

Referendum on the New Constitution: The Good, the Bad, and the Ugly

The Good. The referendum on the *Constitucion Political del Estado* (CPE) Bolivia's new constitution has carried by a substantial margin of 61% to 39%. It is celebrated the foundation of a "new Bolivia," replacing the previous constitution which enshrined and enforced Bolivia's colonial past. Provisions in the new Constitution gives Bolivia's indigenous majority rights they had been denied, establishes religious pluralism, and allows the government to redistribute the nation's wealth so that health care, education, land and essential services can be available to all Bolivians. Supporters, who include us, see it is as the "good news to the poor" Jesus proclaimed, As Mary said in her Magnificat, "/The Lord/ has brought down the powerful from their thrones and lifted up the lowly."

Adopting the new constitution is the most important advance in the process called "decolonialization." Decolonialization means eliminating foreign domination of the political, cultural, and economic life of the country. Significantly, this movement in Bolivia began at the same time as the American colonies were renouncing the rule Great Britain. Decolonialization demands respect and support for indigenous cultures and traditions.

The struggle for many here is in knowing how far decolonialization should go. They ask, "Aren't there some things from the colonial culture that are worth retaining?" While the answer is often "Yes," there is no agreement on what these are. Some even regard the church, Catholic and Protestant, as colonial institutions and celebrate that Andean religions are now regarded as equals.

Many here also equate capitalism with colonialism. This may be a simplistic equation, but those who support this view cite how unregulated free enterprise has benefited the very wealthy minority and kept the majority in poverty. Profits from the nation's lucrative mines, oil fields and natural gas reserves have gone into foreign pockets. For them the form of socialism set forth in the new constitution will provide greater equality and work toward eliminating the enormous gap between the rich and the poor.

The Bad. The new Constitution has not brought the country together. The percentage voting "Si" was noticeably less than expected by its supporters. Polls before the election showed it passing by a two thirds majority. President Morales had asked for 70%. Perhaps of even greater significance is that it passed in only five of Bolivia's nine states. In those states voting "No" the percentage against the constitution was well over 60%. Located primarily in the Andes, the supportive states are the poorest and most populated. Most of the indigenous people live there. The states in opposition, located in the tropical eastern lowlands, are those with the greatest wealth and the largest number of people with colonial ancestry. These are the states that have been clamoring for autonomy, and their demand is even more strident than before.

The failure to meet supporters' expectations and the Constitution's substantial defeat in four states has emboldened the opposition who are demanding that it not be imposed where it is not wanted. Some leaders in these states have pledged non-compliance. It has been noted that only 10% of the Constitution's provisions can be implemented immediately. The rest will require

revoking and/or rewriting most of the nation's laws. Some legislators are promising to obstruct this process until, they hope, the new Constitution is repealed.

Bolivia's courts are notoriously incompetent, yet they have the responsibility of interpreting the CPE. They will have to be reformed for the new constitution to be effectively implemented. Commentators are quick to point out that this task is almost impossible since, due to numerous compromises, some of the language of the CPR is ambiguous. The courts will have to wait until new laws are passed before they can do their job effectively.

The Ugly: One cannot avoid seeing how racism is playing a part in all this. Support among Bolivia's indigenous majority is near 100%; opposition among those who have mixed and Spanish ancestry is almost as strong. It is also a division of eastern part of the country versus western part.

Violence between opposing factions has erupted in the past and is doing so again. Two examples: The CPE provides for indigenous communities to have their own judicial process so long as it does not conflict with national law. Unfortunately, since the Constitution's adoption there have been instances of "frontier justice" where indigenous communities have taken the law into their own hands and dealt brutally with offenders. The police were unable or unwilling to become involved. On the other side, there has been violent beatings in some areas of those who are trying to implement the CPE.

Corruption is deeply entrenched in all levels of Bolivia's government and in the private sector. President Morales has promised to weed out this corruption, but recent headlines reveal how even some of his closest associates are complicit in it. He will need an enormous hoe to dig out the deep roots of corruption.

To summarize: The new Constitution has been adopted but the "new Bolivia" it envisions is a "far country." Only time can answer the question: Will President Morales and his companions reach the Promised Land they hope for?

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