Opening a path to plurinationality:

Chile’s Constitutional Convention and native peoples

The election of members to the country’s Constituent Assembly reflected a tremendous turning point in Chile’s political history. In addition to the 17 seats reserved for Indigenous Peoples, four Indigenous members were elected through regular constituencies and there was gender parity among all members. Chile’s Constitution will be the first ever to be written by equal numbers of women and men. The conservative forces, for their part, failed to gain the one-third of representatives that would have allowed them to veto agreements. The native peoples are aware that only a plurinationality that comes from the grassroots up can ensure a path beyond colonialism.

By Salvador Millaleo - 1st June 2021

Two main elements distinguish Chile’s Constituent Assembly elections from other similar democratic processes around the world: gender parity in representation and the election of 17 reserved seats for representatives of native peoples, accounting for 11% of the 155-member Convention. The Indigenous candidates were fielded by native peoples’ organizations and communities themselves and did not stand on party-political lists.

The “social outburst” in Chile saw a wave of protests that took place from 18 October 2019 until March 2020, when the COVID-19 pandemic hit the country. These demonstrations were the catalyst that commenced a process to draft a new Constitution: on 15 November 2019, the political elites agreed to a referendum that would open the path to reforming the current Constitution, which dates back to 1980 and the dictatorship of Augusto Pinochet. This initial agreement did not, however, envisage either gender parity or reserved seats for Indigenous Peoples, two reforms that were subsequently adopted in March and December 2020.
Achieving the 17 Indigenous seats

During the moves made by the Chilean Congress to set aside 17 seats for Indigenous Peoples, the overt racism of the most conservative sectors of society once again raised its head, as these groups did all they could to prevent this from happening. The other traditional force, the centre-left, for its part, once again failed to show how any real enthusiasm: it promoted the project weakly, in reaction to social pressure more than anything.

A majority of native peoples decided to demand the reserved seats in order to participate in the constitutional process. A broad coordination of organizations took this decision: the Lafkenche Territorial Identity, the Association of Municipalities with Mapuche Mayors (AMCAM), Ad-Mapu, the Mapuche Political Platform, the Aymara National Council, the Council of Atacameño Peoples, the Diaguita National Network, the Chango Council, the Colla, Kawesqár and Yagán communities, the Honuy and the Council of Elders of Rapa Nui.

There were, however, some Mapuche organizations that preferred not to participate, such as the Consejo de Todas las Tierras (All Lands Council) and the Mapuche Territorial Alliance. Organizations that have justified the use of political violence against the Chilean State, such as the Arauco-Malleco Coordinating Committee and Weichan Auka Mapu, also did not wish to be involved.

The organizations that decided to participate in the Constituent Assembly took a risk, and the responsibility, of relying on an institutional process to achieve the political inclusion of Indigenous Peoples in a country characterized by its highly retrograde and refractory attitude towards Indigenous rights recognition. While the possibility of not gaining the seats was very high, the risk was that the election of Assembly Members would reflect the balance of traditional political forces: the predominance of two blocs, one centre-left, the other centre-right, neither of which has ever defended Indigenous collective rights.

Such an outcome would have compromised the chances of a constructive agreement between the State and native peoples in Chile. In this case, the greatest fear was that the
conservative forces would win one-third of the positions, a percentage that would have allowed them to veto agreements, which will need to be adopted by two-thirds. Fortunately, this did not happen.

**A revolution in Chile's political history**

Despite the fact that only around 40% of Chileans eligible to vote actually did so, the election resulted in a tremendous turnaround in the country's political history. Parity resulted in more women representatives than men, while the 17 Indigenous seats in special constituencies were added to the election of Indigenous members elected via regular constituencies. Indigenous representation thus stands at 21 Assembly Members out of a total of 155, or 13.5%.

The biggest surprise was the overall result. While a large number of independents were elected, the conservative forces achieved only 24% of the vote, far below the one-third they needed. With this, any possibility of vetoing major constitutional changes has become impossible.

The majority of elected Constituent Assembly members agree with a recognition of the rights of native peoples that envisages transforming the State towards plurinationality. They also agree with improving environmental protection, regional autonomy, citizen participation, gender equality, the balance between public authorities, and the provision of State services to communities and territories rather than through private companies.

In particular, the elected members understand that one of the features of Chile’s power construct is its colonial matrix, based on the deep-rooted racism of Chile’s elites. This colonialism is in tune with the centralist, patriarchal and elitist nature of Chilean political power such that any democratic transformation will also require the dismantling of colonialism from its very roots in pursuit of a plurinational and intercultural construction of the greater political community.
Native peoples as protagonists?

This openness of Chile’s political forces to plurinationality offers the very great challenge of native peoples becoming protagonists in the political process for the very first time. The Indigenous Assembly members will therefore need to give plurinationality substance within the new Constitution and incorporate an Indigenous vision into the major issues that will transform the Chilean State: the scope of Indigenous autonomy, forms of political representation, the constitutionalization of prior consultation, legal pluralism, the enshrining of territorial, cultural and linguistic rights, and, in particular, protection of the rights of nature.

In addition, the Assembly Members will need to ensure that the constituted bodies and procedures are able to guarantee collective principles and rights effectively and with adequate controls. Recent experiences in the Latin American region feature prominently in the organizations’ minds. They will need to avoid false promises, a rhetoric of rights that is not accompanied by effective redistribution of power, and any attempts to circumvent plurinationality. The domestication or taming of peoples’ demands must be avoided.

The native peoples are more conscious than ever that only plurinationality from the grassroots up, driven by the real and stable political protagonism of the peoples, will ensure that we begin to tread a path beyond colonialism. And this is happening in a country that is very much wedded to the 19th century. Chile is at last beginning to open up to a new future.

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