Like sorcerer's apprentices:

the rejection of plurinationality in Chile

The Constituent Assembly, born of the 2019 protests, spent two years drafting a new constitutional text that promised to be the most advanced in Latin America. A social state based on the rule of law, recognition of Indigenous Peoples and the inclusion of collective rights, the rights of nature and women's rights opened up a whole new perspective and generated hope in the region. Nevertheless, in the exit referendum (“plebiscito de salida”), two-thirds of Chileans voted down the new constitution, which would have overturned that inherited from Pinochet. Elitism, a lack of work on the ground and the poor popularity of the government and the Assembly members appear to be just some of the reasons for this defeat, which threatens to put a halt to human rights progress in the country.

By Salvador Millaleo – November 1st 2022

On 4 July 2021, Chile's Constituent Assembly began drafting a new constitution. One year later, the proposal was categorically rejected by 62% of the population. According to a report by IPSOS and Espacio Público, two of the main reasons for the rejection were the inclusion of Indigenous justice systems and the definition of the State as plurinational.
References to the **risk that plurinationality would end up dividing Chile** even became the number one reason for its rejection. In fact, **“native peoples” was the third most searched term on Google Chile** (after pensions and abortion) in the week running up to the referendum. Most striking was the fact that communes with the highest percentage of Indigenous population showed levels of rejection markedly higher than the national average.

With the “no” of the exit referendum, a text that recognized collective rights such as self-determination, the right to land and to special representation, territorial autonomies and legal pluralism was thus rejected. **What caused this proposal for plurinationality to be rejected, after a year in which the Constituent Assembly had clearly identified itself with plurinationality and it seemed feasible that this could be achieved in Chile?**

We believe we can explain this complex and resounding negative result by considering that the Indigenous representatives acted as true **sorcerer’s apprentices** – in the sense of Goethe's poem – in relation to ideas of plurinationality: unable to control the forces that they unleashed, shipwrecking and helping to destroy a transformative constitutional proposal, albeit burdened with problems in many other aspects. In support of this argument, we will consider the reasons already outlined by the Indigenous world in the debate that immediately followed.

**The elitist notion of plurinationality**

**The Mapuche anthropologist Natalia Caniguan pointed out early on that:** “The concept of plurinationality and the discussions surrounding it were highly elitist, centred on the leadership, on an Indigenous and non-Indigenous intelligentsia that did not have the capacity to take this proposal to the grassroots”. This was also backed up by studies showing that **public opinion preferred the concept of multiculturalism or, at least, showed very little support for plurinationality.**
Plurinationality is a concept that some Indigenous organizations had adopted back at the start of the last decade. The Mapuche mayors, in particular, borrowed this concept from discussions in Bolivia and Ecuador and carried it over to the Indigenous context in Chile. From 2015 on, several intellectual sectors of the country joined in these discussions on plurinationality.

The discourse around plurinationality consisted of raising an Indigenous political reference point that claimed that the historical debts of the Chilean State had not been addressed either in the country’s constitution or in its legal system, and to do this through a political path that differed from the path of violence chosen by the radicalized groups. At the start of 2010, the political-institutional sector of the Indigenous world was quite depressed at the sustained expansion of the political violence of ethnic demands.

While the accusation of elitism is in tune with the populist discourse that underlined this rejection, it only points to something quite common in idea-driven political processes: ideas are first formulated but they only expand when a political process takes shape. The political process therefore needs to use ideas as magnets of support, giving them concrete meaning while gaining new adherents, and organizationally and communicatively mobilizing a support base.

It is precisely here that the key to the failure of plurinationality in Chile lies: the political process did not manage to establish an effective popular base.

**Lack of work on the ground and political communication**

Historian Claudio Alvarado Lincopi and philosopher Martín Llancamán highlight “the lack of political instruments aimed at coordinating the organizational and regional processes with the institutional and democratic political disputes”. This is quite evident in that the constitutional process, contrary to what was expected in the preparatory stage, did not result in increased coordination among Indigenous organizations in Chile. Quite the contrary.
The constitutional process instead bore witness to and strengthened two dynamics that have weakened the Indigenous organizations. On the one hand, the fragmentation and internal breakdown of the Indigenous members of the Constituent Assembly, which materialized both in their inability to set a joint agenda and in the fratricidal internal discussions that were expressed through funas (public protests outside people’s houses). On the other hand, there was a strategic alignment with the perspectives of other political groupings rather than with the interests of the native peoples.

At the same time, the Indigenous organizations never lent their support to the constitutional process and everything seemed to be monopolized by the political initiative of the 17 Indigenous members elected to the reserved seats in the Assembly. There was furthermore no harmony between the Indigenous organizations and the work of these representatives: the poor organization of the Indigenous consultation, the neglect of more conservative Indigenous sensitivities and the lack of a broader political strategy to convince the general public were all decisive factors that contributed to imprisoning the Indigenous Assembly members inside a bubble.

The assertion that exit referendums do not usually reject proposals from a Constituent Assembly consequently turned out to be categorically false in the case of Chile. It was a blind political process, in which no real communication was established with the territories or with the rural and urban Indigenous world. The lack of effective preparation of electoral campaign work to defend the constitutional proposals was a corollary of the above.

**An empty signifier filled by uncertainty**

Far from becoming a cause of the Indigenous world and of the general public as a whole, the concept of plurinationality became an empty signifier filled with fear and uncertainty. The lack of a clear programme of constitutional transformation and the absence of effective leadership ended up alienating the public from a process they had massively supported in 2020. The political process prior to the constituent process had enabled plurinationality to be positioned as part of a new political language in the first few months. Nevertheless, the
A re-foundational tone that was chosen failed to focus on the concrete content of plurinationality in terms of rights, institutions and constitutional principles.

Plurinationality is a debate that has three dimensions: in how the State modifies its form (without disintegrating) to accommodate the existing ethno-cultural diversity; in the cultural questioning of colonialism, the destruction and invisibilization of native peoples; and in an umbrella that covers and enables promotion of the rights to self-determination, autonomy, land, identity, language and cultural heritage. While the first dimension was completely obscured, the third was imbued with a decolonial rhetoric that exalted a challenging of the cultural domination of the native peoples.

The discourse put forward by the Indigenous members of the Constituent Assembly did not offer the non-Indigenous Chilean public a better coexistence than the current one. Without this element of reconciliation, a questioning of the wounds of colonization predominated that was interpreted as an essentialism of minority groups. This made narratives about the divisive danger of identity politics all the more plausible, and this was fuelled by the Indigenous Assembly members themselves. Alongside this, they also failed to speak to the Indigenous world itself because the rights and institutions proposed lacked the detail to make their improvements visible.

The proposed territorial autonomy did not envisage any determination of its powers or its relationship with other State powers. In a country with little experience of legal pluralism, Indigenous judicial systems were elevated onto an equal footing with the Chilean judicial system, albeit without establishing their limits or a proposed gradualism in their construction. In the case of the right to ownership of Indigenous lands, no system of implementation was created in which to offer guarantees and certainties to non-Indigenous Chileans when conducting the demarcation process and proposals for restitution. Finally, Indigenous consent – over and above consultation – was presented as a straitjacket for all projects that could affect native peoples. All this became the passkey and a symbol for those who rejected the new constitution.
Fears of political violence

One aspect thus far completely absent from the analysis is the profound impact caused by ethno-political violence and the discourse of its supporters on the general public. The absence of such analysis in the Indigenous world’s self-criticism is symptomatic. The radicalized sector of the Mapuche people (which has maintained a strategy of political violence since 1997) had repudiated the constitutional process, the political-institutional path and the Indigenous Assembly members since the social outburst. They maintained that the process was not a legitimate one and confirmed that they would continue to resort to political violence.

And yet, the Indigenous Assembly members did not establish any clear water between themselves and these radicalized sectors. It was noted that they constituted a “different” path but no more, without questioning the legitimacy of political violence. While the then president of the Constituent Assembly, Elisa Loncon, stated that she did not have “Mandela’s standard for calling for arms to be laid down”, most of the Indigenous members of the Assembly failed to call for political violence to be abandoned.

An ethical aspect important to a self-understanding of the political-institutional path represented by the Indigenous members of the Assembly was therefore lost. These members did not understand the growing fears of the non-Indigenous Chilean world in the face of the escalation of political violence in recent years and the majority rejection of the Indigenous world because of these violent strategies.

Low popularity and algorithmic policy

There are elements common to the failure of the whole constitutional process: the performance of the Assembly, the low popularity of the government, the indeterminate nature of the Indigenous policy and the “anti-Assembly” position of the mass media.

The Indigenous members contributed several statements to the amateurish behaviour of many other Assembly members: they criticized patriotic symbols, lacked unity and showed
a poor command of constitutional issues. All this was exploited and magnified by the media. Along the same lines, a foundational rhetoric and maximalism was nurtured by both the Indigenous representatives and other Assembly members.

It cannot be ignored that the sustained decline in the popularity of the Assembly ran parallel to a decline in popularity of the current Assembly-friendly government since its inception. In particular, the difficulties in consolidating an Indigenous policy and replacing the climate of violence with one of dialogue were concomitant factors that should not be disregarded.

Finally, the Chilean case joins that of Brexit, the election of Donald Trump and the rejection of the Peace Accord in Colombia as examples of the politics of algorithms in electoral campaigns, based on the use of big data and social networks. And yet it should be noted that the resounding rejection of the constitutional exit referendum would not have occurred had there not been problems in the text and in its constitutional drafting in the first place. In any case, the political use of such disinformation tools was quite predictable, as was the effort to reposition Indigenous people as an enemy within Chile.

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Both the Indigenous members of the Assembly and those who supported them at one time or another (including myself) dreamed of a structural transformation in relations between the Chilean State and the native peoples. In the heady stupor of that dream, many mistakes were made and the right strategies were not taken to ensure such transformation or at least its initiation.

Like sorcerer's apprentices, they were unable to master the forces that needed to be directed to achieve the desired transformation. And the result was a rejection due to the negative impact of the ideas and forces that were unleashed with the plurinational impulse of the Chilean process that began in 2020 and ended on 4 September 2022.
The disastrous consequences for recognition of Indigenous rights are plain to see. The chance of Chile’s native peoples overcoming these recognition difficulties in a possible new constitutional process remains to be seen. Only time will tell.

Salvador Millaleo is a lawyer, Mapuche sociologist and professor at the University of Chile.