



# BOLIVIA INFORMATION FORUM

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## Sunday's constitutional referendum

If, as polls suggest, the majority of Bolivian voters support the new draft constitution, this will come into effect immediately. However, until a new Plurinational Legislative Assembly takes office, the implementation of the constitution will be at the mercy of the existing Congress. According to the agreed timetable, general elections would take place in December, with a new legislature taking their seats at the beginning of 2010.

A likely 'yes' victory. Morales' popularity – he won the support of two-thirds of electors in last August's recall referendum – should mean a fairly easy victory overall for the 'yes' campaign (the constitution will be ratified if approved by over 50% of voters nationwide). Where the contest will be hardest fought is in the eastern departments of the *media luna* where the right-wing opposition is strongest. If there is a 'yes' vote in Santa Cruz, Beni, Pando, Tarija or Chuquisaca, it will be a major victory for the government. A 'no' vote will mean that the opposition will claim legitimacy for its war of attrition against the government and its reform agenda.

What are Bolivians voting for? The text on which Bolivians will be voting this Sunday includes a large number of concessions to the opposition. In October, in return for passage of a law enabling the referendum to be held, the ruling *Movimiento al Socialismo* (MAS) agreed to more than 140 changes to the original text, 70 of which were substantial rather than cosmetic. The deal was achieved after international mediation helped bring to an end a month of violent confrontation against the MAS in the *media luna*.

The key points of the 414 point constitution include:

- **Indigenous rights.** Indigenous peoples, long excluded from effective decision-making, have won substantially enhanced political rights.
- **Autonomies.** A system of decentralised government will be introduced to cater for the demands expressed by the *media luna* departments. Departmental autonomies will be complemented by regional, municipal and indigenous autonomies.
- **Justice.** New provisions are included to provide for

traditional forms of justice in those areas that are governed by indigenous peoples.

- **State control.** The new constitution assumes a greater degree of state control over the use and exploitation of natural resources.
- **Private property.** The constitution gives guarantees for the sanctity of private property, alongside communal and state property.
- **Presidential re-election.** The new constitution removes the legal bar to immediate re-election. However, Morales has said that – if re-elected this year – he would not stand for a further term in 2014. This was part of the political agreement with the opposition, one of the points they fought for.
- **Land reform.** A parallel referendum this Sunday will establish whether the maximum area for land holding should be 5,000 or 10,000 hectares. To assuage opposition fears, the government has agreed that the effect of this will not be made retroactive.
- **Church and state.** There will be a formal separation of Church and state.

Opposition campaign. The opposition 'no' campaign has been most active in the *media luna* where the civic committees and departmental prefects have used their influence to urge people to reject the new constitution. As well as claiming that the clauses referring to indigenous rights create legal 'privileges' for ethnic groups, the opposition has alleged that the new constitution is an attack on Christianity since it removes the privileged status enjoyed by the Catholic Church. It is alleged that it will encourage non-Christian forms of worship, promote the use of abortion and give succour to same-sex marriages.

**Results of the referendum should be known on Monday, January 26, and will be posted on the Bolivia Information Forum website as soon as they become available.**