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OSCAR VEGA CAMACHO

Paths for Good Living: The Bolivian Constitutional Process¹

We, the Bolivian people, of plural composition, inspired by the struggles of the past since the depth of history, by the anti-colonial indigenous uprising, and in independence, by the popular struggles of liberation, by the indigenous, social and labor marches, by the water and October wars, by the struggles for land and territory, construct a new State in memory of our martyrs.

(Preamble of the Political Constitution of the State of Bolivia, 2009)

To be happy is to be able to build your own house;
plant, look after, harvest and prepare your own food;
decide what you want to wear,
heal yourself,
be able to determine whether to be happy or sad,
and learn from your mistakes;
What you are will always depend on your work,
on the ability and clumsiness of your hands and minds.
(Wankar Reynaga 1981)

1. An invitation

Bolivia is in the news. Events in Bolivia are over and over again targeted by the international press: the strength of social movements and their ability to shake the governments in power at the time, the scandals of political and entrepreneurial corruption, the extreme poverty and precariousness of the majority of its inhabitants, the huge diversity of ecosystems in the heart of South America, the living capabilities of indigenous cultures², the expectations concerning the vast reservoirs of raw materials

and the conflictive antagonism of the social and economic roles with which they have to comply. This news impresses, sets out images of a country evolving or succumbing, a country that will become or will break, could be or will not be. It is not the first time that a marginalised or peripheral country in the world economic system, trying to define and establish itself, is treated this way. This is probably a pre-set image of a country insisting on being founded again, as an incomplete task or recommence.

I suggest to think of building a State, as Wankar Reynaga (1981) describes it, as depending on the amount of our work, on the ability and clumsiness of our hands and minds. In any event, this would involve a subversion coming 'from the bottom upwards', the plebs' potency within the existing colonial power structures, the emancipatory ability of defending natural resources, and the strength of the indigenous movement to impinge with proposing alternatives, by making of politics a tool of life and for life. As they usually say: a path towards 'good living'. Moving slowly, bearing the lessons of those who did not give up to the imposed speed of growth, development and prosperity, of those who have always been declared to be the enemies of modernisation and ignorant of the road to progress. Moving slowly, because they are obliged to know the disjunctions, options and alternatives before continuing on different routes, always taking care that the conditions for a collective movement and for collectivity are kept. Knowing that we shelter multiple temporalities, which have to be debated and knotted so that they form a complex and densely woven fabric.

In other words, the current conceptual frameworks and theoretical models are being tested by those who have been viewed as their objects, and had consequently been instrumentalised by dispositives and frauds to be known, disciplined and controlled. The forms of knowledge have been subverted from the margins and edges of thinking, or at least from those people who were pretended not to have own thoughts or were unable to think (Prada 2008a). Sparks of hope for the promise of another world, 'the world in which many worlds fit', as the Zapatistas say (Ceceña 2008).

The invitation to start thinking in another way is an invitation to move along the indigenous peoples' and nations' paths where they are transiting while the global order is going through instabilities and malfunctions, which put at risk the planet and its inhabitants. Such instabilities and malfunctions include ecological and climatic disruptions, scarcity of energy

and of food, the widening of the gap of poverty and inequality between the living conditions of North and South. Related phenomenon are: the new megacities disseminated in the display of globalisation, the intensification of the internal wars and the declaration of rogue states by the US military hegemony, the massive migrations and the condemnation of migrants for not having a citizenship, the financial crisis and the rescue of large transnational corporations.

The world panorama at the beginning of the 21st century is not only discouraging but above all risky and frightening, this has also intensified the defensive and conservative positions of the existing order with the attitude of 'Better the devil you know than the devil you don't'. The 'wretched of the earth' in the southern hemisphere, the global south, do not even have this option. Perhaps for this same reason, they are the hope of another possible world, with the urgency and need of fighting to build another world; hoping that their path can contribute to building a possible global order, just and dignified for the people and the nations living in it (for the most recent contributions on geopolitical thinking see Sader 2009; Sousa Santos 2008a).

Edges and peripheries, knowledge and understanding, power structures and resistance and struggles, mastering and controlling life and searches for good living, are understood as a leap of the ways of thinking opened up by the dignity and justice of the indigenous peoples and nations. Undoubtedly, this is a scandal for the thinking of power. For the latter it is a scandal that the democratic lessons arise as subversion and liberation tools, that the potential of social struggles arises as liberation and self-determination, and that social movements emerge as organisation and participation of society.

The situation in Bolivia in general and the Bolivian constitutional process in particular currently constitute a benchmark necessary to debate the social, emancipatory capacity of actual movements and corresponding institutional transformations. In a democratic framework, these transformations imply democracy and decolonisation.

For this reason, the following questions arise: Why the demand for a Constitutional Assembly? Why the necessity of building a State? What relationship or aspiration is there between the peoples and the nations to establish a State order? In times where forms of the nation State are exhausted, why to stress a plurinational State and economic nationalisa-

tion? Is the constitutional process perhaps the best way to transform the State? But then, what happens to society and, above all, what happens to inequality, discrimination and injustice, those factors which the driving forces of the recent process?

It does not matter where we start the debate the Bolivian Constitutional process. We shall find more and more questions, as if the chosen path was planted with more questions and uncertainty than with certainties and guarantees. As Boaventura de Sousa Santos would say, this enables us to think in the mode of experimentation, or, as Toni Negri would insist, in the capacity of inventiveness and creativity. In one way or another, what is firmly established is that only in a collective way and with social support, institutional transformation and consequently the temporalities that they define can be begun and performed.

A possible way to clear the paths of good living in Bolivia is to consider interculturalism as a tool in the new political Constitution of the State, enacted by President Evo Morales on 7th February, 2009, in order to produce the plurinational State. In just this way, a constitutional framework would be made possible in order to dismantle and take apart the structures of colonial power, in order to guide and develop new forms of legality, political institutions and authority, complying with the demands of a complex and plural society organised in social movements.

2. Interculturalism as a tool

“Go to the other and return from the other is not an intellectual problem, but is a problem of the heart. Evidently, you can study the other. What is more, it is a duty to do so. However, understanding the other person is something different. Learning to know the life of the peoples, and posing the necessary question to be led to knowledge, is not the result of scientific knowledge, but it comes from the heart of your brother or sister. Only in this way, is it possible that people can step out of their world and enter into other worlds. Otherwise, it is possible that they go and come back, but without understanding, treading on the plants that give life, because they think that they are weeds, desecrating the earth because they see it as business and violating the water with their indifference. You will be able to go to many worlds, but if your heart is not prepared, you will not be able to see anything.” (Abadio Green 1998)

The above cited words by Abadio Green are a flare to lead us through the rough, winding paths of intercultural debate. Superseding the idea of liberal pluralism consists in the passage from multiculturalism to pluriculturalism, as in the Bolivian constitutional debate. This means going beyond one culture understanding others, because there is no one singular culture, if we are talking about building strategies for equality of cultures – which is what is meant by intercultural debate in this text. Indeed, Abadio Green practises interculturalism and is committed to it. On the other hand, the vision of the indigenous movements demands exercising equally multiple perspectives in order to build common opportunities for dialogue, interchange and life.

What can we learn from this? First of all, let us not find the name of Abadio Green confusing because he is a Kuna wise man and an anthropologist at the University of Antioquia in Colombia and, as all Kunas remaining between Panama and Colombia, they have their own names descending from the first names and surnames of the corsairs and pirates, who ruled in their territories during colonialism. Secondly, he lives and constantly walks the paths of the Kuna jungle and attends Medellin University, the two areas where he has committed himself to work. His rhythm of life is marked by and dedicated to interculturalism. Finally, his words reflect the difficulties and challenges involved in talking about the matters of others with people who are not familiar with these matters. For this reason, he has to appeal, above all, to the heart, in order to prepare the listeners, the observers or the searchers – knowing that without the heart being involved, the knowledge remains instrumental and with the aspiration to control its object. On the other hand, knowledge from the heart is a never-ending, shared knowledge. We could say it is boundless, because it transforms those who know or are working to know each other.

For this reason, interculturalism is above all learning rather than teaching. A person is not taught to be intercultural. In reality, a person learns to be intercultural. This step between learning and teaching is decisive in the cultural ambit, because it presupposes the radical modification of the idea of knowledge and of its structure of power. If we start asking what is knowledge, who knows, and what is known, we know that others will probably call us philosophers or thinkers; but if we also ask how something will be transmitted, what is it used for, why this and not

the other – this certainly will convert into worries of wise men and scientists; and if we continue questioning, who knows whom, how we define or delimit knowledge, why there is authority in knowledge and what is the power of knowledge, then people will say ‘there is something political about this, this sounds very much like politics’. And they are not wrong.

The quarrel about culture has to be explained in order to deal with interculturalism, because the idea of what we understand by the term culture, how we practise, value and take care of it, is precisely what is at stake. Culture has to be disarmed to start learning about interculturalism, because there is by no means one unique and singular culture, excluding the possibility of others.

On the one hand, there have always been convivial or conflictive cultures in plurality; despite the fact that they are taught an official or dominant culture. On the other hand, cultures open up and develop with time. A living culture is necessarily and constantly changing, transforming and re-inventing itself. Therefore, we have to get out of our minds the idea of a culture being unique and static, and instead understand the underlying plurality and temporality of cultures (see Viaña 2009). As a consequence of this concept, culture remains in all that is supplementary, intangible and unproductive. This idea, which works wonderfully in the contemporary society, is extremely functional for multiculturalism, because it precisely blurs the existing pluralism, and puts it down to a specialised matter, specifically ‘a lesser evil to work on’ in social life. It is especially an excellent excuse for re-introducing the topic of culture to the great shop window of consumption, as if it were one more tradable good: today we offer Cuban music, Colombian coffee, Bolivian coca, German sausages, Yankee beer, etc.

The dispute about culture, this process of dismantling culture in order to learn from interculturalism, is a struggle to dignify and support the materiality of really existing cultures, because otherwise they will be easy prey to transnational industries, since not only are consumers being produced, but we are also the object of consumption by industries. For this reason, to talk about the materiality of the culture is a subject of the heart, as Abadio Green says, and of the power of knowledge, namely the capacity to affect the relationship between teaching and learning, in which we are living daily with others who live with us and it is a subject of the forms of knowledge that are brought up.

The path trodden by the peoples and nations to recognise the importance of intercultural practices for life started many decades ago in Bolivia: For example, through the educational proposal of Warisata in the 1930s,³ the claims for land and citizenship in 1940 which led to the agrarian reform within the National Revolution of 1952, the political and cultural claims brought up by the *Kataristas* in the 1970s and the multicultural and plurilingual demands in the 1980s and 1990s. Finally, from the beginning of the 21st century on, the announcement of a Constitutional Assembly has been the principal objective in order to refound the country by means of a new Political Constitution of the State. Indeed, it could be argued that the March for Life in 1990, started by the peoples and nations of the low lands, which reflected the huge rainbow of cultures forming Bolivia and its desired aim of defending all forms of life, is the symbolic political act for the origin of the demand for a new Constitution.⁴

3. The Bolivian constitutional process

In order to understand completely the historical dimension of the times we are living in, it is necessary to locate these times within a procedural perspective of a path that opens up as you pass through it. There are no landmarks or a map or an established destination on this path; it is rather marked by that fundamental aspect of life, which is continuously searching, producing, procreating and planting in order to restart the productive cycle of generations and the renewal of what is alive. It is innovative and always open.

We should then not only talk of pre-constitutional, constitutional (via the Constitutional Assembly) and post-constitutional periods, but also, above all, of the constitutional capacity, of what is already constituted, instituted, of what constitutes and is constituting societal change. In other words, these periods deal with a time composed of a flow of numerous things ending, others being transformed or changed and others being created. A time that must shelter many different temporalities to shape new rhythms of life, some call it a time of transition. Perhaps then, the new Constitution could be viewed as a Constitution in transition (Prada 2008b).

For the first time in the republican history of Bolivia, i.e. from its foundation in 1825, all the citizens forming part of it were able to participate in the election, deliberation and proposal for the establishment of a new Constitution. The diverse, heterogeneous and pluricultural society of Bolivia was able for the first time to express and participate in building the general will and to constitute itself as the sovereign people of Bolivia (Prada 2006).

From the proposal and the election of the representatives to the Constitutional Assembly in 2006 up to the difficult and complex sessions for approving the rules of procedure of the Assembly – such as the continuous attacks and disapprovals, culminating in racist riots that impeded that meetings were held in Sucre, which were instead transferred to Oruro – there was the feeling of being on the edge of an abyss and this was the atmosphere transmitted by communication media and fuelled by social rumours.

The urgent need was to establish minimal agreements to be able to fulfil the mandate of the peoples to have a new constitutional text, which would then be subject to approval by the citizens. Due to this urgency, the search for other political spaces and scenarios begun, which would make the constituent process feasible: Political parties, members of parliament, civil governors, mayors, international observers and mediators. It took almost a year of initiatives and failures, until finally two events obliged the parties to agree upon a project of a new Constitution and an agenda for the citizens to consult and have general and municipal elections: The results of a referendum for revocation or continuity to the elected authorities in 2008 and the subsequent massacre of Pando.

It is crucial to elucidate the process of producing the draft text that would later become the new Constitution in order to make the very conditions of its elaboration and the actors involved in it understandable. Furthermore, this sheds light on the existing correlations of the political forces at stake and the implications for the articulation of a common project.

Therefore, in order to understand the multi-dimensionality at stake and the demand for an effective pluralism, it must be emphasised that it is not the work of a person, a team, a party or an organisation having the duty of writing the text. Neither is it the result of a single edition. If we go back in time, to the previous Bolivian Constitutions, it is possible to trace back the authors or people responsible, commissioned expressly with such

an objective; to take a case in point, the first political Constitution of the State of 1825 was expressly requested from Simón Bolívar.

In the case of the new Constitution, the text has been commonly produced and collectively elaborated in its structure, components and categories – which was finally the condition for creating any possible text. However, due to its own political features and the social demand in which the new Constitution was requested, it must be fully explained; there is a duty to set out the sources and conditions of its elaboration, deliberation and approval.

It must be pointed out at least, that when the Assembly was started, about 80 initiatives of different types were received. However, two documents have to be emphasised, namely the one presented by the *Pacto de Unidad Indígena Originario Campesino* (Unity Pact of the Indigenous, Native and Peasant Peoples; see Asamblea Nacional de Organizaciones Indígenas, Originarias, Campesinas y de Colonizadores de Bolivia 2006), which was going to serve as the backbone of the so-called ‘Re-foundation of Bolivia’, and the 10 fundamental issues presented by the governing party MAS-IPSP⁵. Likewise, each political party and citizen group had a proposal, or, at least, some foundations and guidelines (REPAC 2007a). The Assembly carried out territorial consultations in eight regions of the country in order to collect initiatives and discuss with the citizens and the organisations. Thereafter, the work was given to 22 committees, which prepared reports by minority and majority in order to be able to start the edition of the preliminary text. Based on those reports, the same text was to be given for consideration and approval in plenary sessions of the Assembly (REPAC 2007b).

Holding these plenary sessions presented such difficulties and obstacles, that political agreements with the authorities and the civic services of the regions and, later on, with the parliamentary political powers – the so-called *Comisión Política Supra-partidaria* – were required. Important consensus and agreements on conflicting issues were achieved, but the conditions to sign and countersign them were not given. Even so, they were incorporated into the preliminary text of the report by majority vote, which started to be considered as the draft of the project of the new Constitution. It is worth clarifying that the opposition and minority forces never significantly or decisively presented a text in the Assembly, neither did they intent

to prepare a basic text based on their own minority reports. In other words, they had no interest in this Assembly fulfilling its mandate.

Added to that, the date stipulated by the law for the Assembly to finish was fast approaching. Sucre, in its demand to be the capital city, did not allow meetings to be held there. The regions, which opted for regional autonomy in the 2006 referendum, carried out their public consultations for the approval of their statutes and for boosting de facto autonomies, thus violating the Constitution in force, and opposing the Assembly, which was already considering a text with a basic framework for the autonomies. The urgency to end the Assembly with an approved text by the fixed dates was reflected in the text approved in Oruro on 14th December, 2007.

Almost the entire year of 2008 was needed to make the constitutional process feasible (Chávez Reyes et al. 2008; Bohrt et al. 2008). The oppositional positions were not only against the approved text, but also against the process itself, and thus induced a referendum undertaken for the purpose of revoking or continuing with the principal national and regional authorities. The final results of that election⁶ and a series of events supported by the authorities and civic services of the regions ended up in attacks on public installations and finally in the tragic massacre of Pando, with more than 19 deaths, 53 injured people and an undefined number of missing persons. This gave rise again to a search for a political agreement in order to make the constitutional process feasible, making possible new meetings between the national and regional authorities based on a minimal political agenda, even though the agreements were again not signed. The parliamentary political powers took up these initiatives and established the *Comisión Especial de Concertación del Congreso Nacional* (Special Committee for Agreement of the National Congress), which completed the last agreement and presented a revised text in November, 2008 (Romero et al. 2009). This is the project of a new Constitution, which was given for consideration to the citizens for approval or rejection in a referendum on 25th January, 2009.

4. The State as object of transformation by society

From the 19th century on, starting with the fights for independence, and throughout the whole of the 20th century, all the efforts and modern initiatives to force a national destiny with development and growth could be characterised as the continuous and relentless work on society itself. The foundation of this vision is that in order to fulfil the conditions of the possibility of modernisation, an intervention in the social area must take place for society itself to be produced. In other words, society itself has to be resolved, modified, planned, controlled, ruled and disciplined. The State is the subject appointed for this work and society is its object. It matters not if it is by means of reforms or revolutions, but the State will have to take the legal steps and the institutional devices for shaping a new society, able to assume and modify the signum for a modern time.

An unprecedented process for this modern trajectory was started in Bolivia as a threshold that allowed building alternatives and projections from diverse visions of life, rights and productive capacities outside of its borders. Indeed, the debate is not about society, even though it is a burning and necessary subject, but about the State as a social relation that expresses itself through legality and institutions, and through the multiple strategies and diversity of processes that respond to an unequal, diverse and pluricultural society. That is to say, the formula above described has to be turned around, since the object to be worked on is the State and the subject of this work is society. This also requires understanding the State and society not as two separate entities, but as interwoven and in a constant process of engagement or tension. Therefore, the demand and the necessity of establishing legality and political institutions in accordance with social reality, and as a consequence pluriculturally, are even higher (Negri et al. 2008).

The constitutional debate about the State is modifying the way we perceive, understand and participate in the State. That is to say, the classic binary definitions of State and civil society, public and private sector, and State and market no longer have the operational capacity and efficacy to designate the magnitude of the economic, cultural and ecological processes that our countries go through, and above all, they no longer have the ability to answer and propose alternatives (Sousa Santos 2008b, 2009). Thus, it is quite difficult and strange for a modernising vision that the main demands

of the social and indigenous movements are nationalisation and plurinationalism; because according to a modernising vision, these demands are nationalist and statist and could destroy the nation and the State. However, today, hardly any social actor in Bolivia opposes hydrocarbons being nationalised, even though there are discussions about their administration, execution and planning, but hardly anyone criticises the act of nationalisation that allowed the State role to be substantially modified in this strategic sector, even those opposing sectors of the regions, which finally depend on the distribution of this income provided by hydrocarbons.

5. Decolonisation: from multiculturalism to plurinationalism

The intense current debate on the State is founded on the memory and experience of the indigenous struggles and organisations that have elaborated the proposals to start a true constitutional process. They are the basis of the strength and force of the initiatives and, at the same time, the cause of the resistance and violence practiced by those opposing the constitutional process. For this reason, it is vitally important to understand the constitutional process, the transformation of the State and the pluralism in all its sectors as part of a vision committed to decolonisation.

Provided that the perspective from which one speaks is understood, it seems to be nonsense to talk about decolonisation when the colony ended with the political independence period of 1825 and the republic was founded. This is because nobody can deny the uneven, unequal and discriminatory conditions persisting in the country, which have become abysmal gaps while continuing with the current order of things.

First of all, decolonisation is to assume all the consequences implied in the multicultural and plurilinguistic character of the country, which the country finally accepted and respected, after 169 years of republicanism, with the Reform of the Constitution in 1994. Nevertheless, the form of the nation State founded during that Constitution worked in a monocultural and monolingual way and was politically effective for the groups of traditional power. Therefore, the process of decolonisation needs to be understood and started according to a plural, diverse and multi-dimensional

society. The ability to democratise the State and society arises from there, understanding democratisation as the simplest form, as the ability to have equal opportunities and facilities for everybody (Patzí 2009).

Decolonisation, based on this democratising, constitutional process, has a direct effect on how to perceive oneself within the world economic system, the regional and world geopolitics, which is directly related to the ability to understand the multiple historical determinations and which allow the building of the initiative and decision of self-determination as a country and State relating to others (Tapia 2010).

Consequently, it can be stressed that the constitutional process is the step from multiculturalism to plurinationalism, because the idea that a dialogue of cultures can take place only from a single notion of culture, is thereby removed and disassembled. This is because even by recognising cultural diversity from a multiculturalist perspective, the process will start from a single civilisational matrix and thus, an asymmetrical, unequal and discriminatory matrix. The step to plurinationalism is to recover and make possible the material character of the culture and to fully assume the incommensurability and dimensionality borne and practised by each culture. The State needs to start by establishing the legal, institutional and civil bases in order for its potential ability, performance and efficacy to be of benefit to society. The plurinational State is the response to tackle the deep and accelerated mechanisms of economic and industrial globalisation, a response based on indigenous memories, experiences and lessons that propose to cultivate life and take care of the multiple hearts that nourish our societies (Walsh 2009).

Being indigenous today is the same as being plural, diverse and multiple, the same as democracy or proletariat have been for modern societies, because there is no one indigenous group of people that may say that it speaks or answers for all indigenous matters, even though it is assumed that there is a common destiny at stake in every group of people. This is because its subsistence and power is based on a jointly built project and common sense. Is it not the most democratic and dignified programme for all the forms and organisations of the living to appeal to a common sense and joint building project? Perhaps at this time, it is the only way with horizons for a future.

6. Good living

The expression 'good living' has become a symbol of the capacity of joining different ideas and practices that seek a joint project, keeping with the intercultural practices mentioned above. It might be opposed to those ideas, which are regarded as imposed models and recipes for development and progress, and which are applied while ignoring the abilities, potentials and forms of organisation and administration existing in territories. The expression 'good living' names those initiatives and proposals generated from the specific particularities and necessities of different peoples, who search for specific solutions and alternatives within the context of a common scope.

'Good living' is the demand of public politics from and towards direct beneficiaries, redefining the forms of administration and public management, and the methods of designing, executing and evaluating the programmes. For that matter it also involves the processes of work, the responsibilities, the actors and the actions of politics being enriched and improved by the citizens and the local, communal and cultural organisations. Following the pluralism of the forms of life in order to express and build, thus produce, the common things that give us life, allow us to live and preserve the living. This is to make a State from society and culture, from those who are at the bottom, those who are normally discriminated against, displaced from the spheres of decision and management. The idea of government and authority is modified, because to govern and to be an authority works in line with the community and society; as the Zapatista slogan says, 'lead by obeying' or 'rule by obeying'. This runs opposite to the forms of discipline and domination of a vertical and authoritarian structure. One has to govern, control and discipline.

Therefore, the constitutional process, the duties of State transformation and of realising interculturalism have to be thought of in all sectors, as a part of a vision engaged with decolonisation and with the search for good living. Based on these considerations, the challenges of building State politics, suitable forms of government, authority, institutions and profile of public servants, social and public policies, participation and social control, information and transparency of the public administration and other sectors have a decisive relevance and significance in the near future.⁷

7. A path on the basis of interculturalism

The paths for good living were achieved by means of the constitutional process with the struggle and social mobilisation from 2000 and with the conclusive electoral victory of Evo Morales in 2005. A transition time is being developed in order to carry out the necessary State transformations and there is a new constitutional framework today with the enactment of the new Constitution of the plurinational State. Some of the most important tasks which have to be carried out forming new orientations of the public creation of the common are pointed out below.

7.1 Citizenship and rights

The condition for boosting full citizenship in a plurinational State is based on cultural equality and equity of the peoples and the nations forming part of it; that is to say, based on political, cultural and linguistic diversity, a legal framework is established to guarantee the pluralism of structures, forms and expressions. And for that matter, the institutions of the State must be designed and managed on the basis of these principles of pluralism.

Full citizenship is a multicultural citizenship, which respects, recognises and takes part in every cultural experience and memory, borne by the peoples and nations forming part of a plurinational State (Rojas Tudela 2007). The significance of producing and becoming an entity is being redesigned, based on pluralism in all its regional, cultural and linguistic range, with a horizon for finding and realising the common core, namely to create a common world.

Consequently, compared with previous Constitutions, the Chapter of Rights in the Constitution is quite broad and extremely careful with regard to pointing out the diversity of cases and situations. Not only is the generation of diverse universal, individual and social rights compiled but they are also expanded with the rights of indigenous peoples, expressed in the Declaration on the Rights of Indigenous Peoples approved by the UN in September 2007,⁸ and those rights relating to the basic needs of life, such as water, communication, etc. This is because a Magna Carta reshaping the multicultural citizenship necessarily has to be seen in relation with the rights recognised for all inhabitants on the territory, because there is no citizenship without rights; and these rights furthermore target exactly the objectives and duties of the State institutions.

7.2 Institutions and authorities

This implies that these institutions must work with the languages relevant to the communities and regions where they are operating. In other words, paperwork, administrative treatment, procedures, forms and other documentation for the appropriate performance of state policies must be carried out in the language of its inhabitants and citizens, recognised as official languages. The forms and characteristics of the institutional structure must be adjusted and converted to an expression of the organisations and authorities of the communities and regions, where they operate.

The importance of the rights of the citizens in a plurinational State commensurates with the importance of the ability of the peoples and nations to execute them; and both contribute to mainstreaming the principles of pluralism in the entire State structure and in the forms of government.

7.3 Justice and judicial systems

From a perspective of equality and freedom of multicultural citizens' rights, justice demands a permanent work of judicial pluralism. This recognises a new right which consists of the formal inclusion of the daily practices of multiple normative structures of different indigenous peoples and nations, popular segments and the new collective subjects, which comprise the contemporaneous society in movement (Noguera Fernández 2008).

It is crucial to understand that justice is executed, applied and empowered based on different jurisdictions, and in a specific procedural way for each singular case. Thus, it is not an automated and blind machine that must be operated literally without understanding or contextualising each of the cases, without needing tribunals, lawyers, proceedings and defence actions. Thus, interpretative work regarding the laws and standards needs to be applied in each case. Finally, the force of law is the ability to exercise justice, to reset and compensate damage or an offence caused to a third party, an individual or collective subject, or an official institution or tangible or intangible patrimony. Justice is in that sense the ability to revise and reorder the forms of the right and its applicability and exercise in social and communitarian life.

7.4 Economy and productivity

There is no doubt about the importance of the material basis of production and labour to define the characteristics of a society, even though the complexity of societies with different cultural and civilising matrices demands a definition, or at least a problematisation according to its complexity and diversity. To recognise the existence of different economic models in Bolivian society – private business, associations and co-operatives, families, communities and state enterprises – demands a common and plural handling and planning (García Linera 2008).

Therefore, there is an urgency and a concern to establish conditions – equal and symmetrical in their performance and productivity – and, at the same time, to safeguard the forms of complementarity and reciprocity of the different economies, which are not calculated in terms of profit or assets. Likewise, there is also the definition of the common or public interest, which is above or beyond marketing and privatising services and goods (Morales Olivera et al. 2008).

8. Post-Scriptum in May 2012

This text was written shortly after the enactment of the Political Constitution of the State on 9th February, 2009. After three years have passed, it is necessary to warn about the conditions of the transition to the transformation of the State in Bolivia: especially the building of the plurinational State. The forms of change have adopted tendencies and tonalities, which could be assumed as being obstacles and contradictions to the plurinational state building and even being regarded as conservative tendencies. How is it possible that this takes place in an emancipatory project? With similar social support and a programme of transformation? With a popular, progressive government and an indigenous president?

Different responses are being tried out, starting with the hypothetical character of betrayal claimed by the government, up to the predictable effect of power and its maintenance at all costs, being expressed to the government. While some in the scenario demand deep decolonisation, the answers and questions of others are symptomatically linked to those polit-

ical ideas that Bolivia's own constitutional process removed and aimed to decolonise. Perhaps the answers are not entirely evident, but what came to the fore is that the new cognitive frameworks are at stake within the current processes. Thus, the current political phenomena must be treated and understood on the basis of their own difficulties of interculturalism and of the uncertainties created by decolonisation.

The dilemmas and tensions generated by the transformation of the State do not have and could not have answers and definitive and guaranteed solutions, because, first of all, there is no formula that we must achieve, but rather a movement to be jointly built. Secondly, the problems are not national but regional, and thirdly, we are framed in a multiple and general crisis of capitalism. Therefore, these places of transformation precisely constitute the site and opportunity for a political decision. Thus, the potentialities of who, how and why have to be examined, because they are the disputes for democracy and the effects of decolonisation, which are opened up and questioned within this transformation.

Undoubtedly, these are difficult and uncertain times, because in this short period, we have seen social and indigenous movements bursting with a new character, such as the protests of December 2010, sparked by a rise in fuel prices, the Indigenous March through the Isiboro Sécure National Park and Indigenous Territory (TIPNIS) in 2011 or currently the second march through the TIPNIS. These movements are based on highly debatable governmental decisions and on procedures without the participation of a society organised in social movements and civil society groups. However, the controversial, anti-constitutional organic laws of the legislative body in 2010 cannot be ruled out, as well as other actions of the executive body, which have no compliance or proportionality with the constitutional mandates of the territorial and economic structure of the State.

Perhaps, what is at stake in these controversies of reading and interpreting the Bolivian process is again the issue of the perspectives of what is to be changed and who makes the change: either we focus on or treat this as a governmental prerogative and of its actors, or we instead expand the times for deliberation and decision and, consequently, we transform the instances and subjects of decision, giving potentiality to the plural society and strengthening common achievements. Therefore, this is a matter of scales

and temporalities, being incumbent on different levels of management and on times for decision, which may modify and expand the character of the will and action of the State.

This is because the consolidation of the plurinational State is finally that ability of the society organised in social movements to embody and crystallise itself in political institutions, legality and structures of authority that may answer and take care of the cultural, social and economic changes with justice and dignity; and in addition take care of the good living demanded by the indigenous and peasant peoples and nations. The scales and temporalities are those factors and opportunities including 'moments of definition and decision' that cannot be replaced or alienated by virtue of the represented power or of knowing better what is appropriate for other people; in other words, these are one's own chimeras of thinking and believing that there would be a head to the constitutional process, or that the president and the executive members together are the expression of the transformation of the State.

The eruption of social and indigenous movements with a new character is currently the visible and manifest side of a vigorous and vital collective capacity to retake the course of the process of transformation. The risk is to be tempted immediately and by the situations, in wanting to settle the current debate with a dispute of electoral forces, or to rehearse a resolution of conflicts with the calculations and arithmetic of electoral politics. Faced with the current temptations of electoral politics, we can only answer with constitutional politics, that is to say, reading and putting into practice the Constitution as a political programme. Thus, decolonisation must take apart the structures of power and domination by means of the Constitution of a plural society organised in social movements and civil society groups. In addition, interculturalism is the political tool with which to create the conditions and capacities of the subaltern perspectives, the emancipation of the dispossessed. Where are we; at what time are we living? I think we are only starting to know each other, to know each other vaguely.

Translation by Aida Nelson, Stuart E. Nelson; final editing by Ulrich Brand

- 1 I would like to thank Isabella Radhuber, Bettina Köhler and Ulrich Brand for their collaboration for the English version of the text.
- 2 It is worth mentioning that indigenous cultures are not looked at from the point of view of being homogeneous at all, but in terms of their plural condition, which is developed in detail throughout the text.
- 3 The educational model of Warisata Escuela-Ayllu (1931-1940) is an important benchmark for the communitarian projects of integration and co-ordination of the principles of reciprocity, complementarity, harmony and solidarity.
- 4 The compilation of articles and papers before the election of Evo Morales and the announcement of a Constituent Assembly is maybe the most comprehensive and diverse publication on the importance and necessity for the demand of an Assembly (see Artículo Primero 2005).
- 5 Movement towards Socialism-Political Instrument for the Sovereignty of the Peoples. The instrument was founded in 1995 and in 1999 adapted the abbreviation of MAS. It was legally registered in order to participate as a party in municipal elections (see REPAC 2006).
- 6 The votes for the President and Vice-president to continue amounted to 57.5% and 60.1% (Wikipedia n/y).
- 7 For a document developing approaches for good living see Ministerio de Planificación y Desarrollo de la República de Bolivia (2006). It would be interesting to undertake an analysis on the topic in dialogue with the Constitution that has been approved in the meanwhile.
- 8 Bolivia is the first country in the world to approve and constitutionalise the declaration.

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Abstracts

The article is devoted to examine the constitutional process in Bolivia and its transformational potential. Social and indigenous movements demanded and proposed a new foundation of the country and a State transformation through a Constitutional Assembly. This new Constitution was supposed to open the way for political, legal and institutional practices to foster decolonisation, interculturalism and a rights-based ‘Good Living’. However and in the light of recent societal dynamics, there is a dispute

over the status of the State, i.e. about the forms of transition to achieve this State transformation as well as the ways to put forward developed constitutional rights. In its course, this generates ambiguities and turbulences which profoundly modify the correlations of forces and power and create intersections and bifurcations.

Der Beitrag untersucht den verfassungsgebenden Prozess in Bolivien und sein transformatorisches Potenzial. Soziale und indigene Bewegungen forderten und skizzierten selbst eine Neugründung des Landes und eine Staatstransformation durch eine Konstituierende Versammlung. Die neue Verfassung sollte den Weg für politische, rechtliche und institutionelle Praktiken öffnen, um Dekolonisierung, Interkulturalismus und ein auf Rechten basierendes „gutes Leben“ voranzubringen. Im Lichte jüngerer Entwicklungen entstand jedoch eine Debatte über den Status des Staates, das heißt über Formen der Transition, um eine Staatstransformation und auch die Ausweitung der entwickelten Verfassungsrechte zu erreichen. Im Verlauf der Debatte haben sich daraus Ambivalenzen und Turbulenzen entwickelt, die die Kräfte- und Machtverhältnisse grundlegend ändern sowie Knotenpunkte und Weggabelungen schaffen.

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