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PRACTICE REVIEW

## Resistance to metropolitan institutionalism and planning in Chile

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### ABSTRACT

In this article, the authors review and analyse two key processes conducted by the Chilean state over the past 50 years. The first process consists of the development of specific planning instruments for the particular realities of metropolitan areas. The second process consists of the successive legislative attempts to work towards a definition of a new form of institutionalism for cities with metropolitan profiles. These attempts have either failed or solely become bills of law. Both processes suggest a political and technical resistance throughout history, to substantially modify institutionalism, as well as planning instruments, in order to make them more appropriate and consistent with the needs of growing metropolitan areas in Chile.

### KEYWORDS

Chile; metropolitan governance; metropolitan planning

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### 1. Introduction

This article reviews and analyses how the Chilean state has carried out the process of configuring its metropolitan areas, based on the experiences of the three largest cities in Chile: Santiago, Valparaíso and Concepción. Together, these cities concentrate approximately 50% of the country's population, as well as approximately 60% of the national Gross Domestic Product. The analysed period begins in 1960, with the approval of the Inter-Municipal Plan for Santiago (known by its Spanish acronym, PRIS) and culminates in 2014, with the approval of the Regulatory Plan for the Metropolitan Region of Valparaíso (known by its Spanish acronym, PREMVAL).

The research is also motivated by the recent approval and promulgation of the new National Policy for Urban Development, which explicitly recognizes the need of a metropolitan authority. It considers the several efforts towards regional decentralization, from which one of the most important was the law allowing the popular election of regional council members, which was made effective for the presidential elections of 2013. The bill of law that proposed this modification introduced for the first time the specific consideration of metropolitan areas into the Constitution of Chile.

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There is a modest but growing discussion about the consolidation of metropolitan governments in these three cities, in both political and technical terms. It is therefore relevant to review the history of the formulation of related planning instruments, as well as the previous legal initiatives and the progress after such discussions. Looking back, it is possible to observe some key elements that explain how the Chilean state has approached this issue from an institutional standpoint, as well as the reasons for such resistance to develop true metropolitan governance and planning institutionality.

Given the definition of metropolitan areas and their potential institutional arrangements as well the character of the Chilean institutionality and the development of planning in Chile, this study attempts to respond to the following question: Since the origins of city planning in Chile, to what extent and in which ways has there been a consideration of the metropolitan character of cities?

The following hypothesis is proposed: Despite the development of urban planning instruments for large cities beginning in the 1960s, these instruments have lacked an explicit and comprehensive metropolitan consideration, and no substantial progress towards providing governance to these plans has been achieved for any of their potential institutional forms. On the contrary, planning has been restricted to land use regulation, with a prevalingly sectoral approach, highly centralized in its formulation.

## 2. Definition of metropolitan areas

The concept of metropolitan areas emerged when development began to take place around the so-called central city. Although this development began to function as an independent urban system, it complemented the existing urbanization systems, leaving the political-administrative boundaries of the original city behind. The recognition of this new spatial configuration could not be understood as a self-contained and traditional, structurally fixed city (Magnusson, 1996). For each case, this phenomenon was interpreted and defined according to the particular historic, cultural and political traditions of each country (Borja, 1986), denoting different focuses regarding the mechanisms used to define metropolitan borders between North American cities and European cities.

In the North American tradition, in the early 1950s, demographic criteria were the primary defining point, specifically regarding the number of inhabitants (over 50,000). A metropolitan area was defined as having one or more contiguous municipalities surrounding a central one, with a certain degree of social and economic integration. In the 1960s, in addition to the criteria of population and physical proximity, the metropolitan character of the surrounding municipalities was also taken into consideration. The population should consist of: (1) At least 75% non-agricultural, economically active individuals; (2) have a density of at least 50 inhabitants per square kilometre; and (3) at least 15% of the working population should work in the central city (Rodríguez & Oviedo, 2001).

In the case of Europe, the definition of metropolitan areas has been more complex, as within the European continent there are different types of state organization that run from unitary and centralized models (such as France and Portugal), to federal (Germany), communitarian (Spain) and decentralized to a local scale (England and Sweden). Traditionally, however, an economic vision has predominated in their definition, as in the case of England, in which for decades the metropolitan area was established according to local labour markets (Rodríguez & Oviedo, 2001).

For this study, the criteria defining a metropolitan area valid for Chile during the analysed period (1960–2014) have been: (1) a central city with at least 50,000 inhabitants; (2) more than one conurbation district attached to the central city; (3) flows of social and economic exchange between the central city and outlying districts; and (4) a total population of over 200,000 inhabitants. According to these criteria, this investigation analyses whether metropolitan areas have been explicitly recognized in the Chilean planning since the 1960s.

### 3. Approaches to metropolitan institutionalality

A theoretical and empirical debate about the governance of metropolitan areas has arisen over the last decades, to the extent that the criteria regarding the configuration of urban metropolitan areas became evident in most Western countries. Jones' (1942) pioneering work provided the basis for observing the problems associated with the dynamics of contiguity and displacement, the provision of services between local authorities, among others. However, globalization-related issues, such as an increase in capital mobility, explosive urbanization and increased interurban competitiveness, have intensified this debate in recent years.

The historicist analyses of Bourne (1999) and Lefevre (2000) proposed a pragmatic view of metropolitan institutionalality stating that the discussion was focused on two opposite models of metropolitan political organization: (1) the consolidated or 'metropolitan' model, which focuses on governments, services and relatively strong regulatory bodies, and (2) the 'decentralized' (or local) model, in which municipal governments maintain their autonomy and authority and where there are no metropolitan governments or regional authorities by popular mandate (Bourne, 1999).

In favour of the local model, there are arguments based on democratic principles – e.g. representation, autonomy and legitimacy. In contrast, it is suggested that fragmented metropolitan structures lead to inefficiency in service provision because they are too small to achieve economies of scale. Additionally, it is argued that the fragmented metropolis contributes to increased social polarization (Muñoz, 1999; Lefevre, 2000; Orellana, 2009) resulting from local authorities' competition for resources and investments.

Proponents of decentralization claim that the metropolitan model is product of bureaucratic, rigid and inflexible administrative structures (Bourne, 1999). Consequently, efficient service provision may be obtained through voluntary agreements between municipalities, without the need for metropolitan governments. Each school of political thought proposes different views on the operational role of urban governments and the nature of the global–national–local links regarding politics and local governments (Clarke & Gaile, 1998). Borja and Castells (1997) have distinguished three main models of institutionalality in metropolitan areas: (1) those with some type of government; (2) those that do not have government but are coordinated at a higher level; and (3) those with no type of coordination whatsoever.

Stating that administrative reform has altered the relationship between agencies and institutions in the last three decades, Salet *et al.* (2003) have identified three types of governments: (1) a unitary model, in which most of the metropolitan area is managed by one region-wide administration, and without local independent governments; (2) a hierarchic intermediate-level government, with two tiers of government, usually an intermediate-level and a local government, where the former supervises and subordinates the latter; and (3) a mediating intermediate-level government, with two tiers of government without a defined

hierarchy, and with a strong local government. The way in which potentials and risks are applied in practice may have a significant impact on the design of effective alliances for metropolitan planning strategies (Salet *et al.*, 2003).

In Latin America, this debate is more recent than in North America and Europe. Studies on the topic (see e.g. Rodríguez & Oviedo, 2001), however, claim that the emergence of more empowered social actors, the levels of complexity that cities have reached and the relevance acquired by the market, among others, have altered the balance of power between the central government (state), local governments (municipalities) and civil society in terms of territorial administration.

The most widely accepted definitions of metropolitan institutionalization consider two main structural frameworks: (1) the metropolitan model (Lefevre, 2000), the metropolitan structure (Borja & Castells, 1997) or the supra-municipal structure (Muller, 2004); and at the opposite extreme, (2) the decentralized model (Lefevre, 2000), without municipal institutionalization (Borja & Castells, 1997) or the inter-municipal structure (Muller, 2004). Latin American studies on the topic (Dockendorff, 1992; Rodríguez & Winchester, 2001; Mertins, 2004; Rojas *et al.*, 2005; Fuentes & Orellana, 2013) recognize various types of institutional structures, but still distinguish between two major institutional governance structures for metropolitan areas.

#### 4. Recent debates on metropolitan reform and resistance

The international debate on metropolitan governance and institutional reform and resistance mainly addresses how the recent reform has focused on responding to new economic logics, in which territorial competitiveness and attracting external capital investment have become a priority. The debate in Chile, however, is less advanced, due to the inexistence of institutions and governance for metropolitan planning. Nonetheless, in developed countries, several programmes of metropolitan institutional reform have been partially implemented and face resistance (Brenner, 2003). Considering the gap between processes in developed and developing nations, this article focuses on identifying the underlying motives of resistance to reform metropolitan governance and planning in Chile.

New challenges, such as the accelerated growth and spatial restructuring of urban areas, the constant development of communication technology and the crisis of the welfare state, along with the processes of globalization, have highlighted the need to adjust the models of governmental authority, the governmental structures themselves and the involved actors (Lefevre, 1998; Salet *et al.*, 2003). The reform also responds to more specific trends, such as the fact that territorial competitiveness is now being promoted at a regional scale rather than just at a city scale (Brenner, 2003).

In European city regions, recent metropolitan reform initiatives have different orientations. Brenner (2003) identifies initiatives that respond to 'lines of power and political contestation', such as the need to modernize national governments, and the presence of representatives of intermediate-level governmental agencies that see metropolitan institutions as a threat to their own authority, among other resisting forces.

Rothblatt and Sancton (1998) refer to cases of metropolitan governance in the US and Canada, related to: (1) the presence of strong inter-municipal loyalties, (2) the creation of promising but powerless regional associations and (3) strong higher level governments. Many of these metropolitan areas also face challenges such as racial and cultural diversity,

intergovernmental relations and inter-municipal competition, as in Boston, Montreal, Chicago, Toronto, Minneapolis–St. Paul, Edmonton, Houston, Vancouver and San Francisco, in which metropolitan systems prove to be powerless and discouraged to shape the urban setting (Rothblatt & Sancton, 1998).

Lefevre (1998) highlights some reasons for the failure of proposals for metropolitan governance such as: (1) existing local governments tend to see the appearance of new political structures of government as a threat to authority and legitimacy; as in the US, Italy and France. Furthermore, the legitimacy of metropolitan government has depended on how central governments have held a firm stand in the face of resistance; (2) the presence of actors such as political parties, pressure groups and population that do not recognize their legitimacy and see territorial reorganization as a problematic issue.

### 5. Urban governance and planning in Chile

In Chile, physical planning is mainly carried out by three ministries of the central government: the Ministry of Housing and Urban Development (MINVU), the Ministry of Public Works (MOP) and the Ministry of Transport and Telecommunications (MTT). MINVU has the most significant role regarding the institutionalization of urban planning. Its Department of Urban Development (DDU) is responsible for specific sections of the main legal framework for the built environment, such as the General Planning and Construction Code (LGUC) and the Planning and Building Ordinance (OGUC). The former regulates urban planning, development and construction activities performed by public and private institutions, public officials, professionals and individuals, at national, regional and municipal levels.

The regional offices of MINVU are responsible for interpreting the various instruments of territorial planning, and deciding in case of ambiguity. Moreover, MINVU and every regional office have the authority to suspend regional powers if a violation of the application of the legal framework is identified. Local municipal governments should ensure the correct application of the LGUC. For example, all local plans and zoning ordinances must meet the LGUC and OGUC requirements, both of which are defined by the central government. The MOP and MTT each have separate legal frameworks, codes and policy instruments for national, regional and on-site scales. Given this institutional structure, coordination between these ministries can represent a challenge.

Despite the centralized, non-governmental and administrative organization of the State, metropolitan cities like Santiago tend to have decentralized urban development processes, given the lack of a metropolitan-level government and institutionality and of inter-municipal coordination. Only in 1993 did the process of decentralization achieve the legal basis for the establishment of Regional Governments (GORE) to pursue coordination and planning at a subnational level. Each GORE consists of a Regional Governor (appointed by the president) and a Regional Council (democratically elected). While the Governor is meant to establish, participate, promote advocacy and propose a variety of policies for economic development, land management and social and cultural development, it is the Regional Council that can vote for or against Regional Urban Development Plans (PRDU), Regional Development Strategies, or Intermunicipal and Metropolitan Regulatory Plans (PRI/PRM).

Although the PRI/PRM enforce regulations at the municipal level related to land use, zoning codes and city limits, municipal regulatory plans (PRC) may add to these regulations.

**Table 1.** Challenges for urban and metropolitan planning in Chile.

Challenges for urban and metropolitan planning	
Governance	Instruments
(1) Regional governments cannot promote or define land use and zoning codes, only approve or reject land use and zoning code initiatives	(1) The inter-communal and metropolitan planning instruments, which define land use and zoning codes, respond only to one of the agencies, the Ministry of Housing and Urban Development (MINVU)
(2) Land use, transportation and public infrastructure for urban areas are addressed separately by three centralized agencies, each of which has its own legal framework	(2) The slow process of making effective, updating and modifying inter-communal, metropolitan and communal planning instruments, frequently results in obsolete plans

Source: Authors.

This situation affects processes of urban planning in the sense that each municipality generates its own land use plan for urban development, many times without spatial continuity with neighbouring municipalities, thus generating fragmented land use and public spaces. The wealthiest municipalities have the capacity to develop projects on a metropolitan scale and to improve the built environment of their territory, many times influencing decision-making on policy instruments at national level. As a result, the only level in which the government cannot promote land use and zoning codes and can only approve or reject initiatives is the regional level.

Table 1 summarizes the main challenges for urban and metropolitan planning – regarding governance and the planning instruments – described in the last section.

## 6. Research approach

The methodology employed in this study is qualitative and exploratory in nature. The study is descriptive and based on a case study research method, specifically taking the form of an instrumental case study, for which the case presents a means for inferring about more general processes, developing theory or formulating empirical regularities, and where the result consists of the rejection or acceptance of a hypothesis, the testing or questioning of a theory, the limitation or expansion of an explanatory model (Gundermann, 2011).

The exploratory nature of this study was supported by a qualitative analysis approach. In order to attain an adequate understanding of the material being analysed (legislation, legal bills, memoranda, ordinances, maps<sup>1</sup>) content analysis was undertaken. The properties of this technique are oriented toward not merely summarizing the materials obtained, but rather inferring from their content the relevant sociological, political and historical consequences, by observing and recognizing the significance of the elements making up these documents (words, phrases) and in classifying these elements adequately to allow for their analysis and subsequent explanation (Bravo Sierra, 2008).

## 7. Analysis of metropolitan (or inter-municipal) planning

According to the LGUC currently in force in Chile,<sup>2</sup> metropolitan or inter-municipal planning refers to the ‘regulation of the physical development of urban and rural areas of diverse districts, which are interrelated and are integrated into the urban unit’. These metropolitan regulatory plans (PRI/PRM) prevail over the PRC, and although the LGUC applies almost

exclusively to the urban spaces of the territory, the PRI/PRM represents one of the few instruments that can also occasionally govern rural areas, to the extent that they overlap with possible areas of urban sprawl.

The goal of the instrument proposed by the LGUC has persisted despite its non-use by the civil military dictatorship since 1976. Almost 40 years have passed and the overall orientation of the LGUC remains the same, without explicit consideration of territorial planning for developed or developing metropolitan areas. A review of Articles 35–40 of the LGUC, which detail the intended scope of the PRI/PRM and indicate that it should guide urban development of metropolitan areas, reveals no substantive changes during this period. The exact phrasing of Article 36 has been maintained, which stipulates that special regulations should be respected for metropolitan areas, given that these represent communities involved and interested in adopting measures for the resolution of shared issues (waste management, health services and public safety, amongst others); however, these regulations have never been developed. On the other hand, prior to legal enactment of a PRI/PRM upon its approval by the president, it must also be authorized by the Mayor of the municipal district – providing further evidence that the metropolitan issue is institutionally addressed on a distinct territorial scale in Chile.

Although inter-municipal planning initiatives date back to the 1960s in Chile when the first PRI were developed, there was no explicit recognition of the metropolitan specificity. This was also absent in the subsequent amendments to these plans, as summarized in Table 2. This was the case for the metropolitan areas of Santiago, Valparaíso and Concepción, which were composed of several districts and together concentrated nearly 40% of the nation's population.

As it can be observed in Table 2, in 1960, when the Inter-Municipal Regulatory Plan for Santiago (PRIS) was enacted, the territory was home to nearly two million individuals and encompassed 20 districts, and engaged more than one province. During this period, no political-administrative regions had been established. This instrument, promoted by the MOP at the time, while recognizing it had not only a normative but also a prospective character, was not accompanied by a legally binding bill which would have created an ad hoc institutional framework to support planning processes. Moreover, the process of urban growth already experienced by the city of Santiago was not mentioned or mapped in the corresponding ordinance, minutes nor in the maps.<sup>3</sup>

In 1994, the Metropolitan Regulatory Plan for Santiago, still in force today, was enacted. The new Plan sought to address the newly instigated regional governments,<sup>4</sup> yet it also lacked a explicit definition of the metropolitan condition of Santiago. However, the number of districts incorporated within the Metropolitan Region nearly doubled, and the total population reached 3.5 million.

The Inter-municipal Regulatory Plan of Valparaíso of 1965 initially encompassed 7 districts with a total population of approximately 410,000. However, the metropolitan character is only once mentioned in the plan, specifically when it refers to the area between the sea and the suburban area as the 'Metropolitan Area of Valparaíso'. In such way, it included the districts of Valparaíso, Viña del Mar, Quilpué and Villa Alemana. But a further development of the metropolitan concept as understood in this investigation is lacking in both the plan, the ordinance and the associated maps.<sup>5</sup>

The new Regulatory Plan for the Metropolitan Region of Valparaíso (PREMVAL) promulgated by MINVU in April 2014, represents an interesting element for analysis. It addresses

**Table 2.** Inter-municipal (or metropolitan) planning instruments in Chile.

Region	Instrument name	Enactment date	Included municipalities	Estimated population
Region of Valparaíso	Inter-municipal regulatory plan of Valparaíso	12 January 1965. Ministry of Public Works (MOP)	Valparaíso, Viña del Mar, Quilpué, Villa Alemana, Quintero, Puchuncaví	Aprox. 410,000 inhab. (Census 1960)
Region of Valparaíso	Regulatory plan for the metropolitan region of Valparaíso	2 April 2014. Ministry of Housing and Urbanism (MINVU)	Valparaíso, Viña del Mar, Concón, Quilpué, Villa Alemana, Casablanca, Quintero, Puchuncaví. Partially included: Zapallar, Papudo, La Ligua, Algarrobo, El Quisco, El Tabo, Cartagena, San Antonio	Aprox. 875,000 hab. (Census 2002)
Region of BioBío	Inter-municipal regulatory plan for Concepción	5 November 1963 (MOP) D.S. No. 1666	-	Aprox. 357,000 inhab. (Census 1960)
Region of BioBío	Metropolitan regulatory plan for Concepción	1 July 1980 (MINVU) decree no. 216	Lirquén, Penco, Talcahuano, Concepción, San Pedro, Chiguayante, Hualqui, Coronel, Lota	Aprox. 718,000 inhab. (Census 1982)
Region of BioBío	Metropolitan regulatory plan for Concepción	28 January 2003 (Regional Government RES 171)	Lirquén, Penco, Talcahuano, Concepción, Tomé, San Pedro, Chiguayante, Coronel, Lota, Hualqui, Santa Juana	Aprox. 912,000 inhab. (Census 2002)
Metropolitan region	Inter-municipal regulatory plan for Santiago	27 December 1960. MOP	Santiago, Conchalí, Quilicura, Renca, Las Condes, Ñuñoa, Providencia, San Miguel, La Cisterna, La Florida, La Granja, San Bernardo, Puente Alto, Pirque, Maipú, Barrancas, Quinta Normal	Aprox. 1,997,000 inhab. (Census 1960)
Metropolitan region	Metropolitan regulatory plan for Santiago	4 November 1994. MINVU	Santiago, Huechurabamba, Vitacura, Ñuñoa, Peñalolén, La Granja, San Miguel, P. Aguirre Cerda, Independencia, Conchalí, Recoleta, Providencia, Lo Barnechea, Las Condes, La Reina, Macul, La Florida, San Joaquín, La Pintana, San Ramón, La Cisterna, El Bosque, Lo Espejo, Estación Central, Cerrillos, Maipú, Pudahuel, Qta. Normal, Cerro Navia, Renca, Sn. José de Maipo, Quilicura, Pirque, San Bdo., Puente Alto, Calera de Tango	Aprox. 3,517,000 inhab. (Census 1992)

Source: Authors. Adapted from Observatorio Urbano, (MINVU, 2014, INE 2010, Population Census INE).

a territory covering eight full districts and another eight partial districts, with the population of the former eight totalling over one million inhabitants. Remarkably, beyond the inclusion of the concept in its name, the plan makes no reference to the metropolitan character of the planned territory in its explanatory memorandum, ordinance and maps.

Finally, the case of the Inter-municipal Regulatory Plan for Concepción of 1963, encompasses five municipal districts with a total population of 357,000, and also does not make

explicit mention of the metropolitan area and its particularities within its ordinance or maps. In 1980, during the civil-military dictatorship, the Metropolitan Regulatory Plan for Concepción came into force, this time through an initiative of the MINVU, covering 9 districts and a population of over 718,000, practically double the population covered by the 1963 Plan. Once again, no explicit mention was made of the metropolitan condition in the plan or its associated documents, apart from the use of the term in the Plan's name.

The current version of the Inter-municipal Regulatory Plan for Concepción, approved the Regional Government of the Region of Bío-bío in 2003, also fails to make explicit reference to the metropolitan character of the plan, in the explanatory memorandum only mentioning the 'metropolitan common good' but not expanding further on this concept or its implications. This new version of the Plan expanded the metropolitan area to include 10 districts and a population of over 900,000.

In summary, based on a review of the PRI/PRM of three metropolitan areas, it appears clear that the explanatory memoranda, ordinances and maps make no explicit reference to the metropolitan nature of the territory under planning, to scale or to justifying the implications of interaction between districts. The arguments provided by official documents are insufficient and unconvincing for supporting these PRI as becoming a metropolitan instrument of territorial planning.

## 8. Analysis of pro-metropolitan government legislative proposals

Throughout the past century, several legislative attempts have been made to adjust Chile's governmental institutionality. However, few bills of law have been presented regarding the creation of metropolitan governments. During the period between the establishment of the Constitution of 1925 to the interruption of democracy in September 1973, there were no legislative initiatives that aimed at recognizing an institutional or governmental order for a metropolitan area. Nevertheless, the metropolitan reality was appreciated in city regions such as Santiago, Valparaíso and Concepción.

In 1974, the first attempt to address metropolitan areas as distinct realities was made through Decree N° 573, which introduced the regional system of governance to Chile and established, in Articles 21 and 22, the Metropolitan Area of Santiago, acknowledging that special regulations might be established for its governance. However, these regulations never materialized and the Metropolitan Area became the Metropolitan Region, which remained identical to the rest of the country in terms of its status (Aylwin, 1991). The Constitution of 1980, which imposed military rule, did not mention the concept of metropolitan areas, nor differentiated forms of government. However, from 1991 onwards, some attempts have been made to push forward special regulations for the administration of metropolitan areas, but none have been able to substantially reform the institutional structure. Nevertheless, the most important legislative milestones are detailed and discussed below:

### 8.1. Law 19.097

Approved in 1991, this Law was as a first attempt to differentiate regulation for metropolitan areas.<sup>6</sup> Article 112 states:

The Law establishes coordination procedures for the administration of all or some of the municipalities integrated within regions, with respect to common problems, as well as those

related to their administration and other public services. The Law may also present diverse forms of administration for metropolitan areas.

However, parliamentary discussion eliminated the concepts of municipal coordination and association. The argument of such an unfavourable reaction to the proposed regulation may have been that they could become 'a bureaucratising factor, a form of urban centralism, that will decrease the importance of municipalities, distancing average citizens from the local problems that affect them the most'.<sup>7</sup> The elimination of the provision about metropolitan areas constituted the first failed attempt to advance towards a new logic for their governance.

### **8.2. Law 19.175 on regional government and administration**

This Law, enacted in November of 1992, addresses regional government and administration issues. Though its original text did not mention metropolitan areas, the final text (still in force today) determines the form of coordination for metropolitan areas, defines a metropolitan area, the role of Regional Governments in such areas and the establishment of the Regional Coordinating Council of Municipal Action.

On the coordination of metropolitan areas, it states that: 'The ministries, public services, regional governments and municipalities must act in accordance in the formulation of plans and the execution of programs related to the provision of basic social infrastructure and urban facilities in metropolitan areas.' The law states, 'a metropolitan area shall be understood as the territorial extension formed by two or more centres of population united by constructed spaces and sharing the use of diverse elements of infrastructure and urban services'. The same regulation gave rise to a redefinition of the role of Regional Governments in these metropolitan areas in conceiving that 'in regions containing metropolitan areas, the regional governments shall be awarded specific responsibilities related to the public services granted by law'.

Article 91, currently 110, establishes the possibility of strengthening the institutionality of metropolitan areas, indicating that 'in every region of the country where metropolitan areas are configured as defined with the provisions established by the preceding article, a Regional Coordinating Council on Municipal Action will be established in order to plan and coordinate joint municipal action for the prevention and solution of problems affecting the districts within the respective metropolitan area and requiring joint treatment'. The council would consist of the mayors of the municipalities included within the metropolitan area and will be chaired by the mayor of the municipality in whose territory the regional or provincial capital is located.

This law represents a breakthrough as the first active law to respond to these issues, although its stipulations regarding metropolitan areas have not had the expected implementation. Coordination has not been anticipated; the transfer of functions to regional governments has not been completed; and the proposed Regional Coordinating Council for Municipal Action has not yet been formed.

### **8.3. Proposition for a constitutional amendment to establish metropolitan governments**

In 1993, the first bill for the creation of metropolitan governments, as entities differentiated from the Regional Government and led by a mayor, was introduced. The motion was termed 'Bill of constitutional reform establishing areas of metropolitan governments'.<sup>8</sup>

The proposal sought to establish a title within the chapter on 'Government and Internal Administration of the State' of the Constitution, incorporating the modality of 'metropolitan governments'. It specified the definition of metropolitan area, the body of metropolitan government, the administrating authority, advising bodies, powers of these authorities, the method for the election or appointment of officials and the determination of the special regime and administration that would correspond to these metropolitan areas.<sup>9</sup>

However, this initiative was not approved in the House of Representatives and was permanently archived in 1997. After democracy was restored, politicians seemed resistant to the establishment of a new institutionality for managing metropolitan areas. Without doubt, this hesitancy was influenced by the priority given to the process of regional decentralization. The establishment of an intermediate government between local and regional levels to address the challenge of urban and territorial development of metropolitan cities seemed too complex and not high enough on the legislative agenda.

#### **8.4. Bill of law 20.390**

In December 2003, a bill for a constitutional reform<sup>10</sup> was brought to parliamentary discussion by presidential mandate, seeking to grant municipal areas a constitutional status, with a special administration 'responsible for the prevention and solution of common issues affecting communities included in this territory (...)'. The bill 'sought to establish a provision for the specialism needed for managing metropolitan areas, a hitherto non-existent component in constitutional law, which would also constitute an element that cannot be absent in the development of a decentralization process'.<sup>11</sup>

The reform proposed a special administration for metropolitan areas, which would be the responsibility of the regional governments, and specified their special powers and responsibilities, distinguishing them from the ones of municipalities and public services in the same territories. In 2009, after nearly six years in the Congress, the bill was adopted and is still in force today. However, the final text basically eliminated any reference to regional governments, leaving an open possibility for other forms of administration of metropolitan areas. It authorized the Congress to issue a law regulating their administration, but this has not been issued and metropolitan areas continue to be governed and managed in exactly the same way as the rest of the national territory.<sup>12</sup>

#### **8.5. Project for the creation of a metropolitan transportation authority**

Although this bill<sup>13</sup> does not refer directly to the creation of a metropolitan government, it is relevant as it sought to tackle one of the most problematic sectoral issues for metropolitan areas. The bill was introduced in the midst of the Transantiago crisis proposing to establish a Metropolitan Transportation Authority. It is now under its first constitutional review, but is stagnated due to the lack of interest of the executive office. It will most likely not pass any time soon.

#### **8.6. Constitutional reform proposal to create a metropolitan mayoral service**

Another constitutional reform initiative for the government and administration of metropolitan areas was introduced in 2012, arguing that, 'large Chilean cities have grown to

become complex metropolis that are difficult to manage ... The fragmentation of decision-making favours inorganic and equally fragmented ways of intervening space and reduce urban policies to an addition of sectoral programs.’

A Metropolitan Mayoral Service was proposed,<sup>14</sup> consisting of a Metropolitan Mayor and a Mayoral Council, which would include the local municipal mayors from the metropolitan region. It would be responsible for the management and coordination of the local inter-municipal administration. A law would be issued to determine the definition of municipalities of the metropolitan area, the method of election and the powers of the Metropolitan Mayor and the Mayoral Council. It was asserted that this was not intended only for Santiago, but rather for the conurbations around the municipalities of Valparaíso, Viña del Mar and Concón, Concepción, Talcahuano, Hualpén and San Pedro de la Paz. However, the considerations of the involved municipalities were very different from the ones in inter-municipal plans, suggesting that technical judgement sometimes greatly differs from political judgement. This initiative is currently under an initial review within a Senate Commission.

### **8.7. Proposal for the transfer of powers to the regional government**

In October 2014, a group of senators from a wide range of political parties presented a motion to transfer powers of the three main metropolitan areas of Chile, Santiago, Valparaíso and Concepción, to their corresponding Regional Governments. The proposal included power for the President of the Republic to temporarily transfer ministerial and public service faculties to regional governments.

The argument was that despite the efforts and regulations to manage metropolitan areas, ‘to this day the determination of metropolitan areas has not been realised, nor has the way in which faculties should be transferred to the responsible entities been regulated’.<sup>15</sup> The democratization of Regional Councils, and the possible democratic election of the Regional Intendent would give Regional Governments the necessary legitimacy to assume powers that would allow them to better plan, coordinate and regulate essential areas of large cities. The competences would include urban development, planning, and land use; road management, transportation and connectivity; waste management; foment of productive activities; and social and cultural development.

The senators stressed the urgency to transfer powers without waiting for the approval of the regulations associated to the administration of metropolitan areas and the transfer of powers to Regional Governments. The bill was introduced on October 2014, and is currently under an initial constitutional review within a Senate Commission, but does not have an urgent status.

The initiatives which have received most attention are those related to the constitutional reforms and the Law of Regional Government and Administration (LOCGAR). However, they have neither led to the effective implementation of this new regulatory framework, nor to a new institutionality.

## **9. Findings**

Table 3 summarizes the several proposals for metropolitan governance and the underlying reasons for their lack of approval or failed implementation. The latter include political

**Table 3.** Pro-metropolitan government proposals.

Legal document	Proposal	Results	Underlying reason for failure-hypotheses
Law 19.097 of 1991	For diverse forms of administration of metropolitan areas	Negative reception	Allowing for the exceptional administration of metropolitan areas may become 'a form of urban centralism that will decrease the importance of municipalities, distancing average citizens from the local problems that affect them the most'
Law 19.175 of 1992	For a Regional Coordinating Council of Municipal Action and the definition of other aspects regarding metropolitan planning	Made active through the enactment of the law. However the stipulations did not achieve the expected implementation	The proposed changes in the institutional order were not well received by the groups that supported the military government
Proposal for Constitutional Amendment of 1993	Specifies issues regarding definition of metropolitan area, body of metropolitan government, and administrative authority	Negative reception, the proposal was permanently archived in 1997	Overshadowed by the priority given to the process of regional decentralization. The creation of an intermediate government structure between local and regional levels seemed too complex
Bill of Law 20.390, 2003	Constitutional provision for the establishment of a special administration for metropolitan areas	Initial proposal was simplified and definitions were left too general	The weak institutional structure that was proposed was unable to strengthen its ability to coordinate planning and metropolitan management
Bulletin 5077-15, Legislature 355, 2007	Proposal for a metropolitan transportation authority	Currently under review	Lack of interest to pursue this effort by the executive office.
Constitutional reform proposal amending article 123, 2012	Creation of a metropolitan mayoral service	Under its initial constitutional review within a Senate Commission	
Constitutional reform proposal incorporating transitory articles, 2014	Proposal for the transfer of powers to regional governments	Under its initial constitutional review within a Senate Commission	

Source: Authors.

resistance; fear that a metropolitan government will give priority and resources to central and better-off regions; low interest from the executive and legislative branches of government; recognition of the high level of complexity of the matter; and not enough knowledge and technical resources for the implementation process.

These findings about the resistance to the implementation of metropolitan governments in Chile can be related to assertions about political actors – such as political parties, pressure groups and population – who do not always recognize the legitimacy of metropolitan or regional level governments, as they see territorial reorganization as a problematic issue (Lefevre, 1998). This is especially clear in the case of the Proposal for Constitutional Amendment of 1993 that specifies issues regarding the definition of metropolitan area, the body of the metropolitan government and administrative authority, in the case of the Proposal for the Metropolitan Transportation Authority. Middle-tier governmental agencies may also see metropolitan institutions as a threat to their own authority (Brenner, 2003).

In Chile, this can be seen in the case of Law 19.097 of 1991, proposing an administration for metropolitan areas.

## 10. Conclusions

Since the first process of urban planning with inter-municipal character in 1960, there has not been an explicit consideration of the metropolitan condition of large Chilean cities in official planning documents. Taking into account the criteria for the definition of metropolitan areas for this research in Chile, there is no justification in terms of the size of the population of the central city, or the relations of flows between municipalities, which can explain why some municipalities have been grouped together in certain cases, and not others.

These criteria for the definition of metropolitan areas have been systematically used in sectoral initiatives, initially by the MOP and later by the Ministry of Housing and Urbanism (MINVU). But considering that there are not regional and local governments with enough influence for the formulation of inter-municipal and metropolitan plans, these initiatives have merely had a consultative nature. To this day, the approval of the PRI/PRM is achieved through a Supreme Decree of the MINVU, in accordance with the Planning and Construction Code (LGUC).

The OECD (2013) has remarked Chile's fragmented institutionality at the central level of government, due to the lack of inter-ministerial and subnational coordination regarding urban issues, which has serious effects on the development of the large cities. This fragmented structure constrains the coordination of policies for social housing, infrastructure, public space, transportation and other urban issues, hindering the integral improvement of neighbourhoods and districts with high levels of social segregation within the city (Tello, 2013).

The several initiatives of legislative reforms for providing a specific institutionality to metropolitan areas that have been reviewed in the previous sections have failed to achieve their goals, or only represented minor changes. Beyond these pro-metropolitan governance proposals, other initiatives have been formulated without consideration to the definition of inter-municipal planning instruments, in terms of their territorial and administrative reach.

In view of the centralist character and sectoral focus of governance and planning in Chile, the existing planning instruments are insufficient and ineffective to deal with the conditions of inequity in terms of quality of life in the metropolitan areas of Santiago, Valparaíso and Concepción, which have been become apparent through indicators such as the Urban Quality of Life Index (Orellana *et al.*, 2013).

Finally, in regard to the overall planning objective of differentiating cities of metropolitan character in Chile, the results indicate a certain resistance for the formulation of metropolitan plans at technical level, and similar resistance for the establishment of a metropolitan institutionality at political level.

## Notes

1. The term law is used to refer to the laws, ordinances, decrees and any other general rule, issued under the procedure prescribed by the Constitution of the Republic, either by the legislature (laws), or the competent administrative authority (decrees and decrees with the force of law);

bills are understood as those proposals initiated by the government or parliament, which have as their objective the discussion by Congress of a subject that has been entrusted to catalogue the policy as a matter of Constitutional Law. An Explanatory Report contains objectives, goals and action plans; an Ordinance contains the relevant regulations; and maps graphically express general zoning provisions, equipment, road relationships, priority development areas, limits of urban sprawl, densities, etc.

2. D.F.L. N° 458, General Law of Urbanism and Construction, Official Gazette of the Republic, Santiago de Chile, April 13, 1976.
3. In this case, there is no explanatory report.
4. Law N° 19.175, Organic Constitutional Law of Regional Government and Administration, Official Gazette of the Republic, Santiago de Chile, 11 November 1992.
5. There is no corresponding explanatory report for this case.
6. See Bulletin 357-06, Legislature 321, published 20 May 1991. Available at: [http://www.camara.cl/pley/pley\\_detalle.aspx?prmID=1412&prxBL=357-06](http://www.camara.cl/pley/pley_detalle.aspx?prmID=1412&prxBL=357-06).
7. See History of the Law 19.097, available at: <http://www.leychile.cl/Navegar/scripts/obtienearchivo?id=recursolegales/10221.3/641/6/HL19097.pdf>.
8. Content of Bulletin 988-07.
9. In this way, the project contemplated the incorporation into the Constitution of the title, 'Of the metropolitan areas and regional governments'. It proposed several very specific articles for inclusion, those of which ranged from definitions of territorial borders, modes of governance and coordination with other levels (regional and municipal), the authority figure of Mayor as elected by direct vote, the forms of coordination and participation of municipalities and their authorities in decision-making related to metropolitan issues, among other aspects.
10. See Bulletin 3436-07, Legislature 350, published 16 December 2003. Available at: [http://www.camara.cl/pley/pley\\_detalle.aspx?prmID=3757](http://www.camara.cl/pley/pley_detalle.aspx?prmID=3757).
11. See History of the Law 20.390. Available at: <http://www.leychile.cl/Navegar/scripts/obtienearchivo?id=recursolegales/10221.3/3867/1/HL20390.pdf>.
12. This law establishes the possibility for the President to transfer faculties of ministries or public services to regional governments, in issues of land use planning, the promotion of productive activities, and social and cultural development.
13. See Bulletin 5077-15, Legislature 355, introduced on 13 June 2007. Available at: [http://www.camara.cl/pley/pley\\_detalle.aspx?prmID=5503&prxBL=5077-15](http://www.camara.cl/pley/pley_detalle.aspx?prmID=5503&prxBL=5077-15).
14. See Bulletin 8.349-06, Legislature 360, introduced on 6 June 2012. Available at: [http://www.camara.cl/pley/pley\\_detalle.aspx?prmID=8745&prxBL=8349-06](http://www.camara.cl/pley/pley_detalle.aspx?prmID=8745&prxBL=8349-06).
15. See Bulletin 9.616-06, Legislature 362, introduced on October 1, 2014. Available at: [http://www.camara.cl/pley/pley\\_detalle.aspx?prmID=10033&prxBL=9616-06](http://www.camara.cl/pley/pley_detalle.aspx?prmID=10033&prxBL=9616-06).

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