The Nation.

Bolivia's Constitutional Challenge

By Annie Murphy
January 14, 2009

Mariano Aguilera is driving fast down a country road in Santa Cruz, Bolivia, heading towards his sugar cane fields. He coaxes the red Mercedes over ninety and passes a truck full of peasants, regarding them in his rearview mirror.

"I bet they're headed to La Paz to take over the Congress or something," he says. "A new constitution is going to bring nothing but more problems."

From August 2006 to December 2007, Aguilera was actually part of an assembly that rewrote Bolivia's constitution. The draft will be approved or rejected by a highly anticipated referendum here on January 25.

Aguilera now says he is against the charter he was supposed to have co-authored. Nonetheless, it's expected to win the 50+1 percent support needed to make it official, setting up the likely re-election of President Evo Morales at the end of this year. But the process has caused many to ask if a new constitution can establish common ground in this divergent nation of 9 million.

Carved out between the Andes and the Amazon Basin, Bolivia is home to thirty-six indigenous groups, *mestizos* of partly European descent, whites, foreigners and a small group of Afro-Bolivians. Until recently those indigenous groups, as well as Afro-Bolivians, had little political power.

"These are problems that were 500 years in the making," says sociologist Oscar Vega.

"They didn't start two years ago, or even twenty years ago. And we're not going to solve them tomorrow."

When the first Spanish settlers arrived here, most of Bolivia's indigenous populations lost their land and were put to work in agriculture and mining. Although the country won independence in 1825, indigenous people were left out of the constitutional process, and didn't win suffrage or property rights until the 1950s. Today they remain an impoverished majority.

But times are changing. In December 2005, protests by Bolivia's increasingly powerful social movements culminated in the election of Aymara coca farmer Evo Morales. Aware that his supporters had thrown out two presidents in as many years when they failed to meet demands for gas nationalization and a new constitution, Morales moved quickly.

The president nationalized gas reserves in May 2006, and by that August, a motley assembly of 255 elected delegates--everyone from tenant farmers to political scientists--convened in the sleepy colonial city of Sucre. Their task: rewrite the constitution.

Their other, unofficial mandate was even more ambitious: resolve 500 years of ethnic strife. Several weeks later the historic assembly began to fall apart.

The exact moment may have been on August 24, when indigenous delegate Isabel Dominguez addressed the assembly in Quechua.

Dominguez, who comes from a small community where she farms potatoes, corn and wheat on rented land, says, "When I spoke, other delegates " began to yell, 'Indian, go home and learn to speak Spanish!'

Afterwards, insults became commonplace, and escalated into skirmishes, one of which left another pro-government delegate in a coma. Then came hunger strikes and walkouts and, finally, armed conflict. In late 2007, opposition riots turned tranquil Sucre into a conflict zone, leaving dozens injured and three civilians dead. Indigenous and pro-government delegates couldn't walk the streets without police escorts. The assembly had to be evacuated, and the final draft was approved by over two-thirds in an all-night session in the mining city of Oruro. Opposition boycotted the vote.

The process came to resemble the civil rights era South. And in some ways, the stakes were higher in Sucre than they had been in Selma or Montgomery. In addition to granting the indigenous population equal rights, the new constitution also seeks to redress past inequalities by touching a topic the United States has never dared to: land.

"Having land in Bolivia gives you a lot of power, especially economic and political power," says Miguel Urioste of Bolivian nongovermental organization Fundación Tierra.

Sociologist Oscar Vega says the most important part of the new constitution are articles that recognize indigenous cultural, political, and ownership systems alongside Western models. "This sets the framework for a more equitable distribution of land and natural resources, opening the opportunity for indigenous people to gain more power."

According to Miguel Urioste, at the moment it's almost impossible for indigenous people and peasants to acquire land. "During the Banzer dictatorship, over 12 million hectares of state land was given out as political favors to privileged elites--in Santa Cruz alone," he said. "There's no free land out there. And thirty years later, the value of that land has skyrocketed from $200 a hectare to over $2000."

Urioste says the constitution is a valuable starting point for reform, though he wishes it had actually been more radical with regard to land. As it stands, it aims to become the charter for what Bolivians are calling a "plurinational state;" an all-inclusive society where different groups and social models coexist, and enjoy full legal protection.

As a prosperous fourth-generation landowner, Mariano Aguilera says he doesn't feel the constitution will protect people like him. Though it has articles that recognize private property and land ownership, it will also set limits on how much land an individual may own. Depending on the results of the vote, the cap will be either 5,000 or 10,000 hectares, roughly 12,000 or 24,000 acres.

The measure is not retroactive, however, and Aguilera says his land has already been reviewed and he holds legal titles. But he remains concerned that the government will infringe on his rights, given that it will still be able to seize any land deemed unproductive.

"I've worked my whole life for this," Aguilera said after lunch at the family hacienda, lying in a hammock on the patio. "Nobody is going to take that away. We're prepared to do whatever is necessary to keep what's ours, even if that means taking up arms."

The Aguilera family is one of the largest landowners in Santa Cruz, and their holdings--which Mariano Aguilera manages with his seven siblings--require a staff of about 100 families, many of whom live on the property. The Aleman family is one of them. Pedro Aleman came here in 1989 to cut sugarcane, hoping to use his earnings to buy a few acres of his own. Now he believes it's an impossible goal, and instead stays on as permanent help with his wife and four children.

"I just hope my kids turn out better than me," he said, standing amid rustling stalks of cane and sweating through a plaid shirt. Though much of the immense Aguilera farm is mechanized, some fields are still cleared by laborers like Aleman, pacing under the open sun swinging machetes.

"Who would want their kid doing this for a living? If we had a plot of land, everything would be different," he said.

A day's drive away in the hills of Lomerio, Chiquitano indigenous people have a collective title to several hundred thousand hectares they share between twenty-eight communities. About 100 years ago a group of indigenous slaves forced to work the rubber trade escaped, banded together, and founded Lomerio. They finally received a title in 2006 from the Morales government.

The earth in Lomerio is arid and studded with rocks, and water is still hauled from a river that occasionally dries up. Youth leave in waves because there's no paid work or higher education. But community leader Elmer Masai says they're lucky.

"At least we're free here," he says. "We're not in debt or obligated to anyone. We take orders only from the land."

According to Masai, the new constitution will allow communities like this to advance by making practical decisions about issues like self-governance and natural resources. "Right now, we have a title and can work the soil. But we have to stand idly by while private companies come and go as they please. They take out lumber and minerals, and destroy our land," he said.

"When the new constitution is approved, we'll decide how best to manage natural resources for the community. Anyone who trespasses will have to watch out, because it won't be a free-for-all anymore."

Political scientist Jorge Lazarte--who was part of the constitutional assembly, but resigned to teach a class in Paris--doesn't agree with the new rights that indigenous communities will have over their territory. "Of course indigenous people should be more included in society," he said. "But they went too far."

Lazarte added that the process was "so conflictive it trespassed the very fundamentals of democracy." Sociologist Oscar Vega disagreed, calling the chance to vote on a constitution the most democratic of his life. "I can't imagine a democracy without conflict," he said. "I, for one, wouldn't have trusted it if sixty so-called experts calmly sat down and claimed to have resolved Bolivia's problems."

And new constitutions aren't actually that novel in Latin America. In recent years Colombia, Ecuador and Venezuela have all sat down to redraw their charters. These constitutions tend to be long and specific, setting the tone for negotiations with other countries about valuable resources, especially in the face of looming food and energy crises. Analysts like Miguel Urioste and Oscar Vega admit that the hardest part is putting them into practice.

Inside Bolivia, it's hoped that this constitution will also set a new standard for how Bolivians negotiate amongst themselves.

Isabel Dominguez, the delegate that dared to speak Quechua, said anyone who opposes the constitution is welcome to vote No. "But I'm tired of people refusing to acknowledge who we are, and how much of society is built on our backs. I went to Sucre to fight for women's rights, for indigenous rights, and for land.

"This is about taking a struggle that began in the streets to the ballot boxes."