



BOLIVIA INFORMATION FORUM

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Politics: the electoral law

After weeks of disagreement between the Chamber of Deputies and the Senate, Congress finally passed a new Electoral Law on April 14. President Morales, who had been on hunger strike since April 9 to protest against what he saw as opposition prevarication over approval of the legislation, immediately signed it into law. The law, which involved concessions to the opposition, sets the framework for a series of electoral contests over the next twelve months, beginning with presidential elections on December 6.

The text of the new constitution was finally promulgated on February 7, following its approval by 61% of voters in the January 25 referendum. The date established in the constitution for new national elections for the presidency, vice-presidency and members of a new, plurinational legislative assembly is December 6. Elections at municipal and departmental levels will be held on April 4 2010. The text establishes that the rules for the elections should be approved in Congress within 60 days of promulgation (i.e. April 8). The opposition-controlled Senate made a set of changes to the proposals approved by the lower house on April 2, leaving little time for achieving consensus between the two versions.

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The version approved in the MAS-controlled Chamber of Deputies established that:

- Elections would be held on the dates mentioned above. To be elected president outright, a candidate would need to receive over 50% of the vote, or 40% where he or she has 10% more votes than the next candidate. Otherwise, a run-off election would be held between the first two most-voted candidates. Under the previous constitution, a run-off was based on a vote in the newly-elected Congress, not by the electorate.
- There should be 14 special indigenous constituencies in the new plurinational legislative

assembly. The new constitution makes provision for 'special constituencies' representing the smaller indigenous groups. In the negotiations over the new constitution, it was decided to drop the original suggestion that the assembly should be unicameral. Since the number of seats in the lower house has therefore not changed (130), the special indigenous seats need to be accommodated from these. To date, there are two forms of representation in the lower chamber: constituency members elected to represent particular geographical areas using a first past the post system (called *uninominales*) and the *plurinominales* who are elected by proportional representation, as part of the presidential slate, to stand for their departments. Since cutting the number of *uninominales* would affect local representation, the Deputies decided it was better to reduce the number of *plurinominales*. However, this would probably reduce the chances of opposition parties winning seats.

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- The new constitution foresees the election of four senators per department (as opposed to three previously) to be elected by proportional representation.
- For the first time and in response to demands from Bolivians living abroad, it will be possible for those with access to diplomatic or consular offices to vote in presidential elections and national referendums. The National Electoral Court is responsible for setting up voting registers and overseeing elections abroad.
- Conditions are also laid down for the holding of elections for departmental governors and their assemblies, and for mayors and councils. At both levels it is possible for indigenous people from minority groups to compete for special seats. In the five departments that rejected greater autonomy in a referendum held on July 2, 2006, a new referendum would be held on 12 July 2009 to decide on this issue.

The main points of difference raised by the Senate included the following:

- A new electoral register needs to be prepared before the December elections are held. They proposed that the register, to be set up by the National Electoral Court, be approved by two-thirds in a joint session of Congress, undermining the idea that the Court is an autonomous power.
- The 'special constituencies' should come from the *uninominal seats*, not the *plurinominal* ones, and the National Electoral Court should redraw the boundaries of the uninominal districts to this end. To all intents and purposes this would ignore the presence of 'special constituencies', given that the indigenous groups are numerically small.
- As regards voting by Bolivians living abroad, all should have this right not just those living in countries where there is diplomatic representation.
- There should be financial support for the campaigns of all parties, something which the Morales government opposes.

The Senate's proposal only considered the presidential and national elections of December 2009, without mentioning departmental and municipal elections due in April 2010.

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The two houses of Congress met on April 8 for a joint session which lasted all night. They were unable to reach an agreement. Behind the scenes, a multiparty group came up with outlines of a consensus formula. Notwithstanding this, after using insulting language against the titular president of Congress, vice-president Alvaro García Linera, a number of opposition members stormed out. The multiparty group had gone a long way to reaching an agreement. Among the 27 changes suggested were the following points:

- Elections should take place as proposed by the Chamber of Deputies at both national level (in December 2009) and departmental and municipal levels (in April 2010).
- The electoral register would be checked for anomalies (such as people with the same ID card number or with the same name, etc.). For those living abroad, the electoral register would be biometric and computerised.

- Two alternatives were provided regarding the special constituencies: a) that these should be reduced to ten, thereby giving four more seats to the *plurinominales*; or, b) that they should be reduced to eight, freeing up six more seats for the *plurinominales*.
- Those elected to national posts would take office in January 2010, but their 5-year periods would run from August 2010.

With a number of opposition members refusing to return to the debate in Congress, Morales, on April 11 - still on hunger strike - said that the MAS would give way on the question of renewing the electoral register if the National Electoral Court could carry out a full revision in time, with biometric controls introduced for the whole voting population. The next day the Court said that it could comply with the December deadline (but not the July referendum on autonomies in the five departments), at a cost of \$35 million.

On April 14, President Morales signed the law in front of a large gathering of representatives of social movements

The electoral register had thus become a sticking point for the more recalcitrant opposition, even though CNE staff and international sources say that it is generally sound. The current electoral roll has been used for several elections and referendums in the recent past without it being an issue. According to Senator Böhr, a Podemos dissident, the issue is more political than technical.

As we went to press, after another marathon session, the joint houses of Congress approved the final version. This entails a further reduction of special indigenous seats to only seven. Only part of those living abroad will be able to vote, limiting the numbers to 6% of the overall roll. However, some issues were clarified, such as lists of candidates (except for president/vice-president) including men and women equally and in alternate slots, as well as the stipulation that departmental autonomy statutes must be approved by the new departmental assemblies. The autonomy referendum will now be held in December alongside the presidential and national elections.

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Human Rights: UN report

The United Nations Office of the High Commissioner for Human Rights (OHCHR), which has had an office in Bolivia since 2007, published its report for 2008 at the end of March. It both criticises and praises the government's performance in areas of civil-political and socio-economic rights. It links opposition politicians and supporters to some anti-democratic actions which led to some of the worst human rights abuses last year. While commending the government for drafting a 2009-2013 human rights action plan in consultation with the OHCHR and with active civil society participation, it makes clear that delivery on this will require strong commitment.

The report covers a number of areas. Here we identify some:

Political violence. It describes how a number of *grupos de choque* or 'shock troops' have been operating in the country, often with political agendas. While some of these defend the government, the majority have been pro-autonomy, opposition groups. During the departmental consultation on autonomy in Santa Cruz in May 2008, opposition shock troops, which were allowed to carry shields, sticks and other weapons, clashed with government supporters. The report states how the Santa Cruz prefect and civic committee justified such actions.

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The report points to the involvement of the pro-autonomy Inter-Institutional Committee in the racist attacks and the humiliation of indigenous people in the city of Sucre on May 24. Although it did not mention them by name, those associated with the Committee include the current prefect of Chuquisaca, Sabina Cuéllar; the mayor of Sucre, Aydee Nava; and the rector of the San Francisco Xavier University, Jaime Barrón.

The report also picks up on the violence that occurred in Pando in September. This was the sub-

ject of a special UN report that was published at the same time, summarised for readers of the BIF Bulletin in the March BIF Briefing which can be downloaded from the *Resources* section of the BIF website.

Violation of the rule of law. The OHCHR makes clear the many problems facing the judiciary in Bolivia, including a lack of autonomy, inefficiency and the problem of judicial corruption. One of its chief concerns has been the lack of appointments of high-level judges and magistrates to key judicial institutions. Most pressing, it points to the way in which the Constitutional Tribunal has been paralysed, pending the designation of nine new magistrates.

The report commends Bolivia for being the first country to enact the UN Declaration on the Rights of Indigenous Peoples into domestic law

The report picks up on how attacks on human rights defenders are increasing, particularly those working to promote indigenous people's rights in the *media luna* departments of Beni, Santa Cruz, Tarija and Chuquisaca. It shows how these have been carried out by members of local civic committees and other opposition groups. While it points to some instances of irregular detentions of political opponents involved in common (not political) crimes, it does not detect any systematic practice of arbitrary detention on the part of government officials.

Indigenous peoples. The OHCHR report commends Bolivia for being the first country to enact the UN Declaration on the Rights of Indigenous Peoples into domestic law and for other measures taken to promote indigenous rights.

In spite of steps towards greater social and political inclusion of indigenous peoples, the report identified regions where rights continue to be violated. It sees indigenous leaders subjected to persistent threats and attacks in the eastern part of the country. The offices of two indigenous organisations in Santa Cruz were taken over and destroyed by members of local civic movements last September. The report points to an increase in

acts of racism and discrimination, particularly on the part of members of the civic committee and media in Santa Cruz against indigenous migrants from the highlands. Offensive remarks have also been made about the president and government officials on the basis of their ethnicity.

The OHCHR expresses particular concern about situations of servitude and contemporary forms of slavery, particularly those affecting the Guaraní people in the Chaco. It notes that the government is working to rectify the situation through its land reform programme.

Economic, social and cultural rights. The report praises the inclusion of key economic, social and cultural rights in the new constitution. There is also praise for the expansion of social programmes such as the Renta Dignidad for the over-60s, the Juancito Pinto payment to school children, the Zero Malnutrition initiative, and the national literacy programme which has met with UNESCO standards.

But in spite of these achievements, the OHCHR says there is still much work to be done, particularly in servicing remote rural and indigenous communities, women and children.

Freedom of expression and freedom of the press. The report describes the tense relations

between government and the private media during 2008:

- Many private media outlets have followed a strong opposition line, with the government accusing the mass media of conspiring against it.
- The OHCHR notes that some media, critical of the government, have broadcast biased and distorted information and, in some cases, publicised news and opinions that have incited others to racist or political violence.
- State media have also engaged in activities that may violate professional ethics and the right to information.

Journalists have been subjected to a number of physical and verbal attacks over the past year: the majority of those attacked were from private media outlets, though journalists from state-controlled media were also targets. Media offices and facilities have been attacked on occasions.

The report claims that political debate was, for the most part, free and fair, with substantial public participation during elections. In some instances freedom of political campaigning was curtailed by tense political contexts, notably in the prefectural elections in Chuquisaca.

Foreign affairs: US relations

Many expected that a new administration in Washington would lead to attempts to improve relations with Bolivia. This is slow in coming.

Three months into the Obama administration, the state of US-Bolivian relations is one of ongoing tension, notwithstanding initiatives on both sides to kick-start an improvement. The expulsion from Bolivia in February of a second secretary in the US embassy in La Paz, Francisco Martínez, did little to improve things.

Martínez is accused in Bolivia of acting as an agent for the CIA and being actively involved in stirring up opposition last year to the Morales government among the prefects and civic committees of the eastern departments. This was also the reason why the former ambassador to La Paz, Philip Goldberg, was declared 'persona non grata' last September. This led to the tit-for-tat expulsion of Bolivia's ambassador to Washington shortly afterwards.

Responding to the Martínez affair, Thomas Shannon – who has not yet been replaced as the assistant secretary of state for inter-American affairs – declared that the Bolivian government had got its facts wrong, and that there was no substance in the accusations made about Martínez being a spy. He declared that Washington would engage with the Morales administration only when the latter showed clear and consistent signs of wanting to negotiate with the United States.

The sour mood in US-Bolivian relations was not improved by the publication of the administration's annual report to Congress on drugs on March 1. In his preamble to the presentation of the International Narcotics Control Strategy Report, the State Department official responsible went out of his way to underline concern about Bolivia, giving it the same emphasis as the situation in Afghanistan and on Mexico's northern border.

This seems hardly warranted by the facts. Ac-

ording to the figures published in the report itself, coca acreages were only very slightly up in 2008 over 2007. Amounts of cocaine captured have also increased over the last two years. In the most recent figures available from the United Nations Office on Drugs and Crime, Bolivia compares favourably with Colombia, where the area planted with coca expanded by 27% on an annual basis, whereas the corresponding figure for Bolivia was 5%.

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This highlighting of Bolivia's failure to 'collaborate' in the 'war on drugs' appears to have been a response to Bolivia's decision at the end of last year to expel the Drug Enforcement Administration (DEA) from the country. This, in turn, followed Washington's decision to suspend Bolivia's trade preferences in the US market under the ATPDEA arrangement (Andean Trade Preferences and Drug Eradication Act).

In spite of this climate of mutual recrimination, there have been one or two attempts to improve things. Responding to the January referendum in Bolivia on the new constitution, Washington sent

Morales a message of congratulation. On March 24, Bolivian Foreign Minister David Choquehuanca was quoted as saying that he hoped that Bolivia's ambassadors around the world would work towards improving bilateral relations with the United States, based on mutual respect. This followed a meeting in Washington the previous day between embassy officials and representatives of the State Department, in which the issue of the ongoing funding of anti-narcotics activity was discussed. At the beginning of April, the US National Anti-narcotics Service, (NAS) announced that it was making the sum of 26 million dollars available to the Bolivian government during 2009.

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The future of the United States' relations with those Latin American states that have been most critical of its role in the region – such as Venezuela and Ecuador as well as Bolivia – was likely to be a key issue at the Hemispheric Summit in Port of Spain on April 16-19. In an interview on April 6, Jeffrey Davidow, the US ambassador responsible for the summit, said that he hoped that ambassadorial relations would be restored with Bolivia and Venezuela but doubted if this would be an immediate consequence of the summit.

Social policy: maternity benefits

On April 5, the government announced a new allowance for pregnant women to ensure they attend pre-natal checks and to provide them with support over their child's first two years of life. This is part of a wider poverty reduction programme, and it seeks to reduce maternal and infant mortality and to tackle infant malnutrition.

Bolivia continues to be the poorest and most unequal country in South America. In 2006, when Morales became president, 37.7% of the population was living in extreme poverty with an income

of less than one dollar a day (62.25% in rural areas and 23.36% in urban ones). The richest 10% of the population are 168 times richer than the poorest 10%.

Reasons for this are structural and not easy to undo. The exclusion over centuries of the indigenous population from participation in economic and political life is one element, and the limited degree to which the wealth arising from the export of natural resources has been distributed is another.

Figures show slight improvements over the last decade in the percentage of people living in extreme poverty, even though the absolute number of people has increased. There has also been some improvement in other indicators, such as infant and maternal mortality, school attendance and literacy. However, Bolivia is still a long way off from achieving the Millennium Development Goals by 2015.

The figures of social deprivation are particularly striking for indigenous people:

- Nearly half (48.8%) of indigenous people live in extreme poverty, compared to 21.3% for non indigenous people.
- Girls whose mother tongue is indigenous stay at school for about half the number of years compared to non-indigenous girls (4.2 years as opposed to 9.8).
- Women living in predominantly indigenous municipalities seek little assistance at health centres when giving birth and so face greater risk.
- A World Bank study in 2003 found that indigenous men earned 35-65% less than non-indigenous men.

The 2006 National Development Plan highlights the need to *vivir bien*. This means 'living well', not necessarily better than your neighbour, with people's basic needs being met, both in harmony with others and with the natural environment. The Plan seeks to encourage production, social protection, national sovereignty and social participation. With the state now playing a more prominent role in the economy, the increased income from gas and mining is being channelled into people's welfare and social protection. Measures have been introduced to help small producers, who are seen as being the backbone of the new model.

A series of policies have been introduced to help lower the costs that families face and to improve their quality of life. They include:

- Allowances for primary school children and now for mothers and their small children.
- A universal pension for all over the age of 60, with those on low pensions receiving increases.
- Over half a million families have had their electricity bills cut by 25%, while others have benefited from having free energy-saving light bulbs.
- Costs of telephone calls are now charged by the second and not the minute.
- The minimum wage has been increased each year.
- The redistribution of 10 million hectares over the last three years, an amount similar to land redistributed over the previous ten years.

- 820,000 people learned to read and write last year, enabling Bolivia to be declared officially free of illiteracy.
- Special programmes have been set up to bring down levels of chronic malnutrition and to attack extreme poverty, concentrating on those municipalities with the worst indicators.

Allowances

Three allowances favour the more vulnerable sectors of the population:

- **Primary schoolchildren.** Begun in 2006, the Juancito Pinto programme has increased the number of children benefiting from over one million to over 1.8 million in 2008, attending up to eighth grade. The annual payment to each beneficiary is about US\$30. Where levels of school attendance are particularly low, (in rural areas where girls in the past have barely learnt to distinguish letters and sign their names), this small amount is encouraging parents to keep their children in school.
- **Pensioners.** The *Renta Dignidad* replaces an earlier annual payment to those over 65 with a monthly payment to all over 60. The majority of those eligible have no work pension to fall back on, so the amount of roughly \$30 a month comes as a very welcome addition. The elderly thereby acquire status because they bring money into the family. Those who are already in receipt of a work pension receive less (about \$20).
- **Pregnant women and their children under two.** The new allowance approved on April 5 is designed to encourage women to take advantage of health services (some geared specifically towards women of indigenous background and beliefs). This, it is hoped, will reduce maternal and infant mortality, as well as child malnutrition in the first years of life. Four payments will be made to women attending prenatal checks, one immediately after birth and then bi-monthly until the child is two. In all, the programme will pay US\$260 per child.

The exact extent to which these simple social protection measures are reducing poverty levels in Bolivia is still unclear, since figures for the years after 2006 are as yet unavailable. The amounts involved may seem small, for example compared with the allowances and benefits received in the UK. However, they mean a lot to the families concerned. In the case of those over 60, the pension scheme is changing perceptions of younger people towards older family members, and schoolchildren are learning to count the pennies of their allowance. But it is likely to take more than these sorts of policies to bring about the fundamental structural changes required if Bolivia is to shake off its legacy as South America's poorest country.

Economy: lithium reserves

Lithium promises to be a much sought-after commodity in the next ten years, and Bolivia has more than half the known global reserves of it. But will Bolivia be able to cash in? Could it provide a new motor for regional or national development?

During his tour to Russia and France in February, President Morales had talks with possible counterparts with a view to developing Bolivia's reserves of lithium. These are located in the Salar de Uyuni, one of the world's largest salt flats located in the south-western department of Potosí. Bolivian reserves of lithium are reckoned to be at around 5.4 million tonnes. Chile has some 3 million tonnes, and Argentina 400,000 tonnes.

Bolivia is already developing a pilot project to extract lithium from the Salar de Uyuni at Rio Grande on the salt lake's southern shore. When fully operational, it will enable Bolivia to process 1,200 tonnes of lithium each year. However, this is peanuts in terms of anticipated world demand for lithium, and the Morales administration is looking for partners to help it develop a much larger capacity.

Lithium comes from a transparent liquid that underlies the salt flats at places like Uyuni. It has accumulated over millions of years. Extracting it and processing it into lithium carbonate is a fairly simple matter, using sunshine to dry out the salt-like deposit. It is a more complicated matter, though, to transform lithium carbonate into its final metallic form.

Chile has so far led the way in seeking to develop lithium from its Salar de Atacama deposits in the north of the country, close to the Bolivian frontier. The main producer is SQM, a Chilean company owned by relatives of General Augusto Pinochet. Argentina apart, other producer countries include

China, Australia, Russia and Serbia. Currently Chile provides more than 60% of the lithium imported into the United States.

Hitherto, the main industrial use of lithium has been in batteries for consumer goods such as laptops, mobile phones, watches and other electronic gadgets. It is exceptionally light and is capable of storing electricity for much longer periods of time than conventional batteries. However, its major potential use is in batteries for eco-friendly electric cars. Most of the main global manufacturers of vehicles are currently producing prototypes with lithium-ion batteries.

Market analysts say that the rapid development of the electric car will transform the market for lithium, and that potential demand will swiftly outmatch known sources of supply. With Bolivia accounting for more than 60% of such supply, the country is obviously in a good position to cash in. And with the price of natural gas falling, it has attractions as an alternative source of foreign exchange.

But the Bolivian authorities are adopting a somewhat cautious stance. There are many examples in the country's history of short-lived commodity booms that have done little or nothing to promote the wider development of the country: silver, tin and rubber provide just some examples. The government is therefore looking into ways in which lithium could help develop some sort of industrial capacity, with Bolivia at least retaining a higher proportion of the value-added generated.

At the same time, the Salar de Uyuni is an area of desperate poverty where any sort of productive enterprise is helpful in generating much-needed employment. Tourism is one of the few activities that brings some meagre returns to people living in the area.

In memoriam: Olivia Harris

It is with deep regret that the BIF announces the untimely death from cancer of Professor Olivia Harris on April 9. Olivia was one of the most distinguished anthropologists to work on indigenous issues in highland Bolivia, but her work had a relevance that went far beyond the bounds of Andean anthropology. She was an inspiration to the generations of students who had the good fortune to work

with her at Goldsmiths College and latterly at the London School of Economics. Her academic achievements apart, Olivia was committed to breaking down the social and ethnic divides that have so long afflicted Bolivian society and raising the status and living conditions of those she worked with in the country. She is particularly remembered in Morq'omarka of the Ayllu Laymi, where she lived as one of the community.