

# Bolivia's New Constitution: Progressive Change or Business as Usual?

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In Bolivia's history, January 25 was historic but getting there violent and uncertain. On July 2, 2006, a new Constituent Assembly was elected. On August 6, it was sworn in, but for six months remained snagged in procedural debates and achieved little. By late December 2007, a new constitution was passed, but the country was as polarized as ever. It still is. On one side, indigenous, popular rights. On the other, elitist interests wanting business as usual.

Street battles ensued and continued for months until Bolivia's National Congress ratified a new constitutional draft (with 411 articles) and scheduled January 25 for a referendum to let popular sentiment decide up or down to enact it.

On January 26, Matthew Taylor in the London Guardian reported that "Bolivians yesterday approved a new constitution granting more power to the country's indigenous majority and rolling back half a millennium of colonialism, discrimination and humiliation." Maybe so, but maybe not as many a slip between the cup and lip remain before a final verdict is in.

Nonetheless, 3.8 million Bolivians voted. According to Television Boliviana, 61.97% said Si, 36.52 No, with 1.52% left blank or no vote. The opposition prevailed in resource rich Santa Cruz, Tarija, Beni, and Pando provinces, and, at a public rally, Chuquisaca's governor, Savina Cuellar, told supporters to reject the new law. It applies to all Bolivians, but Eastern governors want local autonomy over their mineral resources, especially oil and gas.

On December 18, 2005, Evo Morales won a sweeping victory to become Bolivia's first ever indigenous president with promises of change. As James Petras explained, duplicity became policy instead. His government became "the most striking example of (a) 'center-left' regime" to betray its supporters and embrace neoliberalism once in office. Mass uprisings ousted two earlier presidents. Morales represented a break with the past. He won an August 2008 recall election with nearly 70% of the vote, but look at his record.

He's supported business as usual, rejected oil and gas expropriation, backed Big Oil interests, kept their contractual arrangements intact, sold off the greatest ever number of Bolivia's mineral resources to foreign investors, and as James Petras wrote: he hasn't "taken a single measure to counter the fascist seizure of regional power - continuing to plead for dialogue and compromise, as the far right gathers strength and prepares to engage in violent civil warfare against the poor and indigenous Bolivians."

It gets worse. Bolivia is the second poorest Latin American country, yet Morales reneged on tripling the minimum wage, raised it 10% instead, kept in force fiscal austerity and stability

measures, and appointed hard right ministers to key posts. Beyond lip service, he's against agrarian reform, supports large landowners, and provides generous subsidies and tax incentives.

He welcomes foreign private investment, exports over domestic needs, social spending cuts, and policies overall supportive of business. He symbolizes "new winds from the Left," but so far has governed from the Right.

After January 25, change again is possible. At issue is will Morales lead it, and is there enough popular pressure to demand it? A new Constitution permits it. Will it be enforced enough to matter? It recognizes Bolivia as a unitary, communitarian, democratic, and pluri-national state respecting equal rights and ethnic diversity as law.

It calls for nationalizing natural resources; forbidding foreign ownership of oil, gas, mining resources, water, land and forests. The state is to administer them for all Bolivians as well as forests, parks, natural reserves, biodiversity, and strategic economic sectors. Foreign private investment is to be subordinated to national development plans, and ownership of the economy is to be public and communitarian.

Small and medium producers, agrarian communities, and productive associations are to receive state protection, economic support, credit, technology, and infrastructure to benefit all Bolivians. At the same time, a mixed economy promises market stability to reassure business and place huge obstacles in the way of change. Yet the Constitution mandates it. Other provisions include:

- redistributing land to indigenous communities with little teeth for enforcement;
- applying ethnic quotas for congressional seats and state jobs;
- promoting the official use of Bolivia's 36 indigenous languages;
- indigenous group autonomy across the country for local empowerment;
- an expanded number of seats in the opposition-controlled Senate;
- scrapping the single five-year term for president so Morales may run one more time in the December 2009 general elections;
- leaving large productive landholdings intact (grandfathered in) with a 5000 hectare limit on future purchases; 100 families own 25 million hectares; two million campesinos have less than five million; every two years, the government may now determine if public and private lands serve an economic and social purpose or are unproductive and subject to expropriation (at fair compensation) for redistribution to the poor; land reform is central in a country pitting well-entrenched latifundistas and agribusiness against indigenous Bolivians; years of future confrontation remain (perhaps decades) before this issue is settled.

The Constitution also calls for:

- creating a new "pluri-national legislative assembly" to be established in early 2010;
- increasing municipal authority to decentralize power; and

— mandating essential services as human rights, including health care, education, water, gas and electricity.

From 1826 to 2004, Bolivia had 16 constitutions, six reforms, but no teeth to enforce egalitarian rights. In the 1990s, calls emerged strongly for land and natural resource reform and for greater indigenous political participation. Sunday marked the beginning of Bolivia's future. Unknown is if its past will be prologue or if real change at last has come.

Andean program director Michael Shifter of the Inter-American Dialogue believes Morales is now in a strong position. "However, I don't think he wants to either discourage foreign investors or provoke more of a confrontation with the opposition (or Washington) to make the situation unstable, which could really hurt the economy and cut into his political capital." In addition, deciding what policies to pursue will be difficult "because the constitution has broad outlines but many of its statements are pretty ambiguous." It will take compromise and concessions to get anything done, so Bolivian hopes again may be dashed.

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