

LAW Nº 20,500 ABOUT ASSOCIATIONS AND COMMUNITY PARTICIPATION IN PUBLIC MANAGEMENT

Law No. 20,500 about Associations and Community Participation in Public Management was published on the Official Gazette on February 16th, 2011, and it is a great progress in order to materialize the right of free association and the participatory principle, both established in the Chilean Political Constitution.

This law simplifies the procedure to constitute associations and foundations, which is no longer done by an application addressed to the President of the Republic, but through the municipalities, by the presentation of a copy of the public or private constitution deed at the municipal secretary, the documents of the background and their incorporation at the National Registry of Non Profit Legal Entities. Since its inscription in the Registry the entity will be endowed with legal personality, without needing the presidential approval for such purposes.

In that Registry, which works under the supervision of the Civil Registry and Identification Service, will be enrolled the documents related to associations and foundations; functional community organizations, neighborhood councils and community unions; and other nonprofit legal entities ruled by special laws determined by the regulation.

Also, this Law is addressed to public interest organizations, which are non profit legal entities with the objective of promoting general interest in matter of civil rights, social assistance, education, health, environment of any other matter of common good; especially those that resort to volunteering and are enrolled in the Public Interest Organizations' Cadastre. The functional community organizations, neighborhood councils and community unions, constituted pursuant to Law No. 19,418; and the indigenous communities and associations ruled by Law No. 19,253, have the nature of public interest by the mere operation of the law. Additionally, the Strengthening Fund for Public Interest Organizations is created, whose resources will be

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intended to finance national and regional projects or programs that fit the aforementioned objectives.

On the other hand, the Law 20,500 introduces the IV Title of Community Participation in Public Management into the Law No. 18,575, giving specific content to the right of public participation in state policies, plans, programs and actions; demanding to every state entity the duty to establish formal and specific modalities of participation, publish relevant information, give annual public and participative accounts to the citizenship, point out matters of citizen interest in which is required to know the opinion of the community and establish civil society councils, of consultative nature.

In addition, the Law establishes that every municipality will have a community council of civil society organizations, which will replace the economic and social council; also, it reduces from 10 to 5 the percentage of citizens enrolled in the electoral registers that must sign in order to require a plebiscite.

Currently, regulations related to the National Registry of Non Profit Legal Entities, the Strengthening Fund for Public Interest Organizations and the community council of civil society organizations are currently in process of elaboration.

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