

Weekly Report - 12 April 2005

Bolivians split three ways over how to reconcile three sets of elections

Bolivians now know when they will be voting for their first-ever elected departmental governors (12 August), but not when or in what order they will get a chance to say whether they actually want greater regional autonomy, or when they will be electing representatives to a constituent assembly entrusted with defining the extent and mechanics of that autonomy.

The election date was set on 8 April by Acting-President Hormando Vaca Díez, the president of congress standing in for President Carlos Mesa while he was away attending Pope John Paul II's funeral.

The decree was issued as soon as the senate had given final approval to the requisite amendments to the electoral code, the political-parties law, and the law governing 'citizen associations' and indigenous peoples.

These amendments had been made necessary by President Mesa's call for gubernatorial elections in response to pressure for more autonomy by the Santa Cruz business élite [WR-04-46]. The earlier date chosen by Mesa, 12 June, was discarded as unfeasible.

A few days earlier, on 4 April, the national electoral court had ruled that the cruceño proponents of a referendum on autonomy had gathered enough valid signatures to justify calling a referendum on regional autonomy (in principle, this very year).

Just how all the pieces are meant to come together has led to heated debate. In congress, Vaca Díez and his opposite number in the chamber of deputies, Mario Cossío, have publicly agreed that the introduction of regional autonomy and the installation of a constituent assembly must go hand-in-hand.

Evo Morales, leader of the Movimiento al Socialismo (MAS), insists that it is the constituent assembly which must make all decisions regarding regional autonomy. The Comité Cívico Pro Santa Cruz wants the establishment of regional autonomy to come first.

The congressional authorities represent the political parties that have lost most of their support and fear being wiped out by the new forces likely to dominate both the constituent assembly and the regional governments. The MAS is playing a solo game, as the only established party to have emerged with a sizable following in last year's municipal elections.

The cruceño campaigners, concerned chiefly with their own autonomy, are no longer sure that the other regions of the lowland Media Luna are on the same wavelength. This combination does not augur a tidy outcome.

The hydrocarbons factor

An added complication is that the constitutional tribunal has just stated that existing oil and gas contracts may be invalid, for lack of congressional approval. The tribunal's opinion had been requested because a group of individuals had filed a suit in a La Paz court demanding that the contracts be annulled on the grounds that they were unconstitutional.

In December 2003 the constitutional tribunal had ruled that the 1997 decree issued by the government of President Gonzalo Sánchez de Lozada allowing the contract had not been in breach of the constitution. Now, however, it notes that this did not mean that it considered the contracts themselves constitutionally valid.

The constitution, said the court, explicitly entrusts the legislature with 'authorising and approving contracts related to the exploitation of natural resources'. Declaring Sánchez de Lozada's decree constitutional, it added, did not relieve the legislature of this responsibility.

At the time, Sánchez de Lozada did not seek congressional approval, nor did congress assert its jurisdiction in the matter. Following the same line of reasoning, the companies did not check whether all constitutional requirements had been fulfilled.

This matter strikes at the heart of the disagreements that have dominated the debate over the new hydrocarbons legislation - the question of whether the companies now operating under 'old' contracts, signed to run for 40 years, can successfully sue the government if the terms are changed. A ruling from the constitutional tribunal that those 'old' contracts were in fact unconstitutional would greatly undermine any claim.

It is worth noting that the constitutional tribunal only issued an opinion: it did not hand down a ruling because it did not, strictly speaking, have any case before it. Still, that opinion is a very strong indication of how it is likely to rule when the first case comes its way, as it almost inevitably will.

Weekly Report - 10 May 2005

BOLIVIA: Mesa faces pincer-like wave of protest actions

President Carlos Mesa is in a bind. He has until 17 May to decide whether to promulgate or veto the new hydrocarbons law, given final approval by congress on 6 May. Before then, protest marches on La Paz will be launched by the Movimiento al Socialismo (MAS), peasant unions and indigenous organisations intent on stiffening the law. Already under way are protests from the gas-bearing department of Tarija, determined to gain something from a law it has fiercely opposed.

The chamber of deputies gave final approval to the hydrocarbons law as amended by the senate [WR-04-44], by 59 votes to 48, with three abstentions - an illustration of how divided the country is over this matter. MAS leader Evo Morales interrupted his convalescence from a knee operation in Havana to denounce the law as 'treason'. Back in Bolivia on 9 May to launch the first of his planned assemblies of social organisations in Santa Cruz, he announced that a march on La Paz to demand changes would begin on 16 May in the town of Caracollo, north of Oruro, about 199 kilometres from the capital.

Felipe Quispe, the leader of the Confederación Sindical Unica de Trabajadores Campesinos de Bolivia (CSUTCB), the umbrella peasant body, announced that the rural communities of the western highlands would start occupying government premises in the region to demand the outright nationalisation of the country's oil and gas deposits. Roberto de la Cruz, president of the Confederación de Naciones Indígenas y Originarias de Bolivia, an umbrella association of indigenous organisations, announced it would be staging its own march, starting from Patacamaya, on the highway from Oruro to La Paz. They will be demanding both the reinstatement of the provision granting indigenous communities a veto over the development of oil or gas deposits in their territories, and an assurance that no gas will be exported via Chile (see page 5). This collective of protest organisations is almost the same as the one that came together in the wave of protest action that led to the resignation of President Gonzalo Sánchez de Lozada in October 2003.

On 6 May the Comité Cívico Pro Intereses de Tarija, a counterpart to the autonomist Comité Cívico of Santa Cruz, launched a strike-cum-lockout in the capital of their southern department, also called Tarija.

Like the autonomists of Santa Cruz, the tarijeños staunchly oppose the new hydrocarbons law and claim to have more of a motive for doing so: Tarija contains Bolivia's largest deposits of natural gas.

Their recent offensive, however, is not a protest against the law but a move to extract some benefit from it. They want the provision for the 're-founding' of the state oil company, Yacimiento Petrolíferos Fiscales Bolivianos (YPFB), to include the transfer of YPFB's headquarters to Tarija. The law already specifies that the province of Gran Chaco will be the seat of one of YPFB's vice-presidencies. Gran Chaco has not joined the lockout; the border towns of Yacuiba and Bermejo have kept open the routes to Argentina. In the city of Tarija itself, three of the protesting groups have initiated hunger strikes to put additional pressure on the government.

By the way, Evo Morales has also started demanding Bolivia's withdrawal from the OAS on the grounds that it is an organisation 'in the service of imperialism' and that, with a Chilean as the new secretary-general, it cannot be relied upon as a forum from which to pursue Bolivia's demand for the restitution of its outlet to the Pacific.

Weekly Report - 17 May 2005

BOLIVIA: Mesa caught in a vise as diversionary gambit fails

After the failure of a ploy to sidestep a confrontation with congress and head off a wave of protests - all hinging on the recently approved hydrocarbons law - President Carlos Mesa has been left in a most disadvantageous situation. The protest actions, surprisingly strong at the outset, are underway, and, at the time of publication, the deadline will have expired for Mesa to decide what to do with the law.

The law, including a number of provisions that represent a considerable departure from the government's original draft, was approved by congress on 5 May [WR-05-18]. Mesa had until 17 May to do one of three things: promulgate it, veto it in its entirety, or return it with 'observations' (specific partial vetoes). Mesa chose to do none of these. Instead, on 10 May, he returned the law to congress with what he described as a 'conceptual observation' regarding the law as a whole. 'I have taken the decision,' he said in a broadcast to the nation, 'to observe the legal text, but not with the kind of observation that could be considered a specific observation [but rather] an observation of a conceptual nature.'

The law, he said, 'is at this time an instrument for the division of Bolivia; an instrument through which different forces, with different aims, with contrasting visions, may in a few days leave the country facing inescapable confrontation.' As an alternative, he invited all sectors (congress, the judiciary, civic organisations and the church) to discuss a 'pact of unity' on 16 May. The date was chosen to coincide with the scheduled initiation of protest marches in various parts of the country.

As Mesa was announcing this, the pro-autonomy camp in eastern Santa Cruz issued a deadline for the government to call a referendum on its autonomy as a region. Failing this, the Comité Pro Santa Cruz said they would install their own (unelected) provisional assembly and move unilaterally towards the establishment of autonomy, 'together with those departments that agree with such a step' - an invitation to Tarija, Beni and Pando to follow suit. The deadline passed on 12 May, though so far there has been no further movement. Congress and the judiciary rejected Mesa's invitation, and on 13 May, faced with the inevitability of an unrepresentative gathering, he decided to abandon the initiative. The presidency announced that he would make full use of his constitutional prerogatives regarding the hydrocarbons law but did not spell out what this entailed.

Up to the time of writing this had not been disclosed.

Meanwhile, on 16 May the protest actions got under way. Peasants started marching on La Paz from the Altiplano, miners started blocking the main highways, and demonstrators from El Alto started spilling out onto the streets of La Paz, prompting the police to order the preventive evacuation of the congress building. Early in proceedings, tear gas and water cannons were used against demonstrators.

The response to the call for countrywide protests was such that even leaders like Evo Morales were caught off balance, prevented by early roadblocks from arriving on time to the starting-point of the peasant march in Caracollo. The police have reported the interruption of traffic on the highways between Cochabamba and Oruro (which links up with La Paz and the route to Chile), between Oruro and Potosí, and between Potosí and the constitutional capital, Sucre. As the marches began, Morales urged Mesa to 'make up his mind and take control of the oilfields, heeding the demand of the people and ceasing to defend the transnationals'.

Weekly Report - 24 May 2005

BOLIVIA: As confrontation escalates, the military rumbles

President Carlos Mesa finally decided not to do battle with congress and refused to either veto or promulgate the new hydrocarbons law [WR-05-19], leaving it up to the legislature to do so. The autonomists in Santa Cruz defied the central government by calling their own referendum on devolution, as rival protesters led by Evo Morales converged on La Paz to demand outright state control of the oil and gas industry and a constituent assembly to decide on regional autonomy. In the background, there were hints of military unease.

The unelected 'provisional assembly' of Santa Cruz announced on 21 May that it will hold a departmental referendum on autonomy on 12 June, at the same time as the government-called elections of departmental governors. Against this backdrop and with protest marches converging on the capital, the military high-command warned all and sundry that demonstrations and protest actions must be kept within the bounds of the law and the constitution. Though this was interpreted by Morales's followers as indicating that a military coup might be brewing, the army is far more likely to act to prevent 'sedition' in Santa Cruz.

The culmination of the protest marches in La Paz on 23 May made clear how varied are the demands of the various groups. Jaime Solares of the COB, the umbrella labour confederation, wants the 'nationalisation' of the oil and gas industry. This stance is shared by the Fejuve, the 'neighbourhood' movement of El Alto, which has launched an indefinite strike until this happens.

Evo Morales of the Movimiento al Socialismo (MAS) says that as the hydrocarbons already belong to the state all that is needed is for President Mesa to order the army to 'take control' of the oilfields.

He also wants the hydrocarbons law altered to replace the royalty-plus-tax scheme with a straight 50% royalty. Román Loayza, the MAS senator who leads a faction of the CSUTCB, the peasants' confederation, has given congress (in recess until 31 May) until 27 May to stiffen the hydrocarbons law and call for elections for a new constituent assembly.

That last point is perhaps the only one on which this camp agrees: they all want the constituent assembly to decide on the nature of the regional autonomy scheme to be adopted - as opposed to the top-speed unilateral approach on which Santa Cruz has embarked.

While the government has denied that there is any substance to the rumours about a military coup, there is no doubt that the officer corps is deeply disturbed. The military is torn between its detestation of the left, particularly as allies of the coca growers that have conducted on-and-off hostilities with the military and police over the past few years, and its visceral opposition to anything that might threaten to break up Bolivia or erode its unity as a nation.

Such a statement has been interpreted as opposition to indigenous assertiveness, masked as a desire to create 'states within the state'. At present the threat is seen to be coming from autonomists in Santa Cruz. There are even suggestions that Bolivia might move towards a federal constitution.

Latinnews Daily - 25 May 2005

BOLIVIA: Dramatic protests as Mesa vows to stay on

Development: The leftwing protests in La Paz and around the country on 24 May were the most serious in the past week, the government said.

Significance: The leading opposition group, the Movimiento al Socialismo (MAS), seems to be losing control of the protests. The MAS's official policy is still to call for a 50% royalty on hydrocarbons, though the protesters, which numbered 10,000 in La Paz on 24 May, are now demanding complete renationalisation of the gas industry.

The MAS policy on devolution also differs from what the protesters are demanding: the MAS wants elections for a constituent assembly (to change the constitution) to be held simultaneously with a referendum on devolution. The protesters just want a constituent assembly before any referendum.

The pressure from the streets, which were cloudy with tear gas in La Paz, is telling on the MAS. Some MAS members are beginning to veer leftwards, away from the policies of the party's leader, Evo Morales. These Masistas want the protests to continue over the weekend: Morales wants them to end on Friday, 17 May. Today, 25 May, La Paz's road communications with the rest of the country are likely to be blocked.

To the fury of the radicals, Morales still supports President Carlos Mesa, who in turn supports the Morales line of holding a referendum and elections for a constituent assembly simultaneously. Mesa said on 24 May that he intended to see out the full presidential term, which ends in August 2007. Morales, however, wants Mesa to call a national summit to sort out the issue. Mesa tried to do just that at the beginning of May but was spurned by Morales.

Worryingly, Mesa has done nothing to head off the secessionists in the prosperous low-lying east of the country (the departments of Santa Cruz, Tarija, Beni and Pando). They want to vote on devolution and elect departmental governors on 12 August, before any constituent assembly is called. Mesa left La Paz for the constitutional capital of Sucre to celebrate the 196th anniversary of the first call for independence. Even Morales conceded that there was now a power vacuum in the country.

Latinnews Daily - 26 May 2005

BOLIVIA: Army slaps down colonels calling for Mesa to go

Development: The army high command quickly disassociated itself from a televised call on 25 May by two lieutenant-colonels for President Carlos Mesa to resign and for a new government to take over.

Significance: The two colonels, Julio Herrera Pedraza and Julio César Galindo, in their early morning broadcast, claimed to be supporting the leftwing militants who are protesting in La Paz. These militants, who still number around 5,000, want a constituent assembly to be called before any moves are made towards devolution. The militants are divided over whether they want a royalty of 50% on hydrocarbons or complete renationalisation.

The leaders of the protests, which have been going on for a week and are due to end on 27 May, said that they had no idea who the colonels were and had no links with them. One of the leftwing leaders, Jaime Solares, the president of the Central Obrera Boliviana, had been calling for a [Hugo] Chávez-style soldier to take over the country. The colonels said that the country did not have a president and did not have a government.

The army high command issued a statement, after the colonels' call. This said: "those who besmirched the reputation of the army with their desires for a coup did not represent the armed forces which remained steadfast in their commitment to the rule of law, democracy and the institutions of the country." It is not clear whether the army has arrested the colonels.

The colonels claimed that there was growing unhappiness in the middle ranks of the armed forces and that their group, "Movimiento Generacional" had been active for the past 18 months. They refused to say how many supporters they had in the army and the other two services.

The leftwingers protesting the capital were quick to distance themselves from the colonels. The leader of the teachers union in La Paz, Vilma Plata, said that the protesters had nothing to do with the colonels: she added that if Solares kept on calling for a "military patriot" to take over the government, he would lose the support of the trade union movement.

Other, more significant, figures on the militant left endorsed her statements. Abel Mamani, the president of Fejuve, the grassroots organisation in El Alto, said that he did not support a coup but a democratic solution. Evo Morales, the leader of the Movimiento al Socialismo and the coca-growers, admitted that he was an admirer of Chávez, but said that he did not support a military solution in Bolivia.

What is clear is that situation on the streets in La Paz improved on 25, though it is likely to deteriorate today which is a public holiday. The protesters, many of them miners, have started lobbying sticks of dynamite at the police protecting the Plaza Murillo where the presidential palace and congress sit. The police have retaliated with tear gas. President Carlos Mesa left the palace on 24 May for Sucre, the country's constitutional capital. He was scheduled to return to La Paz on the evening of 25 May. Congress will resume sessions on 31 May.

So far President Mesa has kept to his promise not to use force to deal with protesters. Although Bolivians have supported this line, they now seem to be getting fed up with the government's paralysis. The prosperous east of the country, the four departments of Santa Cruz, Tarija, Beni and Pando, is threatening to secede from the rest of the country. This area, which calls itself Media Luna, is planning to elect departmental governors on 12 August and, simultaneously, hold a referendum on devolution.