Bolivian Assembly Approves Draft for New Constitution

LADB Staff

Follow this and additional works at: https://digitalrepository.unm.edu/notisur

Recommended Citation

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in NotiSur by an authorized administrator of UNM Digital Repository. For more information, please contact amywinter@unm.edu.
Bolivian Assembly Approves Draft for New Constitution

by LADB Staff

Category/Department: Bolivia

Published: 2007-12-14

After almost a year and a half of conflict, elected representatives in Bolivia have approved a draft charter to replace the nation's Constitution. On Dec. 9, Bolivia's Constituent Assembly (Asamblea Constituyente) approved the draft for a new Constitucion Politica del Estado (CPE), meaning Bolivians will vote on whether to support the new constitution in a national referendum in 2008.

The vote came days before a Dec. 14 deadline for the assembly to approve the draft. Internal legislative conflicts and often-violent protests outside the assembly have lead to frequent deadlocks and paralysis in deliberations. Opposition assembly members boycotted the vote, leaving assembly members allied with President Evo Morales to vote on the draft. Protests keep assembly from meeting from August to November.

The Morales administration has faced increasing pressure as the country's pro-autonomy forces and opposition parties organized protests against the document (see NotiSur, 2007-09-07 and 2007-11-16). The government has been pushing for the conclusion of the Constituent Assembly that has been rewriting Bolivia's Constitution for more than a year (see NotiSur, 2006-08-04).

Protests in the central city of Sucre effectively shut down the assembly in August and left it unable to convene for three months. At least three people were killed in the run-up to the vote in clashes between protesters and police. The clashes left three dead and about 130 wounded, Spanish newswire EFE reported on Nov. 26. Riots and looting broke out in Sucre, the country's political capital, after the Constituent Assembly approved one draft of the constitution inside a military academy on a first ballot, EFE said.

Two anti-government demonstrators and a police officer were killed in the previous two days, EFE said, adding that calm was restored after the police withdrew from Sucre's streets. The riots began Nov. 24, when members of the government-controlled assembly barred opposition delegates and passed an earlier draft version without having read its content, EFE reported. One protester remained in a coma and several others suffered serious injuries, EFE said, citing medical reports. Reports at different demonstrations reported protestors using dynamite, bombs, and Molotov cocktails.

The assembly had moved to the military school outside Sucre in late November amid security concerns. In addition to street protests, opposition members within the assembly have protested the assembly's proceedings, leading to frequent legislative deadlocks during the past year and a half (see NotiSur, 2006-12-08). The assembly approved almost every article of the new constitution for South America's poorest country, handing Morales and his Movimiento a Socialismo (MAS) party a victory he had sought for the past two years.
The assembly installed itself in a university facility in Oruro, about midway between La Paz and Sucre, in the early morning hours of Dec. 9. The body had passed the draft preliminarily on Nov. 24 in Sucre, but assembly members reviewed and voted on the document article by article in Oruro. The assembly worked through the night to ratify the final draft by a two-thirds vote, the official government news agency ABI said.

The constitution must be approved in a public referendum in 2008 before it can become law. Morales said when he took office in January 2006 that a new constitution was essential to his plans to "re-found" Bolivia, where political turmoil regarding the distribution of the country's natural-gas riches has led to a string of four presidents since 2002. Bolivia has the second-largest gas reserves in South America after Venezuela.

Representatives from the opposition Poder Social y Democratico (Podemos) boycotted the vote, saying the decision to move the meetings from the southern city of Sucre to Oruro, where Morales has more support, went against the assembly's by-laws. Podemos is led by former President Jorge Quiroga (2001-2002), who lost a presidential election to Morales by a wide margin in 2005 (see NotiSur, 2006-01-06).

Members of the opposition Unidad Nacional (UN) of businessperson Samuel Doria Medina who also lost his presidential bid in 2005 participated in the vote, ABI said. The 164 delegates present, out of the total of 255, took 13 hours to vote on each article of the draft constitution. "We consider this vote to be illegitimate, and we will spend the coming months encouraging the people to reject it in the referendum," Podemos assembly member Oscar Urquisu said.

**Indigenous, resource rights promoted**

The proposed constitution says private property will be respected when it "serves a social function," according to ABI. In addition, access to food, water, and electricity are a fundamental right of the people, and basic services cannot be "the object of a concession nor privatization."

The charter would give more autonomy to indigenous people and allow consecutive presidential terms. The document bans discrimination based on sexual orientation and, for the first time, recognizes black Bolivians descendants of slaves brought to the country by Spanish colonizers as an official minority along with indigenous groups.

The assembly, which began meeting in August 2006 with a directive to complete its work within one year, had its mandate extended until Dec. 14. Protests regarding voting procedures and a possible move of Bolivia's capital to Sucre from La Paz delayed the assembly's work for months.

Residents of Sucre were angered at the absence from the constituent assembly's agenda of proposals to make Sucre the sole capital of the country, which it was before 1899. Currently, the judiciary rests at Sucre while the legislative and executive branches of government remain at La Paz in the west.

The argument highlights the division between opponents of Morales, based in the richer east, and his supporters in the poorer mountainous west of Bolivia. Morales proposed on Dec. 12 that he step
down if "No" votes in the upcoming referendum exceed the vote which elected him in December 2005 54%.

Morales, Bolivia's first indigenous president, says the reforms would give greater political representation to marginalized and indigenous groups, who make up 62% of the population. But the opposition has criticized the document for allowing the president to seek re-election indefinitely. Morales and his administration have accused the opposition of seeking to subvert the popular will.

Morales said in early December, "Let the people say if they are for change or if they are against change. Let the people say if they are for the neoliberal model, for privatizations, for auctioning off our natural resources and business or not. There is no reason to fear the people."

In an interview in November, Vice President Alvaro Garcia Linera said the draft charter reflected Bolivia's unique demographic makeup. "The Constituent Assembly is designed to create an institutional order that corresponds to the reality of who we are. Up to now, every one of the 17-18 previous constitutions has tried to copy the latest institutional fashion French, US, European. And it was clear that it didn't fit us, because these institutions correspond to other societies. We are indigenous and nonindigenous, we are modern and traditional, we are liberal and communitarist, we are a profoundly diverse society regionally and a hybrid in social classes. So we have to have institutions that allow us to recognize that pluralism," he said in an interview published by news bulletin Counterpunch.

**Podemos leader: calls constitution 'used toilet paper'**

Conservative Quiroga vowed to fight the proposed constitution after it was passed by the assembly, saying, "It is a piece of paper that is worth as much as used toilet paper; it is worth absolutely nothing." Quiroga also denounced the "cruel and sadistic repression that the people of Sucre have suffered," accusing Morales of using "war rhetoric." On Nov. 29, the opposition in six of Bolivia's nine provinces held a one-day strike against the draft constitution, closing banks and schools and hitting public transport.

The opposition said the proposed changes give the government too much power. The strike was relatively peaceful and attracted the strongest support in the department of Santa Cruz. There was less support for the strike in the central city of Cochabamba, and the Bolivian government described the protest as a failure. Morales condemned the strikers in a rally in La Paz. "The strike...is against this process of change, the new economic model, against the nationalization of natural resources," he was quoted as saying by news agency Reuters. "At heart, it's about defending the neoliberal model that has done so much harm to the country."

Pro-autonomy leaders in the departments where there is strong opposition in official circles to Morales are known as "civicos," or civic leaders. They say they will conduct mass "civil disobedience" against the new charter. Morales has made an effort to decrease the power governors and departmental governments hold by shifting how money from taxes on natural-gas extraction is distributed.
On Nov. 6, Morales joined with thousands of elderly citizens to march for a proposed government stipend to Bolivians over the age of sixty. Morales sought to steer funds from the energy tax (Impuesto Directo a los Hidrocarburos, IDH) to give seniors a monthly sum equal to US$310. The IDH was created two years ago following the ouster of two US-backed presidents. The move to have the federal government directly allocate the money rather than departmental governments is a key point of conflict between the president and governors.

-- End --