27].

v For reference, the average terms of intendants, who presidents can freely appoint, from the year 2000 onwards was 2.7 years in the Lagos administration and 1.2 years in the first Bachelet administration. It is an anomaly for a politician to have experience being an intendant for ten years [Van Baer 2013:49-50].

vi In Chile, deliberations for bills related to regional government administration or decentralization may begin in either the lower or upper house [Obrador, Pérez 2011:119]. In the twenty years from 1990 to 2010, of the total of 709 such bills, 543 were submitted to the lower house. Deliberations began for the other ones in the upper house. Of the 709 bills, 148 became laws [Obrador, Pérez 2011:156].

vii One unaffiliated congressperson lost their status as such during deliberations and therefore did not participate. Of the five, Horvath, who was also a member of the Federalists Movement, and former city council member Lily Pérez originally won elections as RN party members and then left the group. If we add Fulvio Rossi Ciocca, who was elected from PS and then left the party, it is highly likely that three of the five would have supported the bill even if they had not left their party. In this sense, of the five it was only the two congresspeople Carlos Bianchi and Alejandro Navarro who won

their elections in a position completely outside of any coalition.

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