

The revocation of a mandate can be requested when at least half the term of the mandate has been completed. The revocation of a mandate cannot take place during the last year of the term in office.

The revocation referendum shall commence by citizen initiative, at the request of at least fifteen percent of the voters of the electoral roll of the district that elected the public servant.

The revocation of a mandate of a public servant shall be carried out pursuant to the law.

The revocation of a mandate shall result in the immediate cessation of service in the post, providing for his or her substitution according to the law.

The revocation shall take place only once during the constitutional mandate of the person elected.

TITLE VI PARTICIPATION AND SOCIAL CONTROL

Article 241

The sovereign people shall participate, through the organized civil society, in the design of public policies.

Organized Civil Society shall exercise public monitoring of public management at all levels of the ~~4UBUEFROFPGUIEQVCMIDFQUESQSITHTBDEIOTUUVIIPOTNMYEROFQSWBUEIUBUBENIOTTUESQVCMIDI SETPVSDETUKIMMEYFSDIHQVCMIDNPOTUP\$IOHPGUEIRVBMUZYPGQVCMIDTRESWIDEFI~~

The Law shall establish the general framework for the exercise of public monitoring.

Civil society shall organize itself to define the structure and composition of public participation and monitoring.

The entities of the State shall create spaces of participation and public monitoring on the part of society.

Article 242

The social participation and control implies, in addition to the provisions established in the Constitution and the Law:

To participate in the formulation of the policies of the State.

To support the Legislative Organ in the collective construction of the laws.

To develop the social control at all levels of the government and the autonomous, autarchic, decentralized and devolved [desconcentradas] territorial entities.

To generate a transparent handling of the information and the use of the resources in all areas of public management. The information solicited by the social control may not be refused [denegarse], and shall be delivered in a complete, accurate, appropriate and timely manner.

To formulate reports that substantiate the request for the revocation of mandate, according to the procedure established in the Constitution and the Law

6. To take cognizance of and decide concerning the reports of the management of the organs and functions of the State.
7. To coordinate the planning and control with the organs and functions of the State.
8. To complain before the corresponding institutions for investigation and prosecution, in cases that are deemed appropriate.
9. To collaborate in the procedures of public observation for the designation of the offices [cargos] that correspond.
10. To support the electoral organ in [making] transparent the candidacies [postulaciones] of the candidates for public office [cargo] that correspond.

TITLE VII ARMED FORCES AND BOLIVIAN POLICE

CHAPTER ONE ARMED FORCES

Article 243

The Armed Forces of the State are organically comprised of the Commander in Chief, the Army, the Air Force and the Navy of Bolivia, the forces of which shall be defined by the Pluri-National Legislative Assembly at the proposal of the Executive Organ.

Article 244

The fundamental mission of the Armed Forces are the following: the defense and preservation of the independence, security and stability of the State, and the honor and sovereignty of the country; to assure the supremacy of the Constitution; to guarantee the stability of the legitimately constituted Government; and to participate in the development of the country.

Article 245

The organization of the Armed Forces is based on its hierarchy and discipline. It is essentially subservient, is not a deliberative body, and is subject to the laws and military regulations. As an institutional organ, it does not carry out any political activity; individually, its members enjoy and exercise the rights of citizens under the conditions established by the law.

Article 246

- I. the Armed Forces are subordinate to the President of the State and receive their orders administratively through the Minister of Defense as intermediary, and with respect to technical aspects, from the Commander in Chief.
- II. In the event of war, the Commander in Chief of the Armed Forces shall direct the operations.

Article 247

- I. No foreigner may exercise command, nor be employed or occupy an administrative post in the Armed Forces without the prior authorization of the Captain General.
- II. To occupy their positions, the Commander in Chief of the Armed Forces, the Chief of Staff, the

Commanders and Chiefs of Staff of the Army, the Air Force, and the Navy of Bolivia, and of the large units, must be Bolivian by birth and meet the requisites set forth in the law. The same requisites are necessary for the Vice Minister of the Ministry of Defense.

Article 248

The Supreme Council of Defense of the Pluri-National State, the composition, organization and faculties of which are to be determined by law, shall be presided over by the Captain General of the Armed Forces.

Article 249

Every Bolivian shall be obligated to render military service in accordance with the law.

Article 250

The promotions in the Armed Forces shall be granted in accordance with the respective law.

CHAPTER TWO BOLIVIAN POLICE

Article 251

I. The Bolivian Police, as a public force, has the specific mission to defend the society and conserve public order, and to assure compliance with the law in the entire territory of Bolivia. It shall carry out the police function in a comprehensive, indivisible manner and under a single command, pursuant to the Organic Law of the Bolivian Police and the other laws of the State.

II. As an institution, it does not deliberate nor participate in party political activities, but individually its members enjoy and exercise their rights as citizens, in accordance with the law.

Article 252

The Bolivian Police Force is subordinate to the President of the State, through the intermediary of the Minister of Government.

Article 253

To be designated Commander General of the Bolivian Police, it is necessary to be a Bolivian by birth, a General of the institution, and to meet the requisites set forth in the law.

Article 254

In the event of international war, the forces of the Bolivian Police shall be subordinated to the Commander in Chief of the Armed Forces for the time that the conflict lasts.

TITLE VIII INTERNATIONAL RELATIONS, BORDERS, INTEGRATION AND MARITIME

RESTORATION

CHAPTER ONE INTERNATIONAL RELATIONS

Article 255

I. International relations and the negotiation, signing and ratification of the international treaties serve [responden] the ends of the State as a function of sovereignty and the interests of the people.

II. The negotiation, signing and ratification of the international treaties shall be governed by the principles of:

1. Independence and equality between the states, non-intervention in internal affairs and peaceful solution of the conflicts.

2. Rejection and condemnation of all forms of dictatorship, colonialism, neocolonialism and imperialism.

3. Defense and promotion of human, economic, social, cultural, and environmental rights, with repudiation of any form of racism and discrimination.

4. Respect of the rights of indigenous native rural peoples [pueblos indígenas originarios campesinos].

5. Cooperation and solidarity between states and peoples.

6. Preservation of the patrimony, capacity of management and regulation of the State.

7. Harmony with nature, defense of biodiversity, and prohibition of forms of private appropriation for exclusive use and exploitation of plants, animals, microorganisms and all living matter.

8. Food security and sovereignty for the whole population; prohibition of importation, production and commercialization of genetically modified organisms and toxic substances [elementos] that damage health and the environment.

9. Access of the entire population to the basic services for their well being and development.

10. Preservation of the right of the population of access to all medicines, principally generics.

11. Protection and preferences for Bolivian production, and promotion of exports with added value.

Article 256

I. The international treaties and instruments in matters of human rights that have been signed and/or ratified, or those that have been joined by the State, which declare rights more favorable than those contained in the Constitution, shall have preferential application over those in this Constitution.

II. The rights recognized in the Constitution shall be interpreted in agreement with international human rights treaties when the latter provide more favorable norms.

Article 257

I. Ratified international treaties form part of the internal legal order with the rank of law.

II. International treaties that involve any of the following matters shall require prior approval by binding popular referendum:

1. Questions of borders.

2. Monetary integration.
3. Structural economic integration.
4. Grant of institutional authority to international or supra-national organisms, in the context of processes of integration.

Article 258

The procedures for approval of international treaties shall be regulated by the law.

Article 259

I. Any international treaty shall require approval by popular referendum when it is requested by five percent of the citizens registered on the voting rolls, or thirty five percent of the representatives of the Pluri-National Legislative Assembly. These initiatives can be used also to request that the Executive Organ sign a treaty.

II. The announcement of the convocation of a referendum shall suspend, according to the time periods established by law, the process of ratification of the international treaty until the results are obtained.

Article 260

I. The repudiation of the international treaties shall follow the procedures established in the same international treaty, the general norms of international law, and the procedures established in the Constitution and the law for its ratification.

II. The repudiation of ratified treaties must be approved by the Pluri-National Legislative Assembly before being executed by the President of the State.

III. The treaties approved by referendum must be submitted to a new referendum prior to their repudiation by the President of State.

CHAPTER TWO BORDERS OF THE STATE

Article 261

The territorial integrity, preservation and the development of the border zones are a duty of the State.

Article 262

I. The fifty kilometers from the borderline constitute the zone of border security. No foreign person, individual or company, may acquire property in this space, directly or indirectly, nor possess any property right in the waters, soil or subsoil, except in the case of state necessity declared by express law approved by two thirds of the Pluri-National Legislative Assembly. The property or the possession affected in the event of non-compliance with this prohibition shall pass to the benefit of the State, without any indemnification.

II. The zone of border security is subject to a special legal, economic, administrative and security regime, oriented to promote and prioritize its development and to the guarantee of the integrity of the State.

Article 263

The defense, security and control of the zones of border security are the fundamental duty of the Armed Forces. The Armed Forces shall participate in the policies of comprehensive and sustainable development of these zones, and shall guarantee their physical presence in them.

Article 264

I. The State shall establish a permanent policy of harmonic, comprehensive, sustainable and strategic development of the frontiers, for the purpose of improving the living conditions of its population, and especially the nations and rural native indigenous peoples living on the border.

II. It is the duty of the State to execute policies of preservation and control of the natural resources in the border areas.

III. The regulation of the border system shall be established by law.

CHAPTER THREE INTEGRATION

Article 265

I. The State shall promote the relations of social, political, cultural and economic integration with other states, nations and peoples of the world and, in particular, Latin American integration, based on the principles of a just, equitable relationship with recognition of asymmetry.

II. The state shall strengthen the integration of its nations and rural native indigenous peoples with the indigenous peoples of the world.

Article 266

The representatives of Bolivia to the supra-state parliamentary bodies emerging from the integration processes shall be elected by universal vote.

Article 267

I. The Bolivian State declares its renounceable and imprescriptible right over the territory that gives it access to the Pacific Ocean and its maritime space.

II. The effective solution to maritime disputes [diferendo] through peaceful means and the full exercise of sovereignty over the territory constitute permanent and renounceable objectives of the Bolivian State.

Article 268

The development of maritime interests, [of] rivers and lakes, and [of] the merchant marine will be [a] priority of the State, and their administration and protection will be exercised by the Bolivian Navy, in accordance with the law.

THIRD PART TERRITORIAL ORGANIZATION AND STRUCTURE OF THE STATE

PART I TERRITORIAL ORGANIZATION OF THE STATE

CHAPTER ONE GENERAL PROVISIONS

CHAPTER FOUR MARITIME RESTORATION

Article 269

I. Bolivia is organized territorially into departments, provinces, municipalities and rural native indigenous territories.

II. The creation, modification and definition of the territorial units shall be made by the democratic will of their inhabitants, in accordance with the conditions established in the Constitution and law.

III. The regions shall form part of the territorial organization, under the terms and conditions determination territorial organization and the decentralized and autonomous territorial entities are: unity, voluntariness, solidarity, equity, the common good, self-government, equality, complementariness, reciprocity, gender equity, subsidiarity, gradualness, coordination and institutional faithfulness, transparency, public participation and control, provision of economic resources and the pre-existence of the nations and rural native indigenous peoples, under the terms established in this Constitution.

Article 271

I. The Framework Law of Autonomies and Decentralization shall regulate the procedures for the following: drafting the autonomous Statutes and the Organic Charters, the transference and delegation of authority, the financial economic system, and the coordination between the central level and the decentralized and autonomous territorial entities.

II. The Framework Law of Autonomies and Decentralization shall be approved by two thirds of the votes of the members of the Pluri-National Legislative Assembly who are present.

Article 272

Autonomy implies the direct election of the authorities by the citizens, the administration of its economic resources, and the exercise of legislative, regulatory, fiscal and executive authority by the organs of the autonomous government in the area of its jurisdiction, competence and authority.

Article 273

The law shall regulate the formation of the communities among municipalities, regions and rural native indigenous territories for the purpose of achieving their objectives.

Article 274

In the decentralized departments, the election of the prefects and departmental councils shall be carried out by universal suffrage. These departments may become autonomous departments by referendum.

Article 275

Each deliberative organ of the territorial entities shall draft, in a participatory manner, the proposed Statute or Organic Charter, which must be approved by two thirds of the total of its members. Upon prior constitutional review, it shall enter into force as the basic institutional norm of the territorial entity by means of referendum to approve it in its jurisdiction.

Article 276

The autonomous territorial entities shall not be subordinate to each other and shall have equal constitutional rank.

CHAPTER TWO DEPARTMENTAL AUTONOMY

Article 277

The autonomous departmental government is composed of a Departmental Assembly, which has deliberative, fiscal, and legislative departmental authority in the area of its competence, and of an executive organ.

Article 278

I. The Departmental Assembly shall be composed of members elected by universal, direct, free, secret and obligatory vote; and by members elected by the nations and rural native indigenous peoples, in accordance with their own norms and procedures.

II. The Law shall determine the general criteria for the election of members of the departmental assemblies, taking into account population, territorial, cultural identity and linguistic representation when there are rural native indigenous minorities, and parity and alternation of gender. The Statutes of Autonomy shall define its application in accordance with the specific reality and conditions of its jurisdiction.

Article 279

The departmental executive organ is directed by the Governor as the highest executive authority.

CHAPTER THREE REGIONAL AUTONOMY

Article 280

I. The region is composed of various municipalities or provinces that have geographic continuity, which cross the borders of departments that share culture, language, history, economy and ecosystems in each department. The region shall constitute an area of planning and management. In exceptional cases, a region can be formed by a single province, which by itself has the characteristics that define a region. Metropolitan regions can be formed in the suburbs that are larger than 500,000 inhabitants.

II. The Framework Law of Autonomies and Decentralization shall establish the terms and procedures for the orderly and planned formation of the regions. Provincial authorities cannot be elected in the areas where regions are formed.

III. At the initiative of the municipalities belonging to it, the region may establish regional autonomy by way of referendum in its jurisdictions. Its powers must be conferred by two thirds of the total votes of the members of the deliberative departmental organ.

Article 281

The government of each autonomous region shall consist of a Regional Assembly with deliberative normative-administrative and supervisory authority within the areas of its competence, and an executive organ.

Article 282

I. The members of the Regional Assembly shall be elected in each municipality, together with the lists of candidates for the municipal councils, in accordance with criterion of population and territory.

II. The region shall draft its Statute in a participatory manner, in accordance with the procedures established for autonomous regions.

CHAPTER FOUR MUNICIPAL AUTONOMY

Article 283

The autonomous municipal government shall consist of a Municipal Council with deliberative, supervisory and legislative municipal authority within the area of its competence; and an executive organ presided over by the Mayor.

Article 284

I. The Municipal Council shall be composed of council members elected by universal suffrage.

II. The nations or rural native indigenous peoples in the municipalities, which do not constitute a rural native indigenous autonomy, may elect their representatives to the Municipal Council directly, pursuant to their own norms and procedures and in accordance with the Organic Municipal Charter.

III. The law shall determine the general criterion for the election and determine the number of municipal council members. The Organic Municipal Charter shall define its application, according to the specific reality and conditions of its jurisdiction.

IV. The Municipal Council may draft the proposed Organic Charter, which shall be approved according to that set forth in this Constitution.

CHAPTER FIVE EXECUTIVE ORGANS OF THE AUTONOMOUS GOVERNMENTS

Article 285

I. To be a candidate for an elective position in the executive organs of autonomous governments, one must satisfy the general conditions for being a public servant, and:

1. Have resided permanently in the corresponding department, region or municipality for at least the two years immediately prior to the election.

2. In the case of the election of the Mayor and the regional authority, the person must be twenty one years of age.

3. In the case of the election of the Prefect or Governor, the person must be twenty five years of age.

II. The period of the mandate of the highest executive authorities of the autonomous governments is five years, and he or she may be re-elected once for a continuous mandate.

Article 286

I. The temporary substitution of the highest executive authority of an autonomous government shall correspond to the Council or Assembly, pursuant to the Statute of Autonomy or the Organic Charter as the case may be.

II. In the event of the resignation or death, permanent disability, or revocation of the mandate of the highest executive authority of the autonomous government, a new election shall be called, provided

that half of the term of the mandate has not elapsed. If half the term has elapsed, the substitute shall be an authority already elected as defined pursuant to the Statute of Autonomy or the Organic Charter, as the case may be.

CHAPTER SIX LEGISLATIVE, DELIBERATIVE AND SUPERVISORY ORGANS OF AUTONOMOUS

GOVERNMENTS

Article 287

I. The candidates for the councils and assemblies of the autonomous governments must satisfy the general conditions for being a public servant, and:

1. Have resided permanently in the corresponding jurisdiction for at least two years immediately prior to the election.

2. Be eighteen years of age on the day of the election.

II. The election of the Assemblies and Councils of the autonomous governments shall be carried out with lists that are separate from the election of the executives.

Article 288

The period of the mandate of the members of the Councils and Assemblies of the autonomous governments shall be five years, and they may be reelected once for a continuous mandate.

CHAPTER SEVEN RURAL NATIVE INDIGENOUS AUTONOMY

Article 289

Rural native indigenous autonomy consists in self-government as an exercise of free determination of the nations and rural native indigenous peoples, the population of which shares territory, culture, history, languages, and their own juridical, political, social and economic organization or institutions.

Article 290

I. The formation of rural native indigenous autonomy is based on ancestral territories, currently inhabited by those peoples and nations, and pursuant to the will of their population as expressed through consultation, in accordance with the Constitution and the law.

II. The self-governance of the rural native indigenous autonomies is exercised according to their norms, institutions, authorities and procedures, in accordance with their authority and competences, and in harmony with the Constitution and the law.

Article 291

I. The rural native indigenous autonomies are rural native indigenous territories and the municipalities and regions that adopt that character, pursuant to that established in the Constitution and the law.

II. Two or more rural native indigenous peoples can form a single rural native indigenous autonomy.

Article 292

Each rural native indigenous autonomy shall draft its Statute according to its own norms and procedures, in conformity with the Constitution and the law.

Article 293

I. The indigenous autonomy based on consolidated indigenous territories and those in process, once consolidated, shall be constituted by the expressed will of its population in consultation [and] in accordance with their own norms and procedures as the sole requirement required.

II. If the conformation of an indigenous native rural autonomy affects boundaries [límites] of municipal districts, the indigenous native rural people or nation and the municipal government must agree on a new district delimitation. If [it] affects municipal boundaries, a procedure before the Plurinational Legislative Assembly for approval must be followed, with prior fulfillment of the specific requirements and conditions that the law specifies.

III. The Law will establish the minimum requirements of population and other differentials for the constitution of indigenous native rural autonomy.

IV. To be constituted as an indigenous native rural autonomy of which [the] territories are in one or more municipalities, the law shall specify the mechanisms of articulation, coordination and cooperation for the exercise of its government.

Article 294

I. The decision to form a rural native indigenous autonomy shall be adopted pursuant to the norms and procedures for consultations, according to the requisites and conditions established in the Constitution and the law.

II. The decision to convert a municipality into a rural native indigenous autonomy shall be adopted by referendum, pursuant to the requisites and conditions established by law.

III. A new municipality may be formed by the municipalities where there are rural communities with their own organizational structures, which draw them together and have geographic continuity, following the procedure for its approval before the Pluri-National Legislative Assembly, upon prior compliance with the requisites and conditions set forth in the Constitution and the law.

Article 295

I. To form a rural native indigenous region that affects municipal boundaries, the procedure before the Pluri-National Legislative Assembly must be followed beforehand, fulfilling the particular requisites and conditions set forth in the Constitution and the law.

II. The aggregation of municipalities, municipal districts and/or rural native indigenous autonomies to form a rural native indigenous region, shall be decided by referendum and/or in accordance with their norms and procedures for consultation as the case may be, and pursuant to the requisites and conditions established by the Constitution and the Law.

Article 296

The government of the rural native indigenous autonomies is exercised through their own norms and forms of organization, with the name that corresponds to each town, nation or community, as established in their statutes and subject to the Constitution and the Law.

CHAPTER EIGHT DISTRIBUTION OF AUTHORITY

Article 297

I. The competences defined in this Constitution are:

1. Proprietary [privativas], those of which legislation, regulation and execution are not transferrable or [may not be] delegated, and are reserved for the central level of the State.
2. Exclusive, those in which a level of government holds[,] concerning a particular matter[,] the legislative, regulatory and executive faculties, [and] may transfer and delegate these last two.
3. Concurrent, those in which legislation corresponds to the central level of the State[,] and the other levels simultaneously exercise the regulatory and executive faculties.
4. Shared, those subject to a basic legislation of the Plurinational Legislative Assembly[,] of which [the] legislation of development corresponds to the autonomous territorial entities, in accordance with its characteristics and nature. The regulation and execution shall correspond to the autonomous territorial entities.

II. All competence that is not included in this Constitution shall be attributed to the central level of the State, which may transfer it or delegate it by Law.

Article 298

I. The following are the areas of prerogative authority of the central Level of the State:

1. Financial system.
2. Monetary policy, the Central Bank, the monetary system, and the policy of foreign exchange.
3. System of measures and weights, as well as the determination of the official time.
4. Customs regime.
5. Foreign Commerce
6. State Security, defense, the Armed Forces, and the Bolivian Police.
7. Weapons and explosives.
8. Foreign policy.
9. Nationality, citizenship, laws applicable to foreigners, the right to asylum and refuge.
10. Control of the borders in relation to the security of the State. 11. Immigration regulation and policies.
12. Creation, monitoring and administration of strategic public enterprises at the central level of the State.
13. Administration of the Pluri-National State patrimony and the patrimony of public entities at the central level of the State.
14. Control of air space and air transit throughout the entire national territory. The construction, maintenance, and administration of the international airports and inter-departmental air traffic.
15. The Civil Registry.

16. The official census.
17. General policy over land and territory and title to them.
18. Hydrocarbons.
19. Creation of national taxes, rates and special tax contributions of the central level of the State.
20. General policy of Biodiversity and Environment.
21. Substantive and procedural codification in civil, family, criminal, tax, labor, commercial, mining and electoral matters.
22. National economic and planning policy.

II. The central level of the State has exclusive authority over the following:

1. National electoral system for the election of national and sub-national authorities.
2. General communications and telecommunications systems.
3. Postal service.
4. Strategic natural resources, which include minerals, the electromagnetic spectrum, genetic and biogenetic resources, and water sources.
5. General system of hydraulic resources and services.
6. General system of biodiversity and environment.
7. Forestry policy and the general system for soils, forestry and woods.
8. Policy of generation, production, control, transmission and distribution of energy en the interconnected system.
9. Planning, design, construction, conservation and administration of highways of the Fundamental Network.
10. Construction, maintenance and administration of railroad lines and railroads of the Fundamental Network.
11. Public works of important infrastructure of the central level of the State.
12. Elaboration and approval of plans and official cartographic maps; surface maps.
13. Elaboration and approval of official statistics.
14. Granting of legal status to social organizations that carry out activities in more than one Department.
15. Granting and registration of legal status to Non-Governmental Organizations, Foundations and not for profit civil entities that carry out activities in more than one Department.
16. Social Security system.
17. Policies of the educational and health systems.
18. System of Real Property in obligatory coordination with municipal technical registration.

19. Protected areas under the responsibility of the central level of the State.
20. Fiscal reserves with respect to natural resources.
21. Health and safety of livestock.
22. Control of agrarian administration and rural land registry.
23. Tax policy.
24. Administration of Justice.
25. Promotion of culture and the conservation of important cultural, historic, artistic, monumental, architectural, archeological, paleontological, scientific, tangible and intangible patrimony at the central level of the State.
26. Expropriation of real estate for reasons of public utility and necessity, in accordance with the procedures established by law.
27. Centers of information and documentation, archives, libraries, museums, periodical libraries and others of importance of the central level of the State.
28. Public enterprises at the central level of the State.
29. Rural settlements
30. Policies of basic services.
31. Labor policies and systems.
32. Transportation, ground, air, river and others when they transit more than one department.
33. Policies of territorial planning and land registry and regulations.
34. Internal and external public debt.
35. General policies of productive development.
36. General housing policies.
37. General tourism policies.
38. Regimen for land. The law shall determine the authorities to be transferred or delegated to the autonomies.

Article 299

- I. The following authorities are exercised in shared form between the central level of the State and the autonomous territorial entities:
 1. The departmental and municipal electoral systems.
 2. Fixed and mobile telephone and telecommunications services.
 3. Urban electrification.
 4. Lottery games and gambling.
 5. International relations within the framework of the foreign policy of the State.
 6. The establishment of forums of citizen conciliation for the resolution of conflicts between neighbors in municipal matters.

7. Regulation for the creation and/or modification of taxes that are the exclusive domain of autonomous governments.

II. The following authorities shall be exercised concurrently by the central level of the State and the autonomous territorial entities.

1. To preserve, conserve and contribute to the protection of the environment and the wild fauna maintained in ecological equilibrium, and the control of environmental contamination.

2. Management of the health and educational systems.

3. Science, technology and research.

4. Conservation of soil, forest resources and woods.

5. Weather Service.

6. Electromagnetic frequencies in the areas of their jurisdiction and within the framework of the policies of the State.

7. Promotion and administration of hydraulic and energy projects.

8. Industrial waste and toxic materials.

9. Potable water projects and treatment of solid waste.

10. Irrigation projects.

11. Protection of basins.

12. Administration of river ports.

13. Public security.

14. System of government control.

15. Housing and public housing.

16. Agriculture, livestock, hunting and fishing.

Article 300

I. The autonomous departmental governments have exclusive authority over the following in their jurisdictions:

1. To elaborate their Statute pursuant to the procedures established in the Constitution and the Law.

2. To plan and develop human development in their jurisdiction.

3. Initiation and convocation of departmental consultations and referenda on matters within their competence.

4. Promotion of employment and improvement of working conditions, within the framework of national policies.

5. Elaboration and execution of the Plans of land registry and regulations and the use of soils, in coordination with the plans at the central level of the State, municipalities and rural native indigenous peoples.

6. Projects of generation and transport of energy in isolated systems.

7. Planning, design, construction, conservation and administration of highways of the departmental network in accordance with state policies, including those of the Fundamental Network in the absence of the central level, in accordance with the norms established by the latter.
8. Construction and maintenance of rail lines and railroads in the department in accordance with state policies, pursuant to the norms established by the state.
9. Inter-provincial ground, river, railroad and other means of transportation en the department.
10. Construction, maintenance and administration of the public departmental airports.
11. Departmental statistics.
12. To grant legal personality to public organizations that carry out activities in the department.
13. To grant legal personality to Non-Governmental Organizations, foundations and not for profit civil entities that carry out activities in the department.
14. Services of agricultural health and safety.
15. Projects for rural electrification.
16. Projects of alternative and renewable sources of energy within the department, preserving food security.
17. Sports in the area of its jurisdiction.
18. Promotion and conservation of departmental natural patrimony.
19. Promotion and conservation of culture, cultural, historic, artistic, monumental, architectural, archeological, paleontological, scientific, tangible and intangible departmental patrimony.
20. Departmental tourism policies.
21. Projects for departmental infrastructure to support production.
22. Creation and administration of taxes of departmental character, the imposition of which is not analogous to national or municipal taxes.
23. Creation and administration of fees and special contributions of departmental character.
24. Commerce, industry and services for development and competitiveness within the department.
25. Expropriation of real estate in its jurisdiction for reasons of public utility and necessity.
26. To elaborate, approve and execute is programs of operation and its budget.
27. Fiduciary funds, investment funds and mechanisms of transfer of necessary and inherent resources within its competences.
28. Departmental centers of information and documentation, archives, libraries, museums, periodical libraries and others.
29. Departmental public enterprises.
30. Promotion and development of projects and policies for children and adolescents, women, the elderly and persons with disabilities.

31. Promotion and administration of services for productive and agricultural development.
 32. Elaboration and execution of departmental economic and social development plans.
 33. To participate in enterprises of industrialization, distribution and commercialization of hydrocarbons in the departmental territory in association with the national entities of the sector.
 34. Promotion of private investment in the department within the framework of national economic policies.
 35. Planning of departmental development in concordance with national planning.
 36. Administration of its royalties received within the framework of the general budget of the nation, which shall be transferred automatically to the Departmental Treasury.
- II. The Autonomous Departmental Statutes may define some of the exclusive authority as concurrent authority with other territorial entities of the department.
- III. The competences that may be transferred or delegated will also be of departmental execution.

Article 301

The region, once constituted as a regional autonomy, shall receive the authority that may be transferred or delegated.

Article 302

- I. The following are the exclusive authority of the autonomous municipal governments, within their jurisdiction:
1. To draft the Municipal Organic Charter pursuant to the procedures established in this Constitution and the law.
 2. To plan and promote human development in their jurisdiction.
 3. Initiative and convocation of municipal consultations and referenda in matters of their competence.
 4. Promotion of employment and the improvement of working conditions within the framework of national policies.
 5. To preserve, conserve and contribute to the protection of the environment and natural resources, wild fauna and domestic animals.
 6. Elaboration of land registry and regulations plans and the use of soils, in coordination with the plans of the central level of the State, the Departments and indigenous levels.
 7. To plan, design, construct, conserve and administer roads in coordination with the rural native indigenous villages when necessary.
 8. Construction, maintenance and administration of local public airports.
 9. Municipal statistics.
 10. Urban land registry in the area of their jurisdiction pursuant to the precepts and technical parameters established by the Municipal Governments.

11. Municipal protected areas in accordance with the parameters and conditions established by the Municipal Governments.
12. Projects of alternative and renewable sources of energy, preserving food security within the municipality.
13. To control the quality and sanitation of the elaboration, transport and sale of food products for human and animal consumption.
14. Sports in the area of their jurisdiction.
15. Promotion and conservation of natural municipal patrimony.
16. Promotion and conservation of culture and municipal cultural, historic, artistic, monumental, architectural, archeological, paleontological, scientific, tangible and intangible municipal patrimony.
17. Local tourism policies.
18. Urban transportation, registration of automobile ownership, road regulation and education, administration and control of urban traffic.
19. Creation and administration of municipal taxes, the imposition of which may not be analogous to the national or departmental taxes.
20. Creation and administration of fees, certificates for economic activity and special contributions of municipal character.
21. Projects for productive infrastructure.
22. Expropriation of real property in their jurisdiction for reasons of public utility and necessity, pursuant to the procedures established by Law, as well as establishing administrative limitations and right of passage for reasons of technical, legal order and public importance.
23. To elaborate, approve and execute their programs of operation and their budgets.
24. Fiduciary funds, investment funds and mechanisms of transference of necessary and inherent resources within the areas of their authority.
25. Municipal centers of information, archives, libraries, museums, periodical libraries and others.
26. Public municipal enterprises.
27. Urban sanitation, management and treatment of solid waste within the framework of State policy.
28. To design, construct, equip and maintain the infrastructure and works of public importance and the assets of municipal dominion, within their jurisdictional territory.
29. Urban development and urban settlements.
30. Public lighting service of their jurisdiction.
31. Promotion of culture and artistic activities in their jurisdiction.
32. Public shows and recreational games.

33. Urban publicity and announcements.

34. To promote and sign agreements of association or municipal community with other municipalities.

35. Agreements and/or contracts with natural or collective persons, public and private, for the development and fulfillment of their powers, authority and purposes.

36. To construct and regulate the Municipal Guard for contribute to the fulfillment, exercise and execution of their authority as well as compliance with the municipal norms and the resolutions that are issued.

37. Policies that guarantee the defense of consumers and users in the municipal area.

38. Systems of micro-irrigation in coordination with rural native indigenous villages.

39. Promotion and development of projects and policies for children and adolescents, women, the elderly and persons with disabilities.

40. Basic services as well as approval of the corresponding fees in their jurisdiction.

41. Grains and sharecroppers, in coordination with the rural native indigenous villages, when appropriate.

42. Planning of municipal development in accordance with departmental and national planning.

43. To participate in enterprises of industrialization, distribution and commercialization of Hydrocarbons in the municipal territory in association with the national entities of the sector.

II. The authorities that may be transferred or delegated to them shall also be executed by municipalities:

Article 303

I. The rural native indigenous villages, in addition to their authority, shall assume that of municipalities, in accordance with a process of institutional development and with their own cultural characteristics in conformity with the Constitution and the Framework Law of Autonomies and Decentralization.

II. The rural native indigenous region shall assume the authority that may be transferred or delegated to it.

Article 304

I. The rural native indigenous autonomies shall exercise the following exclusive authorities:

1. To elaborate their Statute for the exercise of their autonomy pursuant to the Constitution and the Law.

2. Definition and management of their own forms of economic, social, political, organizational and cultural development, in accord with their identity and the vision of each village.

3. Management and administration of renewable natural resources, in accord with the Constitution.

4. Elaboration of Plans of Land Regulation and land use, in coordination with the plans at the central State, departmental and municipal levels.

5. Electrification in isolated places in their jurisdiction.
 6. Maintenance and administration of local and communal roads.
 7. Administration and preservation of protected areas within their jurisdiction, within the framework of the policy of the State.
 8. Exercise of rural native indigenous jurisdiction for the application of justice and the resolution of conflict through their own norms and procedures in accordance with the Constitution and the law.
 9. Sports, leisure activity and recreation.
 10. Tangible and intangible cultural patrimony. The safeguard, stimulation and promotion of its cultures, art, identity, archeological centers, religious and cultural places, and museums.
 11. Tourism policies.
 12. To create and administer fees, certificates and special contributions in the area of its jurisdiction in accordance with the law.
 13. Administrate the taxes within its authority in the area of its jurisdiction.
 14. To elaborate, approve and execute its programs of operation and its budget.
 15. Planning and management of territorial occupation.
 16. Housing, town planning and redistribution of population in accordance with the cultural practices in the area of its jurisdiction.
 17. To promote and sign agreements of cooperation with other towns and public and private entities.
 18. Maintenance and administration of its micro-irrigation systems.
 19. Stimulation and development of productive activity.
 20. Construction, maintenance and administration of the infrastructure necessary for development in its jurisdiction.
 21. To participate in, develop and execute the mechanisms of prior, free and informed consultations related to the application of legislative, executive and administrative measures that affect them.
 22. Preservation of the habitat and the landscape, in accordance with its principles, norms, and cultural, technological, special and historical practices.
 23. Development and practice of democratic institutions pursuant to its own norms and procedures.
- II. The rural native indigenous villages can exercise the following shared authority:
1. International exchanges within the framework of the foreign policy of the State.
 2. Participation and control in the use of grains.
 3. The safeguard and registration of collective intellectual property related to knowledge of genetic resources, traditional medicine and germ plasma, in accordance with the law.

4. Control and regulation of foreign institutions and organizations that carry out activities in their jurisdiction, which are inherent to the development of their institutions, culture, environment and natural patrimony.

III. The rural native indigenous autonomies may exercise the following concurrent authority:

1. Organization, planning and execution of health policy in their jurisdiction.
2. Organization, planning and execution of plans, programs and projects related to education, science, technology and research, within the framework of State legislation.
3. Conservation of forestry resources, biodiversity and the environment.
4. Irrigation systems, hydraulic resources, sources of water and energy, within the framework of State policy, within their territory.
5. Construction of micro-irrigation systems.
6. Construction of local and communal roads.
7. Promotion of the building of productive infrastructure.
8. Promotion and stimulation of agriculture and raising of livestock.
9. Control and socio-environmental monitoring of the activities of hydrocarbon and mining activities carried out in their jurisdiction.
10. Systems of financial control and administration of assets and services.

IV. The resources necessary for carrying out their responsibilities shall be transferred automatically by the Pluri-National State in accordance with the law.

Article 305

Every assignment or transfer of authority must be accompanied by the determination of the source of economic and financial resources necessary for its exercise.

PART FOUR ECONOMIC STRUCTURE AND ORGANIZATION OF THE STATE

TITLE I ECONOMIC ORGANIZATION OF THE STATE

CHAPTER ONE GENERAL DISPOSITIONS

Article 306

- I. The Bolivian economic model is plural and seeks to improve the quality of life and the wellbeing of all Bolivians.
- II. The plural economy is composed of forms of community, state, private and public cooperative economic organization.
- III. The plural economy articulates different forms of economic organization based on the principles of complementariness, reciprocity, solidarity, redistribution, equality, legal security, sustainability, equilibrium, justice and transparency.
- IV. The forms of economic organization recognized in this Constitution may form joint ventures.

V. The State places the highest value on human beings and assures development through the equitable redistribution of economic surplus in the social policies of health, education, culture, and the re-investment in productive economic development.

Article 307

The State shall recognize, respect, protect and promote community economic development. This form of community economic organization includes productive and reproductive systems of public life, founded on the principles and visions of the nations and rural native indigenous peoples.

Article 308

I. The State recognizes, respects and protects private initiative that contributes to the economic and social development and the strengthening of economic independence of the country.

II. Free enterprise and full exercise of business activities, which shall be regulated by law, are guaranteed.

Article 309

The form of state economic organization includes the enterprises and other economic entities that are state property, which shall comply with the following objectives:

1. To administer property rights over natural resources on behalf of the Bolivian people, and to exercise strategic control of the productive chain and industrialization of these resources.
2. To manage basic services of potable water and sewer systems directly or by means of public, community, cooperative or mixed enterprises.
3. To directly produce goods and services.
4. To promote economic democracy and achieve the food sovereignty of the population.
5. To guarantee public participation and control over its organization and management, as well as the participation of workers in decision making and in the profits.

Article 310

The State recognizes and protects the cooperatives as forms of solidarity and cooperation, which are not for profit. The organization of cooperatives shall be promoted primarily in production activities.

Article 311

I. All forms of economic organization established in this Constitution shall enjoy equality before the law.

II. The pluralistic economy includes the following aspects:

1. The State shall exercise total direction of economic development and the processes of planning.
2. The natural resources are the property of the Bolivian people and shall be managed by the State. Individual and collective property rights in land shall be respected and guaranteed. Agriculture, raising of livestock, as well as hunting and fishing not involving protected species, are activities that are governed by that which is established in Part Four of this Constitution relating to the economic structure and organization of the State.

3. The industrialization of natural resources to overcome dependence on the export of raw materials and to achieve an economy with a productive base, within the framework of sustainable development in harmony with nature.
4. The State may intervene in every part of the productive chain in the strategic sectors, seeking to guarantee its supply in order to preserve the quality of life of all Bolivians.
5. Respect for enterprise initiative and legal security.
6. The State shall stimulate and promote the community area of the economy as a supportive alternative in rural and urban areas.

Article 312

- I. Every economic activity must contribute to the strengthening of the economic sovereignty of the country. The private accumulation of economic power to the degree that it might endanger the economic sovereignty of the State shall not be permitted.
- II. All forms of economic organization have the obligation to generate dignified work and to contribute to the reduction of inequalities and to the eradication of poverty.
- III. All forms of economic organization have the obligation to protect the environment.

Article 313

To eliminate poverty and social and economic exclusion, and in order to achieve well being in its multiple dimensions, the economic organization of Bolivia has the following goals:

1. The generation of social wealth within the framework of respect for individual rights, as well as the rights of the peoples and nations.
2. The fair production, distribution and redistribution of wealth and economic surplus.
3. The reduction of inequality of access to productive resources.
4. The reduction of regional inequalities.
5. The productive development of the industrialization of natural resources.
6. The active participation of the public and community economies in the productive apparatus.

Article 314

Private monopoly and oligopoly are prohibited, as well as any other form of association or agreement of natural or private legal Bolivian or foreign persons, who attempt to control and have exclusivity over production and commercialization of goods and services.

Article 315

- I. The State recognizes the title to land of all legal persons that are legally constituted in the national territory, provided that it be used to fulfill the objective of the creation of an economic agent, the generation of employment, and the production and commercialization of goods and/or services.
- II. The legal persons mentioned in the paragraph above that are formed after the adoption of the present

Constitution shall have a corporate structure with the number of owners no less than the division of the total surface by five thousand hectares, rounding up the result to the immediately higher whole number.

CHAPTER TWO FUNCTION OF THE STATE IN THE ECONOMY

Article 316

The function of the State in the economy consists of the following:

1. To conduct the process of economic and social planning, with the participation of, and in consultation with, the citizens. The law shall establish a system of comprehensive state planning, which shall incorporate all the territorial entities.
2. To direct the economy and to regulate the processes of production, distribution and commercialization of goods and services, according to the principles established in this Constitution.
3. To exercise the direction and control of the strategic sectors of the economy.
4. To directly participate in the economy by way of incentive and the production of economic and social goods and services in order to promote economic and social equity, and to stimulate development, preventing oligopolistic control of the economy.
5. To promote the integration of different economic forms of production, with the objective of achieving economic and social development.
6. To promote primarily the industrialization of renewable and nonrenewable natural resources, within the framework of respect for and protection of the environment, in order to guarantee the generation of employment and the economic and social consumption of the population.
7. To promote policies of equitable distribution of wealth and of the economic resources of the country, for the purpose of preventing inequality, social and economic exclusion, and to eradicate poverty in its multiple dimensions.
8. To establish state monopoly over productive and commercial activities that are considered indispensable in the event of public need.
9. To periodically formulate, with the participation of and in consultation with the citizenry, the general development plan, the execution of which is obligatory for every form of economic organization.
10. To administer economic resources for research, technical assistance and transfer of technology to promote productive activities and industrialization.
11. To regulate aeronautic activity in the air space of the country.

Article 317

The State shall guarantee the creation, organization and performance of a participatory planning entity that includes representatives of the public institutions and organized civil society.

CHAPTER THREE ECONOMIC POLICIES

Article 318

I. The State shall determine the policy for industrial and commercial production that guarantees a sufficient supply of goods and services to adequately cover basic domestic needs and to strengthen export capacity.

II. The State recognizes and shall prioritize support for the organization of associative structures of micro, small and medium productive enterprises, both urban and rural.

III. The State shall strengthen the productive, manufacturing and industrial infrastructure and basic services for the productive sector.

IV. The State shall prioritize the promotion of rural productive development as fundamental to the development policies of the country.

V. The State shall promote and support the export of value added goods and of services.

Article 319

I. The industrialization of natural resources shall be a priority in the economic policies, within the framework of respect for and protection of the environment and of the rights of the rural native indigenous nations and peoples and their territories. The articulation of the exploitation of natural resources with internal productive apparatus shall be a priority in the economic policies of the State.

II. In defining of the price for the commercialization of strategic natural and energy resources, the State shall consider taxes, royalties and the corresponding participations that must be paid to the public treasury.

Article 320

I. Bolivian investment shall take priority over foreign investment.

II. Every foreign investment shall submit to Bolivian jurisdiction, laws and authorities, and no one may cite an exceptional situation, nor appeal to diplomatic claims to obtain a more favorable treatment.

III. The economic relations with foreign states or enterprises shall be carried out under conditions of independence, mutual respect and equity. More favorable conditions may not be granted to foreign States or enterprises than those established for Bolivians.

IV. The State acts independently in all of its decisions on internal economic policy, and shall not accept demands or conditions imposed on this policy by states, banks or Bolivian or foreign financial institutions, multilateral entities or transnational enterprises.

V. The public policies shall promote internal consumption of products made in Bolivia.

SECTION I FISCAL POLICY

Article 321

I. The economic and financial administration of the State and all of the public entities is governed by its budget.

II. The determination of expenses and public investment shall be made by means of participatory mechanisms involving the citizenry, technical planning and the state executive. The allocations shall attend especially to education, health, nutrition, housing and productive development.

III. The Executive Organ shall present to the Pluri-National Legislative Assembly, at least two months before the end of each fiscal year, the proposed law of the General Budget for the following term, which shall include all of the entities of the public sector.

IV. Every bill that implies expenses or investments for the State must establish the source of the funding, the way in which they will be covered, and the manner of their investment. If the bill was not presented by initiative of the Executive Organ, it requires prior consultation with it.

V. The Executive Organ, through the Ministry of the relevant branch, shall have direct access to the information concerning the expenses that are budgeted and spent in every public sector. This access shall include information on the expenses budgeted and spent by the Bolivian Armed Forces and Police.

Article 322

I. The Pluri-National Legislative Assembly shall authorize the contracting of public debt when the capacity to generate revenue to cover the capital and interest is demonstrated, and when the most advantageous conditions in the rates, payment schedules, amounts and other circumstances are technically justified.

II. Public debt may not include obligations that have not been authorized and expressly guaranteed by the Pluri-National Legislative Assembly.

Article 323

I. The fiscal policy is based on the principles of economic capacity, equality, progressiveness, proportionality, transparency, universality, control, administrative simplicity and ability to collect.

II. The taxes which belong to the national tax domain shall be approved by the Pluri-National Legislative Assembly. The taxes that belong to the exclusive domain of the departmental or municipal autonomies, shall be approved, modified or eliminated by their Councils or Assemblies at the request of the executive organs. The tax domain of the Decentralized Departments and regions shall be made up of departmental taxes, fees and special contributions, respectively.

III. the Pluri-National Legislative Assembly shall classify and define the taxes that by law belong to the national, departmental and municipal tax domains.

IV. The creation, suppression or modification of taxes under the dominion of the autonomous governments with taxing authority, shall be effected under the following limitations:

1. No taxes may be created that impose taxes which are analogous to those corresponding to existing national taxes or other departmental or municipal taxes, independently of the tax domain to which they belong.

2. No taxes may be created that encumber goods, economic activity or patrimony outside of their territorial jurisdiction, except revenues generated by their citizens or enterprises outside of the country. This prohibition extends to fees, certificates and special contributions.

3. No taxes may be created that impede the free circulation and establishment of persons, assets, activities or services within the territorial jurisdiction. This prohibition extends to fees, certificates and special contributions.

4. No taxes may be created that generate privileges for residents in a discriminatory manner. This prohibition extends to fees, certificates and special contributions.

Article 324

The debts for economic damages caused to the state never expire.

Article 325

Illicit economic activity, speculation, hoarding, money changing, usury, contraband, tax evasion and other related economic crimes shall be punished by the law.

SECTION II MONETARY POLICY

Article 326

I. the State, through the Executive Organ, shall determine the goals of the monetary and exchange policies of the country in coordination with the Central Bank of Bolivia.

II. Public transactions in the country shall be carried out in national currency.

Article 327

The Central Bank of Bolivia is an institution of public law, with its own legal personality and patrimony. Within the framework of the economic policy of the State, it is the function of the Central Bank of Bolivia to maintain stability of the internal purchasing power of the currency in order to contribute to the economic and social development.

Article 328

I. In addition to those set forth in the law, the powers of the Central Bank of Bolivia, in coordination with the economic policy determined by the Executive Organ, are as follows:

1. To determine and execute the monetary policy.
2. To execute the exchange policy.
3. To regulate the system of payments.
4. To authorize the issuance of currency.
5. To manage the international reserves.

Article 329

I. The Board of Directors of the Central Bank of Bolivia shall be composed of a President and five directors designated by the President of the State from lists of candidates presented by the Pluri-National Legislative Assembly for each one of the positions.

II. The members of the Board of Directors of the Central Bank of Bolivia shall have terms of five years, and are not eligible for re-election. They shall be considered public servants, pursuant to the Constitution and the law. The specific requisites for the position shall be determined by law.

III. The members of the Board of Directors of the Central Bank of Bolivia shall report and give accounts on the performance of the institution as often as requested by the Pluri-National Legislative

Assembly or its Chambers. The Central Bank of Bolivia shall deliver an annual report to the Legislative Assembly and is subject to the governmental and fiscal system of control of the State.

SECTION III FINANCIAL POLICY

Article 330

- I. The State shall regulate the financial system based on criterion of equality of opportunity, solidarity, equitable distribution and redistribution.
- II. The State, through its financial policy, shall prioritize the demand for financial services of the sectors of micro and small enterprises, artisans, commerce, service, community organizations and production cooperatives.
- III. The State shall stimulate the creation of nonbank financial entities for the purpose of socially productive investment.
- IV. The Central Bank of Bolivia and the public entities and institutions shall not recognize the debts of private banks or financial entities. These banks and entities have the obligation to contribute to and strengthen a fund for financial restructuring, which shall be used in the event of bank insolvency.
- V. The financial operations of the Public Administration, at the different levels of government, shall be carried out by a public banking entity. The law shall provide for its creation.

Article 331

The activities of financial intermediation, the provision of financial services and any other activities related to the management, use and investment of savings, are matters of public interest and may only be exercised with prior authorization of the State, in accordance with the law.

Article 332

- I. The financial entities shall be regulated and supervised by an institution of banking and financial entity regulation. This institution shall be a public law institution and shall have jurisdiction in the entire territory of Bolivia.
- II. The highest authority of the institution for banking and financial entity regulation shall be designated by the President of the State from among a list of candidates proposed by the Pluri-National Legislative Assembly, in accordance with the procedure established by the law.

Article 333

The financial operations carried out by natural or legal persons, whether Bolivians or foreigners, shall enjoy the right of confidentiality, except in judicial procedures in cases of the alleged commission of financial crimes, those in which fortunes are being investigated and others defined by the law. The entities, which are designated by law to investigate such cases, shall have the authority to obtain information about said financial operations without the need for judicial authorization.

SECTION IV SECTOR POLICIES

Article 334

Within the framework of the sector policies, the State shall protect and stimulate the following:

1. The rural economic organizations, and the associations or organizations of small urban producers and artisans, as supportive and reciprocal alternatives. The economic policy shall facilitate access to technical training and technology, to credits, to the opening of markets, and the improvement of productive processes.
2. The guild sector, the self-employed, and retail commerce, in the areas of production, services and sales, shall be strengthened by means of access to credit and technical assistance.
3. Production of crafts with cultural identity.
4. The micro and small enterprises, as well as the rural economic organizations, and organizations or associations of small producers, which shall enjoy preference in the purchases made by the State.

Article 335

The public service cooperatives shall be nonprofit organizations of collective interest and submitted to governmental control, and they shall be administered democratically. The election of their administrative and supervisory authorities shall be carried out according to their own statutory norms and supervised by the Pluri-National Electoral Organ. Their organization and operation shall be regulated by law.

Article 336

The State shall provide support to community economic organizations so that they may receive credits and financing.

Article 337

- I. Tourism is a strategic economic activity, which must be developed in a sustainable manner that takes into account respect for the treasures of the culture and the environment.
- II. The State shall promote and protect community tourism with the objective of benefiting urban and rural communities, and the rural native indigenous nations and peoples where this activity is carried out.

Article 338

The State recognizes the economic value of housework as a source of wealth, and it shall be quantified in public accounts.

CHAPTER FOUR ASSETS AND RESOURCES OF THE STATE AND THEIR DISTRIBUTION

Article 339

- I. The President of the Republic may only decree payments that are not authorized by the budget law in order to attend to necessities, which cannot be delayed, arising from public calamities, internal disturbance or the exhaustion of resources destined to maintain services, the paralysis of which would cause serious harm. The expenses destined for these objectives shall not exceed one percent of the total expenditures authorized by the General Budget.
- II. The assets that are State patrimony and those of public entities are property of the Bolivian people, and they may not be violated, attached, limited or expropriated; they may not be employed to the benefit of any individual. Their description, inventory, administration, disposition, obligatory registration, and the kinds of claims shall be regulated by law.

III. The income of the State shall be invested pursuant to the general economic and social development plan of the country, the General Budget of the State and the law.

Article 340

I. State revenue is divided into revenue of the nation, departments, municipalities and the rural native indigenous peoples, and it shall be invested independently by their Treasuries, pursuant to their respect budgets.

II. The law shall classify the national, departmental and municipal income and that of the rural native indigenous peoples.

III. The departmental and municipal resources, and those of the rural native indigenous autonomies, and the judicial and university resources, which are collected by dependent offices at the national level, shall not be centralized in the National Treasury.

IV. The national Executive Organ shall establish the norms for the elaboration and presentation of the proposed budgets of the entire public sector, including the autonomies.

Article 341

The following are the resources of departments:

1. The departmental royalties created by law.
2. Participation in the revenue derived from taxes on the Hydrocarbons, according to the percentages set forth in the law.
3. Taxes, fees, special contributions and departmental certificates on natural resources.
4. The transfers from the General Treasury of the Nation which are allocated to cover the expenses of personal health, education and social assistance.
5. The extraordinary transfers of the General Treasury of the Nation, in the cases established in article 339.I of this Constitution.
6. The internal and foreign credits and loans contracted pursuant to the norms of public debt of the system of the National Treasury and Public Credit.
7. The income derived from the sale of goods, services and the sale of assets. 8. Bequests, donations and other similar income.

TITLE II ENVIRONMENT, NATURAL RESOURCES, LAND AND TERRITORY

CHAPTER ONE ENVIRONMENT

Article 342

It is the duty of the State and the population to conserve, protect and use natural resources and the biodiversity in a sustainable manner, as well as to maintain the equilibrium of the environment.

Article 343

The population has the right to participate in environmental management, and to be consulted and informed prior to decisions that could affect the quality of the environment.

Article 344

- I. The manufacture and use of chemical, biological and nuclear weapons on Bolivian territory is prohibited, as well as the internment, transit and deposit of nuclear and toxic wastes.
- II. The State shall regulate the internment, production, sale and employment of techniques, methods, supplies and substances that affect health and the environment.

Article 345

The policies of environmental management are based on the following:

1. Participatory planning and management, with public control.
2. The application of systems of evaluation of environmental impact and control of the quality of the environment, without exception and in a way that traverses all activity of production of goods and services that use, transform or affect natural resources and the environment.
3. Liability for the conducting of any activity that produces environmental harm; civil, criminal and administrative penalties for non-compliance with the norms for the protection of the environment.

Article 346

The natural assets are of public importance and of strategic character for the sustainable development of the country. Their conservation and use for the benefit of the population shall be the responsibility and exclusive authority of the State, and sovereignty over natural resources may not be compromised. The law shall establish the principles and disposition for its management.

Article 347

- I. The State and the society shall promote the mitigation of harmful effects on the environment and of the environmental contamination and damage that affect the country. Liability will be declared for damage to historic environments, and liability for environmental crimes shall not lapse.
- II. Those who carry out activities that impact the environment must, at all stages of production, avoid, minimize, mitigate, remediate, repair and make compensation for the harms caused to the environment and the health of persons, and shall establish the security measures necessary to neutralize the possible effects of environmental contamination and damage.

CHAPTER TWO NATURAL RESOURCES

Article 348

- I. Minerals in all of their states, the hydrocarbons, water, air, soil and the subsoil, the forests, the biodiversity, the electromagnetic spectrum and all the elements and physical forces capable of use, are considered natural resources.
- II. The natural resources are of strategic character and of public importance for the development of the country.

Article 349

- I. The natural resources are the property and direct domain, indivisible and without limitation, of the

Bolivian people, and their administration corresponds to the State on behalf of the collective interest.

II. The State shall recognize, respect and grant individual and collective ownership rights to land, as well as the rights to use and enjoyment of natural resources.

III. Agriculture, livestock, as well as the activities of hunting and fishing that do not involve protected animal species, are activities that are governed by that which is established in Part Four of this Constitution related to the economic organization and structure of the State.

Article 350

Any title granted over fiscal reserves shall be null and void, except by express authorization for state necessity and public utility, in accordance with the law.

Article 351

I. The State, shall assume control and direction of the exploration, exploitation, industrialization, transport and sale of strategic natural resources through public, cooperative or community entities, which may in turn contract private enterprises and form mixed enterprises.

II. The State shall sign contracts of association with legal persons, Bolivian or foreign, for the use of natural resources. It must assure the reinvestment of economic profits in the country.

III The management and administration of natural resources shall be carried out guaranteeing social participation and control in the design of the sector policies. Mixed enterprises may be established for the management and administration, with representation of the state and society, and the collective welfare shall be safeguarded.

IV. Private enterprises, whether Bolivian or foreign, shall pay taxes and royalties when they take part in the exploitation of natural resources, and the payments that might be made shall not be reimbursable.

The royalties for the use of natural resources are a right and a compensation for their exploitation, and they shall be regulated by the Constitution and the Law.

Article 352

The exploitation of natural resources in a determined territory shall be subject to a process of consultation with the affected population, called by the State, which shall be free, prior in time and informed.

Citizen participation is guaranteed in the process of the management of the environment, and the conservation of ecosystems shall be promoted, in accordance with the Constitution and the law. In the nations and rural native indigenous peoples, the consultation will be carried out with respect given to their own norms and procedures.

Article 353

The Bolivian people shall have equitable access to the benefits which come from the use of all the natural resources. Priority participation shall be assigned to the territories where these resources are found, and to the nations and rural native indigenous peoples.

Article 354

The State shall develop and promote research related to the management, conservation and use of natural resources and to biodiversity.

Article 355

- I. The industrialization and sale of natural resources shall be a priority of the State.
- II. The profits obtained from the exploitation and sale of the natural resources shall be distributed and reinvested to promote economic diversification in the different territorial levels of the State. The percentage of profits to be distributed shall be approved by the law.
- III. The processes of industrialization shall be carried out with preference given to the place of origin of the production, and conditions shall be created which favor competitiveness in the internal and international market.

Article 356

The activities of exploration, exploitation refining, industrialization, transport and sale of non-renewable natural resources shall have the character of state necessity and public utility.

Article 357

Since it is social property of the Bolivian people, no foreign person or enterprise, nor any private Bolivian person or enterprise, may register the property title to Bolivian natural resources in stock markets, nor can they use them as means for financial operations that grant title to or use them as security. The annotation and registry of reserves is the exclusive authority of the State.

Article 358

The rights to the use and exploitation of natural resources shall be subject to that which is established in the Constitution and the law. These rights shall be subject to periodic review for compliance with the technical, economic and environmental regulations. The violation of the law shall lead to the reversion or nullification of the rights of use and exploitation

CHAPTER THREE HYDROCARBONS

Article 359

- I. The hydrocarbons, in whatever state they are found or form in which they are, are the inalienable and unlimited property of the Bolivian people. The State, on behalf of and in representation of the Bolivian people, is owner of the entire hydrocarbon production of the country and is the only one authorized to sell them. The totality of the income received by the sale of hydrocarbons shall be the property of the State.
- II. No contract, agreement or convention, whether direct or indirect, tacit or express, may violate totally or partially that which is established in this article. In the event of violation, the contracts shall be null and void as a matter of law, and those who have agreed to, signed, approved or executed them, have committed the crime of treason.

Article 360

The state shall define the policy for hydrocarbons, shall promote their comprehensive, sustainable and equitable development, and shall guarantee energy sovereignty.

Article 361

I. Yacimientos Petroliferos Fiscales Bolivianos (YPFB) is a self-sufficient enterprise of public law, which cannot be subject to attachment, with autonomy of administrative, technical and economic management, within the framework of the state hydrocarbon policy. YPFB, under the legal protection of the Ministry of the branch and as the operative arm of the State, is the only one authorized to carry out activities in the productive chain of hydrocarbons and their sale.

II. YPFB may not transfer its rights or obligations in any form or modality, whether tacit or express, direct or indirectly.

Article 362

I. The YPFB is authorized to sign contracts for services with public, mixed or private enterprises, Bolivian or foreign, so that said enterprises, in their name and representation, carry out determined activities in the productive chain in exchange for compensation or payment for their services. In no case may the signing of these contracts signify losses for YPFB or the State.

II. The contracts referring to activities of exploration and exploitation of hydrocarbons must have prior authorization and express approval of the Pluri- National Legislative Assembly. In the event this authorization is not obtained, they shall be null and void as a matter of law, without the necessity of a judicial or extra-judicial declaration.

I. The Bolivian Enterprise of Hydrocarbon Industrialization (EBIH) is a self-sufficient, public law enterprise, with autonomy in its administrative, technical and economic management, under the legal protection of the Ministry of the branch and the YPFB, which acts in the area of state hydrocarbon policy. EBIH, in representation of the State and within its territory, shall be responsible for carrying out the industrialization of the hydrocarbons.

II. YPFB may form associations or mixed economic enterprises for the execution of the activities of exploration, exploitation, refining, industrialization, transport and sale of hydrocarbons. In these associations and companies, YPFB must have a shareholder participation of no less than fifty one percent of the total capital of the company.

Article 364

YPFB, on behalf and in representation of the Bolivian State, shall operate and exercise property rights in the territories of other states.

Article 365

A self-sufficient institution of public law, with autonomy in its administrative, technical and economic management, under the legal protection of the Ministry of the branch, it shall be responsible for the regulations, control, supervision and fiscal control of the activities of the entire productive chain up to industrialization, within the framework of the state hydrocarbon policy, in accordance with the law.

Article 366

Every foreign enterprise that carries out activities in the productive chain of hydrocarbons in name and representation of the State shall submit to the sovereignty of the State, and to the laws and authority of the State. No foreign court case or foreign jurisdiction shall be recognized, and they may not invoke any exceptional situation for international arbitration, nor appeal to diplomatic claims.

Article 367

The exploitation, consumption and sale of hydrocarbons and its derivatives must be subjected to a policy of development that guarantees internal consumption. The exportation of the excess production shall incorporate the greatest quantity of value added possible.

Article 368

The departments that are producers of hydrocarbons shall receive a royalty of eleven percent of their audited departmental production of hydrocarbons. Similarly, the non-producer departments of hydrocarbons and the General Treasury of the State shall obtain a participation in the percentages, which shall be fixed by a special law.

Article 369

CHAPTER FOUR MINING AND METALURGY

I. The State shall be responsible for the mineralogical riches that are found in the soil and subsoil, whatever may be their origin, and their application shall be regulated by law. The private mining industry and cooperative companies shall be recognized as productive actors of the state mining industry.

II. The non-metallic natural resources existing in the salts, brines, evaporations, sulfurs and others substances are of strategic character for the country.

III. The direction of the mining and metallurgy policy is the responsibility of the State, as well as the stimulation, promotion and control of mining activity.

IV. The State shall exercise control of and audit the entire productive chain of mining and of the activities developed by the owners of mining rights, mining contracts or pre-existing rights.

Article 370

I. the State shall grant mining rights in the entire productive chain, and it shall sign mining contracts with individual and collective persons upon prior compliance with the norms established in the law.

II. the State shall promote and strengthen cooperative mines so that they contribute to the social economic development of the country.

III. The mining rights in the entire productive chain as well as mining contracts must fulfill a social economic function, carried out directly by their owners.

IV. Mining rights, which include investments and prospecting, exploration, exploitation, concentration, industrialization or sale of minerals and metals, are controlled by the owners. The law shall define the extent of this right.

V. The mining contract shall obligate the beneficiaries to develop mining activities to satisfy the social economic interest. The failure to fulfill this obligation shall lead to the immediate dissolution of the contract.

VI. The State, through self-sufficient entities, shall promote and develop policies for the administration, prospecting, exploration, exploitation, industrialization, commercialization, and for technical, geological and scientific information and evaluation of non-renewable natural resources for mining development.

Article 371

- I. The areas of mining exploitation granted by contract are not transferable, not attachable, and cannot pass by hereditary succession.
- II. The legal domicile of the mining enterprises shall be established in the local jurisdiction where the greatest amount of mining exploitation is carried out.

Article 372

- I. The nationalized mining groups, their industrial plants and their foundries are the property of the people, which cannot be transferred or adjudicated as property of private enterprises pursuant to any title.
- II. The high level direction and administration of the mining industry shall be entrusted to a self-sufficient entity with the attributes that are determined by the law.
- III. The State shall participate in the industrialization and sale of mineralogical, metallic and non-metallic resources, regulated by law.
- IV. The new self-sufficient enterprises created by the State shall establish their legal domicile in the departments of greatest mining production, Potosi and Oruro.

CHAPTER FIVE WATER RESOURCES

Article 373

I. Water constitutes a fundamental right for life, within the framework of the sovereignty of the people.

The State shall promote the use and access to water on the basis of principles of solidarity, complementarity, reciprocity, equity, diversity and sustainability.

II. Water resources in all their states, surface and subterranean, constitute finite, vulnerable, strategic resources, and serve a social, cultural and environmental function. These resources cannot be the object of private appropriation and they, as well as water services, shall not be given as concessions and are subject to a system of licensing, registration and authorization pursuant to the Law.

Article 374

1. The State shall protect and guarantee the priority use of water for life. It is the duty of the State to manage, regulate, protect and plan the adequate and sustainable use of water resources, with social participation, guaranteeing access to water for all the inhabitants. The law shall establish the conditions and limitations of all the uses.

II. The State shall recognize, respect and protect the uses and customs of the community, of its local authorities and the rural native indigenous organizations over the right, management and administration of sustainable water.

III. The fossil, glacial, wetland, subterranean, mineral, medicinal and other waters are priorities for the

State, which must guarantee its conservation, protection, preservation, restoration, sustainable use and complete management; they are inalienable, not attachable and cannot be limited.

Article 375

I. It is the duty of the State to develop plans for the use, conservation, management and sustainable exploitation of the river basins.

II. The State shall regulate the management and sustainable administration of the water resources and the basins for irrigation, food security and basic services, respecting the uses and customs of the communities.

III. It is the duty of the State to carry out the studies for the identification of fossil waters and their consequent protection, management and sustainable administration.

Article 376

Water resources of the rivers, lakes and lagoons that form the water basins are considered strategic resources for the development and sovereignty of Bolivia because of their potential, for the variety of natural resources that they contain, and because they are a fundamental part of the ecosystems. The State shall avoid actions in the sources and intermediary zones of rivers that may cause damages to the eco-systems or diminish the flow volume, shall preserve the natural state, and shall watch over the development and welfare of the population.

Article 377

I. Every international treaty on water resources that the State signs shall guarantee the sovereignty of the country and shall prioritize the interest of the State.

II. The State shall safeguard permanently the border and trans border waters for the conservation of the water riches that contribute to the integration of peoples.

CHAPTER SIX ENERGY

Article 378

I. The different forms of energy and their sources constitute a strategic resource; access to them is a fundamental and essential right for full development and the social development of the country; and they shall be governed by the principles of efficiency, continuity, adaptability, and environmental preservation.

II. It is the exclusive authority of the State to develop the chain of energy production in the phases of generation, transport, and distribution, by means of public, mixed enterprises, nonprofit institutions, cooperatives, private enterprises, and community and social enterprises, with public participation and control. The chain of energy production may not be held exclusively by private interests, nor may it be licensed. Private participation shall be regulated by law.

Article 379

I. the State shall develop and promote research, as well as the use of new forms of the production of alternative energy, compatible with the conservation of the environment.

II. The State shall guarantee the generation of energy for internal consumption; the export of excess energy must anticipate the reserves necessary for the country.

CHAPTER SEVEN BIODIVERSITY, COCA, PROTECTED AREAS AND FOREST RESOURCES

SECTION I BIODIVERSITY

Article 380

I. The renewable natural resources shall be exploited in a sustainable way, respecting the characteristics and natural value of each ecosystem.

II. In order to guarantee ecological equilibrium, the land must be used in accordance with its capacity for greater use within the framework of the process of the organization of use and occupation of lands, taking into account their biophysical, socioeconomic, cultural characteristics, and institutional policies.

Article 381

I. Native animal and vegetable species are natural assets. The State shall establish the measures necessary for their conservation, exploitation and development.

II. The State shall protect all genetic and micro-organic resources, which are found in the ecosystems of the territory, as well as the knowledge associated with their use and exploitation. For their protection, a system of registry that safeguards their existence shall be established, as well as a registry of the intellectual property in the name of the State or the local individuals who claim it. The State shall establish procedures for protection under the law of all those resources that are not registered.

Article 382

The State has the authority and duty to defend, recover, protect and repatriate biological material derived from natural resources, from ancestral knowledge and other sources that originate within the territory.

Article 383

The State shall establish measures for the partial or total, temporary or permanent, restriction of the uses of extracts from the resources of biodiversity. The measures shall be directed toward the need to preserve, conserve, recover and restore the biodiversity at risk of extinction. Illegal possession, handling and trafficking of species of biodiversity shall be criminally punished.

SECTION II COCA

Article 384

The State protects the native and ancestral coca as cultural patrimony, as a renewable natural resource of the biodiversity of Bolivia, and as a factor of social unity. In its natural state coca is not a narcotic. The revaluation, production, sale and industrialization of coca shall be governed by law.

SECTION III PROTECTED AREAS

Article 385

I. The protected areas constitute a common good, and they form part of the natural and cultural patrimony of the country. They perform environmental, cultural, social and economic functions for sustainable development.

II. Wherever rural native indigenous protected areas and territories are recovered, shared management shall be undertaken, subject to the norms and procedures of the rural native indigenous nations and peoples, and respecting the goal of creating these areas.

SECTION IV FOREST RESOURCES

Article 386

The natural forests and woodlands are strategic for the development of the Bolivian people. The State shall recognize the rights to exploit the forests for the benefit of communities and individual traders. In addition, it shall promote activities of conservation and sustainable exploitation, the generation of added value to its products, and the rehabilitation and reforestation of degraded areas.

Article 387

I. The State shall guarantee the conservation of natural forests in the areas of native forests, their sustainable exploitation, and the conservation and recovery of the flora, fauna, and degraded areas.

II. The law shall regulate the protection and exploitation of the species of trees that have socio-economic, social and ecological importance.

Article 388

The rural native indigenous communities located within forest areas shall have the exclusive right to their exploitation and their management, in accordance with the law.

Article 389

I. The conversion of tree-covered land to agricultural and other uses, shall only be carried out in areas legally allocated for that use, in accordance with the planning policies and in accordance with the law.

II. The law shall determine the ecological rights of way and zoning for internal uses in order to guarantee the long term conservation of the land and bodies of water.

III. Every conversion of land in areas not classified for such purposes shall constitute a punishable infraction and shall give rise to the obligation to repair the damages caused.

CHAPTER EIGHT AMAZONIA

Article 390

I. Because of its high environmental sensitivity, existing biodiversity, water resources and for the eco-regions, the Bolivian Amazonia basin constitutes a strategic area of special protection for the comprehensive development of the country.

II. The Bolivian Amazonia includes the entire Department of Pando, Iturralde Province of the Department of La Paz and the provinces of Vaca Diez and Ballivan of the Department of Beni. The

full development of the Bolivian Amazonia, as a territorial area of tropical rain forests, in accordance with the specific characteristics of the extract and harvesting resources, shall be governed by a special law in benefit of the region and the country.

Article 391

I. The State shall prioritize the sustainable, integral development of the Bolivian Amazonia, through a comprehensive, participatory, shared and equitable administration of the Amazon jungle. The administration shall be directed to the generation of employment and the improvement of the income of its inhabitants, within the framework of protection and sustainability of the environment.

II. The State shall encourage access to financing for tourism, eco-tourism and other initiatives of regional enterprise.

III. The State, in coordination with the rural native indigenous authorities and the inhabitants of the Amazonia, shall create a special, decentralized organ, with headquarters in the Amazonia, to promote its own activities in the region.

Article 392

I. the State shall implement special policies to benefit the rural native indigenous nations and peoples of the region in order to generate the necessary conditions for the reactivation, encouragement, industrialization, commercialization, protection and conservation of traditional extract products.

II. The historical cultural and economic value of the siranga and the castano, symbols of the Bolivian Amazonia, is recognized, and cutting them down shall be punished, except in cases of public interest as regulated by the law.

CHAPTER NINE LAND AND TERRITORY

Article 393

The State recognizes, protects and guarantees individual and communitarian or collective property of land, as long as it fulfills a social purpose or social economic purposes, as the case may be.

Article 394

I. Individual agrarian property is classified as small, medium and business, according to the surface area, the production, and the development criteria. Its maximum and minimum dimensions, characteristics and forms of conversion shall be regulated by law. Legally acquired rights by individual owners, whose piece of land is inside rural native indigenous territories, are guaranteed.

II. The small property is indivisible; it constitutes a family asset that cannot be attached, and it is not subject to agrarian property taxes. The indivisibility does not affect the right of hereditary succession under conditions established by law.

III. the State recognizes, protects and guarantees communitarian or collective property, which includes rural native indigenous territory, native, intercultural communities and rural communities. Collective property is indivisible, may not be subject to prescription or attachment, is inalienable and irreversible, and it is not subject to agrarian property taxes. Communities can be owners, recognizing the complementary character of collective and individual rights, respecting the territorial unity in common.

Article 395

I. The lands that are taken over shall be given to rural native indigenous peoples, intercultural indigenous communities, Afro-Bolivian and rural communities, which do not possess them or have insufficient lands, in accordance with state policy concerned with the ecological and geographic realities, as well as the population, social, cultural and economic necessities. The endowment shall be carried out according to the policies of sustainable rural development and the right of women to access, distribution and redistribution of land, without discrimination based on civil status or marital union.

II. Double endowment, the purchase and sale, and exchange and donation of lands delivered by endowment are prohibited.

III. Since it is contrary to the collective interest, the obtaining of income generated by the speculative use of the land is prohibited.

Article 396

1. The State shall regulate the land market, preventing the accumulation of surface areas greater than that recognized by law, as well as its division into surfaces areas less than that established for small property.

II. Foreigners may not acquire lands of the State under any title whatsoever.

Article 397

I. Work [trabajo] is the fundamental source for the acquisition and conservation of agrarian property. The properties must comply with the social function or with the economic social function to safeguard their right, in accordance with the nature of the property.

II. The social function shall be construed as the sustainable use [aprovechamiento] of the land on the part of indigenous native rural peoples and communities, as well as that performed in pequeñas [small] properties, and [which] constitutes the source of subsistence and wellbeing and socio-cultural development of its titular [members]. In the fulfillment of the social function [,] the communities' own norms are recognized.

III. The social economic function must be understood as the sustainable use [empleo] of land in the development of productive activities, according to their capacity for greater use, for the benefit of society, the collective interest and [the interest of] its owner. The business [impresario] property is subject to revision in accordance with the law, to verify fulfillment with the economic and social function.

Article 398

Latifundio [large estates] and double titling [doble titulación] are prohibited as being contrary to the collective interest and the development of the country. [The following] are understood as latifundio [:] unproductive tenancy of land; land that does not fulfill the economic social function; the exploitation of the land that applies a system of servitude, semi-slavery or slavery in the labor relationship, [and] the property that exceeds the maximum zoned surface area [superficies] established in the law. The maximum surface area may in no case exceed five thousand hectares.

Article 399

- I. The new limits of zoned agrarian property shall be applied to pieces of land that have been acquired after this Constitution enters into force. For purposes of the non-retroactivity of the Law, the rights of possession and agrarian property are recognized and respected in accordance with the Law.
- II. The surface areas exceeding those that fulfill the Social Economic Function shall be expropriated.

The double title set forth in the prior article refers to the double endowments processed before the ex-National Council of Agrarian Reform, CNRA. The prohibition of double endowment is not applied to legally acquired rights of third parties.

Article 400

Because it affects sustainable exploitation and is contrary to the collective interest, the division of land into areas less than the maximum area of small property as recognized in the law is prohibited. The maximum area for small property established by law shall take into account the characteristics of the geographic zone.

Article 401

- I. The failure to fulfill the social economic function or the holding of latifundio shall result in the reversion of the land, and the land shall pass into the domain and property of the Bolivian people.
- II. The expropriation of land shall occur for reasons of necessity and public utility and upon prior payment of fair indemnification.

Article 402

The State has the obligation to:

1. Encourage plans for human settlement to achieve rational demographic distribution and better exploitation of the land and natural resources, granting to new settlements the facilities to have access to education, health, food security and production, within the framework of the Territorial Organization of the State and the conservation of the environment.
2. To promote policies aimed at eliminating all forms of discrimination against women in the access to, ownership and inheritance of land.

Article 403

- I. The integrity of rural native indigenous territory is recognized, which includes the right to land, to the use and exclusive exploitation of the renewable natural resources under conditions determined by law, to prior and informed consultation, to participation in the benefits of the exploitation of the non-renewable natural resources that are found in their territory, to the authority to apply their own norms, administered by their structures of representation, and to define their development pursuant to their own cultural criteria and principles of harmonious coexistence with nature. The rural native indigenous territories may be composed of communities.
- II. The rural native indigenous territory includes areas of production, areas of exploitation and conservation of natural resources, and spaces for social, spiritual and cultural reproduction. The law shall establish the procedure for recognition of these rights.

Article 404

The Bolivian Agrarian Reform Service, the maximum authority of which is the President of the State, is the entity responsible for planning, executing and consolidating the agrarian reform process, and it has jurisdiction in the entire territory of the country.

TITLE III COMPREHENSIVE SUSTAINABLE RURAL DEVELOPMENT

Article 405

Comprehensive, sustainable rural development is a fundamental part of the economic policies of the State, which shall prioritize its actions to encourage all communitarian economic undertakings and those of the group of rural actors, placing emphasis on food security and sovereignty, by means of the following:

1. The sustained and sustainable increase of agricultural, livestock, manufacturing, agro-industrial, and tourist industry productivity, as well as their commercial capacity.
2. The articulation and internal complementary form of the structures of agricultural, livestock and agro industrial production.
3. Achievement of better conditions for economic exchange of the rural productive sector in relations to the rest of the Bolivian economy.
4. The importance and respect of the rural native indigenous communities in all dimensions of their life.
5. The strengthening of the economy of the small agricultural and livestock producers and of the family and communitarian economy.

Article 406

I. the State shall guarantee the sustainable comprehensive rural development by means of policies, plans, programs and comprehensive projects that encourage agricultural, artisan, and forestry production, and tourism, with the goal of obtaining better exploitation, transformation, industrialization and commercialization of renewable natural resources.

II. the State shall promote and strengthen the rural economic productive organizations, among which are the artisans, the cooperatives, the associations of agricultural producers and manufacturers, and the micro, small and medium communitarian agricultural enterprises, which contribute to the social economic development of the country, in accord with their cultural and productive identity.

Article 407

The objectives of the policy of the State for comprehensive rural development, in coordination with the autonomous and decentralized territorial entities, are the following:

1. To guaranty food security and sovereignty, prioritizing the production and consumption of agricultural foods produced in the territory of Bolivia.
2. To establish mechanisms for the protection of Bolivian agricultural production.

3. To promote the production and sale of ecological agricultural products.
4. To protect agricultural and agro-industrial production from natural disasters and inclement climate, and geological catastrophes. The law shall provide for the creation of agricultural insurance.
5. To implement and develop technical, productive, and ecological education, at all levels and in all modalities.
6. To establish policies and sustainable projects, obtaining the conservation and recuperation of the soil.
7. To promote irrigation systems for the purpose of guaranteeing agricultural and livestock production.
8. To guarantee technical assistance and to establish mechanisms of innovation and transfer of technology in the entire agricultural productive chain.
9. To establish the creation of a seed bank and centers of genetic research.
10. To establish policies to encourage and support the productive agricultural sectors that have natural structural weaknesses.
11. To control the exit and entrance into the country of biological and genetic resources.
12. To establish policies and programs to guarantee agricultural sanitation and food safety.
13. To provide productive, manufacturing and industrial infrastructure and basic services for the agricultural sector.

Article 408

The State shall determine the incentives for the benefit of small and medium producers for the purpose of compensating for the disadvantages of unequal exchange between agricultural and livestock products and the rest of the economy.

Article 409

The production, importation and commercialization of genetically altered products shall be regulated by law.

PART FIVE: NORMATIVE HIERARCHY AND CONSTITUTIONAL REFORM

SOLE TITLE: SUPREMACY AND REFORM OF THE CONSTITUTION

Article 410

- I. Every person, natural and legal, as well as public organs, public functions and institutions, are subject to the present Constitution.
- II. The Constitution is the supreme norm of Bolivian law and enjoys supremacy before any other normative disposition. The components of constitutional law include the international Treaties and Conventions in the matter of human rights and the norms of Communitarian Law, which have been ratified by the country. The application of the legal norms shall be governed by the following hierarchy, in accordance with the authority of the territorial entities:

1. Constitution of the State

2. International treaties

3. National laws, statutes of the autonomies, organic charters and the other departmental, municipal and indigenous legislation.

4. Decrees, regulations and other resolutions issued by the corresponding executive organs.

Article 411

I. The total reform of the Constitution, or that which affects its fundamental premises, affects rights, duties and guarantees, or the supremacy and reform of the Constitution, shall take place through an original plenipotentiary Constituent Assembly, put into motion by popular will through referendum. The convocation of the referendum shall be carried out by citizen initiative, with the signatures of at least twenty percent of the electorate; by absolute majority vote of the members of the Pluri-National Legislative Assembly; or by the President of the State. The Constituent Assembly shall draft its own regulations for all effects. The constitutional text must be approved by two thirds of the members present. The validity of the reform shall require approval by constitutional referendum.

II. The partial reform of the Constitution may be initiated by popular initiative with the signatures of at least twenty percent of the electorate, or by the Pluri- National Legislative Assembly through a law of constitutional reform approved by two thirds of the total members present of the Pluri-National Legislative Assembly. Any partial reform shall require approval by constitutional referendum.

TRANSITORY DISPOSITIONS

First

I. Within a term of 60 days from the promulgation of the present Constitution, the Congress of the Republic shall approve a new electoral regimen for the election of the Pluri-National Legislative Assembly, the President, and the Vice President of the Republic. The election shall take place on December 6, 2009.

II. The mandates prior to the time this Constitution enters into force shall be taken into account for purposes of computing the new terms of office.

III. The elections of departmental and municipal authorities shall take place on April 4, 2010.

IV. As an exception, the mandates of the Mayors, Municipal Councils and the Prefects of Departments shall be extended until the taking of office by the newly elected authorities pursuant to the previous paragraph.

Second

The Pluri-National Legislative Assembly shall approve, within the maximum term of one hundred and eighty days from the time of its installation, the Law of the Pluri-National Electoral Organ, the Law of the Judicial Organ, the Law of the Pluri-National Constitutional Court, and the Law of the Framework of Autonomy and Decentralization.

Third

I. The departments that opted for departmental autonomy in the referendum of July 2, 2006, shall directly adopt the system of departmental autonomy, pursuant to the Constitution.

II. The departments that opted for departmental autonomy in the referendum of July 2, 2006, must adjust their statutes to this Constitution and subject themselves to constitutional control.

Fourth

The election of the authorities of the organs included in the second disposition shall be carried out pursuant to the electoral calendar established by the Pluri- National Electoral Organ.

Fifth

The laws necessary for the development of the constitutional dispositions shall be approved during the first mandate of the Pluri-National Legislative Assembly.

Sixth

In the maximum time of one year after the Law of the Judicial Organ enters into force, and pursuant to it, the judicial posts shall be reviewed.

Seventh

For purposes of application of paragraph I of article 293 of this Constitution, indigenous territory shall have as the basis of its demarcation the Communitarian Lands of Origin. Within the term of one year from the election of the Executive and Legislative Organ, the category of Communitarian Land of Origin shall be subject to administrative process to convert it to Rural Native Indigenous Territory, within the framework established in this Constitution.

Eighth

I. In the period of one year from the election of the Executive Organ and the Legislative Organ, the concessions on natural resources, electricity, telecommunications and basic services shall be adjusted to the new juridical system. In no case shall the transfer of the concessions to the new juridical system signify the failure to recognize the rights acquired.

II. In the same period, the mining concessions of metallic and non-metallic minerals, crystals, salts, sulfur and others, granted in the fiscal reserves of Bolivian territory, shall cease to be in effect.

III. The mining concessions granted to national and foreign enterprises prior to the promulgation of this Constitution, must be adjusted to it within a period of a year by means of mining contracts.

IV. The State recognizes and respects the pre-existing rights of the cooperative mining companies for their social productive character.

V. The concessions over radioactive minerals granted prior to the promulgation of the Constitution are dissolved and shall revert to the State.

Ninth

The international treaties existing prior to the Constitution, which do not contradict it, shall be maintained in the internal legal order with the rank of law. Within the period of four years after the election of the new Executive Organ, the Executive shall renounce and, in that case, renegotiate the international treaties that may be contrary to the Constitution.

Tenth

The requisite of speaking at least two official languages for the performance of public functions, as determined in Article 235.7, shall be applied progressively in accordance with the law.

DISPOSITION OF ABROGATION

Disposition of abrogation: The Constitution of the State of 1967 and its subsequent reforms are abrogated.

FINAL DISPOSITION

This Constitution, approved by referendum by the Bolivian people shall enter into force on the day of its publication in the Official Gazette.