

THE BOLIVIAN CONSTITUTION — edited by Anahera Herbert-Graves

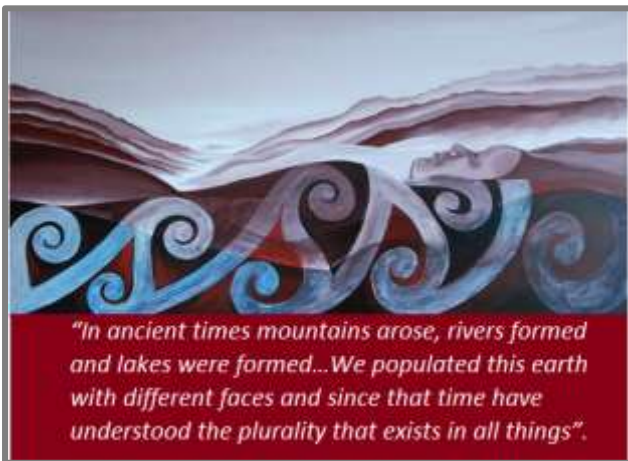
¹ As part of their constitutional transformation mahi, members of [Matike Mai o Aotearoa](#) (the Independent Iwi Working Group) researched other models of indigenous governance.

These provided helpful starting points about how constitutionalism is understood by other [tangata whenua](#) and how it can be given effect. Last week we considered the [Sami Parliament](#), and this week we consider the [Constitution](#) of the [State of Bolivia](#).

Some features of the Bolivian constitution were known to a number of participants in the Working Group process. Some had actually spent time in Bolivia and many others also knew something of the process involved in its drafting. Many also knew that the current President of Bolivia, [Evo Morales](#), is indigenous.

However what attracted interest was not the detailed provisions of the constitution but the indigenous values which underpin it. Indeed many participants saw parallels with [Māori](#) perspectives on a number of issues, especially the importance of the environment and the relationships people have with it and with each other.

The Preamble for example begins with the value of “belonging” and the interrelationships between the land and the people –



“In ancient times mountains arose, rivers formed and lakes were formed... We populated this earth with different faces and since that time have understood the plurality that exists in all things”.

It also recognises the primacy of [Pachamama](#) or the Mother Earth *“We found Bolivia anew, fulfilling the mandate of the people and the strength of our Pachamama...”*

The recognition of the relationships with the earth is in effect the Prime Law of the Constitution from which everything else flows, including certain tikanga or basic values

“Everyone has the right to a healthy, protected and balanced environment...and to suma qamara (live well) and nandereko (live harmoniously)”.

A number of written submissions referred directly to the Bolivian constitution

“There seem to be numerous parallels with our world view, especially the idea of [kaitiakitanga](#) and the responsibility everyone should have towards [Papatūānuku](#) ... but enshrining them in a constitution gives them a meaning and force that is currently missing here. They give a model for what is possible”.

“When I was in Bolivia last year I was struck by the similarities as well as the differences but I was impressed most of all by the fact that they could draft an indigenous constitution that allows for modern governance while drawing on such a rich [tikanga](#) ... It displays a real confidence in the people’s ability to meet new challenges both domestically and internationally and also shows how colonisers and Indigenous Peoples can work together within a shared constitutional framework. It also shows what could happen here if the guarantees in [Te Tiriti](#) are ever met”.



¹ Twenty-second edited extract from pp. 65 – 67 of [He Whakaaro Here Whakaumu Mō Aotearoa – The Report of Matike Mai o Aotearoa](#)