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The Politics of Confrontation in Bolivia
Peter DeShazo

The May 4 referendum in the Department (state/province) of Santa Cruz approving an autonomy statute (*estatuto autonómico*) highlights the deep lack of consensus that permeates Bolivian politics and society. Under its terms, the statute establishes Santa Cruz as an “autonomous department” within Bolivia with many of the rights and privileges normally reserved for a national government. The referendum, denounced by President Evo Morales and his supporters as illegitimate and unconstitutional, in fact tracks closely with the overall course of Bolivian politics during the last five years, leading to a situation in which the exercise of political power and the rule of law are often at odds. If this tendency is not reversed, Bolivia’s already weak social, regional, ethnic, and political fabric will fray.

In December 2005, Morales was elected president with an outright majority of votes cast in a special election. His political supporters also gained control of the Chamber of Deputies in Bolivia’s Congress, but the parties in opposition to Morales won a majority of seats in the Senate.

The central element of Morales’s campaign was a pledge to produce a new national constitution for Bolivia that would correct what he claimed were the institutionalized injustices committed against the country’s indigenous majority, which forms some 55 percent of the population. In early 2006, Congress approved legislation to convoke elections for a Constituent Assembly, duly installed in July, with a mandate to produce a new constitution by August 2007. While a simple majority of elected delegates to the Constitutional Assembly represented groups loyal to Morales, the pro-government forces could not muster enough votes to produce the two-thirds majority needed to approve the text of a new constitution, and the process became locked in stalemate. The August 2007 deadline was extended until December 14 in the vain hope of reaching consensus. As the date approached with no progress made, the pro-Morales forces approved a text of their own drafting in a late-night rump session of the Assembly on November 24 in which opposition delegates were excluded. This draft text was subsequently ratified under similar circumstances on December 9 in Oruro, hailed by the government as a

legitimate process, and denounced by the opposition as illegal and unconstitutional.

The text of the new constitution contemplates sweeping changes that would strengthen the authority of the Morales administration and favor his indigenous constituency. It abolishes the Senate—a current stronghold of the opposition permits reelection of the president, which depending on how applied, could allow Morales the option of two more terms in office, and allows for the election by popular vote of the justices of the Supreme Court. The text also establishes broad judicial independence for indigenous communities, limits the right to private property to that which has “a social function” and “is not prejudicial to collective interest,” and states that all public servants must speak “at least” two official languages of Bolivia, effectively excluding anyone not of indigenous extraction.

The competing forces in the Constitutional Assembly and in Congress reflect the widening divisions within Bolivian society along regional and ethnic fault lines. The lowland departments of Bolivia, the so-called *media luna* formed by Santa Cruz, Tarija, Pando, and the Beni, constitute the power center of the opposition to Morales. The populations of these departments are largely of mestizo ethnicity, although with important sectors of persons of European extraction and indigenous heritage—in contrast to the largely highland departments of La Paz, Oruro, and Potosí, which have majority indigenous populations. Santa Cruz and Tarija are home to Bolivia’s important hydrocarbons industry, and the former is the key producer of soya and sunflower oil, leading export products. Santa Cruz alone constitutes 34 percent of Bolivia’s national territory, about a quarter of the national population, and close to 30 percent of gross domestic product (GDP). Between them, Santa Cruz and Tarija account for some 40 percent of Bolivian GDP, a percentage that will continue to rise as natural gas accounts for a larger share of national income.

The decision by *cruceño* political and economic elites to move ahead with the autonomy statute is linked to their opposition to Morales’s national agenda. The government in La Paz

unsuccessfully maneuvered to try to prevent the vote from taking place, including a failed effort to obtain a resolution from the Organization of American States (OAS) Permanent Council condemning the referendum. Although strongly supported by Venezuela and Nicaragua, which blasted the statute as a product of racist oligarchs in league with “imperialism” (Venezuela’s representative called it “an attempted coup d’état”), other OAS members insisted on a resolution that instead called on all sides to engage in dialogue and to settle differences in adherence with the rule of law. An OAS mission headed by former Argentine foreign minister Dante Caputo travelled to Bolivia to try to encourage dialogue, and the governments of Argentina, Brazil, and Colombia configured a “group of friends” for the same purpose—all to no avail as *cruceño* leaders proceeded to hold their vote.

In the end, the statute received overwhelming support of voters—upwards of 85 percent of valid votes. Its terms imbue Department of Santa Cruz authorities with very broad powers in areas such as governance, agriculture, health, security, hydrocarbons, transportation, the environment, and rural development—setting the scene for inevitable clashes with national authorities on a wide scale. While the statute establishes broad autonomy for Santa Cruz, the process does not constitute an effort to secede from Bolivia or establish an independent state, as claimed by some officials in the Morales administration. It is, however, a political marker laid down at Morales’s doorstep, placing him in an extremely difficult situation. The Santa Cruz vote will further encourage similar referenda in the Departments of Pando, the Beni, and Tarija that are scheduled for June (although each with different autonomy statutes than that of Santa Cruz, adding to the overall confusion). Other departments, notably Chuquisaca and Cochabamba, will take note of this trend.

Should Morales use force to block these processes, which he chose not to do in the case of Santa Cruz, there would be a great risk of violence and friction within the armed forces and police. While he can condemn these autonomy movements as illegal and unconstitutional, Bolivia’s Constitutional Tribunal, the entity responsible for determining such matters, has lacked a quorum since the majority of its members were sacked by Congress in August 2007 and therefore is unable to function. As a result, legal experts in Bolivia question the constitutionality not only of the Santa Cruz referendum but also of the draft of the national constitution that emerged from the midnight meetings in Sucre and Oruro late last year. Bolivia appears to have reached the point in which the rule of law is subordinated to raw political power.

To complicate matters further, on May 8 the opposition-controlled Senate approved a dormant piece of legislation calling for recall referenda to be held to determine whether President Morales and all nine elected departmental prefects

(governors) should be confirmed in office or removed. There is wide speculation as to the motives of the opposition moving this legislation forward—ranging from a defensive maneuver to divert the government’s attention away from the autonomy referenda scheduled for June to the conclusion among opposition leadership that Morales’s popularity has fallen and that he would be vulnerable to a recall vote. Not unexpectedly, the constitutionality of this legislation is also being called into question.

Given these developments, it is highly unlikely that a resolution of the current face off between Morales and the opposition can occur except through direct negotiation in the hope of reaching a mutually acceptable compromise. The OAS, the Catholic church, the “group of friends,” and others can help encourage this process, but in the end it is up to the Bolivians themselves. Observers have suggested that this could happen by somehow incorporating the autonomy statute(s) into the constitution or by renegotiating the constitution in the hope of finding consensus. Morales can further placate the *media luna* departments by rescinding his decision to deprive them of revenue they previously received from the direct tax on hydrocarbons (IDH) and other measures aimed at undermining their economic base. In the end, however, there must be a level of basic consensus reached on the constitution and on strengthening respect for the rule of law. Otherwise, the politics of confrontation will drag the country down to yet lower depths.

Peter DeShazo directs the Americas Program at the Center for Strategic and International Studies in Washington, D.C.

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