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**Research Report**

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# SWP Comment

NO. 18 MARCH 2022

## Gabriel Boric Assumes Office in Chile

A “Hinge Presidency” Launched amidst Constitutional Process

*Claudia Zilla*

On 19 December 2021, Gabriel Boric won the run-off of the Chilean presidential election with 55.9 percent of votes, 11.8 percentage points ahead of José Antonio Kast. That day voter participation in Chile reached a historic high (55.6 percent) since the abolition of mandatory voting. This great mobilisation helped Boric – who had finished second in the first round – to victory. The newly elected president therefore has a solid democratic foundation, but Chileans have also invested great hopes in him. Furthermore, the new head of government will have to contend with the tensions between two institutions: a Constitutional Convention and a Congress that is divided along party lines. His four-year mandate, starting on 11 March, could be both the last under the “Pinochet Constitution” and the start of a democratic transformation.

Gabriel Boric, born in Punta Arenas in southern Chile in 1986, represents a new generation of politicians. These new actors moved into the public eye during the youth mobilisation for a fair education system that began in 2011, and the massive protests of 2019. They have helped to expand the spectrum of relevant political forces beyond the traditional parties. Since the transition to democracy in 1990, these parties had dominated political competition in the shape of two stable electoral alliances and had provided all heads of the Chilean state.

Boric was a leading figure of the student movement. In secondary school he had already become involved in representing the interests of his fellow pupils. While studying for a law degree at the Universidad de Chile, Boric was active as an assistant

and in the students’ union: he chaired the Student Federation of the University of Chile (Fech) and acted as spokesperson for the Confederation of Chilean Students (Confech).

During the 2013 parliamentary elections, Boric stood successfully as an independent. Four years later, in 2017, he was elected to Congress as a member of the very recently founded *Frente Amplio*. Boric was thus a parliamentarian for the Magallanes Region and the Chilean Antarctic from 2014 to 2022. In 2021 he was chosen by the *Apruebo Dignidad* alliance, which had been created in early 2021 at the start of the constitutional process, to be its presidential candidate. On 19 December, Boric was elected in the second round to the highest office in the land.



## A Leftwing Moderate Democrat

Boric advocates for positions that can be unequivocally attached to the left of the Chilean ideological spectrum. The key objective of his political programme is to deepen democracy in Chile. As the new president, he intends to expand legally recognised rights and opportunities for participation, to reduce socio-economic inequalities and to foster social cohesion.

The 36-year-old has promised to pursue fiscal responsibility and drive a gradual political transformation. Boric thus tries to offset the public depiction of him as a bogeyman who initiates radical change that threatens political and economic stability, which rightwing conservatives used so effectively during the election campaign. In response to this fear-mongering, Boric coined the motto for his victory: “hope has defeated fear”.

By his liberal and progressive views on issues of identity and human rights, and his plea for the recognition of diversity, Boric connects with a variety of social groups. In his acceptance speech as president-elect, he greeted Chile’s peoples (plural) in Spanish and Mapudungun, the language of the Mapuche.

The new president’s ambitious programme of reforms to the education, health and pension systems stipulates a strong role for the state. His declared objective is to overcome Chile’s social and geographical asymmetries.

Since he knows that his coalition government does not have the requisite parliamentary majority to accomplish his political project alone, Boric has backed dialogue and compromise with opposition parties. However, he will need both dialogue and compromise with his own ranks too: behind Boric stands a heterogeneous conglomerate of political groups.

## A Diverse Cabinet

By its structure and the way it functions, the Chilean form of government is a coal-

ition-presidentialism. Since the transition to democracy in 1990, power has alternated between stable party alliances, which have coalesced before elections and remained cohesive thereafter, be it as the ruling bloc or the opposition. Of the last 32 years, 24 have seen a centre-left ruling coalition (*Concertación* or *Nueva Mayoría*) and eight a centre-right coalition (*Alianza por Chile* or *Vamos Chile*).

This bipolar and centripetal dynamic in political competition was certainly consensus-seeking and thus stabilising. However, the reform impetus of the party alliances involved was exhausted, and their responsiveness vis-à-vis society had strongly declined. After increasing erosion and a reform of the electoral system, this competitive structure had definitively dissolved by the 2021 elections. The party system is now more fragmented and ideologically heterogeneous; younger actors and new forces have entered the political arena.

Changes in the rightwing conservative camp are far less pronounced than on the left, where a variety of constellations have evolved at different levels. Boric is thus (1) a member of the *Convergencia Social* party (founded in 2018), which (2) belongs to the *Frente Amplio* party alliance (created in 2017), which (3), along with other political forces, forms the *Apruebo Dignidad* electoral alliance (established in 2021), on behalf of which Boric stood as a presidential candidate. This multilayered organisation makes cohesion between the groups involved laborious to generate and to maintain. The degree of institutionalisation of political forces and the alliances they form is low; they lack experience of cooperation and government. Furthermore, the participating political groups and parties are more numerous than the ministries to be distributed. More important still are the ideological differences: for example, the Chilean Communist party supports Nicolás Maduro’s government in Venezuela, whereas Boric condemns it as authoritarian. For these reasons, the new government cannot be expected to act as a coalition of parties in the narrower sense. The immediate chal-

lenge for Boric will therefore be to achieve governability within his own cabinet.

On 21 January, as part of a public ceremony, the president-elect presented his ministers. Most are indisputable experts in the domain of which they have been put in charge. Ten men and 14 women make up the 24 members of the government. Women will head the foreign, defence and interior ministries, among others. The average age of these cabinet members is 49 years. The youngest minister will be the Communist Party's Camila Vallejo, 33, who rose through the student movement.

At least six ministries will be headed by independents. While they represent no political force, some do have a representative function vis-à-vis social minorities. The group of independents includes Alexandra Benado, a professional football player-coach and respected LGBTQI+ activist, who will be sports minister, as well as Izkia Siches, Boric's 35-year-old campaign manager, who will become interior minister.

The Socialist party is the only one of the traditional parties to be represented in the cabinet: they have three members, including Maya Fernández, one of Salvador Allende's nieces, who will take over the defence ministry. Another (former) socialist and the current president of Chile's central bank, Mario Marcel, will become finance minister – an appointment seen as a “calming factor” for the economic sector.

Giorgio Jackson (from *Revolución Democrática*) will be minister secretary-general of the presidency and thus in charge of relations with Congress. Like Boric, the 34-year-old is a former protagonist of the student movement, a member of *Frente Amplio* and a former parliamentarian.

## No Clear Majority in Congress

On 11 March, when Boric assumes office, the bicameral parliament will be reconstituted as well. In the parliamentary elections, which took place in 2021 at the same time as the first round of the presidential elections, the chamber of deputies was

wholly renewed (155 seats) and the Senate partly renewed (27 of the total 50 seats). The vast majority of the elected parliamentarians are on their first mandate.

During the future president's four years in office, his electoral alliance (*Apruebo Dignidad*) will provide 23.8 percent of members of the chamber of deputies. The most likely ideological convergence on which to base good parliamentary cooperation is with the centre-left electoral alliance *Nuevo Pacto Social*, with *Dignidad Ahora* and with the *Partido Ecologista Verde*. This would give the government an absolute majority in the lower chamber. However, the latent (political-cultural) cleavage between the new and the traditional leftwing progressive parties makes this a fragile construct. On the opposing conservative side of the ideological spectrum, the party alliances *Chile Podemos Más* and *Frente Social Cristiano* have 53 and 15 seats, respectively. Unallied parties and independents will fill the remaining 12 seats.

The party landscape is less fragmented in the Senate; and Boric's alliance is weaker there. It only has five mandates and, even with *Nuevo Pacto Social*, cannot command an absolute majority whereas rightwing conservatives control 50 percent of the seats. The remaining members of the upper chamber are independent women senators.

However, the composition of parliament is not the greatest obstacle to the Boric government's ability to deliver. Instead it is the constitutional process – which is expected to redesign Chile's political, economic and social order – that is casting long shadows.

## The Constitutional Process

In contrast to José Antonio Kast, president-elect Boric welcomes the work of the Constitutional Convention. A decade ago, he had already advocated drawing up a new constitution. Boric is also a signatory of the Agreement for Social Peace and a New Constitution, which was concluded by the political elite on 15 November 2019 during the massive protests, and which marked

the start of the constitutional process. The social uprising (*estallido social*) had put pressure on the opponents of the constitutional process and broke their resistance. However, they only agreed to the process under clearly defined conditions.

### Limited Competencies

The constitutional process was put on a legal basis and guaranteed by this agreement between the parties as well as by an amendment to the (current) constitution initiated by the outgoing parliament. This change was necessary due to the lack of mechanisms in the previous version of the constitution for drawing up a new constitutional text. The Constitutional Convention (CC, called Convención Constitucional in Chile), which was directly elected in May 2021, is not sovereign in the sense of being above the other political institutions or having unlimited scope. On the contrary: it is bound by the provisions of the state authorities in office and by the regulations contained in the current constitution. The CC cannot take on other tasks – beyond drawing up the text for a new constitution – and cannot give itself additional competencies. It is also subject to the unchangeable rule (stipulated *ex ante*) that its decisions must be taken by a two-thirds majority.

The CC's task is also limited in time: it may only sit for nine months or (after a one-off extension) for 12 months. A maximum of 60 days after its negotiations are complete, a binding national referendum applying mandatory voting (known as an "exit plebiscite" in Chile) must decide whether the currently valid constitution must be replaced by the new text or else remain in force. Given that the CC was established on 4 July 2021, its task should be finished by the middle of this year according to the timetable. At the moment, the deadline seems unrealistic. However, since it is the (newly elected) parliament's consent that the CC would depend on for any extension, it is thought likely that such an extension would be granted.

### Great Freedom of Content

Unlike this procedural "corset", in terms of content the CC enjoys almost unlimited freedom. It must heed and maintain Chile's character as a republic and democracy. The new constitution must also respect any legally binding and enforceable court decisions, as well as any international treaties ratified by Chile that are still in force. Apart from these four political-legal provisions, the CC can freely decide anew (with a two-thirds majority) on any and all topics. Since there are also no pre-prepared draft constitutions, the CC is starting "with a blank page".

This (deliberate) openness in terms of content is accompanied by the extraordinary (partly deliberate, partly unforeseen) variety and heterogeneity of the CC's composition. Chile has never had a political body that is so diverse and guarantees such a wide (descriptive) representation of its society. This is the result of electoral provisions (e.g. on gender parity, the 17 mandates reserved for ten indigenous communities and the admission of independent candidates) as well as the electorate's massive vote for new political forces and independents. Both factors – freedom of content and diversity of composition – increase the contingency of the output, in other words the unpredictability about what form the new constitution might take. However, the CC's majority conditions may well counteract extremist options.

In its ideological orientation and internal power relations, the CC is closer than Congress to the Boric government. *Chile Vamos*, the party coalition of the outgoing President Sebastián Piñera, does not have enough mandates in the CC to block projects by the centre-left camp on its own. Nor can the left progressive camp impose its will without the accord of rightwing liberal or rightwing conservative forces. The CC will therefore depend on that which has characterised post-Pinochet politics in Chile: cross-party compromise. This could also ensure that no extremely innovative or revolutionary constitution is drawn up only to be rejected by a majority of voters in the referendum.

## A “Hinge Presidency”

Gabriel Boric’s presidency begins amidst a constitutional process whose outcome is unknown. His could be the last mandate under the so-called “Pinochet Constitution” and thus form the link between two political-constitutional phases. The Boric government will have the huge task – along with managing the consequences of the Covid-19 pandemic – of either implementing and bringing to life a new constitution in Chile, or else dealing with the disappointment of large parts of the population that the constitutional process has failed.

Until one or other of these scenarios plays out, Boric will have to spend his first year in office counteracting the impression that his presidency is playing the waiting game – or has a low life-expectancy. For if a new constitution is adopted, constitutional bodies and political organisations will be reconfigured, which will mean new elections on various levels. This could alter power relations.

However, even if a new constitution is ultimately not adopted by Chile’s citizens, there will be no going back to business-as-usual: much has lastingly changed in the country.

The Boric presidency marks a generational change in Chilean politics. The new actors have not had a career in institutionalised and hierarchical parties but mostly derive their experience from students’ unions and social movements with more horizontal and network-like organisational structures. Many of them are too young to have (consciously) experienced the Pinochet dictatorship.

Boric will be the first president of re-democratised Chile to be supported by a large and heterogeneous coalition of young political groups and to have come from a transformed party system. As a result, there are no rehearsed procedures or tried-out models that he could rely on for cooperation within government or for competition within the political system. Boric will have to start by consolidating his position in his own ranks, as well as his government’s position within the institutional structure.

Simultaneously Chile has been debating both within and outside the CC its socio-economic, societal and political future. The fact that these important directional issues are still unresolved may leave the Boric government looking like a weak and ephemeral administrator of transition. The closely intertwined, traditional political and economic elites are defending their privileges and their control over fundamental resources, whereas large swathes of society want a profound transformation. However, even the advocates of change cannot agree on what it should look like. Meanwhile, society’s potential for mobilisation – which manifested itself by forcing through the constitutional process – remains.

Boric is faced with another dilemma: He is a politician who entered the national political arena and obtained power through the protest movement. He assumes office with a programme of reforms, and he embodies change. His government’s policy could thus pre-empt fundamental decisions that are still under discussion in the CC and on which his fellow citizens have yet to pronounce themselves in the plebiscite. On the other hand, merely managing expectations in the country and in his own ruling camp does not seem to be a viable alternative.

In this context, it will be a substantial challenge for Boric to ensure that the constitutional process and everyday politics refrain from deliberately influencing each other and instead unfold in parallel and without hindrance. A separation of processes – extraordinary vs. ordinary politics – would enable the CC and President Boric to exercise their respective mandates undisturbed and to safeguard the legitimacy that goes with them.

The same holds true for the judiciary. Judges have already criticised CC deliberations in a joint declaration. In the public debate, there is controversy over which statements should be treated as unacceptable interference and which as constructive contributions.

The Boric presidency is thus caught between epochs, not only in the sense of an encounter between old politics and new

politics – which are represented by different individuals and political forces, contents and styles – but also in the sense of the tense overlap between long-term and short-term policies created by the simultaneity of the constitutional process and national governance.

## Chile as a Model and the Latin-American Left

The upheaval in Chile and the assumption of office by the new president raise two questions: The first concerns Chile's status as a model of a stable democracy with a growing market economy – was it false or unfounded? The inheritance of the Pinochet dictatorship, whose impact continued after the regime change and thus into the democratic phase, has strictly curtailed the political and economic room for manoeuvre of democratically elected governments. Despite these restrictive circumstances, the political system has become increasingly democratised and the economic order has been able to generate the requisite growth to enable the Chilean state to reduce poverty and inequality through social-political measures. These are the achievements of the Chilean model, which stand out especially in regional comparison.

Yet this Chilean model has lost functionality over time. Society's demands grew faster than the elite's willingness to listen. Civil-society aspirations towards more participation and more say have become greater than the modest additional access to participation that it was granted. Social policy could no longer compensate for the asymmetries and ecological-social costs of a national economy based on the exploitation of raw materials and on oligopolies. Society demanded not just the redistribution of income but also the redistribution of privileges and recognition.

The massive and sometimes violent protests of late 2019 made it dramatically evident that the Chilean model was outdated. The solution to the crisis, however, was typically Chilean. Party leaders agreed

on an institutional strategy to contain the conflict under tight political-legal provisions and gave parliament a leading role. The president-elect, whose attitude is different in so many respects, has also taken care to ensure continuity by emphasising the need for dialogue with all political forces.

The second question concerns the Left in Latin America. Is Boric contributing to a new and still growing pink tide in the region? This idea is gaining significance in the run-up to the presidential elections in Colombia and Brazil, where currently the most promising candidates belong to the left of the ideological spectrum. However, such a comparison between Brazil and Chile proves that one can neither speak of “the Left” in Latin America nor assume that a “leftist camp” will automatically band together.

The Workers' Party (PT) of Brazil, founded in 1980, is once again united behind the 76-year-old candidate Lula, who is running for his third presidency. For Lula, the ideological cleavage between Left and Right continues to be more relevant than that between democracy and autocracy. Lula has defended Daniel Ortega's new re-election in Venezuela and thus shown his solidarity with those heads of state who, as in Venezuela or Cuba, cling on to power with all their might and by all possible means.

Many hurdles would need to be overcome even for a substantive cooperation within Latin America's “Progressive Alliance” that involves Chile. For third countries, the legitimacy of this foreign-policy initiative by the Mexican government depends on whether – as announced – it permanently excludes authoritarian regimes. Finding consensus within the Alliance will also be rendered very difficult by foreign policies that are strongly aligned with the national interest and by differing positions vis-à-vis China and the US which, in the region, do not coincide with specific ideological camps.

It must be hoped that Boric will cultivate a politics of dialogue vis-à-vis the various actors in this fragmented regional context, which would help him to bridge significant differences and become a role model.

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