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'The revolution came from below'

The outcome of the constitutional referendum is a historic moment for Chile — and the expectation are high. Simone Reperger reports from Santiago

Read this interview in German.

“Chile aprobó”. In a referendum, an overwhelming majority of Chileans voted for a new constitution. Why is this decision called historic?

78 per cent of Chileans voted in favour of drafting a new constitution. This is indeed a historic decision. Because even today, 30 years after the end of the military dictatorship, General Pinochet's constitution is still largely in force. He left behind one of the most neoliberal constitutions in the world. It reduces the role of the state to a minimum and prescribes the neoliberal development model, which relies on the privatisation of public goods such as health, education, pensions and water and primarily ensures the freedom of the market.

Until last year, there was no a political majority to write a new constitution. The existing one was only reformed here and there, but the market-friendly approach was never questioned. That this has now been achieved is the triumph of the protest movement. For a year now, it has been taking to the streets every day – apart from times during the strict corona lockdown – to demand more social justice and a fairer development model. One of its central demands was the referendum. So the revolution came from below.

From a left-wing perspective – what has to be written into the new constitution?

It is important that the future constitution no longer enshrines the subsidiary role of the state. The state must no longer be subordinated to the market. Private interests can no longer be placed above public rights, individual rights above collective rights.

A future constitution should guarantee social rights and enshrine that social security is the responsibility of the state. In the future, the state

must be able to intervene in the market to regulate it. Education and health, for example, should be defined as a right of all people and privatisation should be reversed.

Gender equality, the rights of indigenous peoples and environmental protection should also no longer be left out of the new social contract.

In recent years, Chile has repeatedly experienced massive protests, which have been sparked in particular by social inequality and the neoliberal economic system. Isn't hoping that the entire system will now be overhauled by a new constitution unrealistic?

The hopes are exaggerated and here lies one of the risks of the constitutional process: Many Chileans see the new constitution as a cure for all the country's problems – but in the short term, it will neither combat poverty nor reduce the enormous gap between rich and poor in Chile's two-tier society. The new constitution will not come into force before the end of 2022. According to experts, another five years will pass before it starts to show effects. So Chile is facing some exciting years! The chances for a more social democratic future and the strengthening of public goods are there, but only in the medium to long term.

The government of the right-wing conservative multi-billionaire Sebastián Piñera therefore faces the great challenge of finding short-term answers to the great social crisis and creating a political climate in which a peaceful constitutional process is possible. According to UNDP, the United Nations Development Programme, 40 per cent of Chileans today live in extreme insecurity, bordering on permanent hardship. More than one million people are suffering from hunger, 90 per cent of the people are afraid of social decline. These people cannot wait another 10 years until their problems are solved. And the pandemic is already setting Chile back decades in its level of development. Chile's revolution is thus taking place at a socially explosive moment.

President Piñera describes the new constitution as an opportunity for greater unity in a society that has been highly polarised. How can we prevent the economic elites from boycotting the process in order to secure their benefits?

The constitution will be drafted at a difficult moment: Violence has established itself as a political tool in the last 12 months, death threats against politicians and activists are commonplace, campaigns based on fear dominate political opinion making and the economic elite seems unwilling to give up their privileges in times of a profound economic crisis. These are serious threats to the constitutional process. The

areas where the rich live all voted by a large margin against the new constitution. Even the right-wing hardliners in Piñera's cabinet have openly campaigned in recent months to preserve the old system. So there is a strong headwind.

But even the majority of the country's economic elite should be aware that they can no longer stop the constitutional process. It is the only democratic and institutional way out of the social crisis. Should it fail, many will only see the fight in the streets as an alternative. Therefore, the elite's strategy will be that the constituent assembly should be composed of as many business-friendly members as possible, in order to formulate the contents of the future Carta Magna in their spirit.

Only the centre-left parties and the social movements can prevent this by pulling together. They face the great challenge of putting aside fragmentation, power interests and electoral calculus and agreeing on common electoral lists and common programmes. They spent the election evening at separate celebrations, it was not possible to agree on a common event. Without the formation of a progressive alliance, the united right will win most seats. There is a great risk that the conservative, pro-business political elite, which has benefited greatly from Pinochet's legacy and the neoliberal development model since the return to democracy 30 years ago, will also dominate the contents of the New Constitution and exert much influence on the advisory bodies.

However, some also believe that parts of the Chilean oligarchy and conservative political elite will fight hard and they warn against a permanent blockade of debates in the constituent assembly, against even more political violence and the spread of campaigns based on fear.

The voters opted for the convening of a constituent assembly and against a mixed body in which half of the members of parliament would have been represented. What must the parties do now to counter the immense party discontent?

With 79 per cent of the vote, the social movements' demand that a completely newly elected constituent assembly write the constitution has prevailed. This shows the people's great distrust of their political class.

90 per cent believe that the parliament and the senate regularly pass laws that are not oriented towards the common good, but towards the interests of the elite. 98 per cent do not trust any single party. The distance between politicians and people is enormous. Solutions are not expected from any of the parties, but from the "people on the street".

Therefore, Chileans do not want politicians to work out the new social contract. The parties – no matter which ideological camp they belong to – must take this warning signal seriously and reform fundamentally: More participatory, younger, more representative, more oriented towards the common good, more transparent, less corrupt – the list of improvements is long. The current crisis is also a crisis of representative democracy.

What are the next steps in the constitutional process?

On 11 April 2021, the 155 members of the Constituent Assembly will be elected. Representatives of civil society organisations as well as political parties and trade unions can submit lists. The parties would be ill-advised to try to dominate the constitutional process. It would also be important for the parties represented in parliament to agree on some ground rules for the constitutional process which would ensure many opportunities for participation and a transparent culture of debate.

Incidentally, it is a great success that a parity law is in place because of the great pressure from feminist organisations and female parliamentarians. The constituent assembly will consist of at least 45 per cent women. In no other country in the world has it been possible to involve so many women in the drafting of the Carta Magna. Chile is making history. It is still under discussion whether a quota system will also be drafted for indigenous peoples. International organisations have long criticised that the political rights and opportunities for participation of this most discriminated and poorest population group in Chile are not guaranteed.

The Constituent Assembly will start its work in May 2021. It will then have a maximum of 15 months to write the new constitution. It will be assisted by consultative bodies and constitutional experts. Decisions on the content of the new Carta Magna will be taken by a two-thirds majority, so the composition of the Assembly will determine how progressive or conservative the new Constitution will be. It is expected that by the end of 2022, Chileans will be able to vote in a second referendum on whether the new Constitution should enter into force.



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