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## **Compromises Allow Referendum on New Bolivian Constitution**

by LADB Staff

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On Jan. 25, the government of Bolivian President Evo Morales is preparing to celebrate the establishment by popular vote of a new Constitution that will permit it to consolidate changes in the political, economic, social, and cultural structures of the country. To get to the referendum, the government first had to negotiate with a legislative opposition that split apart in the midst of the dialogue.

Meanwhile, the rightist sector that did not participate in the dialogue resorted to everything at its disposal in the last days of its campaign for a "No" vote on the new Magna Carta. These methods went from racial violence by groups of armed juveniles to sermons by a majority of the Catholic bishops and harangues by pastors of the most insignificant and sometimes unknown evangelical churches. One TV spot for the Iglesias Unidas warned the electorate: "Do you know that they want to kick God out of Bolivia? Elect God and vote 'No.'"

Analysts and the principal international media are predicting this group will suffer a second defeat in the constitutional referendum. For Venezuelan daily El Universal, "Evo Morales' strength complicates things for the opposition." Said Agence France-Presse, "The convocation of the constitutional referendum has strengthened Morales." And BBC Mundo wrote, "The consultation will be a historic day in Bolivia."

### *Government makes significant concessions in dialogue*

For the government and the dialoguing opposition to reach an agreement on Oct. 21, 2008, to set the referendum date for Jan. 25, the government first had to accept modifications to more than 100 of the nearly 400 articles in the document that will be submitted to the voters. The new Constitution had been drawn up in November 2007 by a constituent assembly (Asamblea Constituyente) in which the opposition refused to participate (see NotiSur, 2007-12-14).

To reach the agreement, Morales had to give up the possibility of a second re-election and accept cutting his present term by one year. This moves the next presidential elections forward to Dec. 6, 2009, rather than December 2010.

In the second major change, a new chapter was written regarding departmental autonomy demanded by five of the country's nine departments. That modification gives 50 special competencies to the autonomous regions, 30 of which will be their own and 20 will be shared with the national government. However, all economic matters taxes, regimen of land ownership, infrastructure projects, etc. will be exclusively in the hands of the central government. It was Vice President Alvaro Garcia Linera who released the details of the agreement reached in October.

To show the opposition that the eyes of the entire world were focused on his tiny country and that there was no more room for the destabilizing adventure the secessionist governors of eastern Bolivia had been carrying out, Garcia Linares made the announcement accompanied by observers from the UN, the Organization of American States (OAS), the Parlamento Andino, the Union de Naciones Suramericanas (UNASUR), the ambassadors of the Southern Cone Common Market (MERCOSUR) countries, and a European Union (EU) delegation.

OAS Secretary General Jose Miguel Insulza strongly supported the process and expressed his "deep satisfaction with the convocation of the referendum, the best demonstration that flexibility and dialogue are the only valid instruments for resolving the political crisis." Constitutional provisions favor poor, indigenous The convocation law establishes that on Jan. 25 there will be two referendums in one. Bolivians will be asked if they agree, in general, with the new Constitution. In addition, they will be asked whether the maximum amount of land one person can own should be 5,000 hectares or 10,000 ha.

To calm the agriculture sector, large landholders from the eastern region who are feeling their properties threatened and fear expropriations, this rule will be applied in the future and it is clearly established that it will not be retroactive. Besides recognizing the departmental autonomies demanded by the opposition and establishing a central role for the state in the economy, the new Constitution will also guarantee regional and indigenous autonomies (recognizing 36 native nations), but all supportive of national unity.

Privatization of natural resources (oil, gas, mining, water) is prohibited, as is privatization of state enterprises (railroads, postal service, electricity, telecommunications). A pension for the elderly is put in place along with an annual stipend for school children for the first two educational cycles.

The Constitution respects all religious creeds and guarantees the right to practice any religion, including that of native peoples regarding Pachamama (Mother Earth). No state religion is recognized, and all are equal under the law. Thus, the Catholic Church loses the privileges it has enjoyed since 1825 when the country was founded. In the future it will have to pay taxes on all for-profit activities it carries out, particularly education and a wide network of print, radio, and audiovisual media. "This is the principal reason the Catholic bishops oppose the new Constitution," said French daily Liberation.

"This process of change is irreversible, regardless of what anyone says or does; neoliberalism will not return to Bolivia," said President Morales. "With the new Constitution, we are leaving behind decades of injustices and oppression." While the opposition is aware that polls show it has less and less support as the date for the referendum nears, the government continues working on two fronts, that of the referendum and that of the government itself. It has succeeded in dividing its opponents and has denounced the role of the Catholic hierarchy as allies of the political right.

The opposition continues betting dangerously on violence, especially racial violence, against the indigenous population, and even resorting to terrorism (destroying state offices, using paramilitary commandos to block airport operations, blowing up gas pipelines). In these same weeks, the government is continuing with its executive tasks and has set up a new intelligence service to

replace US Drug Enforcement Administration (DEA) agents, whose activities were banned last October. It has announced progress toward the eradication of illiteracy, using a methodology called, "Yes, I Can," developed by Cuban educators. It plans to launch an official paper and even a new TV channel, geared toward unions and indigenous peoples, which will be financed with capital from the governments of Iran and Venezuela.

### *Opposition weakened*

During this process, the opposition has lost one of its principal leaders, Gov. Leopoldo Fernandez of secessionist Pando department, who has been detained since the end of November 2008, accused of instigating crimes against humanity. Fernandez was detained after a series of independent investigations by the Inter-American Commission on Human Rights (IACHR) of the OAS, the Defensoria del Pueblo of Bolivia, UNASUR, and UN representatives in Bolivia found him responsible for the assassination of at least 20 indigenous people in the town of Matanza de El Porvenir in Pando department.

Branco Marinkovic, the most powerful landowner of secessionist Santa Cruz department, and perhaps the most influential opposition leader, is also under legal scrutiny. He is being investigated after a former ally accused him of providing the explosives used to blow up a gas pipeline that joined Bolivia with southern Brazil and northern Argentina. Given this panorama, the French *Le Monde Diplomatique* said that, with the Oct. 21 political agreement, the government moved to take the initiative, making evident the secessionist opposition's lack of strategy, "without ways to fight and without political skills to chip away at the powerful leadership of Morales.

In the recall referendum in August 2008, Morales won the backing of more than 80% of the Andean, indigenous region, and more than 40% of those in the rich eastern zones where the opposition is most powerful (see *NotiSur*, 2008-08-15)." In the referendum, it added, "part of the opposition will vote Yes for the new constitutional text, while those who decide to vote No are left in the uncomfortable situation of rejecting a constitution that legalizes their autonomy and supporting, by default, a fiercely isolationist Magna Carta [the present one]. The conservative demoralization has reached the point that its leaders now hope that the global crisis will have, in the end, a devastating effect on the term of Morales, whom their erratic strategies not only did not destabilize but helped to consolidate."

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