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The new Chilean Constitution and the lesser evil



Sources: The Day

President Gabriel Boric surprised locals and strangers

While interviewed for Chilevisión, he stated: "Chile voted clearly in a plebiscite that wants a new Constitution, but it did not vote only this, it voted that it wanted a Constitution written by a specially elected body for that purpose (...). If the Rejection alternative wins, what is going to happen is that we are going to have to prolong this process for another year, where everything will have to be discussed again from scratch." The patch before the wound? A plan B that nobody likes?

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First, the constitutional convention was the unintended result of the October 2019 social outburst. The parties of order sought to minimize the damage and signed the agreement for peace and a new Constitution, on November 15, 2019, known as the pact of treason. Socially discredited, 66 percent of the elected conventionals were from independent lists. Consequently, the drafting of a new Magna Carta slipped out of the hands of those who had ruled the country for 40 years. The Pinochet right began its campaign by disqualifying many of the conventional ones, and today questions their final wording. Likewise, a group of notables, former members of the progressive governments of the Concertación and Nueva Mayoría, as the process progressed, has torpedoed his proposal. Making piñata, the group of the Yellows is born. A confluence of former ministers, former deputies, former socialist senators, Christian Democrats, PPD, intellectuals, etc., whose goal is to publicly deny the new Constitution. For them, if approved, the consensus would be broken, dividing the country. It is not an inclusive proposal with respect to the 1980 Constitution, they will say, since it was democratically refounded by Ricardo Lagos in 2005, so it cannot be adjectived as Pinochet. Their choice: reject the proposal of the conventional ones.

Secondly, the Legislative Branch was renewed on November 21, 2021. Deputies are deputies until 2026 and senators until 2030. Although the right did not obtain an absolute majority, it controls the Senate, 25 of its 50 members, and in the Chamber of Deputies, the balance is tipped towards the signatories of the pact, whose proposal for a new Constitution was reluctantly accepted. Thus, whatever the outcome of the September 4 plebiscite, whether the new Constitution is approved or rejected, there will be no Constituent Congress. Felipe Portales, National History Prize and one of the most outstanding intellectuals, points out this contradiction: "... the body in charge of concretizing in laws much of the new constitutional text will be the current Congress, which by then will represent a defunct Constitution! And, what is worse, it will be a Congress where the most traditional right – a staunch enemy of the new text – has a majority, through its 50 percent (25) of the Senate. That is, a Legislative Branch elected by the 'old regime', and clearly the enemy of the new!, will be in charge of implementing the new Constitution. Something absurd and contradictory everywhere you look (...). Unfortunately, all this puts us in a scenario where whatever the outcome of the September plebiscite, we cannot expect any fundamental transformation of the 'Chilean model' in the foreseeable future."

If the wording is an advance, by recognizing social rights hitherto denied or recovered to the market such as education, health, housing, pensions, its contradictions divide the supporters of the Apruebo. Its articulation has shadows. The new Constitution does not provide for the nationalization of non-renewable natural resources. The conventional ones failed to meet the necessary quorum of 2/3. Consequently, copper, lithium and any resource except water can be exploited by foreign companies. Thus, the question arises of those who are skeptical when it comes to saying Yes. How are social rights, recognized in the new Constitution, financed? The debate is served. The promotion of the null or white vote, gains followers. His argument gains strength: "Chile gave private copper mining 120 billion dollars in 10 years, according to CIPER, and this will continue to happen according to the new Constitution. Can you imagine what Chile could do with all that money? Without money, social rights are a chimera. Don't be fooled by false promises.

In this dilemma, the signatories of the agreement of November 15, *For a new Constitution and peace*, seek a way out, to promote the Approval, to reform later in Congress. Thus, articles of deep democratic significance would be filed in Congress. In this direction, the agreement of the Senate of June 20 must be interpreted, giving the go-ahead to the proposal that reduces the quorum to reform the Constitution from 2/3 to 4/7. In the words of the senator of the right, first of National Renewal and today of the far-right Republican Party, Rojo Edwards, what we are doing today is precisely to give certainty, security to Chileans that we want a new and good Constitution and not the one proposed by the Constitutional Convention, which did not give the width, which was not able to build a house for everyone and that continues to divide Chileans.

In short, the drafting and subsequent putting into laws of a magna carta, is a political dispute, it accounts for a correlation of forces. And today, in Chile, there are not good times to break the neoliberal model. For the government, the proposal, approving to reform, is an option to avoid rejection. Again the dilemma of the lesser evil is on the table.

<https://www.jornada.com.mx/2022/07/24/opinion/014a2pol>

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