

# Constitutional Reforms In Chile: A Pathway For Pakistan?

*Abid Rehman*

After ten months of the complex and turbulent process of drafting, the final draft of the Chilean constitution was presented at the constitutional convention on May 13 this year, which was approved as the longest constitution in the world, with 388 articles passed on September 4, 2022, by referendum.

This constitutional change comes as the result of the October 2019 protest known as “*estalido social*” against socioeconomic inequality, exclusion of indigenous communities and poor service delivery. To diffuse the protestors, then President Sebastian Pinera agreed to hold the referendum for the re-written constitution. In October 2020, 78 percent of voters backed a re-write, to be carried out by an elected assembly of delegates, which resulted in drafting an entirely new constitution.

Changes in the Chilean constitution can be summed up in the following key points:

First, the end of the Senate, which means that now the upper tier of legislators will be replaced by the chambers of regions, which will be consulted in case of any changes in the constitution, as well as all budgetary matters.

Second, the new constitution declared Chile as a plurinational state and gives the indigenous people equitable representation by allocating reserved seats in elected bodies and allowing them to participate, as they are excluded from decision-making at the local, regional, and national levels.

Third, the constitution allows indigenous communities to earn profit from the land and investment in lithium and copper-rich north or forestry in south. Indigenous lands will be specially protected and expanded through regulation, and restoration of land rights.

Four, in Chile usually, power is concentrated in the capital. However, by the new constitution, the powers will be shifted to the regions, communes, and indigenous territories. This re-written draft ensures indigenous territorial autonomy, powers, and financial resources to achieve self-determination.

Pakistan should also follow Chilean steps on gender parity, institutional reforms, rights to indigenous communities, tax reforms, and provision of civic facilities. All in all, local solutions to local problems would be the key to putting Pakistan on the right path.

Five, the draft focuses on gender parity by stating that all the government and semi-government institutions must have at least the 50 percent of the female member.

Six, the draft mentions Chile as the welfare state and the provision of public services such as health, education, and housing is the responsibility of the state.

Seven, the constitution promises the transition to green mining and protects rights to natural resources and water for sustainable development.

Critics say that a very young leftist President Gabriel Boric is trying to do way too many things. They suggest that there should be a minimalistic constitution with tunnel vision focus on targeted policies. However, the advocates believe the country has a chance for serious and meaningful change to move away from the economic and social model forged by Pinochet. The proposed constitution will also mobilize people to move forward toward a Chile with more justice, dignity, and inclusiveness. They also believe that this draft will ensure gender parity, autonomy to the excluded fragment of society, and more flexibility toward reducing socioeconomic inequalities.

These constitutional reforms can be a strong case for Pakistan, as there are similarities between the ground realities of Pakistan in terms of situation. For example, hikes in food and fuel prices, political unrest, and deepening socioeconomic inequalities are similar to the situation in Chile before the 2019 protest. Both countries have a history of military dictatorship regimes along with similar colonial legacies. For long-term security, social progress, and economic development, there is a need for a new agreement in the form of a re-written constitution or through a set of institutional reforms by making Chile a case study for analytical purposes. This can also lead us to the case where we can assess 'How much Pakistan must change' in giving justice and rights over resources to the indigenous communities, especially in the case of resource-rich communities in Balochistan and FATA.

Pakistan should also follow Chilean steps on gender parity, institutional reforms, rights to indigenous communities, tax reforms, and provision of civic facilities. All in all, local solutions to local problems would be the key to putting Pakistan on the right path.