

# Refounding Bolivia: Morales Calls for Vote on a New Democratic Constitution

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Bolivian President Evo Morales has called for a national referendum on the country's new draft constitution on December 7. The demand of the Bolivian people for a new and socially, politically and economically inclusive constitution is at the heart of the present political upheaval in that country.

Right-wing forces representing the country's traditional ruling oligarchy have launched a secessionist movement to balkanize the country, in an attempt to block the constitutional referendum. They have organized murderous fascist gangs to terrorize the population.

They are backed by the U.S. government, whose ambassador, Philip Goldberg, has recently been expelled from Bolivia for his support of the opposition and openly admitted interference in Bolivian political life.

On the other side the vast majority of the Bolivians, more than 67% of whom just voted support President Evo Morales in a recall referendum.

The constitutional struggle in Bolivia is linked to the broader regional struggle in Latin America over who will benefit from its wealth - the masses of the continent or its traditional oligarchy backed by Washington.

The demand for a new constitution is not limited to Bolivia. In fact, over the past 15 years there's been a demand for a Constituent Assembly to propose such a document in virtually every Andean country in Latin America: Colombia (1991), Peru (1993), Ecuador (1998), and Venezuela (1999). All of these countries have written or modified their Constitutions. In contrast to some of these experiences, the demand for a constitution in Bolivia emerged from grassroots movements and has widespread national support.

## **Lengthy constitutional struggle**

Bolivia's demand for a Constituent Assembly is not a recent development; it goes back to the early 1990s. It emanated from the Guarani people with their "Great March" from the eastern lowlands of Bolivia to La Paz; their slogan "Land, Territory and Dignity" which was rooted in the demand for a Constituent Assembly. Then in early 2000 we saw the demand for a Constituent Assembly taken up by both urban and rural social movements who had suffered at the hands of previous governments' neoliberal policies. This culminated in the Water Wars of Cochabamba, where residents poured into the streets to protest Bechtel's takeover of their water system, and the attempted nationalization of their gas, the Gas Wars in La Paz. During this turbulent period the call for a Constituent Assembly merged with the call for a referendum on the gas issue.

In 2005 the MAS (*Movimiento al Socialismo*) under Evo Morales was elected under a platform to “refund” the country’s political institutions through a Constituent Assembly. This was seen as the only way to bring about change and address the endemic inequalities in the country. The magnitude of inequality that the MAS is trying to rectify can be summed up by the issue of land. According to the United Nations’ Development Program, 25 million hectares of prime farmland is controlled by 100 families. In contrast, the remaining five million hectares of farmland in the country are shared among two million campesinos. This profound inequality is endemic and represents what is being challenged with the new constitution.

## **Constituent Assembly**

The Law Convoking the Constituent Assembly resulted from a negotiated process between the political parties in the Bolivian Congress and the executive branch headed by Evo Morales. Bolivians in each of the 70 voting districts elected three delegates. The party that received the most votes sent two representatives from the district and the second or third place party sent one, thus guaranteeing that no party could monopolize the assembly. The only condition was that a minimum of 30% of the delegates had to be women. On July 2, 2006, Bolivians elected 255 delegates for the Constituent Assembly. The MAS sent 137 delegates (64 were women), the opposition 99, and the rest were independents.

There are 411 articles in the new constitution. Many are progressive and outright revolutionary promising to refund the country to the benefit of the majority. The new Constitution is controversial, but the majority of Bolivians, the indigenous people, fully support it, as the August 2008 recall referendum showed.

## **Focus of controversy**

The following articles or sections of articles from the new constitution are the most important to the indigenous majority of Bolivia and also the most controversial.

- *Bolivia is a unitary, plurinational, communitarian and democratic State:* This means that all 36 peoples, cultures, languages have the same rights and opportunities, and are recognized equally before the law, institutions, and society. It refers to a Bolivian unity that respects autonomy - i.e. municipal, departmental, regional, indigenous-originario, campesino and peasant autonomies. This guarantees the unity of the state and the democratic decentralization of power.
- *Plurinational public administration:* This refers to all public functionaries, requiring them to know the dominant indigenous language of the region where they work. This will enable them to be able communicate with the people they represent. They are also to know the Spanish language, to enable them to communicate with the rest of the Bolivians; and a foreign language, as a link to the outside world.
- *The nationalization of natural resources, renewable and non-renewable, under the control and ownership of the Bolivian people:* This would forbid the ownership of gas, oil, mining resources, water, land, and forests by foreigners. All natural resources will be the property of Bolivians, for use by Bolivians for the

benefit of Bolivians, and administered by the state.

- *Sovereign natural resources*: Non-state organizations are prohibited from directly involving themselves in the administration, management, control and preservation of forests, parks, and natural reserves, as well as biodiversity, all of which are under the control of the state.
- *Social and communitarian economy*: The state will participate in the strategic sectors of the economy. Foreign private investment will be subordinated to national development plans. Private property should guarantee that it plays an effective social function for the benefit of human beings. Ownership in the economy will be public, private and communitarian. Medium and small rural producers, agrarian communities and productive associations will receive state protection, economic support, credits, technology, and infrastructure in order to guarantee the well being of society. A mixed economy is proposed to reassure business interests and maintain market stability.
- *Expropriation without indemnification of latifundios*: The goal is to redistribute land amongst producers including those from the countryside and city who are willing to produce for the benefit of society. This is a major blow to the giant landholders - the Ronald Larsens and Branko Marinkovics of the Media Luna (eastern) departments.
- *Reelection and revocation by popular mandate of any elected authority*: Never again will authorities be untouchable owners of their positions. The people are sovereign and the people can ratify or change their authorities when they so desire.
- *Election of all authorities of the Judicial Branch, including the Supreme Court*: This is a change from the current undemocratic model of appointment by congress, which has seen nepotism flourish in the courts. It looks to redress the balance of power that has for so long being in the hand of the elites.
- *Recognition of communitarian justice as an alternative, complementary and ancestral form of solving differences and conflicts*: The indigenous systems of justice would be given the same standing in the official hierarchy as the existing system.
- *A plurinational Parliament with only one chamber*: In essence, this is a reengineering of the political institutions. The goal is to break the oligarchies' traditional monopoly in the Senate that has traditionally acted as an obstacle to all progressive governments.
- *All Bolivians have the right to free health care and education in equal conditions.*
- *Total elimination of illiteracy.*

Other articles in the constitution those are relevant and important to note:

- *A new capital of Sucre:* Sucre is to be acknowledged as Bolivia's official capital.
- *Ban on sexual orientation discrimination:* Bolivia would be only the second country in the world, after South Africa, with this constitutional provision.
- *Bolivia is a country of peace that promotes the culture of peace.* Bolivia repudiates all war of aggression and prohibits the installation of foreign military bases on its national territory.
- *Water is considered a human right.*
- *All the cultural rights for indigenous people are also accorded to the Afro-Bolivians.*
- *A wide number of social rights are established for children, youth and older people, never before seen in 183 years of Bolivian history.*

### **Ratification procedure**

The national assembly approved the new constitution in December 2007. The country's main opposition party boycotted the assembly vote on the new charter. The constitution now requires ratification by at least 51% of Bolivian voters in a national referendum. If voters reject the draft, the country's existing constitution will remain in effect.

It's important to note that a number of articles have to be specifically approved by the voters. Among them is an article that would limit the size of individual land holdings to a maximum of 10,000 hectares. This is bitterly opposed by the country's agribusinesses and big landowners of the Media Luna region in the East. If passed this would have a major impact on the lowland departments of Santa Cruz, Beni, and Pando, and finally address the historical injustice of unequal land distribution.

The opposition claims the constitution proposes the creation of two Bolivias: "one for indigenous people and another for non-indigenous people." As one opposition member said, "with separate and parallel judicial systems and languages effectively making the indigenous people first-class citizens and everyone else second class citizens." The opposition parties claim that the government is trying to establish a Cuban-type one-party-dominated state that will put an end to pluralism. They also argue that the government is just following in the footsteps of Venezuelan president Hugo Chávez.

Those who support the constitution feel that its plurinational communitarian aspect is a decolonization of the state that for centuries has discriminated and marginalized the indigenous majority. They believe that it is designed to give every citizen equal access to Bolivia's resources. Others see it as confronting the neoliberal doctrine and replacing it with a viable alternative - the cosmivision of the indigenous people (communitarian land and rights for nature) - thus creating a more humanist and just society.

Vice-President Álvaro García Linera called it a first step in the new road towards "*capitalismo Andino Amazónico*" (Andean-Amazonian capitalism) which will "improve the possibilities of the emancipation of the worker and community forces in the medium term". The Agencia

Nodo Sur (South Node Agency) explains that “Andean-Amazonian capitalism is neither socialism nor neoliberalism, but a system catering to the contemporary realities of Bolivia which recognizes communal, state, and private forms of economic organization as being equal under the law”

### **Intensified conflict**

The “refounding of Bolivia” with the new constitution and the reengineering of the political institutions has widened the rift between the mountainous, largely poor, and indigenous part of the country that backs Morales, and rulers of the more prosperous Media Luna states, where the opposition has their base of support.

The conflict is now rapidly coming to a head. The opposition has said they would not allow the constitution to be imposed on them. They are instigating a civil war in the country with the hope that direct U.S. involvement in the conflict will turn the tide to their advantage. Meanwhile, the government is pressing for a vote on the new constitution before the end of this year in the hopes that it will, for once and for all, refound Bolivia.

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